

# NORTH CAROLINA REGISTER

VOLUME 40 • ISSUE 17 • Pages 1333 – 1428

March 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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**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

## EXPLANATION OF THE PUBLICATION SCHEDULE

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

### GENERAL

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

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

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

### FILING DEADLINES

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

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

### NOTICE OF TEXT

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

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

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



# State of North Carolina

**JOSH STEIN**  
GOVERNOR

January 29, 2026

## EXECUTIVE ORDER NO. 32

### DECLARATION OF A STATE OF EMERGENCY

**WHEREAS**, current weather projections indicate that a winter storm is anticipated to hit the State of North Carolina starting on or about January 30, 2026; and

**WHEREAS**, on January 24 and 25, 2026, the State experienced severe winter weather, including freezing rain, which caused widespread power outages and hazardous conditions, and the State has since experienced sustained below-average temperatures, further exacerbating the impact on public safety, infrastructure, and essential services; and

**WHEREAS**, the projected winter storm could further disrupt and provide additional strain on essential services, public safety, infrastructure and utility systems; and

**WHEREAS**, the anticipated impacts from the projected winter storm constitute a state of emergency as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(20); and

**WHEREAS**, certain measures are necessary to ensure the protection and safety of North Carolina residents and to coordinate the emergency response among state and local entities and officials; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.1(3) provides that it is the responsibility of the Governor, state agencies, and local governments to “[p]rovide for the rapid and orderly rehabilitation of persons and restoration of property”; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.1(4) provides that it is the responsibility of the Governor, state agencies, and local governments to “[p]rovide for cooperation and coordination of activities relating to emergency mitigation preparedness, response, and recovery among agencies and officials of this state and with similar agencies and officials of other states and with other private and quasi-official organizations”; and

**WHEREAS**, N.C. Gen. Stat. §§ 166A-19.10 and 166A-19.20 authorize the Governor to declare a state of emergency and exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.10(3) authorizes the Governor to delegate any gubernatorial authority vested in him under the Emergency Management Act, and to provide for the subdelegation of that authority.

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

**Section 1.**

I hereby declare that a state of emergency, as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(20) exist in the State of North Carolina due to the anticipated impacts from the project winter storm.

For purposes of this Executive Order, the emergency area is the entire State of North Carolina ("the Emergency Area").

**Section 2.**

I order all state and local government entities and agencies to cooperate in the implementation of the provisions of this declaration and the provisions of the North Carolina Emergency Operations Plan ("the Plan").

**Section 3.**

I delegate to the Secretary of the North Carolina Department of Public Safety ("DPS"), or the Secretary's designee, all power and authority granted to and required of me by Article 1A of Chapter 166A of the North Carolina General Statutes to implement the Plan and deploy the State Emergency Response Team to take the appropriate actions necessary to promote and secure the safety and protection of the populace in North Carolina.

**Section 4.**

The Secretary of DPS ("Secretary"), as the Chief Coordinating Officer for the State of North Carolina, shall exercise the powers prescribed in N.C. Gen. Stat. § 143B-602.

**Section 5.**

I further direct the Secretary, or his designee, to seek assistance from any and all agencies of the United States Government as may be needed to meet the emergency and to seek reimbursement for costs incurred by the state in responding to this emergency.

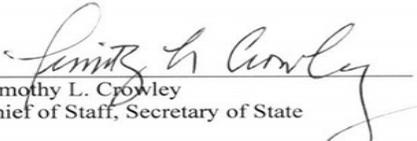
**Section 6.**

This Executive Order is effective immediately and shall remain in effect until February 20, 2026, unless modified, superseded, or rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 29th day of January in the year of our Lord two thousand and twenty-six.

  
\_\_\_\_\_  
Josh Stein  
Governor

ATTEST:

  
\_\_\_\_\_  
Timothy L. Crowley  
Chief of Staff, Secretary of State



**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-21.2 and G.S. 150B-21.3A(c)(2)g. that the State Board of Education intends to adopt the rules cited as 16 NCAC 06C .0409, .0411, and readopt with substantive changes the rules cited as 16 NCAC 06C .0401-.0406.*

**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. Title 16, Subchapter 6C, Section .0400 contains several rules related to benefits for public school employees that must be readopted by June 30, 2026. These rules address a variety of benefits including vacation leave, sick leave, military leave, and leave without pay.

The existing rules have been modernized and revised to align with existing State Board of Education policy, codified in the Public School Employees Benefits Manual. The substantive content of existing Rule 06E .0301, which addresses vacation leave, will be moved to a new rule, 06C .0409. In addition, provisions related to the establishment of sick leave banks by local boards of education have been moved from Rule 06C .0402 to a new rule, 06C .0411.

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

**Comment period ends:** May 1, 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 06C - PERSONNEL**

**SECTION .0400 – SALARIES AND BENEFITS**

**16 NCAC 06C .0401 VACATION LEAVE**

**DEFINITIONS**

~~(a) All full time or part time permanent public school employees who are working or on paid leave for at least one half of the calendar days in a month shall earn vacation leave, based on length of state service in North Carolina.~~

~~(b) A part time permanent employee in a budgeted position shall earn vacation leave on a pro rata basis.~~

~~(c) Local boards of education may choose to record leave earned in hours. If leave is recorded in hours, the leave earned as indicated in this Paragraph shall be multiplied times the regular number of hours worked per day. Employees shall earn vacation leave as follows:~~

<del>Yrs. of Month</del>	<del>Days—Per</del>
<del>State Service Employment</del>	<del>of</del>
<del>Less than 2 yrs.</del>	<del>1.00</del>
<del>2 but less than 5 yrs.</del>	<del>1.15</del>
<del>5 but less than 10 yrs.</del>	<del>1.40</del>
<del>10 but less than 15 yrs.</del>	<del>1.65</del>
<del>15 but less than 20 yrs.</del>	<del>1.90</del>
<del>20 yrs. or more</del>	<del>2.15</del>

~~(d) LEAs shall credit state service for full time or part time permanent employment figured on the same basis as for longevity pay. The LEA must establish the anniversary date for each employee on the basis of the employee's state service.~~

~~(e) The LEA may advance vacation leave to an employee.~~

~~(f) The LEA shall transfer unused vacation leave when an employee transfers between LEAs. An employee may have leave transferred to or from a state agency or institution, community college or technical institute, a position subject to the State Personnel Act in a local mental health center, public health, social services or emergency management agency, if the receiving agency is willing to accept the leave; otherwise, the employee shall be paid in a lump sum for accumulated leave not to exceed 30 workdays or 240 hours, according to the earning rate.~~

~~(g) Leave payment at separation shall be subject to the following:~~

- ~~(1) An employee who is overdrawn on leave when he or she separates will have the excess leave corrected through a deduction from the final salary check.~~
- ~~(2) Payment for leave may be made on the regular payroll or on a supplemental payroll. The LEA shall make payment from the same source of funds and in the same proportion as the employee's salary is paid.~~
- ~~(3) Terminal leave payment shall be subject to the same deductions as salary, including retirement.~~
- ~~(4) The receipt of lump sum payment and retirement benefit shall not be deemed dual compensation.~~
- ~~(5) The LEA shall make payment for unpaid salary, terminal leave and travel of a deceased employee to the personal representative of the deceased employee, or if there is no personal representative, to the Clerk of Superior Court of the county in which the employee resided.~~

~~(h) Each LEA shall maintain leave records for all employees. LEAs must inform employees of their leave balances at least once a year. LEAs must retain leave records for separated employees for at least five years from the date of separation.~~

~~(i) Leave must be taken in one half days, whole days, or hours as determined for earning purposes by the local board.~~

~~(j) School bus drivers and instructional personnel who require a substitute may take vacation leave only on days when students are not in attendance. Instructional personnel who do not require a substitute may take vacation leave on any day school is in session. LEAs may designate specific scheduled workdays for required attendance. Employees may charge leave taken only to scheduled teacher workdays and the ten vacation leave days scheduled in the school calendar.~~

~~(k) Other employees may take vacation leave instead of sick leave. These employees must have an opportunity to take annual leave earned in the school year.~~

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

- (1) "Career employee" is defined in G.S. 115C-325(a)(1a).
- (2) "Creditable service" is defined in G.S. 135-1(8).
- (3) "Disability benefits" means benefits received under Chapter 135, Article 6 of the General Statutes.
- (4) "Full-time employee" means a person employed by a local board of education for the number of hours per week that the local board

considers full-time for the position in which the person is employed, but no less than 30 hours per week.

(5) "Immediate family member" means a spouse, parent, child, grandchild, brother, sister, half-sibling, step-sibling, or dependent living in the employee's household. The term applies to any such relationship whether by blood, adoption, or marriage.

