

# ***NORTH CAROLINA REGISTER***

**VOLUME 40 • ISSUE 15 • Pages 1229 – 1309**

**February 2, 2026**

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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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brian.matteson@ncleg.gov

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919-715-2893

215 North Dawson Street

Raleigh, North Carolina 27603

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amy.bason@ncacc.org

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919-715-2925

424 Fayetteville Street, Suite 1900

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contact: Baxter Wells

bwells@nclm.org

### **Legislative Process Concerning Rulemaking**

545 Legislative Office Building

300 North Salisbury Street

Raleigh, North Carolina 27611

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Jason Moran-Bates, Staff Attorney

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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.

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: GEM WAEV LLC DBA GEM

Applicant's Address: 2114 W. BALL ROAD  
ANAHEIM, CA 92804

Application Date: January 12, 2026

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

WAEV INC, MEMBER

KEITH SIMON, CHIEF EXECUTIVE OFFICER

PAUL VITRANO, SENIOR VICE PRESIDENT

Pursuant to G.S. 150B-21.2, the North Carolina Code Officials Qualification Board (COQB) intends to adopt permanent amendments to 11 NCAC 08 .0706 and .0707. The text of these amendments was published in Volume 40, Issue 13 of the North Carolina Register. The public hearing related to these permanent amendments was originally scheduled for Tuesday, January 27, 2026 at 10:00am. Due to the weather forecast for January 27, 2026, the public hearing will be rescheduled to the date, time, and location listed below.

**Public Hearing:**

- Date: Monday, February 23, 2026
- Time: 10:00am
- Location: Office of the State Fire Marshal, 1429 Rock Quarry Road, Raleigh NC 27713

**Public Comment Period:**

- Opens: January 2, 2026
- Closes: March 3, 2026

**How to Submit a Public Comment:**

Written comments may be submitted by email or mail to:

Kyle Heuser, Rulemaking Coordinator

[OSFM.Rulemaking@ncdoi.gov](mailto:OSFM.Rulemaking@ncdoi.gov)

Office of the State Fire Marshal

ATTN: Kyle Heuser

1429 Rock Quarry Road

Raleigh, NC 27713

Pursuant to G.S. 150B-21.2, the Office of the State Fire Marshal (OSFM) intends to adopt permanent amendments to 11 NCAC 05A .0901 - .0912. The text of these amendments was published in Volume 40, Issue 13 of the North Carolina Register. The public hearing related to these permanent amendments was originally scheduled for Tuesday, January 27, 2026 at 10:00am. Due to the weather forecast for January 27, 2026, the public hearing will be rescheduled to the date, time, and location listed below.

**Public Hearing:**

- Date: Monday, February 23, 2026
- Time: 11:00am
- Location: Office of the State Fire Marshal, 1429 Rock Quarry Road, Raleigh NC 27713

**Public Comment Period:**

- Opens: January 2, 2026
- Closes: March 3, 2026

**How to Submit a Public Comment:**

Written comments may be submitted by email or mail to:

Kyle Heuser, Rulemaking Coordinator

[OSFM.Rulemaking@ncdoi.gov](mailto:OSFM.Rulemaking@ncdoi.gov)

Office of the State Fire Marshal

ATTN: Kyle Heuser

1429 Rock Quarry Road

Raleigh, NC 27713

**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 16 – DEPARTMENT OF PUBLIC INSTRUCTION**

*Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the State Board of Education intends to readopt with substantive changes the rule cited as 16 NCAC 06D .0106.*

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

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

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

**Reason for Proposed Action:** The Administrative Procedure Act requires the State Board of Education to review and re-adopt necessary rules once every 10 years. See G.S. 150B-213A. Existing Rule 16 NCAC 06D .0106, which sets requirements for public school units (PSU) serving English learner students, is due for readoption by June 30, 2026.

*The rule has been revised to align with current federal ESSA Title III requirements and changes in State Board of Education policy. The revisions will ensure consistency between the rule, federal law, and the practices currently being implemented in public schools across the State.*

**Comments may be submitted to:** Stacy Daniel, 6301 Mail Service Center, Raleigh, NC 27699-6301; email [Stacy.Daniel@dpi.nc.gov](mailto:Stacy.Daniel@dpi.nc.gov)

**Comment period ends:** April 6, 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 06 - ELEMENTARY AND SECONDARY  
EDUCATION**

**SUBCHAPTER 06D - INSTRUCTION**

**SECTION .0100 - CURRICULUM**

**16 NCAC 06D .0106 LIMITED ENGLISH  
PROFICIENCY PROGRAMS**

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

- (1) "Annual testing program" is defined in 16 NCAC 06D .0307(c).
- (2) "Caregiver" means a parent, custodian, legal guardian, or other person having formal or informal responsibility for the care and education of an English learner. "Caregiver" does not include employees of the public school system acting in their professional capacities.
- (3) "English language proficiency assessment" means the diagnostic test approved by the State Board of Education and administered to an English learner to evaluate the English learner's achievement and progress in English language development. The approved test is the WIDA ACCESS.
- (4) "English language proficiency alternative assessment" means the diagnostic test approved by the State Board of Education and administered to an English learner who has been identified as a child with a disability, as defined in G.S. 115C-106.3(1), and has a significant cognitive disability to evaluate the English learner's achievement and progress in English language development. The approved test is the WIDA Alternate ACCESS.
- (5) "English language proficiency screener" means the diagnostic test approved by the State Board of Education and administered to a student to determine if the student is an English learner.



The approved tests are the WIDA Screener and WIDA Screener for Kindergarten.

- (6) "English language proficiency alternative screener" means the diagnostic test approved by the State Board of Education and administered to a student who has been identified as a child with a disability, as defined in G.S. 115C-106.3(1), and has a significant cognitive disability to determine if the student is an English learner. The approved test is the WIDA Alternate Screener.
- (7) "English learner" is defined in 20 U.S.C. 7801(20).
- (8) "English learner plan" means a comprehensive document, unique to each English learner, that outlines how the public school unit will support the English learner's English language development and access to grade-level academic content. The plan shall include key information such as the English learner's identification, English proficiency level, language development goals, instructional services, testing accommodations, and parent or caregiver notifications.
- (9) "Home language survey" means one or more questions posed to a student and the student's caregiver(s) upon the student's initial enrollment in a public school unit ("PSU") to determine the language or languages spoken in the home.
- (10) "Language instruction educational program" or "LIEP" is defined in 20 U.S.C. 7011(7).

(a) ~~Each superintendent or his delegate shall:~~

- (1) ~~identify resources available to serve limited English proficient students;~~
- (2) ~~coordinate programs and services to these students and their parents in the local school administrative unit;~~
- (3) ~~report to the SBE information concerning the identification, placement, and educational progress of these students; and~~
- (4) ~~report funding needs for the provision of services to these students to the SBE.~~

(b) ~~LEAs shall report~~

~~annually to the SBE information including but not limited to the number of students whose primary home language is other than English, the number of limited English proficient students identified and receiving services, the nature of the services, the number of limited English proficient students receiving special education services and services for the academically gifted, and data required to be reported to the U.S. Department of Education.~~

~~(c) A home language survey shall be administered to every student at the time of enrollment and maintained in the student's permanent record. LEAs shall then identify and assess every limited English proficient student who needs assistance in order to have access to the unit's instructional programs. Each LEA which identifies limited English proficient students who need assistance shall adopt an effective method of determining the students' current level of English proficiency in order to determine~~

~~what types of assistance are needed. The method used may be a combination of the following, unless some other method can be effectively substituted:~~

- (1) ~~teacher observations;~~
- (2) ~~teacher interview;~~
- (3) ~~achievement tests;~~
- (4) ~~review of student records;~~
- (5) ~~parent information;~~
- (6) ~~proficiency tests;~~
- (7) ~~English as a second language teacher referral;~~
- (8) ~~student course grades;~~
- (9) ~~teacher referral or recommendation;~~
- (10) ~~criterion referenced tests;~~
- (11) ~~grade retention or deficiency report;~~
- (12) ~~informal assessment or screening;~~
- (13) ~~portfolio based assessment; and~~
- (14) ~~alternative assessments such as cloze and dictation.~~

(b) Upon a student's initial enrollment in a North Carolina public school unit ("PSU"), the PSU shall administer a home language survey and maintain the results of that survey in the student's educational record. If a student has been previously enrolled in another North Carolina PSU, the enrolling PSU shall use the results of the previous survey. The home language survey shall collect at least the following information:

- (1) The student's name.
- (2) The student's date of birth.
- (3) The student's current grade.
- (4) The name of the student's parent(s) or caregiver(s).
- (5) The telephone number of the parent(s) or caregiver(s).
- (6) The primary language used in the student's home, regardless of the language spoken by the student.
- (7) The language the student speaks most often.
- (8) The first language the student learned to speak.
- (9) If the student has attended any other primary or secondary school in the United States:
  - (A) The state, territory, or federal district in which the student attended school;
  - (B) The name of the PSU the student attended, if the student attended another PSU in North Carolina; and
  - (C) The years that the student attended each school.

(c) The PSU shall take the following steps within 30 days of a student's enrollment:

- (1) The PSU shall investigate the English language skills of the student if the home language survey indicates that:
  - (A) The student's first language is other than English;
  - (B) The student's primary language is other than English; or
  - (C) The student most often speaks a language other than English.
- (2) Based on this investigation, the PSU shall determine whether the student's English

language skills will impair the student's ability to access academic content.

(3) The PSU shall administer one of the following English language proficiency screeners:

(A) The WIDA Screener for Kindergarten, if the student is in the first semester of Kindergarten.

(B) The WIDA Screener, if the student is in the second semester of Kindergarten or in Grade 1 through Grade 12;

(C) The WIDA Alternate Screener, if the student is identified as a child with a disability.

(4) The PSU shall designate a student as an English learner if the student scores the following on the applicable English language proficiency screener:

(A) Below a 4.5 overall (listening, speaking, reading, and writing) composite score on the WIDA Screener;

(B) Below a 4.5 oral language (listening and speaking) composite score on the WIDA Screener for Kindergarten; or

(C) Below a 3.0 on the WIDA Alternate Screener.

(5) Once a student is identified as an English learner, the PSU shall enroll the student in a language instructional educational program that will best enable the student to:

(A) Increase English language proficiency; and

(B) Access academic content and curriculum.

~~(d) LEAs shall adopt a program or programs for limited English proficient students who need assistance which have a reasonable chance of allowing students to progress in school. The program may be one of the following unless some other method or process can be effectively substituted:~~

- ~~(1) English as a second language (ESL);~~
- ~~(2) bilingual education;~~
- ~~(3) programs which provide neither instruction in the native language nor direct instruction in ESL but which adapt instruction to meet the needs of these students.~~

~~Program entry criteria shall be developed which take into account the student's educational background, English language proficiency, native language proficiency, and content area knowledge. LEAs shall conduct a program evaluation annually.~~

(d) Each English learner shall participate in the annual testing program using one of the following methods of test administration:

(1) The standard test administration provided to non-English learners.

(2) The standard test administration with accommodations identified in the English learner plan, if the English learner scored below

Level 5.0 Bridging on the reading domain of the WIDA Screener or WIDA Access.

English learners who are in their first year of enrollment in a United States public or nonpublic school and enrolled in a course with an End-of-Course test in reading, mathematics, or science shall take the End-of-Course test, but the test scores shall not be included in the student's final grade for the course.

(e) The PSU shall administer one of the following English language proficiency assessments to each identified English learner during the annual testing program:

(1) The WIDA ACCESS, if the English learner is in Kindergarten or in Grade 1 through Grade 12;

(2) The WIDA Alternate ACCESS, if the English learner is identified as a child with a disability, as defined in G.S. 115C-106.3(1), and has a significant cognitive disability.

~~(e) LEAs shall adopt appropriate evaluative standards for measuring the progress of limited English proficient students in school. In order to determine when students no longer need assistance, the LEA shall determine the content knowledge and language skills necessary for successful functioning in the regular classroom. Then, multiple instruments as well as teacher judgment may be used to evaluate English listening and speaking skills, English literacy skills, and content area knowledge. The students shall not be maintained in alternative language programs longer than necessary based on program exit criteria but shall be monitored after exiting such programs for a minimum of six months and additional academic and English language support shall be provided if the students begin to have difficulty.~~

(f) The PSU shall deem a student to no longer be an English learner and exit the student from the language instructional educational program if the student scores the following on the applicable English language proficiency assessment:

(1) An overall composite score of 4.5 or above on the WIDA ACCESS; or

(2) A Performance Level 2 or higher on the WIDA Alternate ACCESS.

If the PSU has evidence that a student who was previously identified as an English learner has English language skills that may impair the student's continued ability to access academic content, the PSU may re-administer the applicable English language proficiency to re-assess the student's eligibility for English learner services and accommodations.

~~(f) LEAs shall monitor the progress of limited English proficient students in English proficiency and in the BEP. When a limited English proficient student is not making progress in school, the LEA shall conduct an evaluation of the student's program and make modification as needed.~~

~~(g) Limited English proficient students shall participate in the statewide testing programs in accordance with 16 NCAC 6D .0301.~~

~~(h) LEAs shall promote the involvement of parents of students of limited English proficiency in the educational program of their children. LEAs shall notify national origin minority group parents of school activities which are called to the attention of other parents and these notices shall be provided in the home language if feasible.~~

~~(i)(g) LEAs shall ensure that limited English proficient students are not assigned to or excluded. The PSU shall not exclude English learners from special education programs because of their due to limited English language proficiency. Evaluation. The PSU shall conduct evaluation, placement, and notification to parents of students with special needs shall be conducted in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. 1401 et seq. and its implementing regulations at 34 C.F.R. Part 300.~~

~~(j)(h) LEAs shall ensure that limited English proficient students are not categorically excluded. The PSU shall not exclude English learners from programs for the academically gifted and other specialized programs or support services such as guidance and counseling due to limited English proficiency.~~

~~(k)(i) LEAs shall ensure that limited English proficient students are educated. The PSU shall educate English learners in the least segregative manner based on the educational needs of the student and these students shall be included segregated manner consistent with each student's English learner plan and include these students in all aspects of the regular school program in which they can perform satisfactorily. for which they are otherwise eligible and qualified.~~

~~(l) The Department shall monitor the progress of LEAs in providing programs to all limited English proficient students using the same procedures and standards as provided in Title I—Helping Disadvantaged Children Meet High Standards, 20 U.S.C. '6301 et seq.~~

~~(m) The Department shall make available a list to all LEAs of teachers licensed in English as a Second Language (ESL). ESL training and add on ESL licensure for teachers currently licensed in areas other than ESL is an appropriate strategy to obtain qualified staff.~~

~~(n) Each LEA may consider joint agreements with other LEAs to provide programs to limited English proficient students.~~

~~(o) Each LEA may coordinate services with those available at local community colleges in order to maximize efficient delivery of services to limited English proficient students and their parents.~~

~~(p) The Department shall administer the Teacher Education Program Approval process so as to ensure that all participants have an opportunity to gain an understanding of and develop strategies for addressing the educational needs of limited English proficient students. The Department shall work with IHES to expand English as a Second Language teacher training programs.~~

~~(j) The PSU shall report the following information to the SBE no later than November 1st of each year:~~

- ~~(1) The number of English learners identified and receiving services from the PSU.~~
- ~~(2) The number of English learners receiving special education services in accordance with Chapter 115C, Article 9 of the General Statutes.~~
- ~~(3) The number of English learners receiving services for academically or intellectually gifted students in accordance with Chapter 115C, Article 9B of the General Statutes.~~
- ~~(4) Any other information required by the United States Department of Education.~~

*Authority G.S. 115C-12(9)c.; N.C. Constitution, Article IX, Sec. 5; 115C-12(9); 115C-12(48); 115C-83.7; 115C-83.15; 115C-*

*83.16; 115C-218.85; S.L. 2007-323, Section 7.9; 20 U.S.C. 6311; 20 U.S.C. 6811-7014; 20 U.S.C. 1703; 34 C.F.R. 200.6.*

\*\*\*\*\*

*Notice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Education intends to amend the rules cited as 16 NCAC 06E .0201, .0204, .0205, .0207, .0209, .0211, and .0215.*

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

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

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

**Reason for Proposed Action:** *The Administrative Procedure Act requires the State Board of Education to review and re-adopt necessary rules once every 10 years. See G.S. 150B-213A. Rules 16 NCAC 06E .0301, 06E .0302, and 06E .0303, which set requirements for the driver education program administered by the Department of Public Instruction and local boards of education under G.S. 115C-215 and G.S. 115C-216, is due for re adoption by June 30, 2026.*

*The existing rules have been modernized and revised to align with existing State Board of Education policy. The substantive content of existing Rule 06E .0301 (Driver Training) has been moved to two new rules, 06E .0304 (Driver Education Program) and 06E .0305 (Driving Eligibility Certificates) to allow space for a definitions section. In addition, significant substantive changes the requirements for driver education instructors have been proposed under revisions to Rule 06E .0302.*

**Comments may be submitted to:** Karl Logan, 6301 Mail Service Center, Raleigh, NC 27699-6301; email [karl.logan@dpi.nc.gov](mailto:karl.logan@dpi.nc.gov)

**Comment period ends:** April 6, 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 06 - ELEMENTARY AND SECONDARY EDUCATION

### SUBCHAPTER 06E - STUDENTS

#### SECTION .0200 - INTERSCHOLASTIC ATHLETICS

##### 16 NCAC 06E .0201 DEFINITIONS

As used in this Section, the following definitions apply:

- (1) "Administering organization" is defined in G.S. 115C-407.50(1).
- (2) "Administrative rule" is defined in G.S. 115C-407.55(5).
- ~~(2)(3)~~ "Aggrieved party" means a student, coach, participating school, PSU, or other party that is directly and adversely affected by a final decision of a rule administrator, ~~including a determination of ineligibility under Rule .0207 of this Section, a penalty imposed under Rule .0209 of this Section, or a finding of undue influence or a recruiting violation under Rule .0210 of this Section.~~ administrator enforcing a student participation rule, penalty rule, or gameplay rule. If a student is affected, the student's parent or legal guardian may appeal the final decision pursuant to Rule .0215 of this Section.
- ~~(3)(4)~~ "Bona fide purpose" means a purpose not primarily related to participation in interscholastic athletics.
- ~~(4)(5)~~ "Final decision" means a written decision of a rule administrator regarding the application or enforcement of rules under this Section to a set of facts or circumstances. A ruling by a referee or official enforcing gameplay rules during an athletic competition, as recorded by the referee or official in the game record maintained by the rule administrator, that results in the ejection or suspension of a player or coach shall be deemed a final decision upon exhaustion of any available mechanisms for review under the rule administrator's internal policies and procedures.
- (6) "Gameplay rule" is defined in G.S. 115C-407.55(6).
- ~~(5)(7)~~ "Immediate family member" means a spouse, parent, legal guardian or custodian, grandparent, child, grandchild, brother, sister, half-sibling, or step-sibling. The term applies to

any such relationship whether by blood, adoption, or marriage.

~~(6)(8)~~ "Initial entry" means:

- (a) a student's first day of attendance at a participating school in which the student is enrolled as recorded by that school; or
- (b) the first day on which a student practices or otherwise participates as a member of an interscholastic athletics team at a participating school.

~~(7)(9)~~ "Interscholastic athletics" or "interscholastic athletic activity" means any extracurricular athletic activity that:

- (a) involves students in any Grades 6 through 12;
- (b) is sponsored by an individual school, PSU, or administering organization; and
- (c) includes students from more than one school or PSU.

~~(8)(10)~~ "Local superintendent" means the superintendent of a local school administrative unit, as provided in Chapter 115C, Article 18 of the General Statutes, or the staff member with the highest decision-making authority for a PSU, if there is no superintendent.

~~(9)(11)~~ "NFHS" means the National Federation of State High School Associations.

~~(10)(12)~~ "Parent" is defined in G.S. 115C-407.50(6).

~~(11)(13)~~ "Participating school" means a middle school, junior high school, or high school that elects to participate in interscholastic athletic activities.

(14) "Penalty rule" is defined in G.S. 115C-407.55(3). Penalty rules are set forth in Rule .0209 of this Section.

~~(12)(15)~~ "Principal" means a school administrator employed as the principal of a school, as provided in Chapter 115C, Article 19 of the General Statutes, or the staff member with the highest decision-making authority at a school, if there is no principal.

~~(13)(16)~~ "Rule administrator" means any of the following:

- (a) An administering organization, when administering and enforcing the rules provided by this Section at the high school level.
- (b) A local superintendent or his or her authorized designee, when administering and enforcing the rules provided by this Section at the middle and junior high school level.
- (c) The Superintendent of Public Instruction, if necessary pursuant to 16 NCAC 06E .0204(e).

(17) "Student health and safety rule" is defined in G.S. 115C-407.55(2). Student health and safety rules are set forth in Rule .0205 of this Section.

- (18) "Student participation rule" is defined in G.S. 115C-407.55(1). Student participation rules are set forth in Rule .0207 of this Section.

*Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60; 115C-407.65; 116-235(b).*

**16 NCAC 06E .0204 ADMINISTRATION OF INTERSCHOLASTIC ATHLETICS**

(a) The governing body of a PSU may allow high schools under its jurisdiction to belong to an administering organization designated by the Superintendent of Public Instruction.

(b) An administering organization that has entered ~~into~~ a memorandum of understanding with the Superintendent for the purpose of administering interscholastic athletics under this Section shall apply and enforce all ~~of~~ the requirements of this Section. An administering organization shall provide training and resources to ensure that all students, parents, and PSU personnel involved in the administration of interscholastic athletics understand and comply with the provisions of this Section.

(c) If the Superintendent enters a memorandum of understanding with one or more administering organizations consistent with G.S. 115C-407.61, the State Board of Education shall delegate to the administering organization(s) its authority over participating schools that are members of the administering organization to:

- (1) Apply and enforce student participation rules, as established in Rule .0207 of this Section.
- (2) Waive any student participation rule as applied to a specific student, in accordance with 16 NCAC 06E .0207(k).
- (3) Apply and enforce student health and safety ~~requirements, rules,~~ as established in Rule .0205 of this Section.
- (4) Adopt, apply, and enforce penalty rules, ~~as defined in G.S. 115C-407.55(3), that establish a system of demerits that includes reprimands, probations, suspensions, forfeitures of contests, forfeitures of titles, and disqualifications,~~ consistent with Rule .0209 of this Section.
- (5) Adopt, apply, and enforce administrative ~~rules, as defined in G.S. 115C-407.55(5), rules,~~
- (6) Adopt, apply, and enforce gameplay ~~rules, as defined in G.S. 115C-407.55(6), rules,~~
- (7) Collect from all its members a uniform membership fee of either:
  - (A) one thousand dollars (\$1,000) for each participating school, or
  - (B) one dollar (\$1.00) for each student enrolled in a participating school.

(d) An administering organization shall:

- (1) Enter into a memorandum of understanding, consistent with the requirements of G.S. 115C-407.55(8) and 115C-407.61, with the Superintendent no later than March 15 prior to the start of the school year in which it is to begin administering interscholastic athletics and no later than March 15 before the expiration of an existing memorandum of understanding;

- (2) Submit an audit report signed by an independent certified public accountant or accounting firm, which is in good standing with the North Carolina State Board of Certified Public Accountant Examiners and performs no other tasks or functions for the administering organization besides the annual audit, to the State Board of Education no later than March 15 each year;

- (3) Broadcast the meetings of its membership and board of directors in a manner that is announced on its website and which may be viewed electronically by any member of the public;

- (4) Provide to the State Board of Education within 30 days any requested organizational records, such as financial information, annual audit reports, and any matters related to or impacting participating schools;

- (5) Enter into written agreements with PSUs that allow their eligible schools to participate in interscholastic athletics, which agreements shall include an explanation of the fees to be charged, the obligations of the PSU and participating schools, penalties for the violation of this Section that may be imposed, and an explanation of the process to file an appeal pursuant to Rule .0215 of this Section; and

- (6) Publish the organization's rules through a link on the home page of its website.

(e) In the event that the Superintendent is unable to enter a memorandum of understanding with one or more administering organizations in accordance with this Rule, the SBE shall delegate all authority and responsibility provided to an administering organization by this Section to the Superintendent.

(f) A PSU, participating school, PSU employee, or student seeking to report allegations of intimidation or harassment by an administering organization shall file a report with the Superintendent. The report shall be in writing and include a detailed description of the factual basis for the allegations.

(g) The Superintendent shall be responsible for general oversight of interscholastic athletic activities at participating middle and junior high schools. The local superintendent or his or her authorized designees shall apply and enforce the requirements of this Section for participating middle and junior high schools under the jurisdiction of a PSU. The local superintendent or his or her authorized designee may also waive any student participation rule as applied to a specific student enrolled at a middle or junior high school under the jurisdiction of the PSU, in accordance with Rule .0207 of this Section.

(h) Any person or PSU seeking to inquire about or report a violation of any rule enforced by a rule administrator shall direct the initial inquiry or report to the appropriate relevant rule administrator in accordance with the policies and procedures adopted by the rule administrator.

(i) ~~For any question or dispute involving the enforcement of any interscholastic athletics rule provided by this Section, other than a ruling by a referee or official enforcing gameplay rules during an athletic competition, If a rule administrator determines that a student, PSU, or other party has violated any of the rules in this~~

Section or any policies or procedures promulgated by the rule administrator under the authority delegated by this Rule, the relevant rule administrator shall render a final decision within 10 business days. The rule administrator's final decision shall contain:

- (1) Findings of fact.
- (2) Conclusions of law, including a citation to and copy of any rules related to the decision.
- (3) A description of any penalties imposed.
- (4) Instructions on how the aggrieved party may file a notice of appeal with the Superintendent and a notice that the appeal must be filed within five days after receipt of the final decision.

This Paragraph shall not apply to a ruling by a referee or official enforcing gameplay rules during an athletic competition.

(j) An aggrieved party seeking to appeal a final decision with the Superintendent shall do so in accordance with Rule .0215 of this Section.

(k) Nothing in this Section shall be construed as restricting the independent authority of a PSU to further limit or regulate student participation in interscholastic athletics or other extracurricular activities in accordance with local policies adopted by the governing body of the PSU. Limitations or regulations imposed under local policies shall not be subject to appeal under Rule .0215 of this Section.

*Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60; 115C-407.65; 116-235(b).*

#### **16 NCAC 06E .0205 STUDENT HEALTH AND SAFETY**

(a) For purposes of this Rule, a concussion is defined as a traumatic brain injury caused by a direct or indirect impact to the head that results in disruption of normal brain function, which may or may not result in loss of consciousness.

(b) An administering organization shall, on an annual basis, provide a concussion and head injury information sheet to all coaches, school nurses, athletic directors, first responders (as defined in Rule .0206 of this Section), volunteers, and students who participate in interscholastic athletic activities, and the parents or legal guardians of those students. The information shall include:

- (1) The definitions and symptoms of concussions and head injuries;
- (2) A description of the physiology and the potential short-term and long-term effects of concussions and other head injuries;
- (3) The medical return-to-play protocol for post-concussion participation in interscholastic athletic activities; and
- (4) Any other information deemed necessary by the PSU.

(c) School employees, first responders, volunteers, and students shall sign the information sheet and return it to the coach before participating in interscholastic athletic activities, including tryouts, practices, or competition. Parents shall sign the information sheet and return it to the coach before a child may participate in any such interscholastic athletic activities. The

signed sheets shall be maintained in accordance with 16 NCAC 06E .0207(b).

(d) If a coach, athletic director, school nurse, athletic trainer, or first responder (as defined in Rule .0206 of this Section) determines that a student participating in an interscholastic athletic activity is exhibiting signs or symptoms consistent with concussion, the student shall be removed from the activity at the time and shall not be allowed to return to play or practice that day. A student removed from play for exhibiting signs or symptoms consistent with concussion shall not return to play or practice on a subsequent day until the student is evaluated by and receives written clearance for such participation from one of the following:

- (1) A physician licensed under Chapter 90, Article 1 of the General Statutes with training in concussion management;
- (2) A neuropsychologist licensed under Chapter 90, Article 18A of the General Statutes with training in concussion management and working in consultation with a physician licensed under Chapter 90, Article 34 of the General Statutes;
- (3) An athletic trainer licensed under Chapter 90, Article 34 of the General Statutes;
- (4) A physician assistant, consistent with the limitations of G.S. 90-18.1; ~~or~~
- (5) A nurse practitioner, consistent with the limitations of G.S. ~~90-18.2~~ 90-18.2; or
- (6) A physical therapist, licensed under Chapter 90, Article 18E of the General Statutes.

(e) Each participating school shall develop a venue-specific emergency action plan to deal with serious injuries and acute medical conditions in which the condition of the patient may deteriorate rapidly. The plan must be:

- (1) In writing;
- (2) Reviewed by an athletic trainer licensed under Chapter 90, Article 34 of the General Statutes;
- (3) Approved by the principal of the school;
- (4) Distributed to all appropriate personnel;
- (5) Posted conspicuously for community and parental awareness at all athletic-sponsored venues; and
- (6) Reviewed and rehearsed annually by all licensed athletic trainers, first responders, coaches, school nurses, athletic directors, and volunteers for interscholastic athletic activities.

(f) Each participating school's emergency management plan shall include:

- (1) A delineation of roles;
- (2) Methods of communication;
- (3) Available emergency equipment; and
- (4) Access to and plan for emergency transport.

(g) Each school shall maintain complete and accurate records of its compliance with the requirements of this Rule.

*Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.57; 115C-407.58; 115C-407.60.*

**16 NCAC 06E .0207      STUDENT PARTICIPATION  
RULES**

(a) A student shall not participate in interscholastic athletics on behalf of a North Carolina public school unless the student has satisfied the eligibility requirements set forth in this Rule. PSUs are authorized to determine whether and to what extent students under their jurisdiction may participate in interscholastic athletics, not inconsistent with the requirements of this Rule.

(b) Each PSU shall require the principal of a participating school to sign and date a list of eligible students for each sport. The PSU shall maintain a copy of the most current list in the principal's office and the office of the local superintendent.

**(c) Residency Requirements**

(1) For purposes of this Rule, a student's primary residence shall be determined as follows:

(A) If both of the student's parents live together, the residence of both parents.

(B) If the student's parents are separated or divorced, the residence of the parent to whom a court of competent jurisdiction has awarded primary custody of the student. If no custody order has been entered, the student and the student's parents shall designate one parent's residence as the primary residence and communicate that designation to the participating school prior to participation in interscholastic athletic activities. The designated primary residence shall be one that would otherwise render the student eligible to attend that school in accordance with state law and the policies of the governing body of the PSU.

(C) If the student has only one living parent, the residence of that parent.

(D) If a student lives with an individual to whom a court of competent jurisdiction has awarded legal guardianship of the student, the residence of that individual.

(E) If a student has been emancipated in accordance with Chapter 7B, Article 35 of the General Statutes, the student's residence at the time of emancipation.

(F) If a student is a foreign national participating in a foreign exchange program authorized by federal and state law, the residence to which the student is assigned by the program or host PSU.

(2) A student shall not participate in interscholastic athletics following a change in primary residence unless the change was made for a bona fide purpose and with the intent that it be permanent. The relevant administering organization shall resolve, by a preponderance

of the evidence, any disputes regarding a high school student's primary residence or whether a change in a student's primary residence was for a bona fide purpose.

(3) Notwithstanding Subparagraph (2) of this Paragraph and absent a transfer between participating schools as provided in Paragraph (c) of this Rule, a student shall be eligible to participate in interscholastic athletics on behalf of a participating school in which the student is enrolled if the student has attended any school within the jurisdiction of the same PSU as the participating school for the two preceding semesters.