(6) "Instructional personnel" includes any of the following:

(A) Teachers, as defined in Subparagraph (13) of this Rule.

(B) Student services personnel, as classified by 16 NCAC 06C .0306.

(7) "Interim employee" means a person employed temporarily to replace an employee who is on leave without pay but is expected to return to work.

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

(9) "Permanent employee" means a person who is employed by a local board of education either:

(A) In a permanent position; or

(B) To replace one or more permanent employees who are on a leave of absence or to fill a vacancy until a qualified permanent employee is hired, provided the employee is employed for at least six full consecutive months.

A permanent employee shall not lose permanent status during any period of temporary or interim assignment to another position in the same local school administrative unit, provided the local board of education employee anticipates returning the employee to a permanent position.

(10) "Retirement" is defined in G.S. 135-1(20).

(11) "School year" means either:

(A) For a year-round school, as defined in G.S. 115-84.2(f)(5), a calendar year beginning on July 1 of one year and ending on June 30 of the following year.

(B) For a traditional school with a summer break, the time between the opening and closing date for the local school administrative unit, as established by the local board of education pursuant to G.S. 115C-84.2.

(12) "Substitute employee" or "substitute" means a person employed to fulfill the duties of a permanent employee on a temporary basis while the permanent employee is on paid leave.

- (13) "Teacher" means a permanent employee of a local board of education:
  - (A) Whose major responsibility is classroom teaching; and
  - (B) Holds a current professional educator license.
- (14) "Temporary employee" means a person who is employed to fill a vacancy and is either:
  - (A) Working fewer than 20 hours per week; or
  - (B) Employed for fewer than six full consecutive months.
- (15) "Workers' compensation" means compensation received under Chapter 97, Article 1 of the General Statutes.

*Authority G.S. 115C-272; 115C-285; 115C-302.1; 115C-316.*

**16 NCAC 06C .0402 SICK LEAVE**

- ~~(a) Public school employees who earn vacation leave shall also earn sick leave. Full time employees shall earn one day per month or the number of hours worked daily by a full time employee in that class of work. Part time employees shall earn and may use sick leave in proportion to the part of the day for which they are employed.~~
- ~~(b) The LEA may allow sick leave to be used for temporary disability which prevents an employee from performing his or her usual duties, illness in the employee's immediate family and attendant medical appointments which require the employee's attendance, death in the immediate family and medical appointments for the employee. For purposes of this Rule the term immediate family shall include spouse, children, parents, brothers, sisters, grandparents, grandchildren, and dependents living in the household. The term shall also include the step, half, and in law relationships. An employee of any public school system may contribute vacation or sick leave to another immediate family member who is employed by any State agency or public school system.~~
- ~~(c) Employees must take leave in one half days, whole days, or hours as determined for earning purposes by the local board.~~
- ~~(d) Employees may accumulate sick leave indefinitely and may transfer sick leave as in the case of vacation leave.~~
- ~~(e) LEAs may advance sick leave not to exceed the amount which would be earned within the school year.~~
- ~~(f) An employee who is overdrawn on sick leave when the employee separates from service will have the excess leave corrected through a deduction from the final salary check.~~
- ~~(g) If the period of sick leave taken is less than 30 days, the employee will return to his or her position with the LEA. If the period of temporary disability exceeds 30 days, the superintendent shall determine when the employee is to be reinstated. The superintendent makes this decision based on the welfare of the students and the need for continuity of instruction.~~
- ~~(h) The LEA shall credit an employee who separates from service and returns within 60 months with all sick leave accumulated to the time of separation.~~
- ~~(i) Permanent full or part time instructional personnel, excluding teacher assistants, who are absent due to their personal illness or injury in excess of their accumulated sick leave, shall be allowed~~

~~extended sick leave of up to 20 work days throughout the regular term of employment. These days do not have to be consecutive. A new employee must have reported to work to be eligible for extended sick leave. The superintendent may require a doctor's certificate or other proof acceptable to the superintendent of the reason for the absence.~~

~~(j) An LEA may establish a voluntary sick leave bank for its employees. Any employee of an LEA that establishes a voluntary sick leave bank may, but is not required to, participate in the voluntary sick leave bank.~~

- ~~(1) The LEA shall develop and implement a plan for participation that shall include those factors listed in G.S. 115C 336(b)(i) (vii) and the following:~~
    - ~~(A) a uniform number of days to be contributed to the bank by participants;~~
    - ~~(B) provisions for legitimate usage of days by participants;~~
    - ~~(C) means to protect against overdraft of total contributed days; and~~
    - ~~(D) safeguards to prevent abuses by participants.~~
  - ~~(2) The LEA shall establish a sick leave bank committee to administer the sick leave bank.~~
    - ~~(A) The LEA shall assure that all local personnel are equitably represented on the committee.~~
    - ~~(B) The LEA shall develop operational rules for the efficient and effective functioning of the bank.~~
    - ~~(C) The LEA shall develop procedures for participants' usage of days based upon requirements in the plan.~~
    - ~~(D) The LEA shall specify the limits of the committee's authority.~~
    - ~~(E) The committee shall notify all participating employees of the ways in which their participation will affect their state retirement account.~~
  - ~~(3) The LEA shall ensure that its operational procedures require:~~
    - ~~(A) that payment of substitutes and matching social security are charged to the appropriate program report code; and~~
    - ~~(B) the reporting to the division of school business services of the Department of the number of employees participating itemized by job classification, the number of sick leave days withdrawn, the cost of the leave, and other data required for fiscal and programmatic accountability.~~
- (a) This Rule shall govern the use of sick leave by employees of a local board of education ("local board") pursuant to G.S. 115C-336. The local board may adopt additional policies to govern the use of sick leave, provided they are consistent with this Rule.
- (b) Eligibility for Sick Leave

- (1) A permanent full-time employee who works or is on paid leave (including State holidays and days for which the employee is receiving workers' compensation) for at least one-half of the workdays in a calendar month shall earn either:
  - (A) One day of sick leave per month; or
  - (B) The number of hours in sick leave per month that is equivalent to the number of hours in a workday for a permanent full-time employee in that position classification, up to a maximum of eight hours.
- (2) A permanent part-time employee who works or is on paid leave (including State holidays and days for which the employee is receiving workers' compensation) for at least one-half of the workdays in a calendar month shall earn sick leave on a pro rata basis relative to the amount of leave earned by a permanent full-time employee in the same position classification. A permanent part-time employee who was previously employed in a full-time position shall retain any sick leave earned in the full-time position upon transferring to the part-time position.
- (3) An employee may accumulate unused sick leave from year to year without limit.
- (4) An employee who is not eligible to earn sick leave may not use previously accumulated sick leave.

(c) Use of Sick Leave

- (1) A permanent employee may use sick leave for any of the following purposes:
  - (A) Personal illness or injury that renders the employee unable to perform the employee's professional duties.
  - (B) Personal medical appointments of the employee.
  - (C) Caretaking for a newborn child or child placed with the employee for adoption or foster care, subject to the requirements of G.S. 115C-336.1.
  - (D) Caretaking for an immediate family member due to the family member's illness or injury, including taking the family member to medical appointments.
  - (E) Death of an immediate family member.
- (2) The employee shall provide advanced notice to the administrative unit ("LSAU") of the employee's intent to use paid sick leave for elective medical procedures or childbirth, in accordance with policies adopted by the local board of education. When possible, the employee shall provide notice at least 30 days in advance.

- (3) The employee shall, upon the request of the local superintendent or designee, provide medical documentation to verify that the employee's use of sick leave is for a permissible purpose.
- (4) The employee shall not use sick leave for paid holidays, days for which the employee was previously scheduled to use vacation leave, or days in which the employee is on leave without pay. Any period of absence for which the employee is receiving workers' compensation is not considered leave without pay.

(d) An LSAU may advance sick leave to an employee based on the amount of sick leave the employee is anticipated to earn in the remainder of the current fiscal year, provided that the LSAU shall assume financial responsibility for any advanced sick leave not earned at the time the employee separates from employment or at the end of the fiscal year, whichever is earlier.

(e) An employee is not entitled to compensation for accumulated sick leave, except as permitted by the North Carolina Teachers and State Employees Retirement System.

(f) Separation from Employment

- (1) If an employee separates from employment with a local board or transfers to a temporary employee position, the employee shall retain the employee's accrued sick leave balance for 60 months.
- (2) If the employee returns to employment in a full-time or part-time permanent position with a local board within 60 months, the employee shall regain access to the accumulated sick leave.
- (3) If the individual was employed on a 10-month contract at the time of separation, the employee shall retain the leave for 63 months, provided the person returns to employment on another 10-month contract.

(g) Transfer of Sick Leave

- (1) An employee may transfer accumulated sick leave from one LSAU to another LSAU upon transfer of employment, provided that any variance in the number of working hours per day that is considered "full-time" between the new position and the previous position shall not result in an increase or decrease in the total number of sick leave days of available as a result of the transfer. To calculate the equitable value of the transferred leave:
  - (A) The sending LSAU shall divide the total number of hours of accumulated sick leave by the number of working hours per day that is considered "full-time" in the departing employee's previous position. This generates a total number of sick leave days available for transfer to the receiving LSAU.
  - (B) The receiving LSAU shall then multiply the number of transferred

sick leave days by the number of working hours per day that is considered "full-time" in the incoming employee's previous position. This generates the total number of sick leave hours available for use by the employee in the new position.

(2) An employee may transfer accumulated sick leave to a State agency or any of the entities listed in 25 NCAC 01E .0309 upon transfer of employment to such agency or entity, if the agency or entity is willing to accept the leave. A person employed by the agency or entity may transfer accumulated sick leave to an LSAU upon transfer of employment to such LSAU if such LSAU is willing to accept the leave and, consistent with Subparagraph (g)(1) of this Rule, any variance in the number of working hours per day that is considered "full-time" between the new position with the LSAU and the previous position with the agency or entity shall not result in an increase or decrease in the total number of leave days available as a result of the transfer.

(3) An employee may only transfer accumulated sick leave from one leave-earning position to another leave-earning position, even the new position is within the same local school administrative unit.

(h) Extended Sick Leave

(1) Full-time teachers and instructional personnel may request extended sick leave.

(2) To qualify for extended sick leave, the employee must:

(A) Be absent due to personal illness or injury that renders the employee unable to perform the employee's professional duties;

(B) Require a substitute employee; and

(C) Have exhausted all other available paid leave except personal leave under G.S. 115C-302.1(d).

(3) A qualified employee is entitled to up to 20 days of extended sick leave per school year.

(4) The employee shall, upon the request of the local superintendent or designee, provide medical documentation to verify that the employee's use of extended sick leave is for a permissible purpose.

(5) Unused extended sick leave days shall not accumulate from year to year.

(6) Extended sick leave shall not be available beyond the mandatory waiting period for workers' compensation or short-term disability benefits.

(i) Use of Vacation Leave for Catastrophic Illness

(1) If an employee who requires a substitute employee is unable to perform the employee's professional duties due to a catastrophic

personal illness and has exhausted the employee's available sick leave, the employee may use vacation leave for days in which students are in attendance.

(2) The local superintendent or designee shall determine whether a condition constitutes a catastrophic personal illness based on an evaluation of the following factors:

(A) The debilitating nature of the condition;

(B) The life-threatening potential of the condition;

(C) The monetary hardship incurred by the employee because of the condition;

(D) The anticipated length of the employee's absence due to the condition; and

(E) Other forms of relief available to the employee, such as disability benefits.

*Authority G.S. 115C-12(8); 115C-336; 115C-336.1; 126-5; 135-4; 135-1.*

**16 NCAC 06C .0403      SUBSTITUTES SUBSTITUTE EMPLOYEES**

(a) ~~LEAs~~ Each local school administrative unit ("LSAU") shall employ all substitutes substitute employees deemed necessary for the efficient operation of the unit. LSAU, subject to the requirements of this Rule. The superintendent determines the need to employ a substitute for a non teaching assistant principal, principal or supervisor.

(b) Substitute Teachers

(1) The LSAU shall, to the extent feasible, hire licensed teachers to serve as substitute teachers.

(2) ~~LEAs~~ The LSAU shall employ substitute teachers in units of half or whole days.

(3) If the LSAU employs a teacher assistant as a substitute, the LSAU shall pay the substitute an amount equivalent to the daily salary rate for a first-year teacher with a bachelor-level teaching license.

(4) The minimum pay rate for a substitute teacher who holds a current North Carolina teaching license shall be at least 65 percent of the daily pay rate of a licensed first-year teacher with a bachelor-level teaching license.

(5) The minimum pay for a substitute teacher who does not hold a current North Carolina teaching license shall be paid at least 50 percent of the daily pay rate of a licensed first-year teacher with a bachelor-level teaching license but shall not exceed the minimum pay of a substitute teacher who holds such a license.

(6) If a teacher takes extended sick leave under 16 NCAC 06C .0402(h), the LSAU shall deduct fifty dollars (\$50.00) per day from the teacher's salary, regardless of whether the LSAU hires a substitute teacher.

(7) The LSAU shall pay the substitute teacher from the same source of funds (local, state, or federal) as the regular teacher, unless otherwise specified by this Section.

(8) A substitute teacher shall be considered a long-term substitute if employed for at least 30 hours per week for an anticipated duration of at least six months. A long-term substitute teacher is not an interim employee and is entitled to the same benefits as permanent full-time employees if the substitute otherwise meets the eligibility requirements for those benefits.

**(c) Other Substitute Employees**

(1) The local superintendent shall determine the need to hire a substitute employee for a school counselor, assistant principal, principal, or other administrator who does not have teaching responsibilities; or for non-licensed employees such as school nurses, custodians, or clerical staff.

(2) The LSAU shall pay for any substitute employee hired to replace such an employee from local funds.

(3) The LSAU may temporarily assigns a teacher to fulfill the duties of a principal who is on sick leave for at least 10 days. Under such circumstances, the LSAU shall not deduct any money from the teacher's salary to pay for a substitute teacher for the teacher's regular classroom.

**(e) The LEA pays substitutes as follows:**

(1) A person who substitutes for a non-teaching assistant principal, principal or supervisor is paid from local funds.

(2) Unless required to be otherwise, a substitute for the regular teacher is paid from the same source of funds as the regular teacher is paid.

~~(d) Absences not covered in Rule .0404 require the appropriate amount of substitute teacher pay to be deducted from the regular teacher's salary. These absences include extended sick leave as explained in Paragraph (f) of this Rule, personal leave and in-state meetings of no longer than 3 days or out of state meetings of no longer than 5 days, and not to exceed a total of 10 days within the school year, for professional responsibilities and attendance at professional meetings. The superintendent must approve these absences. The time limitations of this Rule do not apply to a person who is the local or district president or president elect or a state or national officer of an educational professional organization, or to a person selected as National Teacher of the Year from this state.~~

~~(e) Teachers earn personal leave at the rate of onehalf day for every two and onehalf months .20 days for full month of employment and may accumulate five personal leave days. Teachers may transfer these days between LEAs. A teacher who requests personal leave at least five days in advance of the date desired is not required to give a reason for the leave. No teacher may take personal leave on the first day teachers are required to report for the school year, required teacher workdays, the day before or the day after holidays or scheduled vacation days, except~~

~~as approved by the principal. The LEA shall credit a teacher who has separated from service and is reemployed within 60 months from the date of separation with all personal leave, up to the fiveday maximum, accumulated at the time of separation. The LEA may not advance personal leave beyond that which a teacher earns. Teachers may take personal leave in units of onehalf or whole days.~~

~~(f) If the regular vacates a teaching position during the school year, that teacher receives the regular compensation for the actual days employed during the current month, adjusted for overdrawn leave or unpaid longevity pay. If the LEA employs an interim teacher to fill the vacancy until a regular is available, the LEA pays the interim teacher as follows:~~

~~(1) For service of no more than 10 teaching days, the person is paid as a substitute.~~

~~(2) For service in excess of 10 teaching days, the person is paid on the basis of the person's certified salary rating. The person may elect to be paid as a substitute.~~

(d) An LSAU may employ a licensed teacher to fill a teacher vacancy of at least 10 days but less than six months if the teacher is licensed in the same license area. Unless the teacher requests to be employed as a substitute, the LSAU shall pay the teacher at the teacher's eligible rate on the State salary schedule, but the teacher shall not be entitled to benefits.

*Authority G.S. 115C-12(8).*

**16 NCAC 06C .0404 LEAVE WITH PAY**

~~The LEA shall not make deductions from public school employees' salaries in the following cases:~~

(a) A local school administrative unit ("LSAU") shall provide permanent employees with leave with pay under the circumstances set forth in this Rule.

(b) Except where otherwise provided below, the LSAU shall pay any substitute employee hired to fulfill the duties of an employee on leave with pay from the same funding source as the employee taking the leave.

(c) The LSAU shall not deduct from a permanent employee's salary if the employee is absent from the employee's regularly scheduled duties for any of the following reasons:

(1) The employee is absent on sick leave in accordance with Rule .0402 of this Section.