**(d) Enrollment Requirements**

(1) A student enrolled in a school supervised by a local board of education shall only participate in interscholastic athletics on behalf of the school to which the student is assigned under G.S. 115C-366.

(2) A student enrolled in a charter school, regional school, or school operated by the University of North Carolina shall meet all the enrollment criteria for that school and attend that school. A student who attends a school described in this Subparagraph shall not participate in interscholastic athletics on behalf of that school unless the student's primary residence is within either:

(A) the county in which the school is located, or

(B) twenty-five miles of the school as determined by the relevant rule administrator.

(3) A local board of education may by policy allow a person who is enrolled in Grade 6 through 12 in a home school, as defined in G.S. 115C-563(a), and whose primary residence is within the board's jurisdiction to participate in interscholastic athletics on behalf of a participating school under the board's jurisdiction, provided that the board either agrees to cover any such person whom it allows to participate under its catastrophic athletic accident insurance policy or verifies that the person is independently covered by catastrophic accident insurance.

**(e) Transfer Requirements**

(1) After a student's initial entry into Grade 9, and absent a change in residence for a bona fide purpose as provided in Paragraph (c) of this Rule:

(A) A student who transfers from one participating school to another participating school within the same PSU shall not participate in interscholastic athletics for 365 calendar days following the student's enrollment in the new school, unless

- the governing body of the PSU has adopted a policy allowing immediate eligibility for students who are assigned by the PSU to a different school within the same PSU.
- (B) A student who transfers from a participating school in one PSU to a participating school in a different PSU shall not participate in interscholastic athletics for 365 calendar days following the student's enrollment in the new school, unless the governing bodies of both PSUs agree that the transfer was for a bona fide purpose.
- (C) If the governing bodies of the PSU disagree that a transfer by a high school student was for a bona fide purpose, the relevant administering organization shall resolve the dispute by a preponderance of the evidence.
- (2) After a student's initial entry into Grade 9, if a student transfers to a new school within 365 calendar days after that school hires a coach for an interscholastic athletics team who was previously employed as a coach for an equivalent sport by the school from which the student is transferring, the student shall be ineligible to participate in interscholastic athletics for that sport for 365 calendar days following the student's enrollment in the new school. An administering organization may waive this restriction for a high school student if it determines by a preponderance of the evidence that the student's transfer was for a bona fide purpose.
- (3) A student who receives priority enrollment as the child of a full-time employee of a charter school pursuant to G.S. 115C-218.45(f)(3) shall not be eligible to participate in interscholastic athletics for that charter school if the Department of Public Instruction determines that the parent's employment was a fraudulent basis for the student's priority enrollment. A student determined to be ineligible under this Subparagraph shall be ineligible to participate in interscholastic athletics for 365 calendar days following discovery of the violation.
- (4) For purposes of this Paragraph, if a student transfers from a public school to a nonpublic school, including a home school as defined in G.S. 115C-563(a), and within 365 calendar days transfers to a different public school, the transfer from the nonpublic school shall be treated as a transfer from a public school.
- (5) A student who transfers to the North Carolina School of Science and Mathematics is exempt from the requirements of this Paragraph upon initial entry into that school.
- (6) No student shall participate in more than one season of interscholastic athletics per year in the same sport, regardless of the school on behalf of which the student participated.
- (f) Scholastic Requirements
- (1) To be eligible to participate in interscholastic athletics, a student must be in good academic standing. For purposes of this Rule, a student shall be deemed to be in good academic standing under the following circumstances:
- (A) The student attended at least 85 percent of the total number of instructional days in the PSU during the previous ~~semester~~; semester, excluding absences qualifying as excused under the local policies of the PSU;
- (B) The student passed at least 70 percent of the courses taken in the preceding semester; and
- (C) The student is making sufficient progress toward meeting the academic and curricular requirements of the PSU and the State Board of Education to be promoted to the next grade level or to graduate within the next calendar year.
- (2) For the purpose of determining good academic standing during the fall semester, a student may count any course that the student passed in a summer school session toward the total number of courses passed in the preceding spring semester. The summer school course shall not affect the total number of courses attempted in the preceding spring semester.
- (3) A student who is promoted from Grade 5 to Grade 6 shall be deemed to have satisfied the requirements set forth in this Paragraph to participate in the first semester of Grade 6.
- (4) A student who is promoted from Grade 8 to Grade 9 shall be deemed to have satisfied the requirements set forth in this Paragraph to participate in the first semester of Grade 9.
- (g) Age Requirements
- (1) Each PSU shall determine the age of a student participating in interscholastic athletics based on a preponderance of the evidence known to the PSU.
- (2) A student who is ineligible to participate at one grade level due to age shall be eligible to participate at the next higher grade level only, provided that a student:
- (A) Shall be eligible to participate at the middle school level for no more than six consecutive semesters, beginning with the student's initial entry into Grade 6.
- (B) Shall be eligible to participate at the high school level for no more than



- eight consecutive semesters, beginning with the student's initial entry into Grade 9.
- (C) Shall not participate on a middle school team if the student becomes 15 years of age before August 31 of that school year.
- (D) Shall not participate on a junior high school team if the student becomes 16 years of age on or before August 31 of that school year.
- (E) Shall not participate on a high school team if the student becomes 19 years of age on or before August 31 of that school year.

- (3) A student in Grade 6 shall not participate in tackle football.

(h) Biological Requirements. All students participating in interscholastic athletics shall comply with the biological participation requirements as provided in G.S. 115C-407.59.

(i) Medical Requirements. To be eligible to participate in interscholastic athletics, a student shall receive a medical examination every 395 days by a licensed physician, nurse practitioner, or physician assistant, subject to the provisions of Chapter 90 of the General Statutes.

(j) A student shall not participate in interscholastic athletics after pleading guilty or "no contest" to, or being convicted of, a felony under the laws of North Carolina, the United States, or any other state. Prior to deeming the student ineligible, the relevant rule administrator shall obtain a certified copy of a criminal record reflecting the plea or conviction and verify that the student is the same individual identified in the criminal record. If the student enters a deferred prosecution agreement, conditional discharge agreement, or similar diversionary program, the student shall remain ineligible during the probationary period imposed by the agreement.

(k) A rule administrator shall, in an individual student's case, waive any eligibility requirement contained in this Rule if it finds by a preponderance of the evidence that enforcing the requirement:

- (1) fails to promote academic progress, health, safety, and fair play;
- (2) works an undue hardship on a student who has lost eligibility due to circumstances that made participation impossible, such as prolonged illness or injury; or
- (3) prevents the reasonable accommodation of a student's disability, as required by the Americans with Disabilities Act, 42 U.S.C. 12101 et seq.

*Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60; 115C-407.65; 116-235(b).*

#### **16 NCAC 06E .0209 PENALTY RULES**

(a) A rule administrator shall impose at least the following penalties on a student, coach, or school official in Grades 6 through 12 who is ejected from an interscholastic athletic contest:

- (1) for the first offense, the person shall be reprimanded and suspended from participating in the next game in that sport;
- (2) for a second offense, the person shall be placed on probation and suspended from participating in the next two ~~game~~ games in that sport;
- (3) for a third offense, the person shall be suspended from participation in interscholastic athletics for one calendar year;
- (4) a coach who is suspended shall not coach any team for any grade level during the period of suspension.

(b) Penalties shall be cumulative from sport to sport and from sport season to sport season. If no member of the participating school's coaching staff is present to assume the duties of a head coach who has been ejected from an interscholastic athletic contest, the contest shall be terminated by forfeit.

(c) The PSU that has jurisdiction over a participating school may impose penalties in addition to those imposed by an administering organization.

*Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60.*

#### **16 NCAC 06E .0211 NAME, IMAGE, AND LIKENESS**

(a) As used in this Section:

- (1) "Compensation" means anything of value to the student or an immediate family member of the student, including cash, in-kind gifts, discounts, and other tangible benefits.
- (2) "Name, image, or likeness" or "NIL" means the use of a student's name, image, or likeness for commercial purposes and in exchange for compensation to the student or an immediate family member of the student.
- (3) "NIL agreement" ~~means any~~ means:
  - (A) A formal agreement or contract to use a student's name, image, or likeness for commercial purposes and in exchange for compensation to the student or an immediate family member of the ~~student.~~ student; or
  - (B) An agency contract, as defined in G.S. 78C-86(1).
- (4) "School administrators" includes the principal and athletic director of the student's school, the local superintendent, the chairperson of the PSU governing body, and the head coach of any sport in which the student participates during the terms of an NIL agreement.

(b) A student participating in interscholastic athletics may enter an NIL agreement subject to the following restrictions:

- (1) The NIL agreement shall not condition the receipt, type, or extent of any compensation on the extent or quality of the student's athletic performance.
- (2) If the student is under 18 years of age, the student's parent or legal guardian shall be a party to the NIL agreement.

- (3) The NIL agreement shall hold the following parties harmless from any liability related to, or arising from the NIL agreement:
- (A) The governing body of the PSU in which the student is enrolled, as well as its officers and employees.
  - (B) Any administering organization with which the PSU is affiliated, as well as its officers and employees.
  - (C) The State Board of Education and the Department of Public Instruction, as well as their officers and employees.
- (4) The NIL agreement shall otherwise comply with state and federal law.
- (c) The student shall disclose the NIL agreement to school administrators in accordance with the following procedures:
- (1) No later than 10 business days prior to the execution of a proposed NIL agreement or an amendment to an existing NIL agreement, the student shall provide a complete and unredacted copy of the proposed NIL agreement or amendment to school administrators.
  - (2) No later than five business days after the execution or amendment of the NIL agreement, the student shall provide a complete and unredacted copy of the executed NIL agreement or amendment to school administrators.
- (d) No later than 10 business days prior to a student's entry into an NIL agreement, the student shall complete the NIL education course offered by the NFHS. If the student is under 18 years of age, the student's parent or legal guardian shall also complete the course. Those persons required to complete the course shall provide school administrators with a certificate of completion from the NFHS.
- (e) A student participating in interscholastic athletics may enter into an NIL agreement to use the student's name, image, or likeness in any of the following ways:
- (1) Public appearances or commercials.
  - (2) Autograph signings.
  - (3) Athletic camps and clinics.
  - (4) Sale of non-fungible tokens ("NFTs").
  - (5) Product or service endorsements.
  - (6) Promotional activities, including in-person events and social media advertisements.
  - (7) Any other commercial activities that are intended to promote a product or service offered by, increase the profits of, or otherwise generate financial benefits for a party to the NIL agreement from the use of the student's name, image, or likeness.
- (f) No student engaged in an NIL agreement-related activity shall do any of the following:
- (1) Make any reference to a school, PSU, conference, or administering organization.
  - (2) Receive compensation for the use of intellectual property of any school, PSU, conference, administering organization, or the NFHS. Intellectual property includes the name, uniform, mascot, mark, or logo of the entity that owns the intellectual property.
- (3) Appear in the uniform of the student's school or the school's sports team, or otherwise display the intellectual property of any school, PSU, conference, administering organization, or the NFHS.
- (g) No student shall endorse or promote the goods or services of any third-party entity with which the student has entered an NIL agreement during interscholastic athletic competition or other school-based activities or events. This restriction applies to the wearing of apparel displaying the mark, logo, brand, or other identifying insignia of the third-party entity, unless it is part of the standard uniform for the school or sport.
- (h) No student participating in interscholastic athletics shall enter into an NIL agreement or otherwise use the student's name, image, or likeness to promote any of the following:
- (1) An adult establishment, as defined in G.S. 14-202.10(2), or adult entertainment services.
  - (2) Alcohol or alcoholic products.
  - (3) Tobacco, vaping or other electronic smoking devices, or other nicotine products.
  - (4) Cannabis or cannabis products.
  - (5) Controlled substances, as defined in G.S. 90-87(5).
  - (6) Opioids or prescription pharmaceuticals.
  - (7) Weapons, firearms, or ammunition.
  - (8) Casinos or gambling, including sports betting.
  - (9) Activities that would disrupt the operations of a school or PSU.
- (i) The athletic director of a participating school shall submit a current copy of any executed or amended NIL agreement involving a student at the school to any administering organizations of which the student's school is a member within 30 days of the disclosure of the executed or amended NIL agreement by the student. The administering organization shall maintain accurate records of all NIL agreements received and provide a summary report of all NIL agreements to the State Board of Education no later than June 30 of each year.
- (j) No athletic director, coach, other employee of a PSU, member of a PSU governing body, representative of an athletic booster club, or representative of an NIL collective shall ~~use~~ engage in any of the following activities:
- (1) Use the promise of an NIL agreement to recruit a student to attend a specific participating school or participate in a specific sport. ~~No athletic director, coach, other employee of a PSU, representative of an athletic booster club, or representative of an NIL collective shall act~~
  - (2) Act as a student's agent or marketing representative or otherwise representative; or
  - (3) Otherwise facilitate an NIL agreement between a student and a third party.
- If the relevant administering organization finds a violation of this Paragraph by a preponderance of the evidence, the administering organization shall impose penalties consistent with its regulations and with Rule .0209 of this Section. A "representative" of an athletic booster club or NIL collective shall include an officer or

any person authorized to conduct business on behalf of the organization.

(k) This Rule shall apply to any NIL agreement that a student or the student's parent or legal guardian execute during the time the student is enrolled in a PSU, even if the benefits of said agreement do not accrue to the student or an immediate family member of the student until after the student has graduated.

*Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60; 115C-407.65; 116-235(b).*

## **16 NCAC 06E .0215 APPEALS**

(a) The Superintendent of Public Instruction shall appoint an independent interscholastic athletics appeals board ("appeals board") to hear and act upon appeals from the final decision of a rule administrator ~~regarding student eligibility to participate in interscholastic athletics; violations of limitations on recruiting or undue influence; penalties or fees imposed on students, coaches, or participating schools; or other enforcement of rules provided by this Section.~~ enforcing a student participation rule, penalty rule, or gameplay rule.

(b) An aggrieved party may file an appeal with the Superintendent within five days after receipt of the final decision by completing an appeal form provided by the Superintendent. The aggrieved party shall submit the following information required by the form:

- (1) The name of the aggrieved party's participating school and PSU.
- (2) The name, address, and phone number of the aggrieved party. If the aggrieved party is a school or PSU, the aggrieved party shall also provide the name, address, phone number, and title of an employee who will serve as the official representative of the school or PSU during the appeal.
- (3) The names, email addresses, and phone numbers of the principal and local superintendent.
- (4) The names of any students affected by the final decision and the sports in which the student participates.
- (5) A description of the facts underlying the final decision.
- (6) A description of the final decision, the date it was issued, and the name, email, and phone number of the rule administrator or staff member thereof who issued the final decision.
- (7) An argument explaining why the aggrieved party believes the rule administrator's final decision was erroneous for one or both of the reasons provided in Paragraph (g) of this Rule.
- (8) If applicable, the date of any imminent interscholastic athletic activity that the final decision may affect.
- (9) Any relevant documents or other evidence that the aggrieved party deems relevant to the appeal and that the aggrieved party provided to the rule administrator for consideration prior to the final decision.

(c) The Superintendent shall appoint panels of no fewer than three members of the appeals board to hear and decide individual appeals on behalf of the appeals board. The panel may conduct a live hearing in person or via teleconference. Any hearing so conducted shall be recorded.

(d) The rule administrator may file a response to the aggrieved party's submissions within five days. The panel may shorten the time for filing the rule administrator's response if the decision affects a student's or coach's eligibility to participate in an intervening interscholastic athletic activity.

(e) All parties shall simultaneously provide copies of all records submitted as part of the appeal to the other parties involved. If the aggrieved party is a student, parent, or coach, the parties shall also provide copies of the documents and forms to the local superintendent and principal with jurisdiction over the aggrieved party.

(f) No later than 30 days after the Superintendent's receipt of the appeal, the panel shall issue its judgment.

(g) The panel shall affirm the rule administrator's final decision unless a majority of the panel determines that the final decision either:

- (1) ~~erroneously~~ Erroneously applies SBE rules or other applicable laws; or
- (2) ~~is~~ Is not supported by the evidence, based on the following standards of review:
  - (A) For a ruling by a referee or official enforcing gameplay rules during an athletic competition, the panel shall affirm the referee or official's ruling and uphold the resulting penalty unless the aggrieved party presents clear and convincing evidence to contradict the ruling.
  - (B) For a final decision of a rule administrator regarding the application of any other SBE rule, the panel shall affirm the final decision unless the aggrieved party demonstrates that the final decision was not supported by substantial evidence, as defined in G.S. 150B-2(8c).

(h) The panel may also remand the final decision to the rule administrator for reconsideration in light of new information or evidence that was not provided to the rule administrator prior to its final decision, if there is an intervening change in any relevant law, or if the panel determines that additional information is necessary to inform its judgment. The panel shall not consider information or evidence presented that was not presented to the rule administrator in the first instance.

(i) The Superintendent, or the Superintendent's authorized designee, may stay a determination of ineligibility or a penalty imposed by the rule administrator pending the judgment of the appeals board.

(j) The panel's judgment shall be deemed a final agency decision and not subject to further appeal to the Superintendent or State Board of Education.

*Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60; 115C-407.65; 116-235(b).*

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**Notice** is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the State Board of Education intends to adopt the rules cited as 16 NCAC 06E .0304, .0305, and readopt with substantive changes the rules cited as 16 NCAC 06E .0301-.0303.

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

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

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

**Reason for Proposed Action:** *The Administrative Procedure Act requires the State Board of Education to review and re-adopt necessary rules once every 10 years. See G.S. 150B-213A. Rules 16 NCAC 06E .0301, 06E .0302, and 06E .0303, which set requirements for the driver education program administered by the Department of Public Instruction and local boards of education under G.S. 115C-215 and G.S. 115C-216, is due for readoption by June 30, 2026.*

*The existing rules have been modernized and revised to align with existing State Board of Education policy. The substantive content of existing Rule 06E .0301 (Driver Training) has been moved to two new rules, 06E .0304 (Driver Education Program) and 06E .0305 (Driving Eligibility Certificates) to allow space for a definitions section. In addition, significant substantive changes the requirements for driver education instructors have been proposed under revisions to Rule 06E .0302.*

**Comments may be submitted to:** Karl Logan, 6301 Mail Service Center, Raleigh, NC 27699-6301; email [karl.logan@dpi.nc.gov](mailto:karl.logan@dpi.nc.gov)

**Comment period ends:** April 6, 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 06 - ELEMENTARY AND SECONDARY EDUCATION

### SUBCHAPTER 06E - STUDENTS

#### SECTION .0300 – DRIVER TRAINING EDUCATION

##### 16 NCAC 06E .0301      DRIVER TRAINING DEFINITIONS

~~(a) In discharging their duty to provide a course of training and instruction in the operation of motor vehicles as set forth in G.S. 115C-216, local boards of education shall provide a program which meets the following standards and requirements:~~

- ~~(1) Principals shall enroll students who meet the criteria established by G.S. 20-88.1(a)(i), (iii) and (iv);~~
- ~~(2) The program will be free of charge to eligible students;~~
- ~~(3) Enrollees must obtain either a temporary learner's permit or a restricted instruction permit before they begin behind the wheel instruction.~~
- ~~(4) Classroom instruction will consist of at least 30 clock hours of instruction. Beginning in school year 1992-93, students may take and pass a proficiency examination developed or designated by the Department of Public Instruction to waive the classroom instruction. Each student must complete a minimum of 6 hours of behind the wheel instruction.~~
- ~~(5) The program will be reasonably available on a year round basis to all eligible persons.~~
- ~~(6) The local board of education will determine class size restrictions, but may not allow instruction in the car to less than two nor more than four students.~~
- ~~(7) The local board of education will determine the amount of instruction per day for classroom or in-car instruction or a combination of both.~~
- ~~(8) The local board of education will issue a certificate to students who satisfactorily complete the prescribed course.~~
- ~~(9) Driver education instructors must possess a valid North Carolina driver's license and must have a driving record acceptable to the local~~

board of education. In addition, instructors hired for driver education shall either:

- (A) hold a driver education certificate issued by the SBE; or
- (B) have non-certified status according to minimum standards established by Rule .0302 of this Section.

(10) The program shall not be provided during the regular instructional day.

(b) Two or more local boards of education may jointly operate a program under a written agreement meeting the requirements of G.S. 160A-460 et seq. The agreement shall provide for one local board of education to assume administrative responsibility for the program.

(c) For purposes of G.S. 20-11, G.S. 20-13.2(c1), and G.S. 115C-12(28), the following definitions shall apply:

- (1) "High school diploma or its equivalent" means and includes the General Equivalency Diploma (G.E.D.) and the adult high school diploma.
- (2) "Making progress toward obtaining a high school diploma" means that the student must pass at least seventy percent (70%) of the maximum of possible courses each semester and meet promotion standards established by the LEA.
- (3) "Substantial hardship" means a demonstrable burden on the student or the student's family as evidenced by circumstances such as the following:
  - (A) The parent is unable to drive due to sickness or other impairment and the student is the only person of driving age in the household.
  - (B) The student requires transportation to and from a job that is necessary to the welfare of the student's family and the student is unable to obtain transportation by any means other than driving.
  - (C) The student has been unable to attend school due to documented medical reasons, but the student is demonstrating the ability to maintain progress toward obtaining a high school diploma.
- (4) A "student who cannot make progress toward obtaining a high school diploma or its equivalent" shall mean a student who has been identified by the principal or principal's designee, together with the IEP committee or the school's student assistance team, as not having the capacity to meet the requirements for a high school diploma or its equivalent due to a disability.
- (5) "Exemplary behavior" shall mean that a student whose operator's permit or license has been revoked pursuant to G.S. 20-13.2(c1) and who has returned to school has, since returning to school:

(A) had no additional incidents of misconduct for which expulsion, suspension, or assignment to an alternative educational setting is required; and

(B) had no violations of local school board policies such as attendance, dress codes, or other behaviors that may result in disciplinary action against the student.

(6) "Successful completion of a treatment counseling program" shall mean completion of a minimum of 12 hours of drug or alcohol treatment, counseling, a mental health treatment program, or other intervention program required by the LEA.

(d) Each LEA shall determine the process by which decisions concerning the issuance of a driving eligibility certificate shall be appealed.

(e) The principal of a high school or the principal's designee shall notify the Division of Motor Vehicles whenever a student is no longer making progress toward obtaining a high school diploma or its equivalent or when the student has dropped out of school.

(f) Each charter school, non-public school, and community college shall designate an official who shall notify the Division of Motor Vehicles whenever a student is no longer making progress toward obtaining a high school diploma.

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

- (1) "Continuing education unit" or "CEU" is defined in 16 NCAC 06C .0301(6).
- (2) "Driver education" means instruction provided to students enrolled in North Carolina public schools on the safe and competent operation of a motor vehicle, as defined in G.S. 20-286(10), including both classroom and behind-the-wheel instruction. "Driver training" has the same meaning as "driver education" when used elsewhere in the General Statutes or session laws applicable to the driver education program.
- (3) "Driver education instructor" or "instructor" means an individual qualified and employed under Rule .0302 of this Section to serve as an instructor in a driver education program.
- (4) "Driver education program" means the standardized program of driver education administered by the Superintendent of Public Instruction in accordance with G.S. 115C-215.
- (5) "Learner's Permit" is defined in G.S. 20-7(1).
- (6) "Restricted Instruction Permit" is defined in G.S. 20-7(m)(2).

*Authority G.S. 20-88.1; 115C-12(28); 115C-215; 115C-216.*

#### **16 NCAC 06E .0302 NON-CERTIFIED INSTRUCTOR STATUS DRIVER EDUCATION INSTRUCTORS**

(a) To qualify for noncertified instructor status, a person must, as a minimum: To serve as a driver education instructor for the driver education program administered by the Superintendent of Public

Instruction under G.S. 115C-215, a person must meet the following qualifications:

- (1) ~~be~~ Be at least 21 years of age and have graduated from high school or hold a high school equivalency certificate;
- (2) ~~be of good moral character;~~ Never have been convicted of a felony and not have been convicted of a misdemeanor in the past ten years;
- (3) ~~not~~ Not have had convictions of moving violations totaling ~~seven~~ five or more points in the three years preceding the date of ~~application;~~ hire as an instructor;
- (4) ~~have~~ Have at least four ~~years'~~ years of experience as a licensed operator of a motor vehicle;
- (5) ~~not~~ Not have had a revocation or suspension of his or her driver's license in the ~~four~~ five years immediately preceding the date of application; and
- (6) ~~have completed the licensed instructor course offered through the community college system and approved by the Department and the Division of Motor Vehicles.~~ Have completed one of the following driver education instructor courses:
  - (A) The Safety and Traffic Education Program administered by the Department of Public Instruction.
  - (B) The Basic Driver Education Course administered by the Division of Motor Vehicles.
  - (C) A driver education instructor training program administered by the division of motor vehicles or equivalent agency in another state or United States territory.

(b) A person who meets the qualifications in Paragraph (a) may qualify for a teacher license in Safety and Driver Education under 16 NCAC 06C .0304 if the person otherwise qualifies for a professional educator license under Subchapter 06C, Section .0300 of this Chapter and:

- (1) Has completed an educator preparation program in driver education or an equivalent license area; or
- (2) Holds a teacher license in another license area and applies to add Safety and Driver Education as an additional license area under 16 NCAC 06C .0307.

A person who qualifies for a Safety and Driver Education license pursuant to Subparagraph (b)(1) of this Rule is exempt from the course requirements in Subparagraph (a)(6) of this Rule. To obtain a teacher license in Safety and Driver Education, a qualified instructor shall apply to the State Board of Education in accordance with 16 NCAC 06C .0334.

(c) Each driver education instructor shall complete continuing education as described below.

- (1) An instructor who holds a teacher license in Safety and Driver Education shall follow the requirements of 16 NCAC 06C .0360.
- (2) An instructor who does not hold a teacher license in Safety and Driver Education shall complete at least eight continuing education requirements (CEUs) once every five years, consisting of the following:
  - (A) Four CEUs focused safety and driver education; and
  - (B) Four CEUs focused on pedagogy and classroom instruction.The five-year renewal cycle shall begin on the date the instructor completed the driver instructor course required by Subparagraph (a)(6) of this Rule. For instructors who completed the course on or before July 1, 2026, the renewal cycle shall begin on that date.
- (3) An instructor who holds a commercial driver training instructor license issued by the Division of Motor Vehicles shall be deemed to have satisfied the continuing education requirement as long as that instructor license remains active.

(d) Each public school unit shall ensure that driver education instructors in its employment meets the qualifications and continuing education requirements in this Rule. Each public school unit shall report to DPI the status of each of its driver education instructors no later than July 1 of each year. A public school unit shall notify DPI within 30 days if it learns that a driver education instructor in its employment has lost the privilege to drive in North Carolina or any other state.

*History Note: Filed as a Temporary Adoption Eff. August 12, 1991 For a Period of 180 Days to Expire on February 7, 1992; Authority G.S. 20-88.1; 115C-215; 115C-216; Eff. March 1, 1992; 1992; Readoption Eff. July 1, 2026.*

## **16 NCAC 06E .0303 DRIVER EDUCATION CONTRACTS**

(a) ~~Local boards~~ A local board of education may enter into ~~contracts~~ contract with a public or private ~~entities or individuals~~ person or entity ("contractor") to ~~provide~~ administer a program of driver education ~~for students~~, at high schools under the local board's jurisdiction, provided the contractor complies with the requirements of this Section and Chapter 115C, Article 14 of the General Statutes.

(b) ~~Contracts shall be awarded~~ The local board shall award ~~contracts~~ on a competitive basis through requests for ~~proposals to contract~~ proposals. ~~Local boards of education~~ The local board shall establish the process for soliciting proposals, the number of proposals required, and the time and place for receiving and opening proposals. In addition, ~~local boards of education~~ the local board shall determine whether bid bonds or performance bonds shall be required. Decisions to award contracts shall be based on quality, safety, costs and such other reasonable factors as ~~local boards of education~~ the local board may establish.

(c) A contract may not be awarded to an entity not licensed by the Division of Motor Vehicles as a commercial driving school pursuant to G.S. 20-322. A contract may be awarded to ~~an individual a person~~ not licensed as a commercial driving school ~~by the Division of Motor Vehicles~~ if he or she is ~~certified by the SBE in driver education or hold non-certified instructor status~~ qualifies as a driver education instructor under Rule .0302 of this Section.

(d) All contracts shall ~~specifically require the contractor to adhere to the requirements of these Rules, 16 NCAC 6E .0301-.0303. In addition, all contracts shall prescribe:~~ include at least the following provisions:

- (1) ~~the~~ The term of the contract, which ~~may~~ shall not exceed one ~~year;~~ year.
- (2) ~~the~~ The procedure for renewal of the ~~term of the~~ contract, if any, except that a contract may not be renewed for more than two successive one-year ~~terms;~~ terms.
- (3) ~~the~~ The grounds for termination of the contract, including automatic termination in the event of revocation of the license required by G.S. ~~20-325;~~ 20-325.
- (4) ~~whether~~ Whether school facilities or vehicles are to be ~~leased or~~ used by the ~~contractor and, if so, the terms and conditions or the lease;~~ contractor. The local board shall not charge the contractor any fee for the use of school facilities or vehicles except for damages arising from the negligent, reckless, or intentional acts of the contractor.
- (5) ~~whether the contractor will provide transportation home for students;~~
- (6)(5) ~~the~~ The types of vehicles and equipment to be provided by the contractor, if ~~any;~~ and any. Any vehicle or equipment purchased using State funds shall remain the property of the local board, and the local board may not, by the terms of the contract, transfer ownership to the contractor.
- (6) An agreement by the contractor to comply with the requirements of this Section and Chapter 115C, Article 14 of the General Statutes.
- (7) ~~such other~~ Other such terms and conditions, including the purchase of insurance by the contractor, as the local board of education may determine to be reasonable and appropriate.

*History Note:* Filed as a Temporary Adoption Eff. August 12, 1991 For a Period of 180 Days to Expire on February 7, 1992; Authority G.S. 20-88.1; 115C-215; 115C-216; Eff. March 1, ~~1992.~~ 1992; Readoption Eff. July 1, 2026.

#### **16 NCAC 06E .0304 DRIVER EDUCATION PROGRAM**

(a) Each local board of education shall offer a driver education course in high schools under its jurisdiction using the standardized curriculum developed by the Department of Public Instruction pursuant to G.S. 115C-215. The driver education course shall not

qualify for course credit under Subchapter 06D, Section .0500 of this Chapter.

(b) Each driver education course shall include:

- (1) At least 30 clock hours of classroom instruction; and
- (2) At least 6 hours of behind-the-wheel instruction under the supervision of a certified driver education instructor.

The local school administrative unit shall determine the number of hours of instruction per day, which may include a combination of classroom instruction and behind-the-wheel instruction.

(c) No more than 50 students may be assigned to a class for classroom instruction. No fewer than two and no more than three students may be in a vehicle during behind-the-wheel instruction. The LSAU may offer reasonable accommodations to a student with a disability consistent with the Americans with Disabilities Act, the Individuals with Disabilities in Education Act, or Section 504 of the Rehabilitation Act of 1973.

(d) The LSAU shall offer the driver education course throughout the calendar year as reasonable based on available personnel and resources.

(e) Prior to beginning behind-the-wheel driving instruction, a student shall obtain a Learner's Permit or a Restricted Instruction Permit issued by the Division of Motor Vehicles ("DMV").

(f) The principal of each high school shall approve each student at that school who meets the requirements in G.S. 115C-215(a) for enrollment in the driver education course.

(g) The LSAU shall issue a certificate to each student who completes either classroom instruction or behind-the-wheel phases of the driver education course.