(2) The employee is absent due to community responsibility, as approved by the superintendent. The employee's supervisor has granted the employee leave to represent the school or LSAU at a community event. Substitutes for these persons may not be paid from state funds. The LSAU shall pay any substitute employee hired under these circumstances from local funds.

(3) The employee is attending meetings or performing duties as a member of the SBE, State Board of Education; the State Textbook Commission, Commission; the Board of Governors of the North Carolina Governor's Schools, School; a case manager hearing, or a commission or committee appointed by the

- Governor, the State—Superintendent, Superintendent of Public Instruction, the ~~SBE~~ State Board of Education, or the General Assembly. ~~Substitutes for these persons will be paid from state funds.~~
- (4) The employee is ~~absent due~~ summoned to jury duty, ~~attendance at~~ or is required to attend ~~court~~ court, a deposition, or other legal proceeding in connection with the employee's official duties, ~~or attendance at court under duties or in response to a subpoena or court order to testify as a witness to a crime. If the employee is required to attend court as a plaintiff, defendant, or witness in relation to a personal matter, whether or not in response to a subpoena or court order, the employee must use available leave time. The employee may not receive witness fees in addition to regular salary. The employee shall return to the LSAU any fees, other than travel reimbursement or per diem, that the employee earns from serving as a witness in connection with the employee's official duties.~~
  - (5) ~~The employee has been assigned by the superintendent~~ The local superintendent assigns the employee to attend ~~an in-service school project conducted by the administrative unit.~~ professional training or participate in another school program outside the employee's regular duties. ~~Substitutes for these persons will be paid from local funds. The LSAU shall pay any substitute employee hired under these circumstances from local funds.~~
  - (6) ~~The employee has been~~ The local superintendent or designee has suspended the employee with pay under G.S. 115C-325(f1). 115C-325(f1) or 115C-325.5. The LEA LSAU shall pay ~~persons employed to replace any substitute employee hired to cover for the suspended employee a salary based on the replacement's certification.~~ substitute's qualifications under Section .0300 of this Subchapter. ~~The LEA shall make payment from the same source of funds as the person suspended was paid.~~
  - (7) The employee is ~~absent pursuant to 1 NCAC 8C .2900 (military leave).~~ on military leave with pay in accordance with 25 NCAC 1E .0802-.0821.
  - (8) The employee is ~~absent due to~~ suffers an injury or disability ~~which~~ that is covered by G.S. 115C-338.
  - (9) The employee ~~may be absent for no more than two days in a school year due to requests leave to observe a bona fide religious holidays which are not holiday, provided the employee is permitted no more than two such observance days in one school year. The employee shall use available vacation leave, subject to the~~

requirements of Rule .0409 of this Section, use personal leave, subject to the requirements of G.S. 115C-302.1(d), or make up the time absent from work at a time and under circumstances approved by the employee's supervisor. The employee shall not request such leave time on days that are already scheduled as vacation days or paid holidays in the school calendar. ~~The superintendent must approve these absences in advance and the employee must make up the time missed.~~

- (10) Upon recommendation of the local superintendent, the local board of education may grant leave with pay for elected officers of professional organizations, provided the organization pays the full salary and all benefit costs for the employee while the employee is on leave. During such leave time, the employee shall earn sick leave, vacation leave, personal leave, and paid holidays.

*Authority G.S. 115C-12(8); 115C-300; 115C-302.1; 115C-325; 115C-325.5; 115C-338; 115C-408; N.C. Constitution, Article IX, Sec. 5.*

**16 NCAC 06C .0405 LEAVE WITHOUT PAY**

Whenever possible, public school employees shall give advance notice of requests for leaves of absence, subject to rules of the LEA. LEAs may determine the beginning or ending date of leaves of absence, except for military leave. LEAs may provide educational leave, but they may not use state funds for this purpose. LEAs may

(a) A local school administrative unit shall allow leaves of absence without pay for permanent employees as follows: under the following circumstances:

- (1) ~~An~~ The employee is granted a leave of absence without pay under 1 NCAC 8C .2900 (military leave). on military leave without pay in accordance with on military leave with pay in accordance with 25 NCAC 1E .0802-.0821.
- (2) ~~An employee is granted a leave of absence without pay up to one calendar year for the birth or adoption of a child. This period may, with the approval of the local board, be extended for the remainder of the school year when the leave would otherwise end in the latter half of the school year. The employee gives birth to or adopts a child. The employee may take up to 12 months of leave without pay, beginning on the date of the birth or finalization of the adoption. This provision is in addition to any paid parental leave to which the employee may be entitled under Rule .0408 of this Section.~~
- (3) ~~An employee may be granted a leave of absence without pay for periods as granted in the discretion of the superintendent and in accordance with rules adopted by the LEA. Other such circumstances deemed appropriate by the local superintendent or designee in~~

accordance with policies adopted by the local board of education.

(b) The employee shall provide advanced notice to the LSAU of the employee's request for a leave of absence, in accordance with policies adopted by the local board of education.

(c) The LSAU shall determine the start and end dates for a leave of absence, except for military leave without pay.

(d) The LSAU may provide a leave of absence to allow the employee to pursue an educational degree or other credential but shall not use state funds to pay any substitute employee hired to fulfill the duties of the absent employee.

*Authority G.S. 115C-12(8); 115C-336.1; 115C-408; N.C. Constitution, Article IX, Sec. 5; 126-8.6.*

**16 NCAC 06C .0406 MILITARY DUTY WITHOUT LOSS OF PAY LEAVE**

~~Public school employees including charter school employees on leaves of absence for State or federal military duty under honorable service status, for required training, or for special emergency management service shall be paid the difference in military base pay and State salary, including non performance based bonuses, when the military pay is less than the State salary. Differential pay for military duty after July 1, 2002 shall be paid from the same source of funds as the public school salary.~~

(a) As used in this Rule, the following definitions shall apply:

- (1) "Active duty" is defined in 10 U.S.C. 101(d)(1).
- (2) "Armed forces" is defined in 10 U.S.C. 101(a)(4).
- (3) "Extended active duty" is defined in 26 U.S.C. 32(c)(4).
- (4) "Military orders" is defined in 50 U.S.C. 3955(i)(1).
- (5) "Military service" is defined in 50 U.S.C. 3911(2).
- (6) "Reserve component" is defined in 38 U.S.C. 101(27).

(b) This Rule shall govern the use of military leave by employees of all public school units ("PSUs") pursuant to G.S. 115C-302.1(g1), G.S. 127A-116, and the Uniformed Services Employment and Reemployment Rights Act of 1994, 103 P.L. 353. Each PSU shall ensure that an employee does not suffer loss of regular pay or benefits because of training or duty in service of the Armed Forces of the United States or the State of North Carolina, or for special emergency services. The governing body of a PSU may adopt additional policies to govern the use of military leave, provided they are consistent with this Rule. To the extent any provisions of this Rule conflict with federal law, the federal law shall control.

(c) Paid Short-Term Military Leave

- (1) A PSU shall grant paid short-term military leave to employees who are members of any of the following military services:
  - (A) The reserve components of the United States Armed Forces.
  - (B) The Civil Air Patrol, when participating in missions or training exercises that are authorized by the Governor, the Secretary of the

Department of Public Safety, or the United States Air Force. Such employees are not entitled to leave for regularly scheduled unit training assemblies.

(C) The North Carolina State Defense Militia, when called to service by the Governor for infrequent special activities in the interest of the State (usually not exceeding one day) or for missions related to disaster recovery, search and rescue, or similar efforts. Such employees are not entitled to leave for regularly scheduled unit training assemblies or when volunteering in support of activities sponsored by civic or social organizations.

(2) A qualified employee is entitled to up to 15 days of paid short-term military leave each fiscal year.

(3) Any portion of the vacation leave or 15 days of paid short-term military leave to which an employee may be entitled may be used in lieu of or in conjunction with unpaid military leave for attendance at any of the following:

- (A) A military service academy.
- (B) Active duty training with a reserve component.

(4) In addition to the 15 days provided by Subparagraph (c)(2) of this Rule, an employee who is a member of the National Guard is entitled to leave for activities in service of the State when so authorized by the Governor or the Governor's designee.

(5) An employee is not entitled to short-term military leave for any of the following:

- (A) Duties imposed to the employee as a result of disciplinary action under the Uniform Code of Military Justice.
- (B) Inactive duty training (drills) undertaken for the convenience of the employee, such as equivalent training, split-unit assemblies, or make-up drills.
- (C) Unscheduled or incidental activities related to membership in the reserves, such as volunteer work at military facilities.

(d) An employee shall provide the PSU with advanced notice to the employer of the need for military leave and shall apply for reinstatement of employment for any leave absence exceeding 30 consecutive calendar days.