(h) The LSAU shall submit the following reports to the Department of Public Instruction:

- (1) Quarterly Reports – due July 15th, October 15th, January 15th, and April 15th of each fiscal year:
  - (A) Total number of students enrolled in the classroom and driving phases of the driver education program at each school within the LSAU, including the total number in each grade level from Grade 8 through Grade 12.
  - (B) Total number of students enrolled in the driver education program who are identified as a child with a disability, as defined in G.S. 115C-106.3(1).
  - (C) Total number of students who have dropped out of the driver education program.
  - (D) Total number of students receiving special accommodations or resources from the LSAU to complete the driver education program.
- (2) Annual Reports – due July 15th of each fiscal year:
  - (A) Whether the driver education program is directly managed by the PSU or managed by a contractor pursuant to Rule 06E .0303 of this Section and, if

- (B) the program is managed by a contractor, the name of the contractor. A list of driver education instructors employed by the LSAU. The list shall identify any instructors who hold a teacher license in Safety and Driver Education or a commercial driver training instructor license issued by the DMV. The list shall specify the next deadline for each instructor to complete the continuing education units required by 16 NCAC 06E .0302(c).
- (C) The amount of any fee collected by the LSAU to manage the driver education program.

(i) Two or more local boards of education may jointly operate a driver education course under a written agreement meeting the requirements of G.S. 160A-460 et seq. The agreement shall provide for one local board of education to assume administrative responsibility for the course.

(j) If the Department of Public Instruction determines that the LSAU is out of compliance with any provision of this Section, DPI may withhold additional State funding allocated to the LSAU for its driver education program until such time as DPI determines that the LSAU is back in compliance.

*Authority G.S. 20-88.1; 115C-215; 115C-216.*

#### **16 NCAC 06E .0305 DRIVING ELIGIBILITY CERTIFICATES**

(a) For purposes of this Rule:

- (1) "School administrator" means one of the following officials within the public school unit in which a student is enrolled:
- (A) For a local school administrative unit ("LSAU"), the principal of the student's school or the principal's designee, provided the designee is an employee of the LSAU authorized to access the student's educational record.
- (B) For a charter school, the designee of the board of directors, provided the designee is an employee of the charter school authorized to access the student's educational record.
- (2) "Senior PSU official" means one of the following officials within the public school unit ("PSU") in which a student is enrolled:
- (A) For a local school administrative unit, the local superintendent or designee, provided the designee is senior in authority to the principal.
- (B) For a charter school, the board of directors or designee, provided the designee is senior in authority to the school administrator.

- (3) "Student" means a person under 18 years of age who is seeking a limited learner's permit or provisional driver's license under G.S. 20-11.

(b) The school administrator shall provide a driving eligibility certificate to a student if:

- (1) The student is eligible for the certificate under G.S. 20-11(n)(1) and is not subject to G.S. 20-11(n1); or
- (2) The student is eligible for the certificate under G.S. 20-11(n)(1) and G.S. 20-11(n1).

(c) The PSU shall provide students with the right to appeal the denial of a driving eligibility certificate by the school administrator to a senior PSU official. The senior PSU official shall issue the driving eligibility certificate if the official determines that the school administrator's decision is not supported by the factual record or is inconsistent with the requirements of Paragraph (b) of this Rule.

(d) The school administrator shall notify the Division of Motor Vehicles whenever a student no longer meets the requirements for a driving eligibility certificate and the student has exhausted all rights to appeal within the LSAU.

(e) For purposes of this Rule and of G.S. 20-11 and 20-13.2:

- (1) The equivalency of a high school diploma shall include either of the following:

- (A) A credential issued by the General Educational Development Testing Service (i.e., a "G.E.D.).
- (B) An Adult High School Diploma issued by the North Carolina State Board of Community Colleges.

- (2) A student shall be deemed to be making progress toward obtaining a high school diploma if the student passes at least 70 percent of the maximum possible courses in each semester and is meeting the promotion standards established by the public school unit.

- (3) A student shall be deemed unable to make progress toward obtaining a high school diploma or its equivalent under G.S. 201-11(n)(1)c. if the student has been identified as a child with a disability in accordance with Chapter 115C, Article 9 of the General Statutes and the student's IEP team has determined that, due to the disability, the student cannot satisfy the state graduation requirements under Subchapter 06D, Section .0500 of this Chapter or the requirements for the equivalency of a high school diploma.

- (4) "Substantial hardship" means a demonstrable burden on the student or the student's family, including any of the following circumstances:

- (A) The student's parent is unable to drive due to documented illness or other mental or physical impairment, and the student is the only other person of driving age in the household.
- (B) The student requires transportation to and from a job that is necessary for the welfare of the student's family, and the



- student is unable to obtain transportation by any other means.
- (C) The student has been unable to attend school for documented medical reasons, but the student has demonstrated the ability to make progress toward a high school diploma or its equivalent.
- (5) "Exemplary student behavior" means that, since returning to school or an alternative educational setting, the student has not:
- (A) Committed additional acts of misconduct such that expulsion, suspension, or assignment to an alternative educational setting is required; or
- (B) Violated policies of the governing body of the public school unit that may result in disciplinary action against the student.
- (6) A student shall be deemed to have successfully completed a drug or alcohol treatment counseling program if the student has completed at least 12 hours of either:
- (A) Alcohol or drug treatment or counseling;
- (B) A mental health treatment program; or
- (C) Any other or other intervention deemed appropriate by the public school unit.

*Authority G.S. 20-11; 20-13.2; 115C-12(28).*

## TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

### CHAPTER 06 - BARBER AND ELECTROLYSIS EXAMINERS

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Barber and Electrolysis Examiners intends to amend the rules cited as 21 NCAC 06U .0101, and .0105.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://www.bbee.nc.gov/news/rulemaking>

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

### SUBCHAPTER 06U – ELECTROLYSIS FEES AND FORMS

#### 21 NCAC 06U .0101 FEES

- (a) The following fees are payable to the Board for licensure as an electrologist:
- |     |                           |          |
|-----|---------------------------|----------|
| (1) | Application for licensure | \$150.00 |
| (2) | Initial licensure         | \$125.00 |
| (3) | Renewal of licensure      | \$125.00 |
- (b) The following fees are payable to the Board for licensure as a laser hair practitioner:
- |     |                           |          |
|-----|---------------------------|----------|
| (1) | Application for licensure | \$125.00 |
| (2) | Initial licensure         | \$125.00 |

#### **Public Hearing:**

**Date:** *February 18, 2026*

**Time:** *11:00 AM*

**Location:** *<https://bit.ly/february-2025-rules-hearing>*

**Reason for Proposed Action:** *The amendment to 21 NCAC 06U .0101 would increase the late fee for renewals of electrology, laser hair practice, and school licenses from \$50 to \$100.*

*The amendment to 21 NCAC 06U .0105 would modify the criteria for temporary licenses for electrology applicants. The amendment would make it easier to get temporary permits and specify the information the board needs in a temporary-permit request. Finally, the amendment makes technical changes.*

**Comments may be submitted to:** *Dennis Seavers, 7001 Mail Service Center, Raleigh, NC 27699; phone (919) 814-0641; fax (919) 981-5068; email [dennis.seavers@nc.gov](mailto:dennis.seavers@nc.gov)*

**Comment period ends:** *April 7, 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

- |   |   |                                    |
|---|---|------------------------------------|
| (3)   | Renewal of licensure  | \$150.00                           |
| (c) The following fees are payable to the Board for certification as an instructor:   |   |                                    |
| (1)   | Application for Electrology instructor  | \$150.00                           |
| (2)   | Renewal of Electrology instructor   | \$125.00                           |
| (3)   | Application for laser hair practitioner instructor                                      | \$150.00                           |
| (4)   | Renewal of laser hair practitioner instructor   | \$125.00                           |
| (d) The following fees are payable to the Board for certification as a Board approved school:   |   |                                    |
| (1)   | IN STATE SCHOOL   |                                    |
| (A)   | Application for certification as an Electrology school                                  | \$250.00                           |
| (B)   | Renewal of certification as an Electrology school                                       | \$150.00                           |
| (C)   | Application for certification as a laser, light source, or pulse light treatment school | \$250.00                           |
| (D)   | Renewal of certification for a laser, light source, or pulse light treatment school     | \$150.00                           |
| (2)   | OUT-OF-STATE SCHOOL   |                                    |
| (A)   | Application for certification as an Electrology school                                  | \$400.00                           |
| (B)   | Initial certification as an Electrology school  | \$100.00                           |
| (C)   | Renewal of certification for an Electrology school                                      | \$100.00                           |
| (D)   | Application for certification as a laser, light source, or pulse light treatment school | \$350.00                           |
| (E)   | Initial certification as a laser, light source, or pulse light treatment school         | \$75.00                            |
| (F)   | Renewal of certification as a laser, light source, or pulse light treatment school      | \$100.00                           |
| (e) The following other fees are payable to the Board:  |   |                                    |
| (1)   | Electrologist Examination or reexamination  | \$125.00                           |
| (2)   | Office inspection or re-inspection  |                                    |
| (A)   | Electrologist – per licensee, for each office site                                      | \$100.00                           |
| (B)   | Laser Hair Practitioner – per licensee, for each office site                            | \$100.00                           |
| (3)   | License by reciprocity  | \$125.00                           |
| (4)   | Late renewal charge   | <del>\$50.00</del> <u>\$100.00</u> |
| (5)   | Reinstatement of expired license  | \$250.00                           |
| (6)   | Reinstatement of instructor licensure   | \$250.00                           |
| (7)   | Reactivation of license   | \$150.00                           |
| (8)   | Reactivation of instructor licensure  | \$150.00                           |
| (9)   | Duplicate license   | \$25.00                            |
| (f) All fees shall be paid by check or money order, made payable to "The North Carolina Board of Electrolysis Examiners."   |   |                                    |
| (g) Renewal fees required for Subparagraphs (a)(3), (b)(3), (c)(2), (c)(4), (e)(2), and (e)(9) of this Rule shall be waived for licensees under this Chapter that are exempt from renewal fees under G.S. 93B-15. |   |                                    |

*Authority G.S. ~~88A-9~~; 86B-70; 93B-15.*

**21 NCAC 06U .0105 TEMPORARY LICENSE FOR ELECTROLOGY APPLICANTS**

- (a) An applicant for an electrologist license who is required to take the Board's examination and has complied with Rule .0102 of this Section may request a temporary license. ~~The request may be made with the initial application for an electrologist license or at any time thereafter. The applicant shall submit with the request a written statement by a licensed electrologist or electrology instructor that the applicant will be practicing in this individual's office and that this individual has agreed to supervise the applicant's practice. On receiving a request for a temporary license that complies with this Paragraph, the Board will issue the applicant a temporary license subject to the time limits in Paragraph (b) of this Rule.~~
- (b) ~~A temporary license is valid only during the dates stated in the license. Consistent with G.S. 88A-10.1, a temporary license cannot be valid for more than six months. The Board shall begin~~

~~issuing temporary licenses no sooner than five months before the date of the next scheduled examination. The Board shall stop issuing temporary licenses 30 days before that examination. All temporary licenses shall expire one month after the date of that examination.~~

~~(c) Except as provided in Paragraph (d) of this Rule, a temporary license may not be renewed.~~

(b) The applicant shall submit the request for a temporary license to the address set forth in 21 NCAC 06A .0102. The request shall include the following:

- (1) The applicant's name, email address, mailing address, and phone number;
- (2) The name of the electrology facility where the applicant plans to work under the temporary permit;

- (3) The name and license number of the electrologist who will supervise the applicant; and
- (4) A written statement by a North Carolina licensed electrologist indicating that the applicant will work under the electrologist's direct supervision.

(c) A temporary permit shall be effective for either six months from issuance or one month past the practical exam date, whichever date is sooner.

(d) Applicants who fail the first practical exam may request one additional temporary permit if they pay the exam retake fee set forth in 21 NCAC 06U .0101(e)(1). Applicants shall submit the request as set forth in Paragraph (b) of this Rule.

~~(d)(e)~~ Notwithstanding Paragraph (d) of this Rule, applicants who fail to appear for their practical exams may request an additional temporary permit as set forth in Paragraph (b) of this Rule only if they The holder of a temporary license who did not take the examination for which the holder was scheduled may apply to have the temporary license renewed. The applicant shall:

- (1) apply to retake the examination on the next occasion it is offered;
- (2) provide a written recommendation from the applicant's supervisor that the Board renew the applicant's temporary license;
- (3) show to the satisfaction of the Board that the applicant was they were unable to appear and take the examination for which the applicant was previously they were scheduled due to causes beyond the applicant's their control.

If the Board determines that the applicant has met the requirements of this Paragraph, the Board shall renew the applicant's temporary license. The renewed temporary license shall expire six months after the date it is renewed or 30 days after the date of the next scheduled examination, whichever is shorter, and it may not be renewed again.

~~(e)(f)~~ The holder of a temporary license shall practice only under the supervision of another a licensed electrologist or electrology instructor. electrologist. As used in this Rule, "supervision of another" "supervision" means that the other licensed electrologist is physically in the same establishment as the holder of the temporary license and that the acts done by the holder of the temporary license are done pursuant to the other's licensed electrologist's order, control, and approval. The holder of a temporary license shall notify the Board within five business days of any change of supervisor and shall submit to the Board within 10 business days a written statement by the new supervisor that the holder of the temporary license will be practicing in the new supervisor's establishment and that the new supervisor has agreed to supervise his or her practice.

(f) Notwithstanding any other provision of this Rule, the Board shall not issue a temporary license to anyone who has failed the examination for licensure as an electrologist, to anyone who has previously been issued a temporary license, or to anyone whose temporary license was revoked pursuant to G.S. 88A 21.

*Authority G.S. 88A 6; 88A 10-1; 86B-54.*

\*\*\*\*\*

## CHAPTER 18 - ELECTRICAL CONTRACTORS

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Examiners of Electrical Contractors intends to amend the rule cited as 21 NCAC 18B .0306.*

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

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

**Public Hearing:**

**Date:** March 19, 2026

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

**Location:** 505 North Greenfield Parkway, Suite 100, Garner, NC

**Reason for Proposed Action:** *To provide the regulated contractors further guidance as to requirements of individuals to be classified as bona fide employees and regarding the use of labor staffing firms.*

**Comments may be submitted to:** Tim Norman, 505 North Greenfield Parkway, Suite 100, Garner, NC 27529; phone (919) 733-9042; email [tim.norman@ncbeec.org](mailto:tim.norman@ncbeec.org)

**Comment period ends:** April 6, 2026

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

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

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

## SUBCHAPTER 18B - BOARD'S RULES FOR THE IMPLEMENTATION OF THE ELECTRICAL

### SECTION .0300 - DEFINITIONS AND EXPLANATIONS OF TERMS APPLICABLE TO LICENSING

**21 NCAC 18B .0306 BONA FIDE EMPLOYEE**

(a) For the exemption for electrical work done as a bona fide employee of a ~~license~~ licensee under G.S. 87-43.1(3), the following conditions must be met:

- (1) The restrictions of the employing licensee's license apply to any employee of the licensee.
- (2) The employing licensee shall have control and direction of the details, methods, and manner of performing the electrical work being done by the employee. ~~The manner of payment, if any, to the person shall not be the sole determining factor concerning whether the person is an employee.~~
- (3) The electrical work shall be performed under the supervision and direction of a listed qualified individual who is the employing licensee, or under the supervision and direction of a listed qualified individual regularly employed by the employing licensee and issued a w-2 by the employing licensee.
- (4) Persons acting as independent contractors, consultants, or subcontractors, or paid in cash without tax withholding, or issued a 1099 form, are not bona fide employees.
- (5) Licensed contractors may utilize employees shared with a labor supplier but only under a written contract. That written contract must allocate payroll or tax withholding obligations to the labor supplier while also placing the responsibilities of control and supervision of all electrical work upon the listed qualified individual and licensed firm. The listed qualified individual and licensed firm shall remain obligated to the owner or general contractor for all electrical installations, and the listed qualified individual must be a bona fide employee of the licensed firm.

(b) ~~The employing licensee, the employee, and every listed qualified individual of the licensee~~ Every listed qualified individual and all employees of the licensed firm shall furnish any information the Board may require, including affidavits, to evaluate and determine a claim of employee exemption.

(c) When the information furnished to the Board does not substantiate compliance with this Rule, the individual shall be deemed to be an independent contractor rather than an employee and shall be subject to G.S. Chapter 87, Article 4.

*Authority G.S. 87-42.*

**TITLE 25 – OFFICE OF STATE HUMAN RESOURCES**

*Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the State Human Resources Commission intends to readopt with substantive changes the rules cited as 25 NCAC 01B .0201, .0214-.0216, and readopt without substantive changes the rules cited as 25 NCAC 01B .0204, .0205, .0208, .0213 and .0217.*

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

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://oshr.nc.gov/hr-governance/state-human-resources-commission/proposed-rulemaking>

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

**Public Hearing:**

**Date:** February 17, 2026

**Time:** 9 a.m.

**Location:** Join from the meeting link  
<https://ncgov.webex.com/ncgov/j.php?MTID=mca3a40e003eec0144985e64e90360b98>. Join by meeting number Meeting number (access code): 2428 650 5553 Meeting password: FXnpYAvE724

**Reason for Proposed Action:** Subchapter 01B specifies procedures for petitions for rulemaking and requests for declaratory rulings. The enclosed changes to Subchapter 01B are small clarifying changes. They are meant to conform to changes in the Administrative Procedure Act and ensure that OSHR and the Commission do not impose any procedural requirements that are greater than the Administrative Procedure Act.

**Comments may be submitted to:** Denise Holton Mazza, 333 Fayetteville St, Raleigh, NC, 27601, Raleigh, NC 27603; phone (984) 236-0823; email [denise.mazza@nc.gov](mailto:denise.mazza@nc.gov)

**Comment period ends:** April 6, 2026

**Procedure for Subjecting a Proposed Rule to Legislative Review:**

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

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

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

**CHAPTER 01 - OFFICE OF STATE HUMAN  
RESOURCES**

**SUBCHAPTER 01B - STATE HUMAN RESOURCES  
COMMISSION**

**SECTION .0200 – RULE-MAKING**

**25 NCAC 01B .0201      CONTENT AND PROCEDURE**

(a) Any person wishing to submit a petition requesting the adoption, amendment, or repeal of a rule of the Commission shall address a petition to:

Office of State Human Resources  
1331 Mail Service Center  
Raleigh, North Carolina 27699-1331.

(b) The petition shall be labeled Petition for Rulemaking and contain ~~the following information:~~ information required by G.S. 150B-20(a).

- (1) ~~either a draft of the proposed rule or a summary of its contents;~~
- (2) ~~reason for proposal;~~
- (3) ~~effect on existing rules or orders;~~
- (4) ~~data supporting proposal;~~
- (5) ~~fiscal note on the impact of the proposed rule on existing practices in the area involved, including cost factors and basis of analysis;~~
- (6) ~~names of those most likely to be affected by the proposed rule with addresses if reasonably known;~~
- (7) ~~name(s) and address(es) of petitioner(s).~~

(c) The Office of State Human Resources shall examine the petition and weigh the information therein in relation to the public interest. The Office of State Human Resources shall consider all the contents of the submitted petition, plus any additional information the Office of State Human Resources deems relevant. The Office of State Human Resources shall make a recommendation to the Commission for the denial of the petition or the institution of rule-making proceedings, as the case may be.

(d) At the next regularly scheduled Commission meeting occurring at least 60 days after the submission of the petition, (but no later than 120 days after the date the petition is submitted), the Commission shall render a final decision. If the decision is to deny the petition, the Office of State Human Resources shall notify the petitioner in writing, stating the reasons therefor. If the decision is to grant the petition, the Commission, within 30 days of ~~submission,~~ the decision to grant the petition shall initiate rule-making proceedings by issuing a notice of rulemaking proceeding, in accordance with the requirements of G.S. 150B.

*Authority G.S. 126-2; 126-4; 150B-20.*

**25 NCAC 01B .0204      PRESENTATIONS  
(READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**25 NCAC 01B .0205      ORAL PRESENTATIONS  
(READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**25 NCAC 01B .0208      HEARING PROCEDURE  
(READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**25 NCAC 01B .0213      REQUESTS FOR  
DECLARATORY RULING (READOPTION WITHOUT  
SUBSTANTIVE CHANGES)**

**25 NCAC 01B .0214      CONTENT**

All requests for a declaratory ruling must include the following information:

- (1) name and address of petitioner;
- (2) statute or rule to which petition relates;
- (3) concise statement of the manner in which petitioner is aggrieved by the rule or statute or its potential application to him; and
- (4) a statement of whether an oral hearing is desired, and if so the reasons for such an oral hearing.

*Authority G.S. ~~150B-17;~~ 150B-4.*

**25 NCAC 01B .0215      REFUSAL TO ISSUE RULING**

Whenever the ~~director~~ Director of the Office of State Human Resources believes for good cause that the issuance of a declaratory ruling is undesirable, he or she may refuse to do so. When good cause is deemed to exist, he or she will shall notify the petitioner of his decision in writing stating reasons for the denial of a declaratory ruling.

*Authority G.S. ~~150B-17;~~ 150B-4.*

**25 NCAC 01B .0216      TIME**

Where a declaratory ruling is deemed appropriate, the ~~director~~ Director of the Office of State Human Resources will issue the ruling within 60 days of receipt of the petition. the time limits stated in G.S. 150B-4(a1).

*Authority G.S. ~~150B-17;~~ 150B-4.*

**25 NCAC 01B .0217      PROCEDURE (READOPTION  
WITHOUT SUBSTANTIVE CHANGES)**

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**APPROVED RULES**

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

*Rules approved by the Rules Review Commission at its meeting on December 18, 2025 Meeting.*

**REGISTER CITATION TO THE  
NOTICE OF TEXT****CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION**

<u>Suspension: Denial: or Revocation of Certification</u>	12 NCAC	09A .0204*	40:06 NCR
<u>Completion of Basic Law Enforcement Training Course</u>	12 NCAC	09B .0405*	40:06 NCR
<u>Annual In-Service Firearms Qualification Specifications</u>	12 NCAC	09E .0106*	40:06 NCR

**ALCOHOLIC BEVERAGE CONTROL COMMISSION**

<u>Advertising Of Malt Beverages And Wine By Industry Members</u>	14B NCAC	15B .1007*	40:05 NCR
<u>Advertising of Spirituous Liquors</u>	14B NCAC	15B .1008	40:05 NCR
<u>Application Procedures</u>	14B NCAC	15C .0102	40:02 NCR
<u>Wine Product Brand</u>	14B NCAC	15C .0104	40:02 NCR

**ENVIRONMENTAL MANAGEMENT COMMISSION**

<u>Parameters for Which Certification May be Requested</u>	15A NCAC	02H .0804*	40:03 NCR
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**MARINE FISHERIES COMMISSION**

<u>Definitions</u>	15A NCAC	03I .0101	40:03 NCR
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**COASTAL RESOURCES COMMISSION**

<u>Jockey's Ridge Area of Environmental Concern</u>	15A NCAC	07H .0508*	39:19 NCR
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**FUNERAL SERVICE, BOARD OF**

<u>Agency Name and Address</u>	21 NCAC	34A .0101*	40:06 NCR
<u>Consumer Complaint Form</u>	21 NCAC	34A .0123*	40:06 NCR
<u>Filing of Documents</u>	21 NCAC	34A .0127	40:06 NCR
<u>Change in Employment</u>	21 NCAC	34B .0104*	40:06 NCR
<u>Work Reports and Checklists</u>	21 NCAC	34B .0110*	40:06 NCR
<u>Embalming, Funeral Directing and Funeral Service Training</u>	21 NCAC	34B .0126*	40:06 NCR
<u>Applications</u>	21 NCAC	34B .0202*	40:06 NCR
<u>Establishment and Approval of Courses</u>	21 NCAC	34B .0401	40:06 NCR
<u>Accreditation of Computer-Based CE</u>	21 NCAC	34B .0414*	40:06 NCR
<u>Application for Licensure</u>	21 NCAC	34B .0501*	40:06 NCR
<u>Courtesy Cards</u>	21 NCAC	34B .0507*	40:06 NCR
<u>Application Form for Courtesy Card</u>	21 NCAC	34B .0508*	40:06 NCR
<u>Courtesy Card Renewal Form</u>	21 NCAC	34B .0510*	40:06 NCR
<u>Permits: Transfer of Ownership of Establishment</u>	21 NCAC	34B .0605*	40:06 NCR
<u>Disclosure Statements</u>	21 NCAC	34B .0613*	40:06 NCR
<u>Funeral Establishment Inspection Form</u>	21 NCAC	34B .0615*	40:06 NCR
<u>Disposal of Refuse: Ventilation</u>	21 NCAC	34B .0703*	40:06 NCR
<u>Registration of Embalming Facility Located Outside a Fune...</u>	21 NCAC	34B .0706*	40:06 NCR
<u>Monthly Reports</u>	21 NCAC	34C .0305	40:06 NCR

Transfer of Trust Funds

21 NCAC 34D .0304\* 40:06 NCR

**RESPIRATORY CARE BOARD**

Reinstatement of a Respiratory Care License

21 NCAC 61 .0206\* 40:05 NCR

*The following rules are subject to Legislative Review:*

**MARINE FISHERIES COMMISSION**

Recordkeeping Requirements

15A NCAC 03I .0114 40:03 NCR

Procedures and Requirements to Obtain Permits

15A NCAC 03O .0501 40:03 NCR

General Permit Conditions

15A NCAC 03O .0502 40:03 NCR

Permit Conditions; Specific

15A NCAC 03O .0503 40:03 NCR

**TITLE 12 - DEPARTMENT OF JUSTICE**

**12 NCAC 09A .0204 SUSPENSION: REVOCATION:  
OR DENIAL OF CERTIFICATION**

(a) The Commission shall revoke the certification of a criminal justice officer when the Commission finds that the officer has committed, pursuant to 12 NCAC 09A .0103(6), or been convicted of:

- (1) a felony offense; or
- (2) a criminal offense for which the authorized punishment included imprisonment for more than two years.

(b) The Commission may suspend, revoke, or deny the certification of a criminal justice officer when the Commission finds that the applicant for certification or the certified officer:

- (1) has not completed the required basic training course in its entirety within prescribed time periods relevant or applicable to a specified position or job title, pursuant to 12 NCAC 09C .0303(d) and 09G .0304(a).
- (2) fails to meet or maintain one or more of the minimum employment standards required by 12 NCAC 09B .0100 for the category of the officer's certification or fails to meet or maintain one or more of the minimum training standards required by 12 NCAC 09B .0200 or 12 NCAC 09B .0400 for the category of the officer's certification;
- (3) has committed or been convicted of:
  - (A) a criminal offense or unlawful act defined in 12 NCAC 09A .0103(26)(b) as a Class B misdemeanor; or
  - (B) four or more criminal offenses or unlawful acts defined in 12 NCAC 09A .0103(26)(a) as a Class A misdemeanor, each of which occurred after the date of initial certification;
- (4) has been separated by a criminal justice agency for commission or conviction of a motor vehicle offense requiring the revocation of the officer's driver's license.
- (5) has been discharged by a criminal justice agency because the officer lacks the mental or

- (6) physical capabilities to properly fulfill the responsibilities of a criminal justice officer; has knowingly made a material misrepresentation, including knowingly providing false or omitting information, of any information required for certification or accreditation;
- (7) has knowingly and willfully, by any means of false pretense, deception, defraudation, misrepresentation, or cheating, obtained or attempted to obtain credit, training, or certification from the Commission;
- (8) has knowingly and willfully, by any means of false pretense, deception, defraudation, misrepresentation, or cheating, aided another person in obtaining or attempting to obtain credit, training, or certification from the Commission;
- (9) has failed to make either of the notifications as required by 12 NCAC 09B .0101(13);
- (10) has been removed from office by decree of the Superior Court in accord with the provisions of G.S. 128-16 or has been removed from office by sentence of the court in accord with the provisions of G.S. 14-230;
- (11) fails to satisfactorily complete the minimum in-service training requirements as prescribed in 12 NCAC 09E .0100;
- (12) has refused to submit to a drug screen as required by 12 NCAC 09C .0310 and 09G .0211;
- (13) has produced a positive result on a drug screen reported to the Commission as specified in 12 NCAC 09C .0310 or 09G .0211, where the positive result cannot be explained to the Commission's satisfaction;
- (14) has been denied certification or had certification suspended or revoked by the North Carolina Sheriffs' Education and Training Standards Commission, the North Carolina Criminal Justice Education and Training Standards Commission; the North Carolina Company/Campus Police Program; or a similar

- North Carolina, out of state or federal approving, certifying or licensing agency;
- (15) has performed activities or duties for which certification by the Commission is required without having first obtained the appropriate certification; or
  - (16) has been convicted of any offense proscribed by 18 USC 922(g)(8) that would prohibit possession of a firearm or ammunition;
  - (17) has engaged in sexual activity, whether in uniform of the employing agency or out of uniform,
    - (A) while on duty;
    - (B) while on or off duty in a motor vehicle owned or under the control of a law enforcement agency;
    - (C) while on or off duty on the premises operated by the employing criminal justice agency;
    - (D) while in uniform of the employing agency in a public place;
    - (E) with an employee with whom the person had at the time supervisory responsibilities; or
    - (F) with a student who at the time is enrolled in a Commission-approved course in which the officer is an instructor, qualified assistant, or school director.

For purposes of this subsection, sexual activity includes any act defined as a sexual act or sexual contact per G.S. 14-27.20 and includes vaginal intercourse; or

- (18) has been found to be untruthful during a criminal or internal formal investigation conducted by a law enforcement agency or during an investigation for a rules violation conducted by the North Carolina Criminal Justice Standards Division, North Carolina Sheriffs' Standards Division, or the North Carolina Company and Campus Police Administrator.

(c) Following suspension, revocation, or denial of the person's certification, the person may not remain employed or appointed as a criminal justice officer and the person may not exercise any authority of a criminal justice officer during a period for which the person's certification is suspended, revoked, or denied.

*History Note:* Authority G.S. 17C-6; 17C-10;

*Eff. January 1, 1981;*

*Amended Eff. April 1, 2009; February 1, 2006; August 1, 2001;*

*August 1, 1995; November 1, 1993; March 1, 1992; July 1, 1990;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without*

*substantive public interest Eff. May 25, 2019.*

*Amended Eff. January 1, 2026.*

## **12 NCAC 09B .0405 COMPLETION OF BASIC LAW ENFORCEMENT TRAINING COURSE**

(a) Each delivery of a Commission-accredited Basic Law Enforcement Training Course (BLET) includes all modules as specified in Rule .0205 of this Subchapter. Each trainee shall attend and satisfactorily complete the full course as specified in Paragraphs (b) and (c) of this Rule during a scheduled delivery. The school director may develop supplemental requirements as set forth in Rule .0202(a)(5) of this Subchapter, but may not add substantive courses, or change or expand the substance of the courses as set forth in Rule .0205 of this Subchapter for purposes of Commission credit. This Rule does not prevent the instruction on local agency rules or standards; however, such instruction shall not be considered or endorsed by the Commission for purposes of certification. For the purposes of this Rule, "limited enrollment" shall mean the requirement that a trainee complete only those specific courses and course hours in which the trainee is deficient. A trainee found deficient in more than two cognitive topical areas or motor skills shall be dismissed from the current training delivery and shall be required to complete the entire training delivery in a subsequent session. For the purposes of this Rule, "deficiency" shall mean the cognitive topical area or motor skills that the trainee did not complete and which must be remediated.

(b) The trainee shall demonstrate proficiency in the cognitive topical areas and motor skills by achieving a minimum score of 70 percent on each test. If a trainee scores below 70 percent on a cognitive topical area or motor skills test, the trainee shall have one opportunity for reexamination. A trainee shall be allowed failure and reexamination in no more than nine cognitive topical areas and motor skills. Upon initial failure of a tenth cognitive topical area or motor skills test, the trainee shall not be allowed reexamination and shall be immediately dismissed from the course and shall be required to complete a subsequent delivery of BLET in its entirety.

(c) A trainee who fails to achieve a minimum score of 70 percent on the reexamination of a cognitive topical area or motor skills test shall be considered deficient in the cognitive topical area or motor skill. A trainee who is deficient in no more than two cognitive topical areas and/or motor skills shall be eligible to remediate his or her deficiencies. Prior to remediating a cognitive topical area or motor skill, the School Director shall submit to the Division a Request for Deficiency Remediation, Form F-13, which contains the trainee's name, instructor's name, and the remediation plan. The trainee shall:

- (1) complete the current course delivery and then shall be required to remediate the deficiency as a limited enrollee in a subsequent training course; or
- (2) remediate up to two deficiencies within the current course delivery with the approval of the Division Director.

(d) The Director of the Division shall issue prior written authorization for a specified trainee's limited enrollment in a subsequent delivery of the same course where the trainee provides evidence that:

- (1) the trainee attended and satisfactorily completed specified class hours and topics of BLET but through extended absence occasioned by illness, accident, emergency, or



other good cause was absent for more than five percent of the total class hours of the course offering;

- (2) the trainee was granted excused absences by the school director that did not exceed five percent of the total class hours for the course offering and the school director has obtained approval from the Standards Division pursuant to Rule .0404 of this Section for make up work to be completed in a subsequent enrollment; or
- (3) the trainee participated in a BLET course but is deficient in not more than two cognitive topical areas or motor skill areas.

(e) An authorization of limited enrollment in a subsequent delivery of the BLET shall not be issued by the Standards Division unless, in addition to the evidence required by Paragraphs (a) through (d) of this Rule:

- (1) The school director of the previous course offering submits to the Standards Division a certification of the particular topics and class hours attended and satisfactorily completed by the trainee during the original enrollment; and
- (2) The school director makes written application to the Standards Division for authorization of the trainee's limited enrollment.

(f) An authorization of limited enrollment in a subsequent course delivery permits the trainee to attend an offering of BLET commencing within 120 calendar days from the date of administration of the state comprehensive examination in the trainee's prior course delivery.

- (1) The trainee shall attend and complete in its entirety each cognitive topical area and/or motor skill identified by the school director as an area of trainee deficiency in the prior course participation, with the exception of the "Officer Health and Wellness" topical area.
- (2) The two options available for satisfying a deficiency in the "Officer Health and Wellness" topical area are:
  - (A) the student shall be allowed to make up the deficiency at the original training site without enrolling in a subsequent delivery of BLET. Under this option, the student shall be given 120 calendar days from the date that the comprehensive state examination was administered to the original BLET course in order to satisfy this deficiency. Students who select this option shall be allowed two attempts to complete the entire Police Officer Physical Abilities Test (POPAT) Course with a minimum of 24 hours of rest between attempts during the 120-day period to satisfy the deficiency; or
  - (B) the student shall be allowed to enroll in a subsequent delivery of BLET as a "limited enrollee." This delivery shall begin within 120 calendar days from

the date that the comprehensive state examination was administered to the original BLET course in order to satisfy this deficiency. Students who select this option shall be allowed two attempts to complete the entire POPAT Course with a minimum of 24 hours of rest between attempts during the delivery period of the subsequent BLET course.

A certified Specialized Physical Fitness Instructor is the only person qualified to administer and grade the fitness re-test. At the time of the re-test, the school director or the Qualified Assistant shall be present.

- (3) Following limited enrollment in the subsequent course offering, scheduled class attendance, and having received passing grades on all required topic and motor-skill tests, and having no deficiencies, the trainee shall be eligible for administration of the State comprehensive examination by the Commission, as set forth in Rule .0406 of this Section.

*History Note: Authority G.S. 17C-6; 17C-10; Eff. January 1, 1981; Amended Eff. February 1, 2014; August 1, 2000; July 1, 1989; July 1, 1985; April 1, 1984; January 1, 1983; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019. Amended Eff. January 1, 2026; January 1, 2025.*

## **12 NCAC 09E .0106 ANNUAL FIREARMS QUALIFICATION SPECIFICATIONS**

(a) All certified law enforcement officers shall qualify for both day and low-light use with each department-approved service handgun prior to carrying the handgun in the performance of law enforcement duties, pursuant to 12 NCAC 09E .0103(5) and (6), and at least once each calendar year thereafter. For the purpose of this specification, service handgun shall include any semi-automatic pistol or revolver.

(b) The Accuracy Qualification course of fire shall meet the following minimum requirements for Day Accuracy Qualification:

- (1) No fewer than thirty (30) rounds
- (2) Firing from the three (3), five (5), seven (7), ten (10), fifteen (15), and twenty-five (25) yard lines shall consist of no more than the following percentage of shots at each yard line:
  - (A) 3 yard line: 10%
  - (B) 5yard line: 12%
  - (C) 7 yard line: 30%
  - (D) 10 yard line: 20%
  - (E) 15 yard line: 25%
  - (F) 25 yard line: 20%
- (3) Firing at least two rounds from each of the following positions:
  - (A) Standing

- (B) Kneeling,
  - (C) Barricade
  - (4) Firing at least two rounds dominant hand only
  - (5) Firing at least two rounds support hand only
  - (6) Fire after drawing from the holster
  - (7) At least one stage that includes a mandatory magazine change
- (c) The Accuracy Qualification course of fire shall meet the following minimum requirements for Low-Light Accuracy Qualification:
- (1) No fewer than thirty (30) rounds
  - (2) Firing from the three (3), five (5), seven (7), ten (10), and fifteen (15) yard lines shall consist of no more than the following percentage of shots at each yard line:
    - (A) 3 yard line: 13%
    - (B) 5 yard line: 26%
    - (C) 7 yard line: 24%
    - (D) 10 yard line: 24%
    - (E) 15 yard line: 24%.
  - (3) Firing at least two rounds from the following positions:
    - (A) Standing
    - (B) Kneeling
  - (4) Firing at least two rounds dominant hand only
  - (5) Firing at least two rounds support hand only
  - (6) Firing after drawing from the holster
  - (7) At least one stage that includes a mandatory magazine change
  - (8) At least one stage that includes the required use of a flashlight or weapon-mounted light
  - (9) At least one stage that includes the use of blue lights
  - (10) At least one stage that includes the use of low-beam headlights and blue lights.
  - (11) At least one stage that includes the use of headlights, blue lights, and all available lighting.
- (d) All certified law enforcement officers shall successfully complete a Decision Making Qualification course for both day and low-light at least once each calendar year.
- (e) The Decision Making Qualification course shall meet the following minimum requirements:
- (1) Day Decision Making Qualification:
    - (A) No fewer than three decision points within the course
    - (B) Required target discrimination decision (shoot/no-shoot)
    - (C) Required articulation by the officer of a minimum of two decisions made during the course
    - (D) Shall contain a detailed diagram of the decision-making course, with a written explanation of the course, and a scoring matrix outlining what constitutes passing and failing performance, which shall be maintained in an Annual Qualification file by the agency and made available for audit.
  - (2) Low-Light Decision Making Qualification:
    - (A) No fewer than three decision points within the course
    - (B) Required target discrimination decision (shoot/no-shoot)
    - (C) Required use of a flashlight, weapon mounted light, or other shooter-controlled light source
    - (D) Required articulation by the officer of a minimum of two decisions made during the course
    - (E) Shall contain a detailed diagram of the decision-making course, with a written explanation of the course, and a scoring matrix outlining what constitutes passing and failing performance, which shall be maintained in an Annual Qualification file by the agency, and made available for audit,
- (f) If an officer's service handgun is replaced with another service handgun of the same make and model, the officer shall complete the Day Accuracy Qualification with the new service handgun within 15 days of issuance.
- (g) All certified law enforcement officers who are issued or authorized to use a shotgun, rifle, or automatic weapon shall qualify with each weapon respectively for both day and low-light use prior to carrying the weapon in the performance of law enforcement duties, pursuant to 12 NCAC 09E .0103(5) and (6), and at least once each calendar year thereafter.
- (h) The accuracy qualification courses required by Paragraphs (a) through (c) of this Rule shall be completed with duty equipment and duty ammunition or ballistic-equivalent ammunition, including lead-free ammunition that meets the same point of aim, point of impact, and felt recoil of the duty ammunition for all weapons.
- (i) All certified law enforcement officers who are issued or authorized to use a less-lethal weapon, that may also be classified as a firearm, shall qualify with each weapon respectively, in compliance with the manufacturers specifications or certification requirements prior to carrying the weapon in the performance of law enforcement duties, pursuant to 12 NCAC 09E .0103(7), and as required by the manufacturer thereafter.
- (j) For the purposes of this Rule, low light for an outdoor range is defined as beginning 30 minutes after sunset, based on the time provided by the U.S. Naval Observatory chart (located here: [https://aa.usno.navy.mil/data/RS\\_OneYear](https://aa.usno.navy.mil/data/RS_OneYear)) for the date of qualification, specific to the location of the outdoor range. For an indoor range, transition to a low-light environment occurs by cutting off the lighting and is not defined by a specific time.
- (k) Pursuant to G.S. 14-269 and the Law Enforcement Officers Safety Act of 2004, H.R.218, 108th Cong. (2004), (located here: <https://www.congress.gov/bill/108th-congress/house-bill/218>), all certified law enforcement officers who are authorized to carry an off-duty or secondary handgun shall qualify with each such handgun consistent with the specifications outlined in Paragraphs (a) through (c) of this Rule.

(l) To satisfy the requirements for all firearms accuracy qualifications, an officer shall attain at least 80 percent accuracy with each weapon.

(m) To satisfy the requirements for all decision making qualification courses, an officer shall attain a passing score as outlined by the specific courses scoring matrix.

(n) Each Day Accuracy Qualification course and Low-Light Accuracy Qualification course:

- (1) Shall be completed successfully on a single day, once out of three attempts.
- (2) Failure to qualify within three attempts on a single day is deemed a failure.
- (3) Once qualification has begun, if an officer is unsuccessful at any qualification attempt and fails to complete three attempts in a single day, the officer is deemed to have failed to qualify.
- (4) No practice is allowed once qualification begins. Practice is not allowed until after the officer qualifies successfully or the third qualification attempt is completed.
- (5) Shall be completed with each weapon for which qualification is required
- (6) Each Qualification course may take place on different days; however, all three attempts to qualify for that course shall occur on that day.
- (7) Once an officer has failed to qualify in three attempts or failed to complete three attempts to qualify in a single day on any Qualification course, Access to the weapon shall be restricted until such time the officer successfully qualifies with the weapon. The restriction is pursuant to Rule .0103 (4) and (5) of this Section.

(o) Each Day Decision Making Qualification course and Low-Light Decision Making Qualification course:

- (1) Shall be completed successfully on a single day, once out of three attempts.
- (2) Failure to qualify within three attempts on a single day is deemed a failure.
- (3) Once qualification has begun, if an officer is unsuccessful at any qualification attempt and fails to complete three attempts in a single day, the officer is deemed to have failed to qualify.
- (4) No practice is allowed once qualification begins. Practice is not allowed until after the officer qualifies successfully or the third qualification attempt is completed.
- (5) Each qualification course may take place on different days; however, all three attempts to qualify for that course shall occur on that day.
- (6) Once an officer has failed to qualify in three attempts or failed to complete three attempts to qualify in a single day on any qualification course, Access to the weapon shall be restricted until such time the officer successfully qualifies with the weapon. The restriction is pursuant to Rule .0103 (4) and (5) of this Section.

*History Note: Authority G.S. 17C-6; 17C-10; Eff. July 1, 1989;*

*Amended Eff. January 1, 2019; April 1, 2018; January 1, 2006; January 1, 2005; November 1, 1998; March 1, 1992; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019. Amended Eff. January 1, 2026.*

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

### **14B NCAC 15B .1007 ADVERTISING OF ALCOHOLIC BEVERAGES BY INDUSTRY MEMBERS**

(a) Billboards; Media. Industry members may advertise alcoholic beverages on outdoor billboards, by radio, television, newspaper, magazine, the internet, and social media. Industry members shall not display billboards or signs on the premises of a retail permittee's establishment or in areas where sale of that product is unlawful.

(b) Aerial Display. Industry members may advertise by aerial displays or tethered inflatables, including banner-towing, hot air balloons and parachutes, if:

- (1) The industry member submits one or more photographs or drawings of the displays to the Commission at legal@abc.nc.gov and receives prior written approval;
- (2) The advertising on the aerial display conforms with all other rules in this Section; and
- (3) The aerial display or inflatable is not placed on or over the premises of a retail permittee.

(c) Delivery Trucks and Uniforms. Trucks owned or leased by an industry member may be used for advertising purposes, limited to the permittee's name or trade name and the brand names, slogans, house marks, or trademarks of the alcoholic beverages manufactured or sold by the permittee. Wholesale permittees and spirituous liquor industry members may display on their employee uniforms the name of their company and the brand names of the products they are authorized to represent.

(d) Other Signs. Industry members may maintain signs required by the laws of the United States to be displayed on their premises and signs indicating the brand names of alcoholic beverages sold by them, including the word "beer," "wine," "spirituous liquor," or words describing malt beverages, wine, or spirituous liquor.

(e) Price. Industry members shall not advertise the prices of their alcoholic beverages. A wholesaler may give to retail permittees a wholesale price list that contains the brand names and prices of the wholesaler's products.

(f) College Campuses. Industry members shall submit print advertising, including posters, flyers, display ads, or point-of-sale materials that are published for distribution to college students or for dissemination on college campuses, to the Commission at legal@abc.nc.gov for review and approval before use. Industry members who submit advertising at least one month before distribution deadlines will be given priority for review.

(g) Listings of Available Product Locations. Industry members may advertise and assist consumers to locate the names and locations where their alcoholic beverage products are sold in the State, subject to the following conditions:

- (1) The list includes all retail permittees and ABC stores selling an industry member's products in

the State by a searchable electronic database available to the public; and

- (2) The industry member reviews and updates the list of retail permittees and ABC stores in six-month intervals.

(h) Comments Posted on Retailers' Sites. Industry members may post a comment or reaction by text or symbol on a retailer's website or social media but shall not copy and repost the retailer's message.

*History Note: Authority G.S. 18B-100; 18B-105; 18B-207; Eff. January 1, 1982;*

*Amended Eff. July 1, 1992; May 1, 1984;*

*Transferred and Recodified from 04 NCAC 02S .1009 Eff. August 1, 2015;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20, 2016;*

*Amended Eff. February 1, 2026.*

#### **14B NCAC 15B .1008 ADVERTISING OF SPIRITUOUS LIQUORS BY ABC BOARDS**

(a) ABC Stores. An ABC store may have one or more exterior signs on the store's property, as stated on the store's lease or deed, to identify the store's presence if the sign is not prohibited by local ordinance and has been approved by the Commission. The Commission shall consider the following factors:

- (1) the proximity of the ABC store to schools and churches;
- (2) the number and size of the signs requested;
- (3) the text and graphics on the sign;
- (4) the materials that make up the sign; and
- (5) the public concern in matters of the public's welfare.

(b) Billboards. Billboards may be used by local ABC boards for the following purposes:

- (1) advertising the location, contact information, and hours of operation of an ABC store;
- (2) statistical information on volume of sales, revenues generate, and the amount of revenues distributed to the State and local government; and
- (3) subject to the Commission's approval, educational content regarding alcohol or substance abuse or public service announcements.

Billboards used by a local ABC board shall not include the brand name or picture of a spirituous liquor or fortified wine.

(c) Point-of-Sale. Point-of-sale and advertising specialties for spirituous liquor may be used in ABC stores. Advertising used in ABC stores shall conform to the provisions of 14B NCAC 15B .1005.

Industry members shall submit point-of-sale advertising material, advertising specials, recipes, booklets, or brochures for use and display in ABC stores to the Commission at [legal@abc.nc.gov](mailto:legal@abc.nc.gov) before displaying these items in an ABC store.

(d) Local ABC Boards. Local ABC boards may advertise on their web site or social networking page, and inside ABC stores, the following information:

- (1) general information including the history of the local ABC board, locations, hours of operation, contact information, employment opportunities, alcohol enforcement, alcohol education, underage drinking education and other local government information; and
- (2) liquor products and prices, subject to the following conditions:

- (A) the list includes all products offered of the same category or type advertised;
- (B) if a product's regular price is listed, the list includes regular prices of all products of the same category or type offered by the local ABC board;
- (C) if a special price reduced for 30 days is listed for a product on a supplemental price list pursuant to Rule 14B NCAC 15A .1503, the list includes all products with temporary reduced prices offered by the local ABC board; and
- (D) if the Commission authorizes a local ABC board to sell certain products at below the uniform price pursuant to Rule 14B NCAC 15A .1702, the list includes all products offered by the local ABC board with prices below the uniform price.

- (3) Logos and prices of spirituous liquor products posted in pictures or videos of the inside of an ABC store must include all products in a category and their prices.
- (4) New products during the first 180 days of availability for purchase in an ABC store and products returning to inventory after at least one year of unavailability for purchase.
- (5) Spirituous liquor products available via special order pursuant to Rule 14B NCAC 15A .1403(b).
- (6) Special order barrel products with personalized labeling pursuant to G.S. 18B-800(c1) ordered by a local ABC board in compliance with Rule 14B NCAC 15A .1403.
- (7) Products available for online order pursuant to G.S. 18B-800(c3).
- (8) Products available on the Limited Product Record list pursuant to G.S. 18B-204(a3).

(e) Advertising by email. Local ABC boards may advertise by email or text to mixed beverage permittees that request to receive advertisements from the local board. Local ABC boards shall not advertise by email or text to retail customers of the local board except:

- (1) when a customer inquires about the availability or the price of a specific product; or
- (2) when a customer requests or consents to receive marketing emails or texts.

A local ABC board email advertisement to retail customers shall be limited to advertising allowed pursuant to this Rules, to a lottery of spirituous liquor, and to barrel purchase opportunities.

(f) Local ABC boards may join local chambers of commerce or visitor's bureaus and may provide them general board information that includes store locations and hours made available through the website or other electronic means of the chambers of commerce or visitor's bureaus.

(g) Local ABC boards shall submit approval requests required by this Rule to legal@abc.nc.gov.

(h) Local ABC boards shall not use or allow the use or display of any tent, canopy, cooler, sign, or personal property owned by the local ABC board or that displays the local ABC board's name or logo except within the local ABC board store.

*History Note: Authority G.S. 18B-100; 18B-105; 18B-207; 18B-807;*

*Eff. January 1, 1982;*

*Amended Eff. November 1, 2012; November 1, 2011; January 1, 2011; July 1, 1992; May 1, 1984;*

*Transferred and Recodified from 04 NCAC 02S .1011 Eff. August 1, 2015;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20, 2016;*

*Amended Eff. February 1, 2026.*

#### **14B NCAC 15C .0102 APPLICATION PROCEDURES**

(a) Who Files. A winery, brewery, distillery, wholesaler, importer, bottler, vendor, distillery representative, brokerage representative, salesman, supplier representative, or vendor representative shall file written application for a permit in compliance with Chapter 18B, Article 9 of the General Statutes before selling, soliciting orders, manufacturing, bottling, or importing alcoholic beverages in this State.

(b) Application. Applicants may obtain forms for permits from the Commission's office or website as set forth in 14B NCAC 15A .0102. An applicant shall provide in the application, under oath, the following information:

- (1) the name, address, email address, last four digits of social security number, and telephone numbers of the applicant;
- (2) the mailing address and location address of the business for which an application is submitted, including the county and state where the business is located;
- (3) the name of the business and whether the business is a sole proprietorship, corporation, limited liability company, or partnership;
- (4) the trade name of the business;
- (5) the applicant's date of birth;
- (6) if the business is a corporation or limited liability company, the name and address of the person authorized to accept service of process of Commission notices or orders pursuant to G.S. 1A, Rule 4(j);
- (7) if the applicant is a nonresident intending to operate a business in the State, the name and address of a resident of the State appointed as the applicant's attorney-in-fact in accordance with Chapter 32C of the General Statutes in compliance with G.S. 18B-900(a)(2)b.;

- (8) if the application is for a vendor representative, brokerage representative, distillery representative, or supplier representative permit, authorization from the commercial permittee, brokerage, distillery, or spirituous liquor supplier for the applicant to be its representative; and,
- (9) the applicant is in compliance with G.S. 18B-900(a)(3) through (8).

(c) Additional documentation. The applicant shall submit the following completed, signed, notarized, and recorded documents with an application, to be incorporated as part of the application:

- (1) for applicants applying on behalf of a business pursuant to G.S. 18B-900(c), the fingerprint card, Authority for Release of Information Form, and certified check, cashier check, money order, electronic payment, or credit card payment made payable to "North Carolina ABC Commission" in the amount of thirty-eight dollars (\$38.00) for payment of a state and national fingerprint-based criminal history record check pursuant to G.S. 18B-902(b);
- (2) for applicants applying for brokerage representative, distillery representative, or supplier representative permits, a certified copy of the applicant's State criminal history record check;
- (3) payment of permit fees as authorized in 14B NCAC 15A .0104;
- (4) for businesses located in this State, a certified copy of a recorded power of attorney registered in the county where the proposed licensed premises is located;
- (5) for corporations not already holding a permit in this State, a copy of the Articles of Incorporation and notarized corporate certification of shareholders holding 25 percent or more of the shares of the corporation;
- (6) for limited liability companies not already holding a permit in this State, a copy of Articles of Organization and notarized organizational certification of members owning 25 percent or more interest in the company. If the limited liability company is manager-managed, the application shall include a copy of the Operating Agreement;
- (7) a black and white copy of applicant's current photo identification;
- (8) for a business located in this State, a copy or memorandum of the lease showing the applicant as tenant, a copy of the deed showing the applicant as the grantee or owner, or a copy of a management agreement with the owner or lessee of the permitted property showing the applicant has the authority to operate the business at the permitted location; and
- (9) a Federal Employer Identification or Social Security Number Verification Form.

(d) Salesmen, Representatives, Vendors To State Companies. Salesmen, vendor representatives, distillery representatives, brokerage representatives, supplier representatives, and vendors shall state on the permit application the name of every manufacturer, importer, wholesaler, distillery, brokerage, spirituous liquor supplier, or vendor that the applicant represents in the State. The persons listed in this Paragraph shall notify the Commission of the termination of authorization to represent an industry member. The manufacturer, importer, wholesaler, distillery, brokerage, spirituous liquor supplier, or vendor shall notify the Commission of the persons listed in this Paragraph no longer being an authorized representative. Persons required to provide notification pursuant to this Paragraph shall notify the Commission in writing within 30 days of the termination of the authorization to represent.

(e) Wholesalers. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, before a wholesaler receives, possesses, transports, sells, delivers, or ships wine or malt beverages in the State, the vendor shall file with the Commission a separate distribution agreement filing form for each brand authorized to be sold by the wholesaler and the specific territory where the product may be sold for each wholesaler location. The distribution agreement filing form shall contain the vendor and wholesaler names, trade names, addresses, telephone numbers, Commission permit numbers, the name of the brand, and the territory where the sales may take place in the State, by county or parts of counties. For wine vendors, the form shall also state whether the vendor shipped 1,250 cases or more of wine in the State during the preceding calendar year. The vendor and the wholesaler shall sign and date the form. If changes in the distribution agreement affect the information on the distribution agreement filing form filed with the Commission, the wholesaler shall amend the form and file it with the Commission on a revised distribution agreement filing form before the changes become effective.

(f) Liquor Importer/Bottler. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a liquor importer/bottler applying for a permit shall submit a description of the operations of its business, the location address of a storage facility or bottling plant if different than the address shown on the permit application, and associated federal alcoholic beverage permit numbers.

(g) Nonresident Vendors. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a nonresident malt beverage vendor, a nonresident wine vendor, or a nonresident spirituous liquor vendor applying for a permit shall submit the following:

- (1) a copy of the Federal Basic Permit or Brewers Notice;
- (2) a statement of whether the business is a malt beverage, wine, or spirituous liquor vendor;
- (3) a statement whether the applicant has ever been disapproved by a government agency for an application to manufacture, use, store, rectify, bottle, distribute, sell, import, or transport distilled spirits, malt beverages, or wine;
- (4) a statement whether the applicant has ever compromised, by payment of penalties or otherwise, a violation of federal or state laws

relating to internal revenue or customs taxation of alcoholic beverages; and  
(5) certification of understanding that the applicant shall only engage in activities authorized by the laws of this State for the permit issued, and that no alcoholic beverages products may be offered for sale in the State unless the Commission has approved the product and label.

(h) Wine Producers. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a wine producer applying for a permit shall submit a copy of the recorded deed or lease for the farming establishment that meets the requirements set forth in G.S. 18B-1000(10), including the address of the farm and one of the following:

- (1) a survey or diagram of the farm, indicating the areas and acreage used in the production of grapes, berries, or other fruits for the manufacture of unfortified wine; or
- (2) an affidavit stating the farm consists of at least five acres committed to the production of grapes, berries, or other fruits for the manufacture of unfortified wine, listing the acreage used for this purpose and its function.

(i) Wine Shippers. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a wine shipper applying for a permit shall submit the following:

- (1) a description of the operation of the business;
- (2) a website address through which orders will be received;
- (3) a statement whether the applicant has ever been disapproved by a government agency for an application to manufacture, use, store, rectify, bottle, distribute, sell, import or transport distilled spirits, malt beverages, or wine;
- (4) a statement whether the applicant has ever compromised, by payment of penalties or otherwise, a violation of federal or state laws relating to internal revenue or customs taxation of alcoholic beverages;
- (5) a statement whether the business entity holds a valid Federal Basic Permit, either as a Bonded Wine Cellar or Bonded Winery, and a copy of the Federal Basic Permit; and
- (6) a wine shipper brand list identifying the brands of fortified and unfortified wines to be shipped into the State by the wine shipper, including the names of the common carriers used for shipping. The permitted wine shipper may amend the brands of wine permitted to be shipped into the State by filing an amended wine shipper brand listing with the Commission prior to shipping. Only brands identified by the wine shipper to the Commission in writing are legal to ship into the State.

*History Note: Authority G.S. 18B-100; 18B-109; 18B-207; 18B-900; 18B-902; 18B-1000; 18B-1001.1; 18B-1105.1; 18B-1113; 18B-1114; 18B-1114.3; 18B-1114.7; 18B-1203; 18B-1303;*

*Eff. January 1, 1982;*  
*Amended Eff. May 1, 1984;*  
*Transferred and Recodified from 04 NCAC 02T .0102 Eff. August 1, 2015;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;*  
*Amended Eff. April 1, 2019;*  
*Readopted Eff. January 1, 2026.*

**14B NCAC 15C .0104 WINE PRODUCT BRAND**

- (a) The Commission shall determine a product brand at the time the product is approved for sale in North Carolina. Later changes in the manufacturer's advertising strategy or labeling shall not affect the brand. Different packaging, style, type, or size of container, do not establish different brands. The name of the manufacturer shall not be the brand name unless no other information on the label qualifies as a brand.
- (b) For purposes of Bordeaux Chateau wine brought into North Carolina under the French negoçiant system only, "brand" as defined in 14B NCAC 15A .0103 shall be determined based on the nonresident wine vendor or importer's name on the back of the product label. For purposes of Bordeaux Chateau wines only, wines manufactured and marketed under a common identifying trade name such as "Chateau Domaine," but which may be imported into the United States through multiple channels based on written authorizations from French negoçiants would not be considered to be the same brand. Such written authorization must be submitted to the Commission on a form provided by the Commission prior to product approval or brand registration.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-1203;*  
*Eff. April 1, 2011;*  
*Amended Eff. December 1, 2012;*  
*Transferred and Recodified from 04 NCAC 02T .0104 Eff. August 1, 2015;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;*  
*Readopted Eff. January 1, 2026.*

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

**15A NCAC 02H .0804 PARAMETERS FOR WHICH  
CERTIFICATION MAY BE REQUESTED**

- (a) Commercial Laboratories shall obtain Certification for Parameter Methods and Field Parameter Methods used to generate data that will be reported by the client to the State in accordance with the rules of this Section. Municipal and Industrial Laboratories shall obtain Certification for Parameter Methods and Field Parameter Methods used to generate data that will be reported to the State in accordance with the rules of this Section.
- (b) Inorganics: Each of the inorganic, physical characteristic, and microbiological analytes listed in this Paragraph shall be considered a certifiable parameter. Analytical methods shall be determined from the sources listed in Rule .0805(a)(1) of this Section. One or more analytical methods or Parameter Methods may be listed with a laboratory's certified Parameters. Certifiable

inorganic, physical characteristic, and microbiological Parameters are as follows:

- (1) Acidity;
- (2) Alkalinity;
- (3) Biochemical Oxygen Demand;
- (4) Bromide;
- (5) Carbonaceous Biochemical Oxygen Demand;
- (6) Chemical Oxygen Demand;
- (7) Chloride;
- (8) Chlorine, Free Available;
- (9) Chlorine, Total Residual;
- (10) Chlorophyll;
- (11) Coliform, Fecal;
- (12) Coliform, Total;
- (13) Color;
- (14) Conductivity/Specific Conductance;
- (15) Cyanide;
- (16) Dissolved Organic Carbon;
- (17) Dissolved Oxygen;
- (18) Enterococci;
- (19) Escherichia Coliform (E. coli);
- (20) Flash Point;
- (21) Fluoride;
- (22) Hardness, Total;
- (23) Ignitability;
- (24) Surfactants as Methylene Blue Active Surfactants;
- (25) Nitrogen, Ammonia;
- (26) Nitrogen, Nitrite plus Nitrate;
- (27) Nitrogen, Nitrate;
- (28) Nitrogen, Nitrite;
- (29) Nitrogen, Total;
- (30) Nitrogen, Total Kjeldahl;
- (31) Oil and Grease;
- (32) Orthophosphate;
- (33) Paint Filter Liquids;
- (34) pH;
- (35) Phenols;
- (36) Phosphorus, Total;
- (37) Residue, Settleable;
- (38) Residue, Total;
- (39) Residue, Total Dissolved;
- (40) Residue, Total Suspended;
- (41) Residue, Volatile;
- (42) Salinity;
- (43) Salmonella;
- (44) Silica;
- (45) Sulfate;
- (46) Sulfide;
- (47) Sulfite;
- (48) Temperature;
- (49) Total Organic Carbon;
- (50) Turbidity;
- (51) Vector Attraction Reduction: Option 1;
- (52) Vector Attraction Reduction: Option 2;
- (53) Vector Attraction Reduction: Option 3;
- (54) Vector Attraction Reduction: Option 4;
- (55) Vector Attraction Reduction: Option 5;
- (56) Vector Attraction Reduction: Option 6;

(57) Vector Attraction Reduction: Option 7;  
 (58) Vector Attraction Reduction: Option 8; and  
 (59) Vector Attraction Reduction: Option 12.  
 (c) Metals: Each of the metals listed in this Paragraph shall be considered a certifiable Parameter. One or more Parameter Methods shall be listed with a laboratory's certified Parameters. Analytical methods shall be determined from the sources listed in Rule .0805(a)(1) of this Section. Certifiable metals are as follows:

- (1) Aluminum;
- (2) Antimony;
- (3) Arsenic;
- (4) Barium;
- (5) Beryllium;
- (6) Boron;
- (7) Cadmium;
- (8) Calcium;
- (9) Chromium, Hexavalent (Chromium VI);
- (10) Chromium, Total;
- (11) Chromium, Trivalent (Chromium III);
- (12) Cobalt;
- (13) Copper;
- (14) Hardness, Total (Calcium + Magnesium);
- (15) Iron;
- (16) Lead;
- (17) Lithium;
- (18) Magnesium;
- (19) Manganese;
- (20) Mercury;
- (21) Molybdenum;
- (22) Nickel;
- (23) Potassium;
- (24) Phosphorus;
- (25) Selenium;
- (26) Silica;
- (27) Silver;
- (28) Sodium;
- (29) Strontium;
- (30) Thallium;
- (31) Tin;
- (32) Titanium;
- (33) Vanadium; and
- (34) Zinc.