(e) Unpaid Military Leave for Extended Active Duty

- (1) A PSU shall grant unpaid military leave for extended active duty to employees who enter active duty in service of the United States Armed Forces for a period exceeding 30 consecutive calendar days. The employer shall

notify the employee of all rights and benefits concerning military leave at the time of the employee's hire or enlistment in the Armed Forces, whichever is later.

(2) An employee may use available paid short-term military leave at the beginning of a period of extended active duty.

(3) In addition to time spent on active duty, an employee may use unpaid military leave for any of the following reasons:

(A) A personal adjustment period while awaiting entry into active duty, not to exceed 30 days.

(B) Any period during which the employee is awaiting reinstatement in the employee's previous position following military service.

(C) Involuntary extended military service.

(D) Extensions of enlistment due to hospitalization as a result of military service.

(4) During a time of military leave for extended active duty, an employee shall continue to earn years of service as calculated for salary increases. The employee shall retain all accumulated sick leave during the absence. The employee may choose to retain all accumulated vacation leave during the absence or obtain a payout at the time the leave begins, subject to the limitations of 16 NCAC 06C .0409(d).

(5) An employee seeking to return to work with the PSU after extended active duty shall apply for reinstatement within 14 days following active duty service of 30 to 180 days or within 90 days following active duty service of more than 180 days, provided the employer gave prior notice to the employee of the employee's right to re-employment under this Rule and 38 U.S.C. 4316. If the employer failed to give prior notice, the employee may apply within 90 days of receipt of notice. Upon such application, the PSU shall reinstate the employee to a position of equivalent status, seniority, and pay to the position vacated at the time the employee took leave. If the employee is disabled due to military service to the extent that the employee cannot perform the duties of the original position, the PSU shall assign the employee to a position with appropriate accommodations.

(f) If the employee has exhausted paid short-term military leave and all other available paid leave, and the employee's military service pay is less than what the employee would earn with the PSU during the equivalent time period, the employee shall be eligible for differential pay. The employee shall provide the PSU with a military pay voucher or other documentation to prove the pay differential.

(1) A PSU shall pay any pay differential for employees in State-funded positions using State funds.

(2) A PSU shall pay any differential for employees in federally-funded positions using federal funds.

(3) A local board of education shall pay any pay differential for employees in locally funded positions using local funds

(4) A charter school shall pay any pay differential for its employees.

(5) A local board of education shall include any local supplement as part of the pay differential.

(g) An employee shall provide the PSU, upon request, with a copy of the military orders or other documentation of the required military duty or service.

*Authority G.S. 115C-302.1(g1); 127A-116; 38 U.S.C. 4316.*

**16 NCAC 06C .0409 VACATION LEAVE**

(a) In addition, the relevant provisions of Articles 18, 19, 20, 21, and 23 of Chapter 115C of the General Statutes, this Rule shall govern the use of vacation leave by employees of a local board of education ("local board"). The local board may adopt additional policies to govern the use of vacation leave, provided they are consistent with this Rule. Except where otherwise indicated below, "employee" shall include the following:

(1) Superintendents, as provided by G.S. 115C-272.

(2) Principals and Supervisors, as provided by G.S. 115C-285.

(3) Teachers and other instructional personnel, as provided by G.S. 115C-302.1.

(4) Other public school employees, as provided by G.S. 115C-316.

(b) Eligibility for Vacation Leave

(1) A permanent full-time employee who works or is on paid leave (including State holidays and days for which the employee is receiving workers compensation) for at least one half of the workdays in a calendar month shall earn vacation leave based on the employee's length of total state service, as defined in 25 NCAC 01D .0112. The employee shall accrue vacation leave at the same rate as State employees, as set forth in 25 NCAC 01E .0203, subject to the limitations in Subparagraph (b)(3) of this Rule.

(2) A permanent part-time employee who works or is on paid leave (including State holidays and days for which the employee is receiving workers compensation) for at least one half of the workdays in a calendar month shall earn vacation leave on a pro rata basis relative to the amount of leave earned by a permanent full-time employee in the same position classification. A person employed in two or more positions may not earn more leave than that earned by a permanent full-time employee.

(3) The local school administrative unit ("LSAU") shall establish the required daily and weekly work hours for each permanent employee. If a permanent full-time employee works fewer

than 40 hours per week, the employee shall earn a percentage of the relevant vacation leave accrual rate that is equivalent to the weekly work hours for the employee as a percentage of a standard 40-hour work week. For example, if the employee works 35 hours per week, or 87.5 percent of a 40-hour work week, then the employee would earn leave at 87.5 percent of the monthly and annual accrual rates listed in Paragraph (a) of this Rule.

(4) An employee who is not eligible to earn vacation leave may not use previously accumulated vacation leave.

(5) A school bus driver who works fewer than 20 hours per week and is not otherwise entitled to earn vacation leave under this Rule shall earn one vacation day (equal in hours to the number of hours in the driver's regular workday) if the driver:

(A) Is employed to drive a regular daily route (i.e., is not a substitute driver); and

(B) Was employed as a regular driver during the entire previous school year.

A driver who is dismissed by the local board or resigns before taking the vacation leave day provided by this Subparagraph shall not receive compensation for that day.

(c) Use of Vacation Leave

(1) For teachers and instructional personnel who work 10 months per year, the employee must use the first 10 days of accrued available vacation leave each year on days designated by the local board as vacation days in accordance with G.S. 115C-302.1(c).

(2) A classroom teacher, school media coordinator, or teacher assistant shall not use vacation leave on days in which students are scheduled to be in attendance if the employee would require a substitute, unless the employee:

(A) Does not earn personal leave under G.S. 115C-302.1(d);

(B) Is using the vacation leave to care for a newborn child or a child placed with the employee for adoption or foster care under G.S. 115C-302.1(j); or

(C) Is using the vacation leave for catastrophic illness under 16 NCAC 06C .0402(i).

(3) An employee who earned vacation leave during the school year, as defined in 16 NCAC 06C .0401(11)(b), shall continue to earn vacation leave during the summer break if the employee works at least 20 hours per week for the same local school administrative unit. If the employee works less than full-time, the employee shall earn leave on a pro rata basis consistent with Subparagraph (a)(2) of this Rule.

(4) An employee who is not eligible to earn vacation leave may not use previously accumulated vacation leave.

(d) An LSAU may advance vacation leave to an employee based on the amount of leave the employee is anticipated to earn in the remainder of the current fiscal year, provided that the LSAU shall assume financial responsibility for any advanced leave not earned at the time the employee separates from employment or at the end of the fiscal year, whichever is earlier.

(e) Except as provided by Paragraph (f) of this Rule, when an employee separates from employment with an LSAU, the LSAU shall pay the employee a lump sum for accumulated vacation leave. The payout shall be calculated using the daily rate of pay based on the employee's salary at the time of separation and shall not exceed the equivalent pay of 30 days. In the case of a deceased employee, the LSAU shall pay the lump sum to the administrator or executor of the deceased employee's estate upon receipt of a valid probate claim.

(f) Transfer of Vacation Leave

(1) An employee may transfer accumulated vacation leave from one LSAU to another LSAU upon transfer of employment, provided that any variance in the number of working hours per day that is considered "full-time" between the new position and the previous position shall not result in an increase or decrease in the total number of vacation leave days available as a result of the transfer. To calculate the equitable value of the transferred leave:

(A) The sending LSAU shall divide the total number of hours of accumulated vacation leave by the number of working hours per day that is considered "full-time" for the departing employee's previous position. This generates a total number of vacation leave days available for transfer to the receiving LSAU.

(B) The receiving LSAU shall then multiply the number of transferred vacation leave days by the number of working hours per day that is considered "full-time" for the incoming employee's new position. This generates the total number of vacation leave hours available for use by the employee in the new position.

(2) An employee may transfer accumulated vacation leave to a State agency or any of the entities listed in 25 NCAC 01E .0309 upon transfer of employment to such agency or entity, if the agency or entity is willing to accept the leave. If the agency or entity is unwilling to accept the leave, the LSAU shall pay the employee for the accumulated leave, up to a maximum of 30 days.

(3) A person employed by such agency or entity may transfer accumulated vacation leave to an

LSAU upon transfer of employment to such LSAU if such LSAU is willing to accept the leave and, consistent with Subparagraph (e)(1) of this Rule, any variance in the number of working hours per day that is considered "full-time" between the new position with the LSAU and the previous position with the agency or entity shall not result in an increase or decrease in the total number of leave days available as a result of the transfer.