(d) Organics: Each of the organic Parameters listed in this Paragraph shall be considered a certifiable Parameter. One or more Parameter Methods shall be listed with a laboratory's certified Parameters. Analytical methods shall be determined from the sources listed in Rule .0805(a)(1) of this Section. Certifiable organic Parameters are as follows:

- (1) 1,2-Dibromoethane (EDB); 1,2-Dibromo-3-chloro-propane (DBCP); 1,2,3-Trichloropropane (TCP);
- (2) Acetonitrile;
- (3) Acrolein, Acrylonitrile;
- (4) Adsorbable Organic Halides;
- (5) Base/Neutral and Acid Organics;
- (6) Benzidines;
- (7) Chlorinated Acid Herbicides;
- (8) Chlorinated Hydrocarbons;
- (9) Chlorinated Phenolics;

- (10) Explosives;
- (11) Extractable Petroleum Hydrocarbons;
- (12) Haloethers;
- (13) N-Methylcarbamates;
- (14) Nitroaromatics and Isophorone;
- (15) Nitrosamines;
- (16) Nonhalogenated Volatile Organics;
- (17) Organochlorine Pesticides;
- (18) Organophosphorus Pesticides;
- (19) Per- and polyfluoroalkyl substances (PFAS);
- (20) Pharmaceutical Pollutants pursuant to 40 CFR 136.3, Table IF;
- (21) Phenols;
- (22) Phthalate Esters;
- (23) Polychlorinated Biphenyls;
- (24) Polynuclear Aromatic Hydrocarbons;
- (25) Purgeable Aromatics;
- (26) Purgeable Halocarbons;
- (27) Purgeable Organics;
- (28) Total Organic Halides;
- (29) Total Petroleum Hydrocarbons – Diesel Range Organics;
- (30) Total Petroleum Hydrocarbons – Gasoline Range Organics; and
- (31) Volatile Petroleum Hydrocarbons.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.3(a)(10);  
 Eff. February 1, 1976;  
 Amended Eff. November 2, 1992; December 1, 1984;  
 Temporary Amendment Eff. October 1, 2001;  
 Amended Eff. August 1, 2002;  
 Readopted Eff. July 1, 2019;  
 Amended Eff. January 1, 2026; September 1, 2024.*

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## SUBCHAPTER 03I – GENERAL RULES

### SECTION .0100 – GENERAL RULES

#### 15A NCAC 03I .0101 DEFINITIONS

All definitions set out in G.S. 113, Subchapter IV and the following additional terms shall apply to this Chapter:

- (1) enforcement and management terms:
  - (a) "Commercial quota" means total quantity of fish allocated for harvest by commercial fishing operations.
  - (b) "Educational institution" means a college, university, or community college accredited by an accrediting agency recognized by the U.S. Department of Education; an Environmental Education Center certified by the N.C. Department of Environmental Quality Office of Environmental Education and Public Affairs; a zoo or aquarium certified by the Association of Zoos and



- Aquariums; or a public school unit, private school, or an organization whose mission includes education.
- (c) "Internal Coastal Waters" or "Internal Waters" means all Coastal Fishing Waters except the Atlantic Ocean.
- (d) length of finfish:
  - (i) "Curved fork length" means a length determined by measuring along a line tracing the contour of the body from the tip of the upper jaw to the middle of the fork in the caudal (tail) fin.
  - (ii) "Fork length" means a length determined by measuring along a straight line the distance from the tip of the snout with the mouth closed to the middle of the fork in the caudal (tail) fin, except that fork length for billfish is measured from the tip of the lower jaw to the middle of the fork of the caudal (tail) fin.
  - (iii) "Pectoral fin curved fork length" means a length of a beheaded fish from the dorsal insertion of the pectoral fin to the fork of the tail measured along the contour of the body in a line that runs along the top of the pectoral fin and the top of the caudal keel.
  - (iv) "Total length" means a length determined by measuring along a straight line the distance from the tip of the snout with the mouth closed to the tip of the compressed caudal (tail) fin.
- (e) "Nongovernmental conservation organization" means an organization whose primary mission is the conservation of natural resources. For the purpose of this Chapter, a determination of the organization's primary mission is based upon the Division of Marine Fisheries' consideration of the organization's publicly stated purpose and activities.
- (f) "Polluted" means any shellfish growing waters as defined in 15A NCAC 18A .0901:
  - (i) that are contaminated with fecal material, pathogenic microorganisms, poisonous or deleterious substances, or marine biotoxins that render the consumption of shellfish from those growing waters hazardous. This includes poisonous or deleterious substances as listed in the latest approved edition of the National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish, Section IV: Guidance Documents, Chapter II: Growing Areas; Action Levels, Tolerances and Guidance Levels for Poisonous or Deleterious Substances in Seafood, which is incorporated by reference, including subsequent amendments and editions. A copy of the reference material can be found at <https://www.fda.gov/food/federalstate-food-programs/national-shellfish-sanitation-program-nssp>, at no cost;
  - (ii) that have been determined through a sanitary survey as defined in 15A NCAC 18A .0901 to be adjacent to a sewage treatment plant outfall or other point source outfall that may contaminate shellfish and cause a food safety hazard as defined in 15A NCAC 18A .0301;
  - (iii) that have been determined through a sanitary survey as defined in 15A NCAC 18A .0901 to be in or adjacent to a marina;
  - (iv) that have been determined through a sanitary survey as defined in 15A NCAC 18A .0901 to be impacted by other potential sources of pollution that render the consumption of shellfish from those growing waters hazardous, such as a wastewater treatment facility that does not contaminate a shellfish area when it is operating normally but will contaminate a shellfish area and shellfish in that area when a malfunction occurs; or

- (v) where the Division is unable to complete the monitoring necessary to determine the presence of contamination or potential pollution sources.
- (g) "Recreational possession limit" means restrictions on size, quantity, season, time period, area, means, and methods where take or possession is for a recreational purpose.
- (h) "Recreational quota" means total quantity of fish allocated for harvest for a recreational purpose.
- (i) "Regular closed oyster season" means March 31 through October 15, unless amended by the Fisheries Director through proclamation authority.
- (j) "Scientific institution" means one of the following entities:
  - (i) an educational institution as defined in this Item;
  - (ii) a state or federal agency charged with the management of marine or estuarine resources; or
  - (iii) a professional organization or secondary school working under the direction of, or in compliance with mandates from, the entities listed in Sub-items (j)(i) and (ii) of this Item.
- (2) fishing activities:
  - (a) "Aquaculture operation" means an operation that produces artificially propagated stocks of marine or estuarine resources, or other non-native species that may thrive if introduced into Coastal Fishing Waters, or obtains such stocks from permitted sources for the purpose of rearing on private bottom (with or without the superadjacent water column) or in a controlled environment. A controlled environment provides and maintains throughout the rearing process one or more of the following:
    - (i) food;
    - (ii) predator protection;
    - (iii) salinity;
    - (iv) temperature controls; or
    - (v) water circulation, utilizing technology not found in the natural environment.
  - (b) "Attended" means being in a vessel, in the water or on the shore, and immediately available to work the gear and be within 100 yards of any gear in use by that person at all times. Attended does not include being in a building or structure.
- (c) "Blue crab shedding" means the process whereby a blue crab emerges soft from its former hard exoskeleton. A shedding operation is any operation that holds peeler crabs in a controlled environment. A controlled environment provides and maintains throughout the shedding process one or more of the following:
  - (i) food;
  - (ii) predator protection;
  - (iii) salinity;
  - (iv) temperature controls; or
  - (v) water circulation, utilizing technology not found in the natural environment. A shedding operation does not include transporting pink or red-line peeler crabs to a permitted shedding operation.
- (d) "Depurate" or "depuration" has the same meaning as defined in the 2019 revision of the NSSP Guide for the Control of Molluscan Shellfish, Section I: Purpose and Definitions. This definition is incorporated by reference, not including subsequent amendments and editions. A copy of the reference material can be found at <https://www.fda.gov/food/federalstate-food-programs/national-shellfish-sanitation-program-nssp>, at no cost.
- (e) "Long haul operation" means fishing a seine towed between two vessels.
- (f) "Peeler crab" means a blue crab that has a soft shell developing under a hard shell and having a white, pink, or red-line or rim on the outer edge of the back fin or flipper.
- (g) "Possess" means any actual or constructive holding whether under claim of ownership or not.
- (h) "Recreational purpose" means a fishing activity that is not a commercial fishing operation as defined in G.S. 113-168.
- (i) "Swipe net operations" means fishing a seine towed by one vessel.
- (j) "Transport" means to ship, carry, or cause to be carried or moved by public or private carrier by land, sea, or air.
- (k) "Use" means to employ, set, operate, or permit to be operated or employed.

(3) gear:

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| <p>(a) "Bunt net" means the last encircling net of a long haul or swipe net operation constructed of small mesh webbing. The bunt net is used to form a pen or pound from which the catch is dipped or bailed.</p> <p>(b) "Channel net" means a net used to take shrimp that is anchored or attached to the bottom at both ends or with one end anchored or attached to the bottom and the other end attached to a vessel.</p> <p>(c) "Commercial fishing equipment or gear" means all fishing equipment used in Coastal Fishing Waters except:</p> <ul style="list-style-type: none"> <li>(i) cast nets;</li> <li>(ii) collapsible crab traps, a trap used for taking crabs with the largest open dimension no larger than 18 inches and that by design is collapsed at all times when in the water, except when it is being retrieved from or lowered to the bottom;</li> <li>(iii) dip nets or scoops having a handle not more than eight feet in length and a hoop or frame to which the net is attached not exceeding 60 inches along the perimeter;</li> <li>(iv) gigs or other pointed implements that are propelled by hand, whether or not the implement remains in the hand;</li> <li>(v) hand operated rakes no more than 12 inches wide and weighing no more than six pounds and hand operated tongs;</li> <li>(vi) hook and line, and bait and line equipment other than multiple-hook or multiple-bait trotline;</li> <li>(vii) landing nets used to assist in taking fish when the initial and primary method of taking is by the use of hook and line;</li> <li>(viii) minnow traps when no more than two are in use;</li> <li>(ix) seines less than 30 feet in length;</li> <li>(x) spears, Hawaiian slings, or similar devices that propel pointed implements by mechanical means, including elastic tubing or bands, pressurized gas, or similar means.</li> </ul> | <p>(d) "Corkline" means the support structure a net is attached to that is nearest to the water surface when in use. Corkline length is measured from the outer most mesh knot at one end of the corkline following along the line to the outer most mesh knot at the opposite end of the corkline.</p> <p>(e) "Dredge" means a device towed by engine power consisting of a frame, tooth bar or smooth bar, and catchbag used in the harvest of oysters, clams, crabs, scallops, or conchs.</p> <p>(f) "Fixed or stationary net" means a net anchored or staked to the bottom, or some structure attached to the bottom, at both ends of the net.</p> <p>(g) "Fyke net" means an entrapment net supported by a series of internal or external hoops or frames, with one or more lead or leaders that guide fish to the net mouth. The net has one or more internal funnel-shaped openings with tapered ends directed inward from the mouth, through which fish enter the enclosure. The portion of the net designed to hold or trap fish is completely enclosed in mesh or webbing, except for the openings for fish passage into or out of the net (funnel area).</p> <p>(h) "Gill net" means a net set vertically in the water to capture fish by entanglement of the gills in its mesh as a result of net design, construction, mesh length, webbing diameter, or method in which it is used.</p> <p>(i) "Headrope" means the support structure for the mesh or webbing of a trawl that is nearest to the water surface when in use. Headrope length is measured from the outer most mesh knot at one end of the headrope following along the line to the outer most mesh knot at the opposite end of the headrope.</p> <p>(j) "Hoop net" means an entrapment net supported by a series of internal or external hoops or frames. The net has one or more internal funnel-shaped openings with tapered ends directed inward from the mouth, through which fish enter the enclosure. The portion of the net designed to hold or trap the fish is completely enclosed in mesh or webbing, except for the openings for fish passage into or out of the net (funnel area).</p> |
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- (k) "Lead" means a mesh or webbing structure consisting of nylon, monofilament, plastic, wire, or similar material set vertically in the water and held in place by stakes or anchors to guide fish into an enclosure. Lead length is measured from the outer most end of the lead along the top or bottom line, whichever is longer, to the opposite end of the lead.
- (l) "Mechanical methods for clamming" means dredges, hydraulic clam dredges, stick rakes, and other rakes when towed by engine power, patent tongs, kicking with propellers or deflector plates with or without trawls, and any other method that utilizes mechanical means to harvest clams.
- (m) "Mechanical methods for oystering" means dredges, patent tongs, stick rakes, and other rakes when towed by engine power, and any other method that utilizes mechanical means to harvest oysters.
- (n) "Mesh length" means the distance from the inside of one knot to the outside of the opposite knot, when the net is stretched hand-tight in a manner that closes the mesh opening.
- (o) "Pound net set" means a fish trap consisting of a holding pen, one or more enclosures, lead or leaders, and stakes or anchors used to support the trap. The holding pen, enclosures, and lead(s) are not conical, nor are they supported by hoops or frames.
- (p) "Purse gill net" means any gill net used to encircle fish when the net is closed by the use of a purse line through rings located along the top or bottom line or elsewhere on such net.
- (q) "Seine" means a net set vertically in the water and pulled by hand or power to capture fish by encirclement and confining fish within itself or against another net, the shore or bank as a result of net design, construction, mesh length, webbing diameter, or method in which it is used.
- (4) "Fish habitat areas" means the estuarine and marine areas that support juvenile and adult populations of fish species throughout their entire life cycle, including early growth and development, as well as forage species utilized in the food chain. Fish habitats in all Coastal Fishing Waters, as determined through marine and estuarine survey sampling, are:
  - (a) "Anadromous fish nursery areas" means those areas in the riverine and estuarine systems utilized by post-larval and later juvenile anadromous fish.
  - (b) "Anadromous fish spawning areas" means those areas where evidence of spawning of anadromous fish has been documented in Division sampling records through direct observation of spawning, capture of running ripe females, or capture of eggs or early larvae.
  - (c) "Coral" means:
    - (i) fire corals and hydrocorals (Class Hydrozoa);
    - (ii) stony corals and black corals (Class Anthozoa, Subclass Scleractinia); or
    - (iii) Octocorals; Gorgonian corals (Class Anthozoa, Subclass Octocorallia), which include sea fans (*Gorgonia* sp.), sea whips (*Leptogorgia* sp. and *Lophogorgia* sp.), and sea pansies (*Renilla* sp.).
  - (d) "Intertidal oyster bed" means a formation, regardless of size or shape, formed of shell and live oysters of varying density.
  - (e) "Live rock" means living marine organisms or an assemblage thereof attached to a hard substrate, excluding mollusk shells, but including dead coral or rock. Living marine organisms associated with hard bottoms, banks, reefs, and live rock include:
    - (i) Coralline algae (Division Rhodophyta);
    - (ii) *Acetabularia* sp., mermaid's fan and cups (*Udotea* sp.), watercress (*Halimeda* sp.), green feather, green grape algae (*Caulerpa* sp.)(Division Chlorophyta);
    - (iii) *Sargassum* sp., *Dictyopteris* sp., *Zonaria* sp. (Division Phaeophyta);
    - (iv) sponges (Phylum Porifera);
    - (v) hard and soft corals, sea anemones (Phylum Cnidaria), including fire corals (Class Hydrozoa), and Gorgonians, whip corals, sea pansies, anemones, *Solenastrea* (Class Anthozoa);
    - (vi) Bryozoans (Phylum Bryozoa);

- (vii) tube worms (Phylum Annelida), fan worms (Sabellidae), feather duster and Christmas treeworms (Serpulidae), and sand castle worms (Sabellaridae);
  - (viii) mussel banks (Phylum Mollusca: Gastropoda); and
  - (ix) acorn barnacles (Arthropoda: Crustacea: Semibalanus sp.).
- (f) "Nursery areas" means areas that for reasons such as food, cover, bottom type, salinity, temperature, and other factors, young finfish and crustaceans spend the major portion of their initial growing season. Primary nursery areas are those areas in the estuarine system where initial post-larval development takes place. These are areas where populations are uniformly early juveniles. Secondary nursery areas are those areas in the estuarine system where later juvenile development takes place. Populations are composed of developing sub-adults of similar size that have migrated from an upstream primary nursery area to the secondary nursery area located in the middle portion of the estuarine system.
- (g) "Shellfish producing habitats" means historic or existing areas that shellfish, such as clams, oysters, scallops, mussels, and whelks use to reproduce and survive because of such favorable conditions as bottom type, salinity, currents, cover, and cultch. Included are those shellfish producing areas closed to shellfish harvest due to pollution.
- (h) "Strategic Habitat Areas" means locations of individual fish habitats or systems of habitats that provide exceptional habitat functions or that are particularly at risk due to imminent threats, vulnerability, or rarity.
- (i) "Submerged aquatic vegetation (SAV) habitat" means submerged lands that:
- (i) are vegetated with one or more species of submerged aquatic vegetation including bushy pondweed or southern naiad (*Najas guadalupensis*), coontail (*Ceratophyllum demersum*), eelgrass (*Zostera marina*), horned pondweed (*Zannichellia palustris*), naiads (*Najas* spp.), redhead grass (*Potamogeton perfoliatus*), sago pondweed (*Stuckenia pectinata*, formerly *Potamogeton pectinatus*), shoalgrass (*Halodule wrightii*), slender pondweed (*Potamogeton pusillus*), water stargrass (*Heteranthera dubia*), water starwort (*Callitriche heterophylla*), waterweeds (*Elodea* spp.), widgeongrass (*Ruppia maritima*), and wild celery (*Vallisneria americana*). These areas may be identified by the presence of above-ground leaves, below-ground rhizomes, or reproductive structures associated with one or more SAV species and include the sediment within these areas; or
  - (ii) have been vegetated by one or more of the species identified in Sub-item (4)(i)(i) of this Rule within the past 10 annual growing seasons and that meet the average physical requirements of water depth, which is six feet or less, average light availability, which is a secchi depth of one foot or more, and limited wave exposure that characterize the environment suitable for growth of SAV. The past presence of SAV may be demonstrated by aerial photography, SAV survey, map, or other documentation. An extension of the past 10 annual growing seasons criteria may be considered when average environmental conditions are altered by drought, rainfall, or storm force winds.
- This habitat occurs in both subtidal and intertidal zones and may occur in isolated patches or cover extensive areas. In defining SAV habitat, the Marine Fisheries Commission recognizes the Aquatic Weed Control Act of 1991 (G.S. 113A-220 et. seq.) and does not intend the submerged aquatic vegetation definition, of this Rule or 15A NCAC 03K .0304 and .0404, to apply to or conflict with the

- non-development control activities authorized by that Act.
- (5) licenses, permits, shellfish leases and franchises, and record keeping:
- (a) "Assignment" means temporary transferal to another person of privileges under a license for which assignment is permitted. The person assigning the license delegates the privileges permitted under the license to be exercised by the assignee, but retains the power to revoke the assignment at any time, and is still the responsible party for the license.
- (b) "Designee" means any person who is under the direct control of the permittee or who is employed by or under contract to the permittee for the purposes authorized by the permit.
- (c) "For hire vessel", as defined by G.S. 113-174, means when the vessel is fishing in State waters or when the vessel originates from or returns to a North Carolina port.
- (d) "Franchise" means a franchise recognized pursuant to G.S. 113-206.
- (e) "Holder" means a person who has been lawfully issued in the person's name a license, permit, shellfish lease, or assignment, or who possesses a shellfish franchise recognized pursuant to G.S. 113-206.
- (f) "Land" means:
- (i) for commercial fishing operations, when fish reach the shore or a structure connected to the shore.
- (ii) for purposes of trip tickets, when fish reach a licensed seafood dealer, or where the fisherman is the dealer, when fish reach the shore or a structure connected to the shore.
- (iii) for recreational fishing operations, when fish are retained in possession by the fisherman.
- (g) "Licensee" means any person holding a valid license from the Division to take or deal in resources governed by any provision of Subchapter 113 of the North Carolina General Statutes under the authority of the Marine Fisheries Commission or any rule adopted by the Marine Fisheries Commission pursuant to Subchapter 113, except as otherwise defined in 15A NCAC 030 .0109.
- (h) "Logbook" means paper forms provided by the Division and electronic data files generated from software or web-based utilities provided by the Division for the reporting of fisheries statistics by persons engaged in commercial or recreational fishing or for-hire operators.
- (i) "Master" means captain or operator of a vessel or one who commands and has control, authority, or power over a vessel.
- (j) "New fish dealer" means any fish dealer applying for a fish dealer license who did not possess a valid dealer license for the previous license year in that name. For purposes of license issuance, adding new categories to an existing fish dealers license does not constitute a new dealer.
- (k) "Office of the Division" means physical locations of the Division conducting license and permit transactions in Wilmington, Morehead City, Washington, and Roanoke Island, North Carolina. Other businesses or entities designated by the Secretary to issue Recreational Commercial Gear Licenses or Coastal Recreational Fishing Licenses are not considered Offices of the Division.
- (l) "Permittee" means any person who has been issued a permit from the Division to take or deal in resources governed by any provision of Subchapter 113 of the North Carolina General Statutes under the authority of the Marine Fisheries Commission or any rule adopted by the Marine Fisheries Commission pursuant to Subchapter 113.
- (m) "Quota monitoring log" means paper forms provided by the Division and electronic data files generated from software or web-based utilities provided by the Division for the reporting of fisheries statistics by licensed fish dealers who hold dealer permits for monitoring fisheries under a quota or allocation.
- (n) "Responsible party" means the person who coordinates, supervises, or otherwise directs operations of a business entity, such as a corporate officer or executive level supervisor of business operations, and the person responsible for use of the issued

- license in compliance with applicable statutes and rules.
- (o) "Tournament organizer" means the person who coordinates, supervises, or otherwise directs a recreational fishing tournament and is the holder of the Recreational Fishing Tournament License.
- (p) "Transaction" means an act of doing business such that fish are sold, offered for sale, exchanged, bartered, distributed, or landed.
- (q) "Transfer" means permanent transferal to another person of privileges under a license for which transfer is permitted. The person transferring the license retains no rights or interest under the license transferred.
- (r) "Trip ticket" means paper forms provided by the Division and electronic data files generated from software or web-based utilities provided by the Division for the reporting of fisheries statistics by licensed fish dealers.

*History Note: Authority G.S. 113-134; 113-174; 113-182; 143B-289.52; S.L. 2015-241, s. 14.10A; Eff. January 1, 1991; Amended Eff. March 1, 1995; March 1, 1994; October 1, 1993; July 1, 1993; Recodified from 15A NCAC 03I .0001 Eff. December 17, 1996; Amended Eff. April 1, 1999; August 1, 1998; April 1, 1997; Temporary Amendment Eff. May 1, 2000; August 1, 1999; July 1, 1999; Amended Eff. August 1, 2000; Temporary Amendment Eff. August 1, 2000; Amended Eff. May 1, 2015; April 1, 2014; April 1, 2011; April 1, 2009; October 1, 2008; December 1, 2007; December 1, 2006; September 1, 2005; April 1, 2003; April 1, 2001; Readopted Eff. June 1, 2022; Amended Eff. March 24, 2025; Amended Eff. (Pending legislative review of 15A NCAC 03O .0503).*

#### **15A NCAC 03I .0114 RECORDKEEPING REQUIREMENTS**

(a) It shall be unlawful for a licensed fish dealer:

- (1) to record false information on the North Carolina trip ticket or to fail to legibly record all items on the North Carolina trip ticket for each transaction, including for fish harvested but not sold pursuant to 15A NCAC 03I .0123, and submit the trip ticket in accordance with G.S. 113-168.2, including the following:
  - (A) fisherman's name;
  - (B) fisherman's North Carolina license number;

- (C) dealer's North Carolina license number;
  - (D) start date of trip, including year, month, and day;
  - (E) unload date of trip, including year, month, and day;
  - (F) North Carolina Division of Marine Fisheries Vessel Identification Number or indicate if no vessel was used;
  - (G) crew size;
  - (H) gear fished;
  - (I) waterbody fished;
  - (J) species landed;
  - (K) quantity of each species landed in pounds, numbers of fish, bushels, or other units of measurement;
  - (L) disposition of species;
  - (M) transaction number;
  - (N) number of crab pots or peeler pots fished, if applicable;
  - (O) state where species was taken if other than North Carolina;
  - (P) lease number, if applicable;
  - (Q) bottom type, if applicable; and
  - (R) shellfish harvest area, if applicable;
- (2) to fail to provide to the Division a Trip Ticket Submittal/Transaction form indicating the number of transactions that occurred during the previous month;
  - (3) to fail to make paper copies or electronic copies of trip tickets or N.C. Trip Ticket Program Dock Tickets available at the dealer location for inspection by Marine Fisheries inspectors;
  - (4) to fail to submit trip tickets to the Division via electronic file transfer if that dealer reported an annual average of greater than 50,000 pounds of finfish for the previous three calendar years. Dealers subject to the electronic reporting requirement shall be notified by the Division via certified mail and within 120 days of receipt shall:
    - (A) initiate electronic file transfer of trip tickets; and
    - (B) continue to report by electronic file transfer until the dealer no longer holds a fish dealer license with finfish or consolidated categories;
  - (5) to fail to use software or web-based utilities authorized by the Division when reporting electronically;
  - (6) to fail to keep all trip tickets and all supporting documentation for each transaction including receipts, checks, bills of lading, records, electronic files, and accounts for a period of not less than three years;
  - (7) to fail to submit quota monitoring logs in accordance with 15A NCAC 03O .0503 if the licensed fish dealer holds a dealer permit for

monitoring fisheries under a quota or allocation; and

- (8) to fail to keep all quota monitoring logs including electronic files for a period of not less than three years.

(b) It shall be unlawful for a seller licensed under G.S. 113, Article 14A or donor to fail to provide to the fish dealer, at the time of transaction, the following:

- (1) a current and valid license or permit to sell the type of fish being offered and if a vessel is used, the Commercial Fishing Vessel Registration; and
- (2) complete and accurate information on harvest method and area of catch and other information required by the Division, in accordance with G.S. 113-168.2 and G.S. 113-169.3.

(c) It shall be unlawful to transport fish without having ready at hand for inspection a bill of consignment, bill of lading, or other shipping documentation provided by the shipping dealer showing the following items:

- (1) name of the consignee;
- (2) name of the shipper;
- (3) date of the shipment;
- (4) name of fish being shipped; and
- (5) quantity of each fish being shipped.

In the event the fisherman taking the fish is also a licensed fish dealer and ships from the point of landing, all shipping records shall be recorded at the point of landing. Fishermen who transport their fish directly to licensed fish dealers are exempt from this Paragraph.

(d) It shall be unlawful to export fish landed in the State in a commercial fishing operation without a North Carolina licensed fish dealer completing all the recordkeeping requirements in G.S. 113-168.2(i).

(e) It shall be unlawful to offer for sale fish purchased from a licensed fish dealer without having ready at hand for inspection by Marine Fisheries inspectors or other agents of the Fisheries Director written documentation of purchase showing the following items:

- (1) name of the licensed fish dealer;
- (2) name of the purchaser;
- (3) date of the purchase;
- (4) name of fish purchased; and
- (5) quantity of each fish purchased.

(f) It shall be unlawful for a holder of a Fish Dealer License to have fish in possession at a licensed location without written documentation from a licensed fish dealer or a completed North Carolina trip ticket to show the quantity and origin of all fish.

*History Note: Authority G.S. 113-134; 113-168.2; 113-168.3; 113-169.3; 113-170; 113-170.3; 113-170.4; 113-182; 143B-289.52;*

*Eff. March 1, 1994;*

*Recodified from 15A NCAC 31.0014 Eff. December 17, 1996;*

*Temporary Amendment Eff. July 1, 1999;*

*Amended Eff. June 1, 2013; August 1, 2000;*

*Readopted Eff. March 15, 2023;*

*Amended Eff. Amended Eff. (Pending legislative review pursuant to S.L. 2019-198).*

## **15A NCAC 030 .0501 PROCEDURES AND REQUIREMENTS TO OBTAIN PERMITS**

(a) To obtain a Division of Marine Fisheries permit, an applicant, responsible party, or person holding a power of attorney shall provide the following information:

- (1) the full name, physical address, mailing address, date of birth, and signature of the applicant on the application;
- (2) a current picture identification of the applicant, responsible party, or person holding a power of attorney, acceptable forms of which shall include driver's license, North Carolina Identification card issued by the North Carolina Division of Motor Vehicles, military identification card, resident alien card (green card), or passport or, if applying by mail, a copy thereof;
- (3) for permits that require a list of designees, the full names and dates of birth of the designees of the applicant who will be acting pursuant to the requested permit;
- (4) certification that the applicant and his or her designees do not have four or more convictions for violation of any provision of Subchapter 113 of the North Carolina General Statutes under the authority of the Marine Fisheries Commission or any rule adopted by the Marine Fisheries Commission pursuant to Subchapter 113 during the previous three years; and
- (5) for permit applications from business entities:
  - (A) the business name;
  - (B) the type of business entity: corporation, "educational institution" as defined in 15A NCAC 03I .0101, limited liability company (LLC), partnership, or sole proprietorship;
  - (C) the name, address, and phone number of responsible party and other identifying information required by this Subchapter or rules related to a specific permit;
  - (D) for a corporation applying for a permit in a corporate name, the current articles of incorporation and a current list of corporate officers;
  - (E) for a partnership that is established by a written partnership agreement, a current copy of such agreement shall be provided when applying for a permit; and
  - (F) for business entities other than corporations, copies of current assumed name statements if filed with the Register of Deeds office for the corresponding county and copies of current business privilege tax certificates, if applicable.

(b) A permittee shall hold a valid:



- (1) Recreational Commercial Gear License, Standard Commercial Fishing License, or Retired Standard Commercial Fishing License to hold an Estuarine Gill Net Permit.
  - (2) Standard or Retired Standard Commercial Fishing License to hold:
    - (A) an Atlantic Ocean Striped Bass Commercial Gear Permit;
    - (B) a Permit for Weekend Trawling for Live Shrimp; or
    - (C) a Pound Net Set Permit.
 The master designated on the single vessel corporation Standard Commercial Fishing License is the individual required to hold the Permit for Weekend Trawling for Live Shrimp.
  - (3) Fish Dealer License in the proper category to hold dealer permits for monitoring fisheries under a quota or allocation for that category.
- (c) An individual who is assigned a valid Standard Commercial Fishing License with applicable endorsements shall be eligible to hold any permit that requires a Standard Commercial Fishing License except a Pound Net Set Permit.
- (d) If mechanical methods to take shellfish are used, a permittee and a permittee's designees shall hold a valid Standard or Retired Standard Commercial Fishing License with a Shellfish Endorsement for a permittee to hold a:
- (1) Depuration Permit;
  - (2) Permit to Transplant Oysters from Seed Oyster Management Areas; or
  - (3) Permit to Use Mechanical Methods for Shellfish on Shellfish Leases or Franchises, except as provided in G.S. 113-169.2.
- (e) If mechanical methods to take shellfish are not used, a permittee and a permittee's designees shall hold a valid Standard or Retired Standard Commercial Fishing License with a Shellfish Endorsement or a Shellfish License for a permittee to hold a:
- (1) Depuration Permit; or
  - (2) Permit to Transplant Oysters from Seed Oyster Management Areas.
- (f) Aquaculture Operation Permit and Aquaculture Collection Permit:
- (1) A permittee shall hold a valid Aquaculture Operation Permit issued by the Fisheries Director to hold an Aquaculture Collection Permit.
  - (2) The permittee or designees shall hold appropriate licenses from the Division of Marine Fisheries for the species harvested and the gear used under the Aquaculture Collection Permit.
- (g) Atlantic Ocean Striped Bass Commercial Gear Permit:
- (1) An applicant for an Atlantic Ocean Striped Bass Commercial Gear Permit shall declare one of the following types of gear for an initial permit and at intervals of three consecutive license years thereafter:
    - (A) a gill net;
    - (B) a trawl net; or
    - (C) a beach seine.

For the purpose of this Rule, a "beach seine" shall mean a swipe net constructed of multi-filament or multi-fiber webbing fished from the ocean beach that is deployed from a vessel launched from the ocean beach where the fishing operation takes place. Gear declarations shall be binding on the permittee for three consecutive license years without regard to subsequent annual permit issuance.

- (2) A person is not eligible for more than one Atlantic Ocean Striped Bass Commercial Gear Permit regardless of the number of Standard Commercial Fishing Licenses, Retired Standard Commercial Fishing Licenses, or assignments held by that person.
- (h) Applications submitted without complete and required information shall not be processed until all required information has been submitted. Incomplete applications shall be returned within two business days to the applicant with the deficiency in the application noted.
- (i) A permit shall be issued only after the application is deemed complete and the applicant certifies his or her agreement to abide by the permit general and specific conditions established under 15A NCAC 03J .0501 and .0505, 03K .0103 and .0107, Rule .0211 of this Subchapter, and Rules .0502 and .0503 of this Section, as applicable to the requested permit. The permittee's signature on the initial permit general conditions form shall be notarized. In the case of a person holding more than one permit, the permittee's signature on the permit general conditions form shall be notarized for the initial permit issued but shall not be required for subsequent permits.
- (j) For permit renewals, the permittee's signature on the specific condition form shall certify all information is true and accurate. Notarized signatures on renewal permits shall not be required.
- (k) In determining whether to issue, modify, or renew a permit, the Fisheries Director or his or her agent shall evaluate the following factors:
  - (1) potential threats to public health or marine and estuarine resources regulated by the Marine Fisheries Commission;
  - (2) whether the permit application meets the requirements for the permit; and
  - (3) whether the applicant has a history of eight or more violations of any provision of Subchapter 113 of the North Carolina General Statutes under the authority of the Marine Fisheries Commission or any rule adopted by the Marine Fisheries Commission pursuant to Subchapter 113 within 10 years.
- (l) The Division of Marine Fisheries shall notify the applicant in writing of the denial or modification of any permit application and the reasons therefor. The applicant may submit further information or reasons why the permit application should not be denied or modified.
- (m) Permits are valid from the date of issuance through the expiration date printed on the permit. Unless otherwise established by rule, the Fisheries Director may establish the issuance timeframe for specific types and categories of permits based on season, calendar year, or other period based upon the

nature of the activity permitted, the duration of the activity, compliance with federal or State fishery management plans or implementing rules, conflicts with other fisheries or gear usage, or seasons for the species involved. The expiration date shall be specified on the permit.

(n) It shall be unlawful for a permit holder to fail to notify the Division of Marine Fisheries within 30 days of a change of name or address, in accordance with G.S. 113-169.2.

(o) It shall be unlawful for a permit holder to fail to notify the Division of Marine Fisheries of a change of designee prior to use of the permit by that designee.

(p) Permit applications shall be available at the Division of Marine Fisheries; a list of permits and the location where each permit application is available is on the Division's website at <https://deq.nc.gov/dmf-permit-info>.

*History Note: Authority G.S. 113-134; 113-169.1; 113-169.2; 113-169.3; 113-182; 113-210; 143B-289.52;*

*Temporary Adoption Eff. September 1, 2000; May 1, 2000; Eff. April 1, 2001;*

*Temporary Amendment Eff. October 1, 2001;*

*Amended Eff. May 1, 2017; May 1, 2015; April 1, 2011; April 1, 2009; July 1, 2008; December 1, 2007; September 1, 2005; April 1, 2003; August 1, 2002;*

*Readopted Eff. April 1, 2019;*

*Amended Eff. March 24, 2025;*

*Amended Eff. Amended Eff. (Pending legislative review pursuant to S.L. 2019-198).*

#### **15A NCAC 03O .0502 GENERAL PERMIT CONDITIONS**

(a) It shall be unlawful to violate any permit condition.

(b) The following conditions shall apply to all permits issued by the Fisheries Director:

(1) it shall be unlawful to:

- (A) operate under the permit except in areas, at times, and under conditions specified on the permit.
- (B) operate under a permit without having the permit or copy thereof in possession of the permittee or the permittee's designees at all times of operation and the permit or copy thereof shall be ready at hand for inspection, except for a Pound Net Set Permit.
- (C) operate under a permit without having a current picture identification in possession and ready at hand for inspection.
- (D) refuse to allow inspection and sampling of a permitted activity by an agent of the Division of Marine Fisheries.
- (E) fail to provide complete and accurate information requested by the Division in connection with the permitted activity.

(F) provide false information in the application for initial issuance, renewal, or transfer of a permit.

(G) hold a permit issued by the Fisheries Director if not eligible to hold any license required as a condition for that permit as stated in Rule .0501 of this Section.

(H) fail to provide reports within the timeframe required by the specific permit conditions.

(I) fail to keep such records and accounts as required by the rules in this Chapter for determination of conservation policy, equitable and efficient administration and enforcement, or promotion of commercial or recreational fisheries.

(J) assign or transfer permits issued by the Fisheries Director, except for a Pound Net Set Permit as authorized by 15A NCAC 03J .0504.

(K) fail to participate in and provide accurate information for data collection in accordance with 15A NCAC 03I .0113 and for survey programs administered by the Division.

(2) the Fisheries Director or the Fisheries Director's agent may, by conditions of the permit, impose on a commercial fishing operation and for recreational purposes any of the following restrictions for the permitted purposes:

- (A) specify time;
- (B) specify area;
- (C) specify means and methods;
- (D) specify record keeping and reporting requirements;
- (E) specify season;
- (F) specify species;
- (G) specify size;
- (H) specify quantity;
- (I) specify disposition of resources;
- (J) specify marking requirements; and
- (K) specify harvest conditions.

(3) unless specifically stated as a condition on the permit, all statutes, rules, and proclamations shall apply to the permittee and the permittee's designees.

*History Note: Authority G.S. 113-134; 113-169.1; 113-170.2; 113-170.3; 113-182; 113-210; 143B-289.52;*

*Temporary Adoption Eff. May 1, 2000;*

*Eff. April 1, 2001;*

*Amended Eff. April 1, 2009; September 1, 2005;*

*Readopted Eff. March 15, 2023;*

*Amended Eff. Amended Eff. (Pending legislative review pursuant to S.L. 2019-198).*

**15A NCAC 03O .0503 PERMIT CONDITIONS;  
SPECIFIC**

**(a) Aquaculture Operation Permit and Aquaculture Collection Permit:**

- (1) It shall be unlawful to conduct aquaculture operations using marine and estuarine resources without first securing an Aquaculture Operation Permit from the Fisheries Director.
- (2) It shall be unlawful:
  - (A) to take marine and estuarine resources from Coastal Fishing Waters for aquaculture purposes without first obtaining an Aquaculture Collection Permit from the Fisheries Director;
  - (B) to sell or use for any purpose not related to North Carolina aquaculture marine and estuarine resources taken pursuant to an Aquaculture Collection Permit; or
  - (C) to fail to submit to the Fisheries Director an annual report, due on December 1 of each year on the form provided by the Division of Marine Fisheries, stating the amount and disposition of marine and estuarine resources collected under authority of an Aquaculture Collection Permit.
- (3) Aquaculture Operation Permits and Aquaculture Collection Permits shall be issued or renewed on a calendar year basis.
- (4) It shall be unlawful to fail to provide the Division with a listing of all designees acting pursuant to an Aquaculture Collection Permit at the time of application.

**(b) Atlantic Ocean Striped Bass Commercial Gear Permit:**

- (1) It shall be unlawful to take striped bass from the Atlantic Ocean in a commercial fishing operation without first obtaining an Atlantic Ocean Striped Bass Commercial Gear Permit.
- (2) It shall be unlawful to obtain more than one Atlantic Ocean Striped Bass Commercial Gear Permit during a license year, regardless of the number of Standard Commercial Fishing licenses, Retired Standard Commercial Fishing licenses, or assignments.

**(c) Blue Crab Shedding Permit:** It shall be unlawful to possess more than 50 blue crabs in a shedding operation without first obtaining a Blue Crab Shedding Permit from the Division.

**(d) Coastal Recreational Fishing License Exemption Permit:**

- (1) It shall be unlawful for the responsible party seeking exemption from recreational fishing license requirements for eligible individuals to conduct an organized fishing event held in Joint or Coastal Fishing Waters without first obtaining a Coastal Recreational Fishing License Exemption Permit.
- (2) The Coastal Recreational Fishing License Exemption Permit shall only be issued for recreational fishing activity conducted solely

for the participation and benefit of one of the following groups of eligible individuals:

- (A) individuals with physical or mental impairment;
  - (B) members of the United States Armed Forces and their dependents, upon presentation of a valid military identification card;
  - (C) individuals receiving instruction on recreational fishing techniques and conservation practices from employees of state or federal marine or estuarine resource management agencies or instructors affiliated with an educational institution as defined in 15A NCAC 03I .0101(1); and
  - (D) disadvantaged youths as set forth in 42 U.S. Code 12511.
- (3) The Coastal Recreational Fishing License Exemption Permit shall be valid for the date, time, and physical location of the organized fishing event for which the exemption is granted and the duration of the permit shall not exceed one year from the date of issuance.
  - (4) The Coastal Recreational Fishing License Exemption Permit shall only be issued if all of the following, in addition to the information required in Rule .0501 of this Section, is submitted to the Fisheries Director, in writing, at least 30 days prior to the event:
    - (A) the name, date, time, and physical location of the event;
    - (B) documentation that substantiates local, state, or federal involvement in the organized fishing event, if applicable;
    - (C) the cost or requirements, if any, for an individual to participate in the event; and
    - (D) an estimate of the number of participants.
- (e) Requirements for dealer permits for monitoring fisheries under a quota or allocation:**
- (1) All species-specific permits listed in Subparagraphs (e)(2) through (e)(6) of this Rule are subject to the requirements of this Paragraph. During commercial harvest of a fishery opened by proclamation or rule for which a dealer permit for monitoring fisheries under a quota or allocation shall be issued, it shall be unlawful for a fish dealer issued such permit to fail to:
    - (A) submit by electronic means, including electronic mail, fax, or text message, by noon daily in quota monitoring logs, the previous day's landings for the permitted fishery to the Division. The form shall include the dealer's name, dealer's license number, date

- the fish were landed, permittee's or designee's signature, date the permittee or designee signed the form, and species-specific information as listed in Parts (e)(2)(A), (e)(3)(A), (e)(4)(A), and (e)(5)(A) of this Rule. If the dealer submits their trip tickets by electronic means, then the dealer shall submit their quota monitoring logs by electronic means. If the dealer is unable to submit by electronic means the required information, the permittee shall call in the previous day's landings to the Division of Marine Fisheries Communications Center at 800-682-2632 or 252-515-5500. Landings for Fridays or Saturdays shall be submitted no later than noon on the following Monday;
- (B) submit the required form set forth in Part (e)(1)(A) of this Rule to the Division upon request or no later than five days after the close of the harvest in a commercial fishing operation for the fishery permitted;
  - (C) maintain related documentation in accordance with 15A NCAC 03I .0114;
  - (D) contact the Division daily, regardless of whether a transaction for the fishery for which a dealer is permitted occurred; and
  - (E) record the permanent dealer identification number on the bill of lading or receipt for each transaction or shipment from the permitted fishery.
- (2) Atlantic Ocean Flounder Dealer Permit:
    - (A) In addition to the information required in Part (e)(1)(A) of this Rule, the form to record the previous day's landings of Atlantic Ocean flounder shall include the permit number, number of vessels used for harvest, and pounds harvested.
    - (B) It shall be unlawful for a fish dealer to allow vessels holding a valid License to Land Flounder from the Atlantic Ocean to land more than 100 pounds of flounder from a single transaction at their licensed location during the open season without first obtaining an Atlantic Ocean Flounder Dealer Permit. The licensed location shall be specified on the Atlantic Ocean Flounder Dealer Permit and only one location per permit shall be allowed.
    - (C) It shall be unlawful for a fish dealer to possess, buy, sell, or offer for sale
- more than 100 pounds of flounder from a single transaction from the Atlantic Ocean without first obtaining an Atlantic Ocean Flounder Dealer Permit.
- (3) Black Sea Bass North of Cape Hatteras Dealer Permit:
    - (A) In addition to the information required in Part (e)(1)(A) of this Rule, the form to record the previous day's landings of black sea bass north of Cape Hatteras shall include the permit number, number of vessels used for harvest, and pounds harvested.
    - (B) It shall be unlawful for a fish dealer to purchase or possess more than 100 pounds of black sea bass taken from the Atlantic Ocean north of Cape Hatteras (35° 15.0321' N) per day per commercial fishing operation during the open season unless the dealer has a Black Sea Bass North of Cape Hatteras Dealer Permit.
  - (4) Estuarine Flounder Dealer Permit:
    - (A) In addition to the information required in Part (e)(1)(A) of this Rule, the form to record the previous day's landings of estuarine flounder shall include the permit number, number of vessels used for harvest, pounds harvested, gear category, and management area.
    - (B) It shall be unlawful for a fish dealer to possess, purchase, sell, or offer for sale flounder taken from estuarine waters without first obtaining an Estuarine Flounder Dealer Permit required for specific management purposes for the applicable fisheries and harvest area.
  - (5) Spiny Dogfish Dealer Permit:
    - (A) In addition to the information required in Part (e)(1)(A) of this Rule, the form to record the previous day's landings of spiny dogfish shall include the permit number, number of vessels used for harvest, and pounds harvested.
    - (B) It shall be unlawful for a fish dealer to purchase or possess more than 100 pounds of spiny dogfish per day per commercial fishing operation unless the dealer has a Spiny Dogfish Dealer Permit.
  - (6) Striped Bass Dealer Permit:
    - (A) In addition to the information required in Part (e)(1)(A) of this Rule, the form to record the previous day's landings of striped bass shall include the permit number, number of tags used by area,

pounds harvested by area, and for the Atlantic Ocean, type of gear used for harvest.

- (B) It shall be unlawful for a fish dealer to possess, buy, sell, or offer for sale striped bass taken from the following areas without first obtaining a Striped Bass Dealer Permit validated for the applicable harvest area:

- (i) the Atlantic Ocean;
- (ii) the Albemarle Sound Management Area as designated in 15A NCAC 03R .0201; or
- (iii) the Joint and Coastal Fishing Waters of the Central/Southern Management Area as designated in 15A NCAC 03R .0201.

- (C) No permittee shall possess, buy, sell, or offer for sale striped bass taken from the harvest areas opened by proclamation without having a valid Division-issued tag for the applicable area affixed through the mouth and gill cover or, in the case of striped bass imported from other states, a similar tag that is issued for striped bass in the state of origin. Division striped bass tags shall not be bought, sold, offered for sale, or transferred. Tags shall be obtained from the Division; office locations that provide tags can be found on the Division's website at <https://www.deq.nc.gov/stripped-bass-commercial-harvest-tags>. The Division shall specify the quantity of tags to be issued based on historical striped bass landings. It shall be unlawful for the permittee to fail to surrender unused tags to the Division upon request.

(f) Estuarine Gill Net Permit:

- (1) It shall be unlawful for an individual to deploy gill nets in Internal Waters, except for runaround, strike, drop, or drift gill nets, without possessing a valid Estuarine Gill Net Permit issued by the Division.
- (2) Estuarine Gill Net Permits shall be issued or renewed by the Division on a calendar year basis. For renewals, any changes in information or supporting documents shall be provided by the permit holder at the time of renewal.
- (3) It shall be unlawful for a permit holder:
  - (A) to violate the provisions of any rules or proclamations regarding the conditions set out in the federally issued Endangered Species Act 16

U.S.C. 1539(a)(1)(B) Incidental Take Permits, for the estuarine non-exempt gill net fisheries;

- (B) to refuse or deny Division employees a trip aboard the vessel the permit holder is using or observation from a Division vessel to obtain data or samples in accordance with 15A NCAC 03I .0113;
- (C) and the master and crew members of the boat, to interfere with or obstruct Division employees in the course of obtaining data or samples, which shall include refusal or failure to provide information on fishing gear parameters or to relinquish any captured sturgeon or sea turtle to Division employees;
- (D) to avoid or mislead Division employees by providing incorrect information on fishing activity;
- (E) to fail to provide a valid phone number at which the Estuarine Gill Net Permit holder can be reached, return phone calls, or answer text messages from the Division, or fail to notify the Division of a phone number change within 14 calendar days of such change;
- (F) to fail to comply with all observer notification system or call-in requirements set out by permit conditions, proclamations, or rules; and
- (G) to fail to report to the Division any incidental take of sea turtle or sturgeon within 24 hours.

(g) Permit for Weekend Trawling for Live Shrimp:

- (1) It shall be unlawful to take shrimp with trawls from 9:00 p.m. on Friday through 12 noon on Saturday without first obtaining a Permit for Weekend Trawling for Live Shrimp.
- (2) It shall be unlawful for a holder of a Permit for Weekend Trawling for Live Shrimp to use trawls from 12:01 p.m. on Saturday through 4:59 p.m. on Sunday.
- (3) It shall be unlawful for a permit holder during the timeframe specified in Subparagraph (g)(1) of this Rule to:
  - (A) use trawl nets to take live shrimp except from areas open to the harvest of shrimp with trawls;
  - (B) take shrimp with trawls that have a combined headrope length of greater than 40 feet in Internal Coastal Waters;
  - (C) possess more than one gallon of dead shrimp (heads on) per trip;

- (D) fail to have a functioning live bait tank or a combination of multiple functioning live bait tanks, with aerators or circulating water, with a minimum combined tank capacity of 50 gallons; or
- (E) fail to call or email the Division prior to each weekend use of the permit, specifying activities and location. Calls shall be directed to the Division of Marine Fisheries Communications Center at 800-682-2632 or 252-515-5500 and emails shall be sent to the email address provided in the permit specific conditions.

(h) Pound Net Set Permit: The holder of a Pound Net Set Permit shall follow the Pound Net Set Permit conditions as set forth in 15A NCAC 03J .0505.

(i) Scientific or Educational Activity Permit:

- (1) It shall be unlawful for institutions or organizations seeking exemptions from license, rule, proclamation, or statutory requirements to collect, hold, culture, or exhibit for scientific or educational purposes any marine or estuarine species without first obtaining a Scientific or Educational Activity Permit.
- (2) The Scientific or Educational Activity Permit shall only be issued for collection methods and possession allowances approved by the Division.
- (3) The Scientific or Educational Activity Permit shall only be issued for activities conducted by or under the direction of educational institutions, nongovernmental conservation organizations, or scientific institutions as defined in 15A NCAC 03I .0101(1) and approved by the Division.
- (4) It shall be unlawful for the responsible party issued a Scientific or Educational Activity Permit to fail to submit an annual report on collections and, if authorized, sales to the Division, due on December 1 of each year, unless otherwise specified on the permit. The reports shall be filed on forms provided by the Division. Scientific or Educational Activity permits shall be issued on a calendar year basis.
- (5) It shall be unlawful to sell marine or estuarine species taken under a Scientific or Educational Activity Permit without:
  - (A) the required license for such sale;
  - (B) an authorization stated on the permit for such sale; and
  - (C) providing the information required by 15A NCAC 03I .0114 if the sale is to a licensed fish dealer.
- (6) It shall be unlawful to fail to provide the Division with a list of all designees acting under a Scientific or Educational Activity Permit at the time of application.

- (7) The permittee or designees utilizing the permit shall call or email the Division no later than 24 hours prior to use of the permit, specifying activities and location. Calls shall be directed to the Division of Marine Fisheries Communications Center at 800-682-2632 or 252-515-5500 and emails shall be sent to the email address provided in the permit specific conditions.

(j) Shellfish Lease Restoration Permit:

- (1) It shall be unlawful to transport shellfish cultivated on a shellfish lease or franchise to a restoration site without first obtaining a Shellfish Lease Restoration Permit.
- (2) The Shellfish Lease Restoration Permit shall only be issued for approved activities associated with a shellfish lease or franchise.
- (3) It shall be unlawful to harvest shellfish under a Shellfish Lease Restoration Permit without being recorded on a trip ticket through a certified shellfish dealer as set forth in 15A NCAC 03I .0114.
- (4) It shall be unlawful for the permittee or permit designee to fail to maintain a record of all shellfish transported for restoration purposes and to fail to submit the record annually, unless otherwise specified on the permit.
- (5) The permittee or designees utilizing the permit shall call the Division of Marine Fisheries Communications Center at 800-682-2632 or 252-515-5500 no later than 24 hours prior to use of the permit, specifying activities, location, and product size.

(k) Shellfish Relocation Permit:

- (1) It shall be unlawful, without first obtaining a Shellfish Relocation Permit, to relocate shellfish from an area designated by the Fisheries Director as a site where shellfish would otherwise be destroyed due to maintenance dredging, construction, or other development activities.
- (2) The Shellfish Relocation Permit shall be issued by the Fisheries Director only as part of a Coastal Area Management Act Permit issued in accordance with G.S. 113A-118 and G.S. 113-229 for development projects based on the status of shellfish resources in the development area, availability of Division employees to supervise the relocation activity, and if the Division has verified that there is no other avoidance or minimization measure that can be incorporated.

(l) Under Dock Oyster Culture Permit:

- (1) It shall be unlawful to cultivate oysters in containers under docks for personal consumption without first obtaining an Under Dock Oyster Culture Permit.

- (2) An Under Dock Oyster Culture Permit shall be issued only in accordance with provisions set forth in G.S. 113-210(c).
- (3) The applicant shall complete and submit an examination, with a minimum of 70 percent correct answers, based on an educational package provided by the Division pursuant to G.S. 113-210(j), demonstrating the applicant's knowledge of:
  - (A) the application process;
  - (B) permit criteria;
  - (C) basic oyster biology and culture techniques;
  - (D) shellfish harvest area closures due to pollution;
  - (E) safe handling practices;
  - (F) permit conditions; and
  - (G) permit revocation criteria.
- (4) Action by an Under Dock Oyster Culture Permit holder to encroach on or usurp the legal rights of the public to access public trust resources in Coastal Fishing Waters shall result in permit revocation.

*History Note:* Authority G.S. 113-134; 113-169.1; 113-169.2; 113-169.3; 113-182; 113-210; 143B-289.52;  
*Temporary Adoption Eff.* September 1, 2000; August 1, 2000; May 1, 2000;  
*Eff.* April 1, 2001;  
*Amended Eff.* May 1, 2017; May 1, 2015; April 1, 2014; April 1, 2009; July 1, 2008; January 1, 2008; September 1, 2005; October 1, 2004; August 1, 2004; August 1, 2002;  
*Readopted Eff.* April 1, 2019;  
*Amended Eff.* March 24, 2025;  
*Amended Eff.* (Pending legislative review pursuant to S.L. 2019-198).

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**15A NCAC 07H .0508 JOCKEY'S RIDGE AREA OF ENVIRONMENTAL CONCERN**

- (a) Designation. Given the status of Jockey's Ridge as a State Park, State Nature Preserve, complex natural area, and an area containing a unique geological formation as identified by the State Geologist, the Coastal Resources Commission hereby designates Jockey's Ridge as an Area of Environmental Concern pursuant to G.S. 113A-113.
- (b) The boundaries of the Jockey's Ridge AEC shall be as depicted on a map approved by the Coastal Resources Commission on August 27, 2025, and can be found at the Division of Coastal Management, 400 Commerce Ave., Morehead City, NC 28557. The AEC is located within the Town of Nags Head in Dare County, between US 158 and Roanoke Sound, and includes the entire rights of way of US 158 Bypass, SR 1221 (Sound Side Road), Virginia Dare Trail, and Conch Street where these roads bound this area.
- (c) Use Standards. Development within the Jockey's Ridge AEC shall be consistent with the following use standards:

- (1) Development that requires the removal of greater than ten cubic yards of sand per year from the area within the AEC boundary shall require a Coastal Area Management Act minor or major permit from the Division of Coastal Management or designated local official;
- (2) All sand that is removed from the area within the AEC boundary in accordance with Subparagraph (1) of this Paragraph shall be deposited at locations within the Jockey's Ridge State Park designated by the Division of Coastal Management in consultation with the NC Department of Natural and Cultural Resources Division of Parks and Recreation;
- (3) Development activities within Jockey's Ridge AEC shall not alter or retard the free movement of sand except when necessary for the purpose of maintaining or constructing a road, residential or commercial structure, accessway, lawn, garden, or parking area unless allowed by Jockey's Ridge State Park's Management Plan including subsequent amendments and editions. Jockey's Ridge State Park's Management Plan is incorporated by reference, including subsequent amendments and editions. This document may be accessed for free at 300 W. Carolina Dr., Nags Head, NC 27959.

*History Note:* Authority G.S. 113A-107(a),(b); 113A-113(a); (b)(4a); (b)(4e); (b)(4g); 113A-124;  
*Eff.* September 9, 1977;  
*Amended Eff.* February 1, 1982; June 1, 1979;  
*RRC objection* September 17, 2022 and rule returned to agency on October 5, 2023;  
*Codifier determined that agency's findings of need did not meet criteria for emergency rule on* December 20, 2023;  
*Emergency Adoption Eff.* January 3, 2024;  
*Emergency Rule Expired Eff.* May 13, 2024;  
*Returned to Code pursuant to order of Wake County Superior Court, currently under appeal, Eff.* March 3, 2025;  
*RRC objection* October 30, 2025;  
*Amended Eff.* January 1, 2026.

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

**CHAPTER 34 - FUNERAL SERVICE**

**21 NCAC 34A .0101 AGENCY NAME AND ADDRESS**

The name of the agency promulgating the rules in this Chapter is the North Carolina Board of Funeral Service. As used in these Rules, the word "Board" shall refer to this agency. The office of the Board is located at 1033 Wade Avenue, Suite 108, Raleigh, North Carolina 27605. The Board's website address is ncbfs.org.

*History Note:* Authority G.S. 90-210.18A; 90-210.23(a);  
*Eff.* February 1, 1976;  
*Readopted Eff.* September 27, 1977;

*Amended Eff. July 1, 2004; November 1, 2001; December 1, 1993; July 1, 1991; October 1, 1983;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;*  
*Amended Eff. February 1, 2026.*

**21 NCAC 34A .0123 CONSUMER COMPLAINT FORM**

(a) Initiation. Any individual (the "Complainant") with personal knowledge that any person has violated statutes or rules governed by the Board may file a complaint by submitting a complaint form through the Board's website, by emailing a complaint form to complaints@ncbfs.org, or by mailing a copy of the complaint to the Board's office.

(b) Form. The complaint shall contain a narrative of the acts or omissions about which the Complainant is concerned and shall be signed by the Complainant. The complaint shall include:

- (1) the name, address, email address, and telephone number of the Complainant;
- (2) the name, telephone number, license number, and address of the person or business against which the complaint is made (the "Respondent");
- (3) a statement of the facts that describe the allegations against the Respondent, along with any supporting documentation that the Complainant wishes to provide;
- (4) Complainant's attestation that:
  - (A) the information in the complaint is true and accurate to the best of the Complainant's recollection;
  - (B) the Complainant agrees to cooperate with the Board's investigation of the complaint by furnishing to the Board all pertinent or requested information and records in the Complainant's possession concerning the alleged misconduct of the Respondent;
  - (C) the Complainant shall testify as a witness if a hearing is held concerning the alleged misconduct of the Respondent;
  - (D) the Complainant understands his or her identity will be disclosed to the Respondent;
  - (E) the Complainant understands that anonymous complaints will not be processed by the Board;
  - (F) the Complainant understands that the Board cannot provide him or her with legal advice, cannot represent the Complainant or intervene on his or her behalf in court proceedings, and cannot provide any opinions or make any determinations regarding civil liability;
  - (G) the Complainant understands that he or she should not wait for the Board's disposition of the complaint before

pursuing any legal claim or seeking legal advice, if he or she believes that damages have been incurred because of an alleged act or omission by Respondent.

- (5) whether the Complainant wishes to be notified of status updates regarding the complaint by electronic correspondence only.

(c) The Board shall process complaints in accordance with 21 NCAC 34A .0126.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(e); 90-210.134(a);*  
*Eff. September 1, 1979;*  
*Recodified from 21 NCAC 34 .0124 Eff. February 7, 1991;*  
*Amended Eff. August 1, 2004;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;*  
*Amended Eff. February 1, 2026.*

**21 NCAC 34A .0127 SUBMISSION OF DOCUMENTS**

Documents shall be considered submitted to the Board on the date of receipt by the Board or, if sent by U.S. mail or private courier service, on the date of postmark or date stamp used by the private courier respectively.

*History Note: Authority G.S. 90-210.23(a);*  
*Eff. January 1, 2009;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;*  
*Amended Eff. February 1, 2026.*

**21 NCAC 34B .0104 CHANGE IN EMPLOYMENT**

Each resident trainee shall complete an application form prescribed by the Board prior to making any change in employment during the resident traineeship. The form shall be signed and dated by the resident trainee and shall require the resident trainee to furnish the name of the resident trainee, the former funeral establishment and supervisor, the dates of services with the former funeral establishment, the proposed funeral establishment and supervisor, the proposed effective date of the change, and the reason for the change in employment. A resident trainee must pay a fee of fifty dollars (\$50.00) upon submission of any voluntary supervisor change request to the Board, as set forth in G.S. 90-210.28.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(4)c.; 90-210.28;*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 27, 1977;*  
*Amended Eff. December 1, 2004; September 27, 1979;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;*  
*Amended Eff. February 1, 2026.*

**21 NCAC 34B .0110 WORK REPORTS AND CHECKLISTS**

(a) Active resident trainees shall submit a work report to the Board every month on a form provided by the Board no later than



the 10th day of the calendar month that immediately follows the month during which the work was performed. On the work report, the resident trainee shall provide:

- (1) The trainee's name, trainee number, and email address;
- (2) The month during which the work was performed;
- (3) The number of hours worked during that month;
- (4) The name, address, and permit number of the funeral establishment where the resident trainee is working;
- (5) A description of the work performed in the practice of funeral service during that month, as described in Paragraph (g) of this Rule;
- (6) The name, license number, and notarized signature of the trainee's supervisor; and
- (7) The name, license number, and notarized signature of the licensed manager of the funeral establishment where the resident trainee is working. A trainee supervisor who also serves as the licensed manager shall sign the work report once, in his or her capacity as the trainee supervisor, provided that he or she designates the dual role held as both trainee supervisor and licensed manager on the work report.