(4) If, within 31 days of separation from employment with an LSAU, an employee obtains employment with another LSAU or a State agency or entity willing to accept transferred vacation leave, the original LSAU shall transfer any accumulated vacation leave to the new employer in lieu of paying the employee for the leave.

(5) An employee may only transfer accumulated vacation leave from one leave-earning position to another leave-earning position, even if the new position is within the same LSAU.

(g) This Rule shall also govern any bonus vacation leave awarded to an employee pursuant to S.L. 2002-126, Section 28.3A (as amended by S.L. 2002-159, Section 82); S.L. 2003-284, Section 30.12B; or S.L. 2005-276, Section 29.14A, except that the employee shall maintain the leave from year-to-year until it is used or paid out upon separation from employment. Each LSAU shall track bonus vacation leave separately from otherwise earned vacation leave and shall not include it in the 30 days calculated under Paragraph (e) of this Rule.

(h) Each LSAU shall maintain leave records for each of its employees. The LSAU shall inform each employee of the employees leave balances at least once per fiscal year. The LSAU shall retain employee leave records for at least five years from the date of the employee's separation.

*Authority G.S. 115C-12(8), (9), (16); 115C-272; 115C-285; 115C-302.1; 115C-316; 115C-408; S.L. 1997-443, s. 8.6.*

**16 NCAC 06C .0411 SICK LEAVE BANKS**

(a) As used in this Rule, the following definitions shall apply:

- (1) "Donor" means an employee donating sick leave to a sick leave bank.
- (2) "Eligible recipient" means an employee withdrawing donated sick leave from a sick leave bank who meets the requirements of Paragraph (d) of this Rule.
- (3) "Participant" means all donors and recipients participating in the sick leave bank.

(b) A local board of education ("local board") may establish a voluntary shared sick leave bank ("sick leave bank") for its employees, subject to the requirements of this Rule.

(c) Donors

- (1) A full-time or part-time permanent employee may donate sick leave to the sick leave bank.
- (2) A donor shall not, by donating sick leave, reduce their balance of accumulated sick leave time to less than half the amount of leave time

that employee would otherwise earn in a school year.

(3) A donor shall not receive any form of compensation for donated sick leave.

(4) The minimum donation of sick leave shall be one half-day.

(d) Eligible Recipients

(1) Eligibility to withdraw sick leave from the sick leave bank shall be limited to full-time and part-time permanent employees who:

- (A) Have a serious medical condition that renders the employee unable to perform the employee's professional duties for a prolonged period, or has an immediate family member with such a condition who requires the employee's continuous supervision and care; and
- (B) Have exhausted all other available paid leave except personal leave available under G.S. 115C-302.1(d) and extended sick leave available under 16 NCAC 06C .0402(l).

(2) An employee cannot withdraw sick leave from the sick leave bank for work time for which the employee is receiving disability benefits or workers' compensation benefits.

(3) To withdraw sick leave, an eligible recipient must provide the local school administrative unit ("LSAU") with:

- (A) Medical documentation of the serious medical condition, signed by the employee or family member's treating physician; and
- (B) An authorization for the treating physician or medical provider to release to the LSAU medical information related to the serious medical condition. The release shall be signed by the employee or immediate family member, or by that person's legal guardian or health care power of attorney.

(4) The local superintendent or designee shall approve or deny each request to withdraw sick leave from the sick leave bank. The local superintendent or designee shall determine how many days of sick leave the recipient may withdraw, provided that the employee may withdraw sick leave for the same condition for more than twelve months from the initial date that the employee used donated leave.

(5) Donated sick leave shall be credited toward the recipient's sick leave balance but shall not count as creditable service toward retirement.

(e) The LSAU shall notify participants of any effect of participation in the sick leave bank on retirement.

(f) The local board shall adopt a policy to govern the sick leave bank and shall direct the LSAU to adopt rules and regulations to

implement that policy. In addition to the requirements above, these policies, rules, and regulations may address the following:

- (1) Requirements of minimum service to the LSAU and accumulation of a minimum balance of sick leave before an employee may participate in the sick leave bank.
- (2) A waiting period before an employee is eligible to withdraw sick leave.
- (3) Enrollment periods for current employees and new hires.
- (4) Time limits for rejoining the sick leave bank after leaving the bank.
- (5) Limitations on the number of days that can be withdrawn from the sick leave bank by any recipient.
- (6) A uniform number of days to be contributed to the bank by donors.

(g) The LSAU shall report the following information the State Board of Education ("SBE") by July 1st of each year:

- (1) The number of participants in the sick leave bank, itemized by position classification.
- (2) The number of sick days withdrawn from the sick leave bank.
- (3) The total cost of the withdrawn sick leave.
- (4) Any other data requested by the SBE to ensure compliance with this Rule and other state and federal financial rules.

Authority G.S. 115C-12(8); 115C-336(b).

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 32 - NORTH CAROLINA MEDICAL BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the Medical Board intends to adopt the rule cited as 21 NCAC 32B .1362.

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

Proposed Effective Date: July 1, 2026

Public Hearing:

Date: May 1, 2026

Time: 11:00 A.M.

Location: The public hearing will be held remotely via teleconference. Telephone Number: 919-518-9840; Conference ID: 661 182 245#.

Reason for Proposed Action: In July 2025, the General Assembly enacted a pathway for internationally trained physicians to obtain an expedited North Carolina medical license under certain circumstances. The proposed rule implements the new law by establishing an application process for the Internationally Trained Physician Employee license.

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

Comment period ends: May 1, 2026

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

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

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

SUBCHAPTER 32B – LICENSE TO PRACTICE MEDICINE

SECTION .1300 - GENERAL

21 NCAC 32B .1362 APPLICATION FOR INTERNATIONALLY TRAINED PHYSICIAN EMPLOYEE LICENSE

(a) The Internationally Trained Physician License is limited to physicians who have not attended accredited medical schools or graduate medical education programs in the United States.

(b) In order to obtain an Internationally Trained Physician License, the Board must receive from the applicant or the primary source:

- (1) a completed application, attesting under oath or affirmation that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;
- (2) a completed form from (1) a hospital located and licensed in North Carolina attesting to an offer of full-time employment, or (2) a NC licensed supervising physician located at a medical practice in a North Carolina rural county with a population of less than 500 people per square mile attesting to an offer of

- (3) full-time employment where the supervising physician is physically practicing on-site;
- (4) documentation of a legal name change, if applicable;
- (5) a photograph, two inches by two inches, affixed to the oath or affirmation that has been attested to by a notary public;
- (6) proof of licensure in good standing from the medical licensing authority in a foreign country as required by G.S. 90-12.03(a)(2);
- (7) proof of 130 weeks of medical education from a medical school as described in G.S. 90-12.03(a)(3);
- (8) furnish an original ECFMG certification status report;
- (9) proof of ECFMG eligibility, which shall include furnishing an original ECFMG certification status report and successful passage of USMLE Step 1 and Step 2;
- (10) proof of either (1) two years of graduate medical education approved by applicant's country of licensure or (2) active practice in country of licensure for at least 10 years after graduation. Proof graduate medical education will require verification from both the graduate medical education program regarding attendance and applicant's country of licensure of approval. Proof of active practice will require verification from employers, with applicable dates, positions and responsibilities; if the applicant was self-employed, the Board may require business documents, tax records, and patient attestations for the 10-year period to confirm the active practice of medicine;
- (11) examination transcripts from the examining body that meet one of the requirements of G.S. 90-12.03(a)(4):
  - (A) if applying on the basis of the USMLE, the USMLE transcript must show a score on USMLE Step 3 and the applicant must have passed within three attempts;
  - (B) if applying on the basis of the COMLEX, the COMLEX transcript must show a score on COMLEX Level 1, Level 2 (cognitive evaluation), and Level 3 and the applicant must have passed each level within three attempts;
  - (C) if applying on the basis of any other board-approved examination under G.S. 90-10.1 or 21 NCAC 32B .1303, the transcript must be received from the examining body and must show a passing score of each part;
  - (D) if applying on the basis of a comprehensive assessment, the applicant should submit a proposal to the Board prior to undergoing the

assessment to ensure approval. The comprehensive assessment must be performed by independent licensed physicians or medical educators. The assessment must evaluate the applicant's clinical knowledge, skills and judgment as well as their cognitive state and safety to practice. The assessment must perform the evaluation through multiple choice examination, neuro-cognitive screen, structured clinical interviews, simulated patient encounters, and procedure simulations. The assessment must evaluate and specify all current strengths and weaknesses in the intended area(s) of practice. The assessment must include testing and evaluation by licensed physicians or medical educators. The Board must receive an assessment report from the independent evaluators indicating the applicant's competence, all strengths and weaknesses in practice, and the ability to practice safely; or

(E) if the applicant does not qualify for any of the examinations listed in G.S. 90-12.03(a)(4), the Board may waive the requirement as long as the applicant satisfies all other requirements of G.S. 90-12.03, holds an O-1 visa, and submits the same supporting documentation provided to the US Citizenship and Immigration Services indicating their extraordinary ability is relevant to the practice of medicine. The applicant must successfully pass the Special Purpose Examination or Post Licensure Assessment Systems within one year or the temporary license is rendered inactive.