(b) By signing the work report, the trainee's supervisor shall certify that the data contained in the report is correct. Neither the trainee nor the trainee's supervisor shall be permitted to amend or revise the work report after it is submitted to the Board. The Board shall not accept incomplete work reports and a trainee who fails to submit a complete work report by the due date shall be subject to the provisions of Paragraph (c) of this Rule.

(c) A late fee of twenty-five dollars (\$25.00) shall be assessed against the trainee for each work report that is submitted to the Board after the due date. Following a trainee's first failure to timely submit a work report, the Board shall issue the trainee a letter that cautions against future non-compliance with this Rule. Following a trainee's second failure to timely submit a work report, the work set forth in the second untimely work report shall not be credited toward the certification of the trainee's resident traineeship. Following a trainee's third failure to timely submit a work report, the Board shall revoke the trainee's resident traineeship.

(d) Resident trainees shall maintain a checklist for each decedent for whom he or she performs funeral services on a form provided by the Board. The checklist shall contain the following information:

- (1) The name of the deceased person;
- (2) The date when the services were provided;
- (3) The trainee's name and signature;
- (4) A description of the funeral services provided; and
- (5) The supervisor's signature.

(e) Resident trainees shall maintain a list of the preneed funeral contracts with which the resident trainees participated.

(f) Copies of all documents and information set forth in this Rule shall be retained by the trainee until his or her traineeship requirement has been certified by the Board. During this time, the

reports and information shall be subject to inspection by the Board.

(g) When providing a description of work performed in the practice of funeral service for purposes of Paragraph (a) of this Rule, resident trainees shall provide the following:

- (1) For resident trainees in embalming, the number of embalming cases performed in which the resident trainee completed five or more of the following tasks:
  - (A) setting features;
  - (B) mixing fluids;
  - (C) raising vessels and inserting tubes;
  - (D) injecting fluids;
  - (E) suturing incisions; and
  - (F) cavity treatment;
- (2) For resident trainees in funeral directing, the number of following activities performed:
  - (A) at-need or preneed arranging;
  - (B) imminent or hospice death arranging;
  - (C) observing the sale of funeral service;
  - (D) assisting with funeral, memorial, interment, or committal ceremonies for casketed remains; and
  - (E) assisting with funeral, memorial, interment, or committal ceremonies for reduced remains;
- (3) For resident trainees in funeral service, the number of embalming cases as set forth in Subparagraph (g)(1) of this Rule and the number of activities performed as set forth in Subparagraph (g)(2) of this Rule.

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

*Eff. February 1, 1976;*

*Readopted Eff. September 27, 1977;*

*Amended Eff. November 1, 2004; June 1, 1994; August 1, 1988; September 1, 1979;*

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

*Amended Eff. February 1, 2026; November 1, 2020.*

## **21 NCAC 34B .0126 EMBALMING, FUNERAL DIRECTING, AND FUNERAL SERVICE TRAINING**

(a) To fulfill the requirements that funeral director and funeral service trainees shall substantially assist in directing at least 25 funerals during their resident traineeship, such trainees shall, under supervision, assist in all of the components of "funeral directing," as defined in G.S. 90-210.20(12). To achieve this end such trainees shall substantially assist in at least 25 cases involving activities of arranging (whether performed at time of need or by assisting in preneed funeral planning activities or a combination) and at least 25 cases involving activities pertaining to the funeral ceremony and disposition of the body. To fulfill the requirements that embalming and funeral service trainees shall substantially assist in embalming at least 25 bodies during their resident traineeship, such trainees shall, under supervision,

substantially assist in all of the components of "embalming," as defined in G.S. 90-210.20(9).

(b) For purposes of this Rule, activities of arranging are defined as the following tasks:

- (1) At-need or preneed arranging, including preparing all documents and records;
- (2) Imminent or pending death (hospice) arranging;
- (3) Observe sale of funeral service;
- (4) Prepare death notices or obituaries;
- (5) Ship-in or ship-out arrangements;
- (6) Prepare death certificates;
- (7) Secure permits, prepare VA or social security forms;
- (8) Witness or arrange cremation services;
- (9) Complete cremation authorization forms;
- (10) Identify authorizing agent or next-of-kin; and
- (11) Evaluate cases for medical examiner jurisdiction.

(c) For purposes of this Rule, activities of funeral ceremony and disposition of the body are defined as the following task:

- (1) Assist with funeral, memorial, interment, or committal ceremonies for casketed remains;
- (2) Assist with funeral, memorial, interment, or committal ceremonies for cremated remains;
- (3) Receive visitors at viewing or funeral service;
- (4) Funeral procession and arrangement; and
- (5) Transport survivors and clergy.

(d) For purposes of this Rule, embalming components are defined as the following tasks:

- (1) Setting features;
- (2) Mixing fluids;
- (3) Raising vessels and inserting tubes;
- (4) Injecting fluids;
- (5) Suturing incisions;
- (6) Cavity treatment;
- (7) Removal and disinfecting of body;
- (8) Positioning of body;
- (9) Restorative art treatment including hypodermic treatment;
- (10) Preparation of autopsied body including treatment of viscera;
- (11) Treatment of remains following organ or tissue donation;
- (12) Application of cosmetics;
- (13) Dressing and casketing;
- (14) Cleaning and disinfection of preparation room; and
- (15) Handling or disposing of biomedical waste.

(e) For purposes of this Rule and G.S. 90-210.25(a)(4)(f), to "substantially assist" shall mean to assist in a way that materially affects the outcome of the work performed.

*History Note: Authority G.S. 90-210.20(f); 90-210.23(a), (d), (f); 90-210.25(a)(4); 90-210.67(a); 90-210.69(a);*

*Eff. June 1, 1994;*

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

*Amended Eff. February 1, 2026.*

## **21 NCAC 34B .0202 APPLICATIONS**

(a) Applicants to take the examination administered by the International Conference of Funeral Service Examining Boards, Inc. ("ICFSEB") for a license shall apply for examination registration through the ICFSEB website, available at <https://theconferenceonline.org/apply-now/>.

(b) Applicants must submit an Exam Eligibility Form to the Board contemporaneously with their application for examination registration as set forth in Paragraph (a) of this Rule. All Exam Eligibility Forms shall include:

- (1) The applicant's full name, residential address, phone number, and email address;
- (2) The license type for which the applicant is seeking eligibility;
- (3) The name of each college or university attended by the applicant, the dates of attendance, and the graduation date and degree(s) obtained, if any; and
- (4) Whether the applicant has requested that a certified transcript from each college or university attended by the applicant be sent to the Board and, if so, the date on which the applicant ordered the transcript.

(c) Applications for licensure as a funeral service licensee, embalmer, or funeral director shall be made on applications available on the Board's website at [ncbfs.org](http://ncbfs.org). Applications not completed within ninety (90) days following submission to the Board shall be denied. All applications for such licensure shall contain the following:

- (1) The applicant's full name, date of birth, place of birth, sex, and social security number;
- (2) The applicant's email address, residential address, mailing address, and phone number(s);
- (3) The name and address of the applicant's current employer and past employers over the three years preceding the application, to include the dates of employment and nature of the work performed by the applicant;
- (4) Whether the applicant is applying for a funeral service license, a funeral director license, or embalmer license;
- (5) The name of each college or university attended by the applicant, the dates of attendance, and the graduation date and degree(s) obtained, if any;
- (6) A certified transcript from each college or university at which the applicant attended courses toward his or her attainment of the educational degree required for the type of license sought, as set forth in G.S. 90-210.25(a)(1), (2), (3);
- (7) Official score reports showing passage of the required examination for the type of licensure sought pursuant to G.S. 90-210.25(a)(1), (2), (3) that are provided to the Board by the examination testing provider;
- (8) Whether the applicant has ever been certified, licensed, or registered to practice funeral service by the Board or by another occupational

- licensing board and, if so, the type of credential, the jurisdiction of issuance, the issuance date, the expiration date, and any examinations taken to obtain the credential;
- (9) Whether the applicant has been denied a credential in another state and, if so, the jurisdiction and the reason for the denial of the credential;
- (10) Whether the applicant has been convicted of a felony or misdemeanor crime and, if so, a statement providing the jurisdiction, charge, date of disposition, and sentence imposed of each conviction;
- (11) Whether the applicant has any criminal charges currently pending and, if so, the nature of the charge and the jurisdiction in which the charge is pending;
- (12) Whether the applicant has had an occupational or business license suspended or revoked by any local, state, or federal agency and, if so, a statement providing the reason for the action and the date, location, and circumstances of any violation that led to action against the license;
- (13) Whether any court, board, agency, or professional organization has found the applicant guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal and the date of the finding;
- (14) Whether the applicant has any charges pending before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal in which the charge is pending;
- (15) Whether, within the preceding two years, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;
- (16) The applicant's notarized signature to certify that:
- (A) he or she has prepared and read the application;
  - (B) the information provided in the application is true;
  - (C) the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789; and
  - (D) he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General
- Statutes and the rules promulgated by the Board; and
- (17) The application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license until the renewal fees and non-sufficient fund charges are paid.
- History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(1),(2), (3); 143-789; Eff. February 1, 1976; Readopted Eff. September 27, 1977; Amended Eff. January 1, 2009; October 1, 1983; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Amended Eff. February 1, 2026.*
- Editor's Note: 21 NCAC 34B .0401 - .0405 was recodified from 21 NCAC 34 .0501 - .0505 Eff. February 7, 1991.
- 21 NCAC 34B .0401 ESTABLISHMENT AND APPROVAL OF COURSES**
- The Board shall cause at least eight hours of continuing education courses to be offered to the licensees annually, either directly or through other organizations or persons procured for such purpose. Information about Board-approved courses shall be posted on the Board's website at ncbfs.org.
- History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5); Eff. February 1, 1976; Readopted Eff. September 27, 1977; Amended Eff. November 1, 2004; November 1, 1994; September 1, 1979; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Amended Eff. February 1, 2026.*
- 21 NCAC 34B .0414 ACCREDITATION OF COMPUTER-BASED CE**
- (a) To be accredited, a computer-based CE course must meet all of the conditions imposed by the rules in this Subchapter, except where otherwise noted, and be interactive, permitting the participant to communicate, via telephone, electronic mail, or methods of synchronous communication, with the presenter or other participants.
- (b) An on-line course is an educational seminar available on a provider's website reached via the internet. The sponsor of an on-line course must have a reliable method for recording and verifying attendance. A participant may log on and off of a computer-based CE course provided the total time spent participating in the course is equal to or exceeds the credit hours assigned to the program. Within 30 days after the conclusion of a course, the sponsor or the instructor must forward to the Board the name of each licensee who attended the course and the length of time in instruction that each licensee received.
- (c) After approval of a computer-based CE course, the sponsor may replay the computer-based CE course indefinitely until any change is made to the course content. Any modification to an

approved computer-based CE course shall require the sponsor to submit a new application for approval but the sponsor may continue to show the previously approved version of the course.

*History Note:* Authority G.S. 90-210.23(a); 90-210.25(a)(5); Eff. July 1, 2005;  
Amended Eff. January 1, 2009; March 1, 2008;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;  
Amended Eff. February 1, 2026.

Editor's Note: 21 NCAC 34B .0501 - .0510 was recodified from 21 NCAC 34 .0601 - .0610 Eff. February 7, 1991.

## **21 NCAC 34B .0501 APPLICATION FOR LICENSE**

*History Note:* Authority G.S. 90-210.23(a); 90-210.25(b)(1); 150B-11(1);  
Eff. February 1, 1976;  
Readopted Eff. September 27, 1977;  
Amended Eff. September 1, 1979;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;  
Repealed Eff. February 1, 2026.

## **21 NCAC 34B .0507 COURTESY CARDS**

Applications by out-of-state licensees for courtesy cards pursuant to G.S. 90-210.25(b)(3) shall be submitted to the Board on forms furnished by the Board, as described in Rule .0508 of this Section. Such cards shall be issued by license category corresponding to the license held by the applicant, shall be non-transferable, and shall be renewable from year to year. A courtesy card shall expire and terminate upon the suspension, revocation, forfeiture, expiration, or other termination of the holder's license issued by the licensing board of the other jurisdiction, or on the 31st day of December of each year, whichever shall first occur. The holder of a courtesy card shall be subject to the provisions of G.S. 90-210.25(e). The application must be verified by the applicant, as described in Rule .0508 of this Section, and must include verification from the licensing board of the other jurisdiction that attests to the applicant's licensure status with the board.

*History Note:* Authority G.S. 90-210.23(a); 90-210.25(b)(3); Eff. February 1, 1976;  
Readopted Eff. September 27, 1977;  
Amended Eff. September 1, 1979;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;  
Amended Eff. February 1, 2026.

## **21 NCAC 34B .0508 APPLICATION FORM FOR COURTESY CARD**

Applications for a courtesy card shall be made on forms available on the Board's website at ncbfs.org. Applications not completed within 30 days following submission to the Board shall be denied. All applications for a courtesy card shall contain the following:

- (1) The applicant's full name, date of birth, place of birth, sex, and social security number;

- (2) The applicant's email address, residential address, mailing address, and phone number(s);
- (3) The name and address of the applicant's current employer;
- (4) Whether the applicant is applying for a funeral service, a funeral director, or embalmer courtesy card;
- (5) Whether the applicant currently holds a funeral service license, funeral director license, or embalmer license in any jurisdiction outside of North Carolina and if so, the name of the jurisdiction, the date that the license was issued, the license number, and the expiration date of the license;
- (6) Whether the applicant has been denied a credential in another state and, if so, the jurisdiction and the reason for the denial of the credential;
- (7) Whether the applicant has been convicted of a felony or misdemeanor crime and, if so, a statement providing the jurisdiction, charge, date of disposition, and sentence imposed of each conviction;
- (8) Whether the applicant has any criminal charges currently pending and, if so, the nature of the charge and the jurisdiction in which the charge is pending;
- (9) Whether the applicant has had an occupational or business license suspended or revoked by any local, state, or federal agency and, if so, a statement providing the reason for the action and the date, location, and circumstances of any violation that led to action against the license;
- (10) Whether any court, board, agency, or professional organization has found the applicant guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal and the date of the finding;
- (11) Whether the applicant has any charges pending before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal in which the charge is pending;
- (12) Whether, within the preceding two years, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;
- (13) The applicant's notarized signature to certify that:
  - (A) he or she has prepared and read the application;
  - (B) the information provided in the application is true;
  - (C) the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has

- disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789; and
- (D) he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board.
- (14) The application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license until the renewal fees and non-sufficient fund charges are paid.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(b)(3); 143-789;*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 27, 1977;*  
*Amended Eff. November 1, 2004; August 1, 1988; September 1, 1979;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;*  
*Amended Eff. February 1, 2026.*

**21 NCAC 34B .0510 COURTESY CARD RENEWAL FORM**

Applications for annual renewal of a courtesy card shall be made on forms available on the Board's website at ncbfs.org. All renewal applications for a courtesy card shall contain the following:

- (1) The applicant's full name, date of birth, place of birth, sex, and social security number;
- (2) The applicant's email address, residential address, mailing address, and phone number(s);
- (3) The name and address of the applicant's current employer;
- (4) Whether the applicant is applying for a funeral service, a funeral director, or embalmer courtesy card;
- (5) Whether the applicant currently holds a funeral service license, funeral director license, or embalmer license in any jurisdiction outside of North Carolina and if so, the name of the jurisdiction, the date that the license was issued, the license number, and the expiration date of the license;
- (6) Whether the applicant has been denied a credential in another state and, if so, the jurisdiction and the reason for the denial of the credential;
- (7) Whether the applicant has been convicted of a felony or misdemeanor crime since the last renewal and, if so, a statement providing the jurisdiction, charge, date of disposition, and sentence imposed of each conviction;

- (8) Whether the applicant has any criminal charges currently pending and, if so, the nature of the charge and the jurisdiction in which the charge is pending;
- (9) Whether the applicant has had an occupational or business license suspended or revoked by any local, state, or federal agency since the last renewal and, if so, a statement providing the reason for the action and the date, location, and circumstances of any violation that led to action against the license;
- (10) Whether any court, board, agency, or professional organization has found the applicant guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice since the last renewal and, if so, the tribunal and the date of the finding;
- (11) Whether the applicant has any charges pending before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal in which the charge is pending;
- (12) Whether, since the last renewal, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;
- (13) The applicant's notarized signature to certify that:
  - (A) he or she has prepared and read the application;
  - (B) the information provided in the application is true;
  - (C) the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789; and
  - (D) he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board.
- (14) The application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license until the renewal fees and non-sufficient fund charges are paid.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(b)(3); 143-789;*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 27, 1977;*

*Amended Eff. November 1, 2004; September 1, 1979;  
Pursuant to G.S. 150B-21.3A, rule is necessary without  
substantive public interest Eff. August 19, 2017;  
Amended Eff. February 1, 2026.*

**21 NCAC 34B .0605 PERMITS: TRANSFER OF OWNERSHIP OF ESTABLISHMENT**

Funeral establishment permits shall not be transferable. When the ownership of a funeral establishment changes, as defined by G.S. 90-210.25(d)(5), a new application for an establishment permit shall be made to the Board on forms provided by the Board that are made available on the Board's website, ncbfs.org, within the timeframe set forth in G.S. 90-210.25(d)(5). The application shall contain the information required by Paragraph (a) Rule .0608(a) of this Section.

*History Note: Authority G.S. 90-210.23(a),(e); 90-210.25(d)(5);  
Eff. February 1, 1976;  
Readopted Eff. September 27, 1977;  
Amended Eff. September 1, 1979;  
Pursuant to G.S. 150B-21.3A, rule is necessary without  
substantive public interest Eff. August 19, 2017;  
Amended Eff. February 1, 2026.*

**21 NCAC 34B .0613 DISCLOSURE STATEMENTS**

One copy of each disclosure statement, as required by G.S. 90-210.25(e), shall be kept by the funeral establishment for a period of three years and shall, during said period of time, be subject to inspection by the Board, its inspector, or other duly authorized representative.

*History Note: Authority G.S. 90-210.23(a),(d),(e); 90-210.25(e);  
Eff. February 1, 1976;  
Readopted Eff. September 27, 1977;  
Amended Eff. September 1, 1979;  
Pursuant to G.S. 150B-21.3A, rule is necessary without  
substantive public interest Eff. August 19, 2017;  
Amended Eff. February 1, 2026.*

**21 NCAC 34B .0615 FUNERAL ESTABLISHMENT INSPECTION FORM**

Board inspectors shall record the findings of all funeral establishment inspections on report forms provided by the Board. The funeral establishment shall furnish the name and address of the establishment; names of the owner, manager, licensees, and resident trainees; and other information requested by a Board inspector in accordance with G.S. 90-210.23(d). The type of information that may be requested by a Board inspector in accordance with G.S. 90-210.23(d) includes information about the funeral establishment's physical premises; transportation, storage, and handling of human remains; price lists; and records documenting funeral goods and services sold or performed.

*History Note: Authority G.S. 90-210.23(a),(d),(e); 90-210.24;  
Eff. February 1, 1976;  
Readopted Eff. September 27, 1977;  
Amended Eff. January 1, 2009; November 1, 2004;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without  
substantive public interest Eff. August 19, 2017;  
Amended Eff. February 1, 2026.*

**21 NCAC 34B .0703 DISPOSAL OF REFUSE: VENTILATION**

Every preparation room shall be provided with receptacles for refuse, bandages, cotton, and other waste materials and supplies, which shall be disposed of in a sanitary manner at the conclusion of each embalming case. Every preparation room shall comply, with respect to ventilation, with state and local laws, ordinances, and regulations. No obnoxious or deleterious odors shall be allowed to remain therein nor to enter into any other part of the premises of the funeral establishment or into any adjoining premises.

*History Note: Authority G.S. 90-210.23(a),(d),(e); 90-210.27A;  
Eff. February 1, 1976;  
Readopted Eff. September 27, 1977;  
Amended Eff. July 1, 1991; September 1, 1979;  
Pursuant to G.S. 150B-21.3A, rule is necessary without  
substantive public interest Eff. August 19, 2017;  
Amended Eff. February 1, 2026.*

**21 NCAC 34B .0706 REGISTRATION OF EMBALMING FACILITY LOCATED OUTSIDE OF A FUNERAL ESTABLISHMENT**

(a) An embalming facility located outside of a funeral establishment shall contain a preparation room that complies with the requirements of G.S. 90-210.27A(a)(1) through (10).

(b) An embalming facility located outside of a funeral establishment shall be registered to a funeral establishment holding a permit from the Board. Each embalming facility must be managed by an embalmer or funeral service licensee. A person managing an embalming facility must also manage the funeral establishment location registering the facility.

(c) Applications to register an embalming facility located outside of a funeral establishment shall be made on forms provided by the Board that are available at the Board's website, ncbfs.org. The applicant shall furnish the address and telephone number of the facility; a description of the preparation room; the names and license numbers of all part-time and full-time licensees employed by the facility; the person or business entity owning the facility; the person managing the facility; a certification that the facility will not be used for any other purpose other than embalming or used for activities requiring a funeral establishment permit; and the applicant shall verify the contents of the application before a notary public.

(d) Upon Board approval of the registration, the embalming facility may be used to embalm dead human bodies and shall not be used for any other purpose. The owner of the facility must obtain a funeral establishment permit under G.S. 90-210.25(d) if the facility is to be held out to the public or used to engage in any other activity defined as the practice of funeral service under G.S. 90-210.20(k) other than embalming.

*History Note: Authority G.S. 90-210.23(a),(e); 90-210.25(d1); 90-210.27A;*

*Eff. September 1, 2009;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without*  
*substantive public interest Eff. August 19, 2017;*  
*Amended Eff. February 1, 2026.*

*Pursuant to G.S. 150B-21.3A, rule is necessary without*  
*substantive public interest Eff. August 19, 2017;*  
*Amended Eff. February 1, 2026.*

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**21 NCAC 34C .0305 MONTHLY REPORTS**

*History Note: Authority G.S. 90-210.132; 90-210.134(a);*  
*Eff. July 1, 1991;*  
*Amended Eff. February 1, 2009; July 1, 2004;*  
*Repealed Eff. February 1, 2026.*

**21 NCAC 34D .0304 TRANSFER OF TRUST FUNDS**

When, pursuant to G.S. 90-210.68(b), a preneed licensee directs a transfer of preneed funds to a substitute financial institution, the preneed license shall direct the financial institution that is a party to the preneed funeral contract (the "original financial institution") to make the transfer directly and solely to the substitute financial institution and not mediately to the preneed licensee. The preneed licensee shall notify the Board within 10 days following said transfer as required by G.S. 90-210.68(b) and said notification shall be made on a form provided by the Board on its website, which shall provide the following information:

- (1) The name, address, and license number of the preneed licensee serving as trustee for the preneed contract, along with the preneed contract identification number prescribed by the Board;
- (2) The name and address of the original financial institution, along with the account number in which the preneed funds are held;
- (3) The name and address of the substitute financial institution, along with the account number into which the preneed funds will be transferred;
- (4) The name of the preneed contract beneficiary and of the preneed contract purchaser and whether the purchaser of the preneed contract has been notified of the intended transfer of preneed funds, if the preneed contract is revocable;
- (5) The dated signature of the preneed licensee attesting to the request to transfer the preneed funds to a substitute financial institution;
- (6) The dated signature of the representative of the original financial institution attesting to its payment of the preneed funds to the substitute financial institution and the amount of preneed funds so transferred; and
- (7) The dated signature of the representative of the substitute financial institution attesting to the amount of preneed funds received from the original financial institution and its receipt of the underlying preneed funeral contract, as well as its agreement to adhere to the provisions of General State Chapter 90, Article 13D, as it pertains to financial institutions.

*History Note: Authority G.S. 90-210.69(a); 90-210.68(b);*  
*Eff. May 1, 1993;*

**CHAPTER 61 - RESPIRATORY CARE BOARD**

**21 NCAC 61 .0206 REINSTATEMENT OF A RESPIRATORY CARE LICENSE**

(a) This Rule establishes the requirements and procedures for reinstatement of a license that was held by a respiratory care practitioner which was revoked or summarily suspended as a result of disciplinary action taken by the Board, or which was surrendered voluntarily by the respiratory care practitioner while being investigated by the Board for a violation of the Respiratory Care Practice Act, of the Board's Rules or its Code of Ethics, or other alleged misconduct by the respiratory care practitioner.

(b) For purposes of this Rule, a "petitioner" is a person seeking reinstatement of a license that was previously revoked, suspended, or surrendered under circumstances involving alleged or proven misconduct. The Board will not consider a petition for reinstatement unless at least a full calendar year has elapsed since the license was revoked, summarily suspended, or surrendered.

(c) Each petitioner for reinstatement shall:

- (1) submit a complete notarized petition on a form provided by the Board, attesting under oath or affirmation that information on the petition is true and complete, and authorizing the release to the Board of all information pertaining to the petition;
- (2) submit a digital copy of an unexpired state issued driver's license, state identification card, military identification card, or United States passport;
- (3) submit documentation of any legal name change, if applicable;
- (4) submit a credential verification letter from the National Board for Respiratory Care meeting the requirement of 21 NCAC 61 .0201(5);
- (5) submit documentation of continuing education activities completed since the license was revoked, summarily suspended, or surrendered, in accordance with 21 NCAC 61 .0401 (f);
- (6) submit a fingerprint card on a form approved by the Board;
- (7) submit a signed consent allowing the disclosure of all local, state, and national criminal records for the petitioner;
- (8) arrange for submission of three original references from persons with no family or marital relationship to the petitioner. Each of these references shall:
  - (A) be submitted from a respiratory care practitioner who has observed the petitioner's work in a clinical environment;

- (B) be submitted on forms supplied by the Board, with all required and pertinent fields completed;
  - (C) be dated no more than three months prior to the date of submission of the petition for reinstatement; and
  - (D) be submitted directly to the Board from the source and bear an original notarized signature of the author;
- (9) pay to the Board a non-refundable fee pursuant to G.S. 90-660 (b)(1) and (3), and 21 NCAC 61 .0204 (a)(1) and (2), and pay the cost of a criminal background check pursuant to G.S. 90-652(1); and
- (10) upon request, provide any additional information the Board deems necessary to evaluate the petitioner's qualifications.
- (d) The petitioner shall appear in person for an interview with the Board or its designee to evaluate the petitioner's competence and character in person.
- (e) Upon the completion of all the requirements stated in Paragraphs (c) and (d) of this Rule, the Board will decide whether to reinstate a license, and whether any conditions or limitations should be imposed on a reinstated license, by considering the following factors:
- (1) The gravity of the misconduct that caused the summary suspension or revocation, or which preceded the surrender of the license, including any related criminal history, consistent with the factors set forth in G.S. 93B-8.1 (b1)(1), (2), (3)(4), (5), (6), (7), and (8);
  - (2) Other aspects of the petitioner's conduct prior to the summary suspension or revocation including the petitioner's compliance with the Respiratory Care Practice Act, with the Board's Rules and Code of Ethics, the petitioner's prior compliance with any Consent Orders or other requirements issued by the Board, and the petitioner's compliance with professional standards adopted by other regulatory boards or organizations which are pertinent to the petitioner's conduct prior to the summary suspension, revocation, or surrender of the license;
  - (3) the petitioner's current ability to practice respiratory care with the necessary skill, competence, and safety to the public, based upon the petitioner's conduct, work experience, and recent continuing education;
  - (4) Any pertinent aspects of the petitioner's conduct since the summary suspension, revocation, or surrender of the license, including any criminal history, consistent with the factors set forth in G.S. 93B-8.1 (b1)(1), (2), (3)(4), (5), (6), (7), and (8);
- (f) If the Board decides to reinstate a license under this Rule, the Board may:
- (1) require the petitioner to complete additional continuing education before the reinstatement is effective, and to complete additional continuing education within a defined time period after reinstatement as a condition of maintaining the reinstated license;
  - (2) attach scope of practice limitations, or supervisory requirements to the reinstated license; and
  - (3) attach other probationary conditions to the reinstated license, including substance abuse testing.
- (g) If the Board grants reinstatement, the petitioner must then complete and submit a licensure application in accordance with 21 NCAC 61 .0201.
- (h) If the petitioner fails to complete a submitted application pursuant to G.S. 90-653 and 21 NCAC 61 .0201 within one year of submission, the petitioner also shall be charged for the cost of an additional criminal background check.
- History Note: Authority G.S. 90-652 (1), G.S. 90-652 (2) and G.S. 90-652 (13); 90-653(a); 90-659(a) 90-659 (b); Eff. January 1, 2026.*



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## **RULES REVIEW COMMISSION**

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*This Section contains information for the meeting of the Rules Review Commission on December 18, 2025 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comments on any proposed permanent rule before the Commission should submit those comments pursuant to 26 NCAC 05 .0103. Anyone wishing to submit written comments on any proposed permanent rule before the Commission should submit those comments pursuant to 26 NCAC 05 .0104. Anyone wishing to address the Commission should comply with 26 NCAC 05 .0105 and .0106.*

### **RULES REVIEW COMMISSION MEMBERS**

#### **Appointed by Senate**

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

#### **Appointed by House**

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

### **COMMISSION COUNSEL**

Seth M. Ascher	984-236-1934
Travis Wiggs	984-236-1929
Christopher S. Miller	984-236-1935

### **RULES REVIEW COMMISSION MEETING DATES**

February 26, 2026	April 28, 2026
March 26, 2026	May 28, 2026

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### **RULES REVIEW COMMISSION MEETING**

#### **MINUTES**

#### **December 18, 2025**

The Rules Review Commission met on Thursday, December 18, 2025, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and the meeting was streamed for the public via Webex.

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

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

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

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

#### **APPROVAL OF MINUTES**

The Chair asked for any discussion, comments, or corrections concerning the minutes from the November 20, 2025 meeting. There were none, and the minutes were unanimously approved as distributed.

#### **FOLLOW-UP MATTERS**

##### **Commission for Public Health**

10A NCAC 43D .0205 and .0304 - The agency is addressing the objection from the November meeting. No action was required by the Commission.

##### **Coastal Resources Commission**

15A NCAC 07H .0508 was unanimously approved.

Sara Zambon, with the Department of Justice and representing the agency, addressed the Commission.

##### **State Human Resources Commission**

25 NCAC 01E .1006 - The agency is addressing the objection from the November meeting. No action was required by the Commission.

#### **LOG OF FILINGS (PERMANENT RULES)**

##### **Criminal Justice Education and Training Standards Commission**

12 NCAC 09A .0204; 09B .0405 and 09E .0106 were unanimously approved.

Holly Cardoza, the rulemaking coordinator for the agency, addressed the Commission.

##### **Alcoholic Beverage Control Commission**

14B NCAC 15B .1007, .1008; 15C .0102, and .0104 were unanimously approved.

The Commission unanimously voted to extend the period of review for 14B NCAC 15C .0201, .0202, .0203, .0204, .0205, .0206, .0301, .0302, .0303, .0304, .0305, .0306, .0307, and .0308.

##### **Environmental Management Commission**

15A NCAC 02H .0804 was unanimously approved.

##### **Marine Fisheries Commission**

15A NCAC 03I .0101, .0114; 03O .0501, .0502, and .0503 were unanimously approved.

15A NCAC 03O .0201, .0207, .0208, and .0210 – Pursuant to Session Law 2019-37, Section 3, as amended by Session Law 2024-32, Section 5.(a), these rules are exempt from review by the Rules Review Commission and must be submitted for legislative review. No action was required by the Commission.

##### **Board of Funeral Service**

21 NCAC 34A .0101, .0123, .0127; 34B .0104, .0110, .0126, .0202, .0401, .0414, .0501, .0507, .0508, .0510, .0605, .0613, .0615, .0703, .0706; 34C .0305, and 34D .0304 were unanimously approved.