- (11) confirmation from all jurisdictions where the applicant holds or has held a license that the applicant has not had a license revoked, suspended, restricted, denied or other acted against and is not the subject of any pending investigation as required by G.S. 90-12.03(a)(5);
- (12) criminal background check translated into English and submitted by country of licensure directly to the Board;
- (13) submit two completed fingerprint record cards;
- (14) submit a signed consent allowing a search of local, state, and national files for any criminal record;
- (15) confirmation that the applicant has practiced medicine for at least five years. Proof of active practice will require verification from

employers, with applicable dates, positions and responsibilities; if the applicant was self-employed, the Board may require business documents, tax records, and patient attestations; demonstration of proficiency in English by:

- (16) (A) successfully passing an examination required under G.S. 90-10.1;
- (B) licensure from a country where English is the primary language utilized by medical education programs; or,
- (C) completing the Occupational English Test (OET) Medicine. The transcript for OET Medicine must be received from OET.
- (17) supply a certified copy of applicant's birth certificate or a certified copy of a valid and unexpired U.S. passport if the applicant was born in the U.S. If the applicant does not possess proof of U.S. citizenship, the applicant must provide information about applicant's immigration status which the Board will use to verify applicant's lawful presence in the U.S.;
- (18) valid social security number;
- (19) pay to the Board a non-refundable fee pursuant to G.S. 90-13.1(a) plus the costs of a United States criminal background check; and,
- (20) upon request, supply any additional information the Board deems necessary to evaluate the applicant's competence and character.

(c) All information submitted under Paragraph (b) of this Rule must be delivered to the Board from the primary originating source in English in order to verify the accuracy and authenticity of the information.

(d) An applicant may be required to appear in person for an interview with the Board or its agent if the Board determines it needs more information to evaluate the applicant based on the information provided and the Board's concerns.

(e) An application must be completed within one year of the date of the applicant's oath.

(f) The holder of an internationally trained physician employee license may submit an application to convert their license to a full license after four years of active practice and who meets the requirements of G.S. 90-12.03(d). The Board must receive from the applicant or the primary source:

- (1) a completed application, attesting under oath or affirmation that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;
- (2) submit to a criminal background check, and pay the cost of the criminal background check;
- (3) submit a signed consent allowing a search of local, state, and national files for any criminal record; and
- (4) report their practice plans, including geographic location of practice, practice setting, and area of specialty.

*Authority G.S. 90-5.1(a)(3); 90-8.1; 90-12.03; 90-13.1.*

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*Notice is hereby given in accordance with G.S. 150B-21.2 that the Medical Board intends to adopt the rule cited as 21 NCAC 32S .0227.*

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

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

**Public Hearing:**

**Date:** May 1, 2026

**Time:** 11:00 A.M.

**Location:** *The public hearing will be held remotely via teleconference. Telephone Number: 919-518-9840; Conference ID: 661 182 245#.*

**Reason for Proposed Action:** *Last year, the Legislature enacted SL 2025-37. This new law authorizes physician assistants who have obtained 4,000 clinical hours of experience and 1,000 clinical hours in a particular specialty to work in a team-based setting without physician supervision. The proposed rules implement 2025-37 by defining certain statutory terms and establishing other requirements of team-based practice as instructed by the Legislature.*

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

**Comment period ends:** May 1, 2026

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

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

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

- State funds affected**
- Local funds affected**
- Substantial economic impact (>= \$1,000,000)**

- Approved by OSBM
- No fiscal note required

SUBCHAPTER 32S - PHYSICIAN ASSISTANTS

SECTION .0200 – PHYSICIAN ASSISTANT REGISTRATION

21 NCAC 32S .0227 TEAM-BASED SETTINGS PRACTICE

(a) For purposes of G.S. 90-1.1(4d), "consistent and meaningful participation in the design and implementation of health services to patients" means that a physician on the team:

- (1) provides health services to patients in the team-based setting or team-based practice;
- (2) is available, whether in person or by telecommunication, for collaboration, consultation, or referral during the times the team-based physician assistant is performing medical acts, tasks, or functions;
- (3) participates in determining and documenting of how the team will continuously function, including (i) the roles of each member of the team; (ii) the manner in which the team will collaborate, consult, and refer; (iii) a continuous process for ensuring patient safety; and (iv) implementation of any quality improvement measures. These records and documents shall be shared and acknowledged by all team members. The records and documents shall be provided to the Board upon request. For purposes of this section, "team" shall refer to team-based physician assistants and physicians; and
- (4) is engaged in shared governance within the organization that enables site-based decision-making.

(b) For purposes of G.S. 90-9.3A(a)(2), "clinical practice experience" means direct patient care as a physician assistant performing medical acts, tasks, and functions, including diagnosing, treating, and prescribing.

(c) For purposes of G.S. 90-9.3A(a)(b), in determining whether team-based physician assistants have appropriately collaborated, consulted, and referred to members of the health care team, the Board will take into consideration all documents and records under Subparagraph (a)(3) of this Rule. These records and documents shall be made available to the Board if requested.

(d) Prior to practicing as a team-based physician assistant, a physician assistant shall submit to the Board a registration for a Team-Based Practice on the Board's website that includes the following information:

- (1) the physician assistant's name, mailing address, and telephone number;
- (2) the address of all the team-based settings in which the physician assistant practices;
- (3) a three-part attestation, signed by the physician assistant, under oath and affirmation that the physician assistant:

(A) has at least 4,000 documented hours of clinical practice experience as a licensed physician assistant. Documentation shall be made available to the Board if requested;

(B) has at least 1,000 documented hours of clinical practice experience within each specified medical specialty area of practice in which the team-based physician assistant will be practicing. Documentation shall be made available to the Board if requested; and

(C) will be working in a team-based setting or team-based practice as defined by G.S. 90-1.1(4d).

(4) confirmation from at least one North Carolina licensed physician, who is also a member of the team-based setting or team-based practice, that the physician assistant will be practicing in a team-based practice or team-based setting as set forth in G.S. 90-9.3A(a) and that the team-based practice or team-based setting meets the requirements set forth in G.S. 90-1.1(4d)(a) or (b); and

(5) confirmation from an employer, or its authorized representative, that it has determined the physician assistant has been hired or promoted as a team-based physician assistant in a team-based setting or practice.

(e) The physician assistant shall not commence practice as team-based physician assistant until they receive acknowledgement from the Board, or confirm on its website, that the Board has received and processed the Team-Based Practice Registration. The Team-Based Practice Registration is limited to the medical specialty and team-based setting registered with the Board. A team-based physician assistant shall notify the Board of any changes to the information required in Subparagraphs (d)(1) and (d)(2) of this Rule within 60 days of the change. Physician assistants shall update all information under Paragraph (d) of this Rule when the team-based physician assistant changes team-based practices under a different employer or their medical specialty before initiating practice.

(f) A team-based physician assistant who changes employment to a medical practice that does not qualify as a team-based setting or who changes to a specialty practice area within which they do not have 1,000 hours of practice in a specialty practice area shall be subject to the requirements of Rules .0203, .0212(2), .0212(4)(c), and .0213 of this Section.

(g) The team-based physician assistant shall ensure that in the team-based setting:

(1) they practice within the scope of their education, experience, competence, as well as within the functions of the team as established in Subparagraph (a)(3) of this Rule;

(2) that there are physicians who have consistent and meaningful participation in the design and implementation of health services to patients as defined in Paragraph (a) of this Rule; and

(3) that there are means for collaboration, consultation, and referral, as indicated by the patient's condition, as well as the education, experience, and competencies of the physician assistant, and the applicable standard of care.

(h) Nothing in this Rule requires a physician assistant to be in the same physical location as a physician on the team.

(i) For purposes of G.S. 90-9.3A(c), "supervised" or "supervision" shall mean that a physician is accountable to the Board for the team-based physician assistant who performs medical acts, tasks and functions in a perioperative setting. A perioperative setting includes all patient care that is provided at a hospital, surgical center, or the office of a health care provider from the time of the patient's admission to the time of the patient's discharge from the surgical suite. The supervising physician shall ensure that the team-based physician assistant is qualified by their education, training, and experience to perform medical acts, tasks, and functions within the perioperative setting. The supervising physician must have written protocols to determine the team-based physician assistant's scope of practice in the perioperative setting when the physician is present onsite or remote.