##### **Respiratory Care Board**

21 NCAC 61 .0206 was unanimously approved.

#### **EXISTING RULES REVIEW**

##### **Plant Conservation Board**

02 NCAC 48F - The Commission unanimously approved the report as submitted by the agency.

##### **Board of Agriculture**

02 NCAC 52B - The Commission unanimously approved the report as submitted by the agency.

02 NCAC 52C - The Commission unanimously approved the report as submitted by the agency.

02 NCAC 52D - The Commission unanimously approved the report as submitted by the agency.

02 NCAC 52E - The Commission unanimously approved the report as submitted by the agency.

02 NCAC 52F - The Commission unanimously approved the report as submitted by the agency.

02 NCAC 52G - The Commission unanimously approved the report as submitted by the agency.

02 NCAC 52K - The Commission unanimously approved the report as submitted by the agency.

02 NCAC 52I - The Commission unanimously approved the report as submitted by the agency.

##### **State Board of Elections**

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

08 NCAC 02 - The Commission unanimously approved the report as submitted by the agency.

08 NCAC 03 - The Commission unanimously approved the report as submitted by the agency.

08 NCAC 04 - The Commission unanimously approved the report as submitted by the agency.

08 NCAC 05 - The Commission unanimously approved the report as submitted by the agency.

08 NCAC 06 - The Commission unanimously approved the report as submitted by the agency.

08 NCAC 09 - The Commission unanimously approved the report as submitted by the agency.

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

**Environmental Management Commission**

15A NCAC 02A - The Commission unanimously approved the report as submitted by the agency.

15A NCAC 02D - The Commission unanimously approved the report as submitted by the agency.

15A NCAC 02Q - The Commission unanimously approved the report as submitted by the agency.

**Well Contractors Certification Commission**

15A NCAC 27 - The Commission unanimously approved the report as submitted by the agency.

**Readoptions**

**Office of State Fire Marshall**

11 NCAC 05A, D; 07 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than December 1, 2028, pursuant to G.S. 150B-21.3A(d)(2).

**Criminal Justice Education and Training Standards Commission**

12 NCAC 09A-G - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than October 1, 2028, pursuant to G.S. 150B-21.3A(d)(2).

**Coastal Resources Commission**

15A NCAC 07B - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than May 1, 2026, pursuant to G.S. 150B-21.3A(d)(2).

**Environmental Management Commission**

15A NCAC 02G - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than December 1, 2028, pursuant to G.S. 150B-21.3A(d)(2).

15A NCAC 02I - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than July 1, 2027, pursuant to G.S. 150B-21.3A(d)(2).

15A NCAC 02L - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than September 1, 2028, pursuant to G.S. 150B-21.3A(d)(2).

15A NCAC 02N, 02O, 02P - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than September 1, 2028, pursuant to G.S. 150B-21.3A(d)(2).

15A NCAC 02G, I, L, N,O,P - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than August 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

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

**Department of Revenue**

17 NCAC 04 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than February 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

17 NCAC 05 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than July 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

**COMMISSION BUSINESS**

The Commission voted unanimously to approve amendments to 26 NCAC 05 .0209.

The meeting adjourned at 10:35 a.m.

The next regularly scheduled meeting of the Commission is Thursday, January 29, 2026, at 10:00 a.m.

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Alexander Burgos, Paralegal

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Minutes approved by the Rules Review Commission:

Jake Parker, Chair

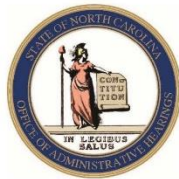
**December 18, 2025**

[illegible]

**Rules Review Commission Meeting December 18, 2025**

**Via WebEx**

<b>Name</b>	<b>Agency</b>
Michelle Preast	deq.nc.gov
Jonathan Puryear	ncdor.gov
Devon Horine	dhhs.nc.gov
Nancy Hunter	dhhs.nc.gov
Brian Liebman	oah.nc.gov
Elizabeth Swanson	deq.nc.gov
Ashley McGhee	ncdor.gov
Michael Gossett	ncdor.gov
Katherine Quinlan	deq.nc.gov
Jessica Montie	deq.nc.gov
Julie Ventaloro	osbm.nc.gov
Alisha Benjamin	ncdoi.gov
Joelle Burleson	deq.nc.gov
Christine Goebel	deq.nc.gov
Angela Willis	deq.nc.gov
Daniel Govoni	deq.nc.gov
Rachel Love-Adrick	deq.nc.gov
Jonathan Howell	deq.nc.gov
Virginia Niehaus	dhhs.nc.gov
Julie Eddins	oah.nc.gov
Arthur Harrell	oah.nc.gov
Denise Mazza	nc.gov
Jason Rock	deq.nc.gov
Catherine Blum	deq.nc.gov
Raj Premakumar	dhhs.nc.gov
Schilling, Michelle	ncdoj.gov
Max D'Ercole	dhhs.nc.gov
Adrienne Spoto	scsj.org
Michele Mabry	wsp.com
Steve Draper	ncdoj.gov
Holly Cardoza	ncdoj.gov
Terra Gang	ncdor.gov
Renee Metz	abc.nc.gov
Bill Croft, NCRCB	ncrcb.org



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

December 18, 2025

Kyle Heuser

**Sent via email to: [kyle.heuser@ncdoi.gov](mailto:kyle.heuser@ncdoi.gov)**

Re: Readoption deadline for 11 NCAC 05A, 05D, 07

Dear Mr. Heuser:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on December 18, 2025.

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

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

Sincerely,

/s/ Travis Wiggs

Travis Wiggs  
Commission Counsel

Melissa Owens Lassiter, Director  
Chief Administrative Law Judge

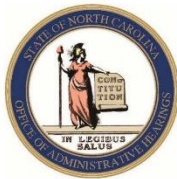
John C. Evans  
Senior Administrative Law Judge

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

RRC DETERMINATION  
PERIODIC RULE REVIEW  
August 28, 2025  
APO Review: October 29, 2025  
State Marshal, Office of  
Total: 38

RRC Determination: Necessary

11 NCAC 05A .0101	11 NCAC 07 .0402
11 NCAC 05A .0103	
11 NCAC 05A .0113	
11 NCAC 05A .0202	
11 NCAC 05A .0302	
11 NCAC 05A .0303	
11 NCAC 05A .0602	
11 NCAC 05A .0603	
11 NCAC 05A .0604	
11 NCAC 05A .0701	
11 NCAC 05A .0702	
11 NCAC 05A .0703	
11 NCAC 05A .0705	
11 NCAC 05A .0801	
11 NCAC 05A .0901	
11 NCAC 05A .0902	
11 NCAC 05A .0903	
11 NCAC 05A .0904	
11 NCAC 05A .0905	
11 NCAC 05A .0906	
11 NCAC 05A .0907	
11 NCAC 05A .0908	
11 NCAC 05A .0909	
11 NCAC 05A .0910	
11 NCAC 05A .0911	
11 NCAC 05A .0912	
11 NCAC 05D .0113	
11 NCAC 05D .0114	
11 NCAC 05D .0115	
11 NCAC 07 .0101	
11 NCAC 07 .0105	
11 NCAC 07 .0106	
11 NCAC 07 .0303	
11 NCAC 07 .0304	
11 NCAC 07 .0305	
11 NCAC 07 .0306	
11 NCAC 07 .0401	



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

December 18, 2025

Holly Cardoza

**Sent via email to: [hcardoza@ncdoj.gov](mailto:hcardoza@ncdoj.gov)**

Re: Readoption deadline for 12 NCAC 09

Dear Ms. Cardoza:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on December 18, 2025.

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

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

Sincerely,

/s/ Travis Wiggs

Travis Wiggs  
Commission Counsel

Melissa Owens Lassiter, Director  
Chief Administrative Law Judge

John C. Evans  
Senior Administrative Law Judge

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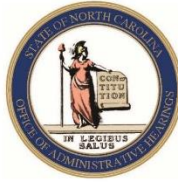


RRC Determination  
 Periodic Rule Review  
 April 24, 2025  
 APO Review: June 25, 2025  
 Criminal Justice Education and Training Standards Commission  
 Total: 212

RRC Determination: Necessary

12	NCAC 09A	.0101	12	NCAC 09B	.0225	12	NCAC 09B	.0409
12	NCAC 09A	.0102	12	NCAC 09B	.0226	12	NCAC 09B	.0410
12	NCAC 09A	.0103	12	NCAC 09B	.0227	12	NCAC 09B	.0411
12	NCAC 09A	.0106	12	NCAC 09B	.0232	12	NCAC 09B	.0412
12	NCAC 09A	.0107	12	NCAC 09B	.0233	12	NCAC 09B	.0413
12	NCAC 09A	.0201	12	NCAC 09B	.0235	12	NCAC 09B	.0414
12	NCAC 09A	.0202	12	NCAC 09B	.0236	12	NCAC 09B	.0415
12	NCAC 09A	.0203	12	NCAC 09B	.0237	12	NCAC 09B	.0416
12	NCAC 09A	.0204	12	NCAC 09B	.0238	12	NCAC 09B	.0417
12	NCAC 09A	.0205	12	NCAC 09B	.0239	12	NCAC 09B	.0501
12	NCAC 09A	.0206	12	NCAC 09B	.0240	12	NCAC 09B	.0502
12	NCAC 09A	.0207	12	NCAC 09B	.0241	12	NCAC 09B	.0503
12	NCAC 09B	.0101	12	NCAC 09B	.0242	12	NCAC 09B	.0504
12	NCAC 09B	.0102	12	NCAC 09B	.0243	12	NCAC 09B	.0505
12	NCAC 09B	.0103	12	NCAC 09B	.0244	12	NCAC 09B	.0601
12	NCAC 09B	.0104	12	NCAC 09B	.0245	12	NCAC 09B	.0602
12	NCAC 09B	.0105	12	NCAC 09B	.0301	12	NCAC 09B	.0603
12	NCAC 09B	.0106	12	NCAC 09B	.0302	12	NCAC 09B	.0604
12	NCAC 09B	.0111	12	NCAC 09B	.0303	12	NCAC 09B	.0605
12	NCAC 09B	.0114	12	NCAC 09B	.0304	12	NCAC 09B	.0606
12	NCAC 09B	.0116	12	NCAC 09B	.0305	12	NCAC 09B	.0607
12	NCAC 09B	.0117	12	NCAC 09B	.0306	12	NCAC 09B	.0608
12	NCAC 09B	.0201	12	NCAC 09B	.0307	12	NCAC 09B	.0701
12	NCAC 09B	.0202	12	NCAC 09B	.0308	12	NCAC 09C	.0101
12	NCAC 09B	.0203	12	NCAC 09B	.0309	12	NCAC 09C	.0102
12	NCAC 09B	.0204	12	NCAC 09B	.0310	12	NCAC 09C	.0103
12	NCAC 09B	.0205	12	NCAC 09B	.0312	12	NCAC 09C	.0201
12	NCAC 09B	.0209	12	NCAC 09B	.0313	12	NCAC 09C	.0202
12	NCAC 09B	.0210	12	NCAC 09B	.0314	12	NCAC 09C	.0203
12	NCAC 09B	.0211	12	NCAC 09B	.0401	12	NCAC 09C	.0204
12	NCAC 09B	.0212	12	NCAC 09B	.0402	12	NCAC 09C	.0205
12	NCAC 09B	.0213	12	NCAC 09B	.0403	12	NCAC 09C	.0207
12	NCAC 09B	.0220	12	NCAC 09B	.0404	12	NCAC 09C	.0208
12	NCAC 09B	.0221	12	NCAC 09B	.0405	12	NCAC 09C	.0209
12	NCAC 09B	.0222	12	NCAC 09B	.0406	12	NCAC 09C	.0211
12	NCAC 09B	.0224	12	NCAC 09B	.0408	12	NCAC 09C	.0212

12	NCAC 09C	.0213	12	NCAC 09G	.0101	12	NCAC 09G	.0502
12	NCAC 09C	.0214	12	NCAC 09G	.0102	12	NCAC 09G	.0503
12	NCAC 09C	.0215	12	NCAC 09G	.0103	12	NCAC 09G	.0504
12	NCAC 09C	.0216	12	NCAC 09G	.0201	12	NCAC 09G	.0505
12	NCAC 09C	.0219	12	NCAC 09G	.0204	12	NCAC 09G	.0506
12	NCAC 09C	.0301	12	NCAC 09G	.0205	12	NCAC 09G	.0601
12	NCAC 09C	.0302	12	NCAC 09G	.0207	12	NCAC 09G	.0602
12	NCAC 09C	.0303	12	NCAC 09G	.0208	12	NCAC 09G	.0604
12	NCAC 09C	.0304	12	NCAC 09G	.0209	12	NCAC 09G	.0605
12	NCAC 09C	.0306	12	NCAC 09G	.0210	12	NCAC 09G	.0606
12	NCAC 09C	.0307	12	NCAC 09G	.0211	12	NCAC 09G	.0701
12	NCAC 09C	.0308	12	NCAC 09G	.0301	12	NCAC 09H	.0101
12	NCAC 09C	.0309	12	NCAC 09G	.0302	12	NCAC 09H	.0102
12	NCAC 09C	.0310	12	NCAC 09G	.0303	12	NCAC 09H	.0103
12	NCAC 09C	.0311	12	NCAC 09G	.0304	12	NCAC 09H	.0104
12	NCAC 09C	.0401	12	NCAC 09G	.0305	12	NCAC 09H	.0105
12	NCAC 09C	.0402	12	NCAC 09G	.0306			
12	NCAC 09C	.0403	12	NCAC 09G	.0307			
12	NCAC 09C	.0404	12	NCAC 09G	.0308			
12	NCAC 09C	.0601	12	NCAC 09G	.0309			
12	NCAC 09C	.0607	12	NCAC 09G	.0310			
12	NCAC 09C	.0608	12	NCAC 09G	.0311			
12	NCAC 09D	.0101	12	NCAC 09G	.0312			
12	NCAC 09D	.0102	12	NCAC 09G	.0314			
12	NCAC 09D	.0104	12	NCAC 09G	.0315			
12	NCAC 09D	.0105	12	NCAC 09G	.0316			
12	NCAC 09D	.0106	12	NCAC 09G	.0401			
12	NCAC 09D	.0201	12	NCAC 09G	.0402			
12	NCAC 09D	.0202	12	NCAC 09G	.0403			
12	NCAC 09D	.0204	12	NCAC 09G	.0404			
12	NCAC 09D	.0205	12	NCAC 09G	.0405			
12	NCAC 09D	.0206	12	NCAC 09G	.0406			
12	NCAC 09E	.0101	12	NCAC 09G	.0407			
12	NCAC 09E	.0103	12	NCAC 09G	.0408			
12	NCAC 09E	.0104	12	NCAC 09G	.0409			
12	NCAC 09E	.0106	12	NCAC 09G	.0410			
12	NCAC 09E	.0107	12	NCAC 09G	.0411			
12	NCAC 09E	.0108	12	NCAC 09G	.0412			
12	NCAC 09E	.0109	12	NCAC 09G	.0414			
12	NCAC 09E	.0110	12	NCAC 09G	.0415			
12	NCAC 09F	.0101	12	NCAC 09G	.0416			
12	NCAC 09F	.0102	12	NCAC 09G	.0417			
12	NCAC 09F	.0106	12	NCAC 09G	.0418			
12	NCAC 09F	.0107	12	NCAC 09G	.0501			



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

December 18, 2025

Jennifer Everett, Environmental Management Commission

**Sent via email only to: [jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)**

Re: Readoption deadline for 15A NCAC 02G, 02I, 02L, 02N, 02O, 02P

Dear Ms. Everett,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the December 18, 2025, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted according to the following table:

Subchapter	Readoption Deadline
15A NCAC 02G	December 1, 2028
15A NCAC 02I	July 1, 2027
15A NCAC 02L	September 1, 2028
15A NCAC 02N, 02O, 02P	August 1, 2029

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

Sincerely,

/s/ Seth Ascher

Seth Ascher  
Commission Counsel

Melissa Owens Lassiter, Director  
Chief Administrative Law Judge

John C. Evans  
Senior Administrative Law Judge

*An Equal Employment Opportunity Employer*  
1711 New Hope Church Road, Raleigh, NC 27609  
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RRC DETERMINATION  
PERIODIC RULE REVIEW

August 28, 2025

APO Review: October 29, 2025

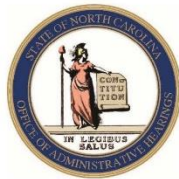
Environmental Management Commission

Total: 154

RRC Determination: Necessary

15A NCAC 02G .0501	15A NCAC 02L .0304	15A NCAC 02L .0507	15A NCAC 02N .0701
15A NCAC 02G .0502	15A NCAC 02L .0305	15A NCAC 02L .0508	15A NCAC 02N .0702
15A NCAC 02G .0503	15A NCAC 02L .0306	15A NCAC 02L .0509	15A NCAC 02N .0703
15A NCAC 02G .0504	15A NCAC 02L .0307	15A NCAC 02L .0510	15A NCAC 02N .0704
15A NCAC 02G .0505	15A NCAC 02L .0308	15A NCAC 02L .0511	15A NCAC 02N .0705
15A NCAC 02G .0506	15A NCAC 02L .0309	15A NCAC 02L .0512	15A NCAC 02N .0706
15A NCAC 02G .0507	15A NCAC 02L .0311	15A NCAC 02L .0513	15A NCAC 02N .0707
15A NCAC 02I .0101	15A NCAC 02L .0312	15A NCAC 02L .0514	15A NCAC 02N .0708
15A NCAC 02I .0102	15A NCAC 02L .0313	15A NCAC 02L .0515	15A NCAC 02N .0801
15A NCAC 02I .0103	15A NCAC 02L .0314	15A NCAC 02N .0101	15A NCAC 02N .0802
15A NCAC 02I .0105	15A NCAC 02L .0315	15A NCAC 02N .0102	15A NCAC 02N .0803
15A NCAC 02I .0203	15A NCAC 02L .0316	15A NCAC 02N .0104	15A NCAC 02N .0804
15A NCAC 02I .0501	15A NCAC 02L .0317	15A NCAC 02N .0201	15A NCAC 02N .0805
15A NCAC 02I .0502	15A NCAC 02L .0318	15A NCAC 02N .0202	15A NCAC 02N .0901
15A NCAC 02I .0503	15A NCAC 02L .0319	15A NCAC 02N .0203	15A NCAC 02N .0902
15A NCAC 02I .0601	15A NCAC 02L .0401	15A NCAC 02N .0301	15A NCAC 02N .0903
15A NCAC 02I .0602	15A NCAC 02L .0402	15A NCAC 02N .0302	15A NCAC 02N .0904
15A NCAC 02I .0603	15A NCAC 02L .0403	15A NCAC 02N .0303	15A NCAC 02N .0905
15A NCAC 02L .0101	15A NCAC 02L .0404	15A NCAC 02N .0304	15A NCAC 02N .0906
15A NCAC 02L .0102	15A NCAC 02L .0405	15A NCAC 02N .0401	15A NCAC 02N .0907
15A NCAC 02L .0103	15A NCAC 02L .0406	15A NCAC 02N .0402	15A NCAC 02N .1001
15A NCAC 02L .0104	15A NCAC 02L .0407	15A NCAC 02N .0403	15A NCAC 02N .1002
15A NCAC 02L .0106	15A NCAC 02L .0408	15A NCAC 02N .0404	15A NCAC 02N .1003
15A NCAC 02L .0107	15A NCAC 02L .0409	15A NCAC 02N .0405	15A NCAC 02O .0101
15A NCAC 02L .0108	15A NCAC 02L .0410	15A NCAC 02N .0406	15A NCAC 02O .0102
15A NCAC 02L .0109	15A NCAC 02L .0411	15A NCAC 02N .0407	15A NCAC 02O .0203
15A NCAC 02L .0110	15A NCAC 02L .0412	15A NCAC 02N .0501	15A NCAC 02O .0204
15A NCAC 02L .0111	15A NCAC 02L .0413	15A NCAC 02N .0502	15A NCAC 02O .0302
15A NCAC 02L .0112	15A NCAC 02L .0414	15A NCAC 02N .0503	15A NCAC 02O .0304
15A NCAC 02L .0113	15A NCAC 02L .0415	15A NCAC 02N .0504	15A NCAC 02O .0308
15A NCAC 02L .0114	15A NCAC 02L .0501	15A NCAC 02N .0505	15A NCAC 02O .0402
15A NCAC 02L .0201	15A NCAC 02L .0502	15A NCAC 02N .0506	15A NCAC 02O .0503
15A NCAC 02L .0202	15A NCAC 02L .0503	15A NCAC 02N .0601	15A NCAC 02O .0504
15A NCAC 02L .0301	15A NCAC 02L .0504	15A NCAC 02N .0602	15A NCAC 02P .0101
15A NCAC 02L .0302	15A NCAC 02L .0505	15A NCAC 02N .0603	15A NCAC 02P .0103
15A NCAC 02L .0303	15A NCAC 02L .0506	15A NCAC 02N .0604	15A NCAC 02P .0201

15A NCAC 02P .0202  
15A NCAC 02P .0301  
15A NCAC 02P .0302  
15A NCAC 02P .0401  
15A NCAC 02P .0402  
15A NCAC 02P .0403  
15A NCAC 02P .0404  
15A NCAC 02P .0405  
15A NCAC 02P .0406  
15A NCAC 02P .0407



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

December 18, 2025

Jennifer Everett

**Sent via email to: [jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)**

Re: Readoption deadline for 15A NCAC 07B

Dear Ms. Everett:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on December 18, 2025.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **May 1, 2026**.

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

Sincerely,

/s/ Travis Wiggs

Travis Wiggs  
Commission Counsel

**Melissa Owens Lassiter**, Director  
Chief Administrative Law Judge

**John C. Evans**  
Senior Administrative Law Judge

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

RRC DETERMINATION  
PERIODIC RULE REVIEW  
June 26, 2025  
APO Review: August 27, 2025  
Coastal Resources Commission  
Total: 7

RRC Determination: Necessary

15A NCAC 07B .0601  
15A NCAC 07B .0701  
15A NCAC 07B .0702  
15A NCAC 07B .0801  
15A NCAC 07B .0802  
15A NCAC 07B .0803  
15A NCAC 07B .0804



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

December 18, 2025

Jonathan Puryear

**Sent via email to: Jonathan.Puryear@ncdor.gov**

Re: Readoption deadline for 17 NCAC 04

Dear Mr. Puryear:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on December 18, 2025.

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

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

Sincerely,

/s/ Travis Wiggs

Travis Wiggs  
Commission Counsel

cc: Laura Lansford

Melissa Owens Lassiter, Director  
Chief Administrative Law Judge

John C. Evans  
Senior Administrative Law Judge

*An Equal Employment Opportunity Employer*

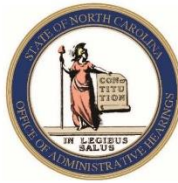
1711 New Hope Church Road, Raleigh, NC 27609  
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871  
[www.oah.nc.gov](http://www.oah.nc.gov)



RRC DETERMINATION  
PERIODIC RULE REVIEW  
August 28, 2025  
APO Review: October 29, 2025  
Revenue, Department of  
Total: 32

RRC Determination: Necessary

17 NCAC 04B .2902  
17 NCAC 04B .2903  
17 NCAC 04B .2904  
17 NCAC 04B .2905  
17 NCAC 04B .3301  
17 NCAC 04B .3302  
17 NCAC 04C .0101  
17 NCAC 04C .0104  
17 NCAC 04C .0201  
17 NCAC 04C .0205  
17 NCAC 04C .0504  
17 NCAC 04C .0702  
17 NCAC 04C .0801  
17 NCAC 04C .0901  
17 NCAC 04C .0902  
17 NCAC 04C .0903  
17 NCAC 04C .0904  
17 NCAC 04C .1002  
17 NCAC 04C .1102  
17 NCAC 04C .1201  
17 NCAC 04C .1301  
17 NCAC 04C .1601  
17 NCAC 04C .1602  
17 NCAC 04C .1603  
17 NCAC 04C .1801  
17 NCAC 04C .1802  
17 NCAC 04C .1803  
17 NCAC 04E .0204  
17 NCAC 04E .0205  
17 NCAC 04E .0303  
17 NCAC 04E .0502  
17 NCAC 04E .0601



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

December 18, 2025

Laura Lansford, Department of Revenue  
**Sent via email only to: [Laura.Lansford@ncdor.gov](mailto:Laura.Lansford@ncdor.gov)**

Re: Readoption deadline for 17 NCAC 05

Dear Ms. Everett,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the December 18, 2025, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted according to the following table:

Subchapter	Readoption Deadline
17 NCAC 05	July 1, 2029

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

Sincerely,

/s/ Seth Ascher  
Seth Ascher  
Commission Counsel

Melissa Owens Lassiter, Director  
Chief Administrative Law Judge

John C. Evans  
Senior Administrative Law Judge

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RRC DETERMINATION  
 PERIODIC RULE REVIEW  
 July 30, 2025  
 APO Review: September 30, 2025  
 Revenue, Department of  
 Total: 113

RRC Determination: Necessary

17 NCAC 05B .0104	17 NCAC 05C .1404	17 NCAC 05F .0502	17 NCAC 05G .1105
17 NCAC 05B .0105	17 NCAC 05C .1506	17 NCAC 05F .0503	17 NCAC 05G .1201
17 NCAC 05B .0107	17 NCAC 05C .1701	17 NCAC 05F .0601	17 NCAC 05G .1301
17 NCAC 05B .1104	17 NCAC 05C .1702	17 NCAC 05G .0101	17 NCAC 05G .1302
17 NCAC 05B .1105	17 NCAC 05C .1904	17 NCAC 05G .0102	17 NCAC 05G .1303
17 NCAC 05B .1108	17 NCAC 05C .1905	17 NCAC 05G .0201	
17 NCAC 05B .1109	17 NCAC 05C .2004	17 NCAC 05G .0301	
17 NCAC 05B .1110	17 NCAC 05C .2101	17 NCAC 05G .0302	
17 NCAC 05B .1501	17 NCAC 05C .2401	17 NCAC 05G .0303	
17 NCAC 05B .1502	17 NCAC 05C .2403	17 NCAC 05G .0401	
17 NCAC 05C .0101	17 NCAC 05C .2404	17 NCAC 05G .0402	
17 NCAC 05C .0102	17 NCAC 05D .0107	17 NCAC 05G .0501	
17 NCAC 05C .0103	17 NCAC 05D .0108	17 NCAC 05G .0502	
17 NCAC 05C .0304	17 NCAC 05D .0109	17 NCAC 05G .0503	
17 NCAC 05C .0401	17 NCAC 05D .0110	17 NCAC 05G .0504	
17 NCAC 05C .0402	17 NCAC 05D .0111	17 NCAC 05G .0505	
17 NCAC 05C .0403	17 NCAC 05D .0112	17 NCAC 05G .0601	
17 NCAC 05C .0404	17 NCAC 05D .0113	17 NCAC 05G .0701	
17 NCAC 05C .0405	17 NCAC 05D .0114	17 NCAC 05G .0801	
17 NCAC 05C .0406	17 NCAC 05D .0115	17 NCAC 05G .0802	
17 NCAC 05C .0407	17 NCAC 05E .0101	17 NCAC 05G .0803	
17 NCAC 05C .0601	17 NCAC 05E .0103	17 NCAC 05G .0901	
17 NCAC 05C .0602	17 NCAC 05E .0104	17 NCAC 05G .0902	
17 NCAC 05C .0604	17 NCAC 05E .0106	17 NCAC 05G .0903	
17 NCAC 05C .0605	17 NCAC 05F .0101	17 NCAC 05G .0904	
17 NCAC 05C .0701	17 NCAC 05F .0102	17 NCAC 05G .0905	
17 NCAC 05C .0704	17 NCAC 05F .0201	17 NCAC 05G .1001	
17 NCAC 05C .1001	17 NCAC 05F .0202	17 NCAC 05G .1002	
17 NCAC 05C .1002	17 NCAC 05F .0203	17 NCAC 05G .1003	
17 NCAC 05C .1003	17 NCAC 05F .0204	17 NCAC 05G .1004	
17 NCAC 05C .1004	17 NCAC 05F .0205	17 NCAC 05G .1005	
17 NCAC 05C .1005	17 NCAC 05F .0206	17 NCAC 05G .1006	
17 NCAC 05C .1006	17 NCAC 05F .0207	17 NCAC 05G .1101	
17 NCAC 05C .1401	17 NCAC 05F .0301	17 NCAC 05G .1102	
17 NCAC 05C .1402	17 NCAC 05F .0401	17 NCAC 05G .1103	
17 NCAC 05C .1403	17 NCAC 05F .0501	17 NCAC 05G .1104	

**LIST OF APPROVED PERMANENT RULES****December 18, 2025 Meeting****CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION**

<u>Suspension: Denial: or Revocation of Certification</u>	12 NCAC 09A .0204
<u>Completion of Basic Law Enforcement Training Course</u>	12 NCAC 09B .0405
<u>Annual In-Service Firearms Qualification Specifications</u>	12 NCAC 09E .0106

**ALCOHOLIC BEVERAGE CONTROL COMMISSION**

<u>Advertising Of Malt Beverages and Wine by Industry Members</u>	14B NCAC 15B .1007
<u>Advertising of Spirituous Liquors</u>	14B NCAC 15B .1008
<u>Application Procedures</u>	14B NCAC 15C .0102
<u>Wine Product Brand</u>	14B NCAC 15C .0104

**ENVIRONMENTAL MANAGEMENT COMMISSION**

<u>Parameters for Which Certification May be Requested</u>	15A NCAC 02H .0804
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**MARINE FISHERIES COMMISSION**

<u>Definitions</u>	15A NCAC 03I .0101
<u>Recordkeeping Requirements</u>	15A NCAC 03I .0114
<u>Procedures and Requirements to Obtain Permits</u>	15A NCAC 03O .0501
<u>General Permit Conditions</u>	15A NCAC 03O .0502
<u>Permit Conditions: Specific</u>	15A NCAC 03O .0503

**COASTAL RESOURCES COMMISSION**

<u>Jockey's Ridge Area of Environmental Concern</u>	15A NCAC 07H .0508
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**FUNERAL SERVICE, BOARD OF**

<u>Agency Name and Address</u>	21 NCAC 34A .0101
<u>Consumer Complaint Form</u>	21 NCAC 34A .0123
<u>Filing of Documents</u>	21 NCAC 34A .0127
<u>Change in Employment</u>	21 NCAC 34B .0104
<u>Work Reports and Checklists</u>	21 NCAC 34B .0110
<u>Embalming, Funeral Directing and Funeral Service Training</u>	21 NCAC 34B .0126
<u>Applications</u>	21 NCAC 34B .0202
<u>Establishment and Approval of Courses</u>	21 NCAC 34B .0401
<u>Accreditation of Computer-Based CE</u>	21 NCAC 34B .0414
<u>Application for Licensure</u>	21 NCAC 34B .0501
<u>Courtesy Cards</u>	21 NCAC 34B .0507
<u>Application Form for Courtesy Card</u>	21 NCAC 34B .0508
<u>Courtesy Card Renewal Form</u>	21 NCAC 34B .0510
	21 NCAC 34B .0605
<u>Disclosure Statements</u>	21 NCAC 34B .0613
<u>Funeral Establishment Inspection Form</u>	21 NCAC 34B .0615
	21 NCAC 34B .0703
<u>Registration of Embalming Facility Located Outside a Fune...</u>	21 NCAC 34B .0706
<u>Monthly Reports</u>	21 NCAC 34C .0305

Transfer of Trust Funds

21 NCAC 34D .0304

**RESPIRATORY CARE BOARD**

Reinstatement of a Respiratory Care License

21 NCAC 61 .0206