(j) For purposes of G.S. 90-18.1(e2), "supervised" or "supervision" shall mean that a physician is accountable to the Board for the team-based physician assistant who provides final interpretations of plain film radiographs, or X-rays. The supervising physician shall ensure that the team-based physician assistant is qualified by their education, training, and experience to provide final interpretations of plain film radiographs, or X-rays. Nothing in this Paragraph shall be construed to require a team-based physician assistant to comply with Rules .0203, .0212(2), .0212(4)(c), and .0213 of this Section. For purposes of this Paragraph, a plain film radiograph includes a Dual-Energy X-Ray Absorptiometry ("DEXA") scan.

(k) For purposes of G.S. 90-18.1(e2), a physician assistant's use of portable point-of-care ultrasonography for purposes of clinical evaluation shall not be construed as the physician assistant performing a final interpretation of diagnostic imaging studies.

(l) For purposes of G.S. 90-18.1(c), "supervision" for compounding and dispensing shall mean compliance with Rules .0203, .0212(2), .0212(4)(c), and .0213 of this Section.

(m) The requirements set out in Rules .0203, .0212(2), .0212(4)(c), and .0213 of this Section shall not apply to a team-based physician assistant at any registered team-based setting or practice where the team-based physician assistant is offering services within their registered medical specialty.

Authority G.S. 90-5.1(a)(3); 90-1.1; 90-9.3A; 90-18.1.

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Notice is hereby given in accordance with G.S. 150B-21.2 that the Medical Board intends to adopt the rule cited as 21 NCAC 32U .0103.

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

Proposed Effective Date: August 1, 2026

**Public Hearing:**

**Date:** March 17, 2026

**Time:** 9:00 A.M.

**Location:** North Carolina Board of Pharmacy, 6015 Farrington Road, Suite 201, Chapel Hill, NC 27517

**Reason for Proposed Action:** Last year, the Legislature enacted SL 2025-37. This new law authorizes pharmacists to test for and initiate treatment for influenza. In September 2025, the State Health Director issued two standing orders implementing the new law. The Medical Board and Board of Pharmacy propose rules that adopt the standing orders of the State Health Directors as protocol.

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

**Comment period ends:** May 1, 2026

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

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

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

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

**SUBCHAPTER 32U - PHARMACISTS VACCINATIONS AND ADMINISTRATION OF LONG-ACTING INJECTABLES**

**SECTION .0100 - PHARMACISTS VACCINATIONS AND ADMINISTRATION OF LONG-ACTING INJECTABLES**

**21 NCAC 32U .0103 INFLUENZA TEST AND TREAT**  
Pharmacists may, in accordance with 21 NCAC 46 .2517, initiate CLIA-waived testing and treatment for influenza, including prophylactic treatment for certain high-risk patients who have been exposed to influenza.

Authority S.L. 2025-37, s. 5.3.

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CHAPTER 46 – BOARD OF PHARMACY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Pharmacy intends to adopt the rule cited as 21 NCAC 46 .2517.

Link to agency website pursuant to G.S. 150B-19.1(c): https://www.ncbop.org/rulemakings.htm

Proposed Effective Date: August 1, 2026

Public Hearing:

Date: March 17, 2026

Time: 9:00 a.m.

Location: North Carolina Board of Pharmacy, 6015 Farrington Road, Suite 201, Chapel Hill, NC 27517

Reason for Proposed Action: Session Law 2025-37 authorized pharmacists to test and treat patients for influenza. That authority was first implemented by two standing orders issued by the State Health Director on September 30, 2025, after input from stakeholders. Pharmacists have implemented the standing orders since then with no reported incidents. Following issuance of the standing orders, the Session Law directed the Board of Pharmacy and the Medical Board to adopt rules and protocols. Each Board has proposed adopting protocols that are substantively identical to the standing orders, and has proposed the rules that incorporate the protocols by reference.

Comments may be submitted to: Jay Campbell, North Carolina Board of Pharmacy, 6015 Farrington Road, Suite 201, Chapel Hill, NC 27517; email ncboprulemaking@ncbop.org

Comment period ends: May 1, 2026

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

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

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

SECTION .2500 - MISCELLANEOUS PROVISIONS

21 NCAC 46 .2517 INFLUENZA TEST AND TREAT
In accordance with the protocols issued by the State Health Director and adopted by the Medical Board and the Board of Pharmacy pursuant to S.L. 2025-37, s. 5.3.(b), including any amendments adopted by the Medical Board and the Board of Pharmacy, a pharmacist may either:

- (1) Order and perform a CLIA-waved test for influenza and initiate treatment pursuant to the results of the CLIA-waived test; or
(2) Initiate prophylactic treatment for certain high-risk patients who have been exposed to influenza.

These protocols are available at the Board of Pharmacy's office and on its website (www.ncbop.org). The pharmacist shall maintain records of compliance with the protocols for three years.

Authority G.S. 90-85.3A(e); 90-85.6; 90-85.32; 90-85.36; S.L. 2025-37, s. 5.3.

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 re adoption 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: March 1, 2027

Public Hearing:

Date: March 17, 2026

Time: 9:00 a.m.

Location:

https://ncgov.webex.com/ncgov/j.php?MTID=mca3a40e003eec0144985e64e90360b98

Reason for Proposed Action: Subchapter 01B specifies procedures for petitions for rulemaking and request for declaratory rulings. The enclosed changes to Subchapter 01B are small clarifying changes. They are meant to conform to changes

in the Administrative Procedures 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 Mazza, 333 Fayetteville St. Raleigh, NC, 27601, Raleigh, NC 27603; phone (984) 236-0823; fax n/a; email denise.mazza@nc.gov

Comment period ends: May 1, 2026

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

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

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

CHAPTER 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 one-hundred-twenty (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 of the Office of State Human Resources believes for good cause that the issuance of a

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**PROPOSED RULES**

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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 January 29, 2026 Meeting.

**REGISTER CITATION TO THE  
NOTICE OF TEXT**

**AGRICULTURE, BOARD OF**

<u>Soil Testing Service</u>	02 NCAC 37 .0201*	40:03 NCR
<u>Plant Analysis Service</u>	02 NCAC 37 .0202*	40:03 NCR
<u>Nematode Advisory Service</u>	02 NCAC 37 .0203*	40:03 NCR

**CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION**

<u>Medical Examination</u>	12 NCAC 09B .0104*	40:06 NCR
<u>Certification Training for Radar Operators</u>	12 NCAC 09B .0212	40:06 NCR
<u>Certification Training for Radar/Time-Distance</u>	12 NCAC 09B .0213	40:06 NCR
<u>Supplemental SMI Training</u>	12 NCAC 09B .0215*	40:06 NCR
<u>Re-Certification Course for Radar Operators</u>	12 NCAC 09B .0220	40:06 NCR
<u>Re-Certification Course for Radar/Time-Distance Operators</u>	12 NCAC 09B .0221	40:06 NCR
<u>Re-Certification Course for Time-Distance Operators</u>	12 NCAC 09B .0222	40:06 NCR
<u>Certification Training for LIDAR Operators</u>	12 NCAC 09B .0238*	40:06 NCR
<u>Re-Certification Training Course for Lidar Operators</u>	12 NCAC 09B .0240	40:06 NCR
<u>Certification Training for Radar/Lidar Operators</u>	12 NCAC 09B .0242*	40:06 NCR
<u>Re-Certification Training Course for Radar/Lidar Operators</u>	12 NCAC 09B .0243	40:06 NCR
<u>Certification Training for Radar/Time-Distance/Lidar Oper...</u>	12 NCAC 09B .0244	40:06 NCR
<u>Re-Certification Training Course for Radar/Time-Distance/...</u>	12 NCAC 09B .0245	40:06 NCR
<u>Terms and Conditions of Specialized Instructor Certification</u>	12 NCAC 09B .0305*	40:06 NCR
<u>Instructor Certification Renewal</u>	12 NCAC 09B .0312	40:06 NCR
<u>Comprehensive Written Examination - Basic SMI Certification</u>	12 NCAC 09B .0408*	40:06 NCR
<u>Satisfaction of Training - SMI Operators</u>	12 NCAC 09B .0409*	40:06 NCR
<u>Certification of School Directors</u>	12 NCAC 09B .0501*	40:06 NCR
<u>Post Delivery Report of Training Course Presentation</u>	12 NCAC 09C .0212	40:06 NCR
<u>Speed Measurement Instrument (SMI) Operators Certification...</u>	12 NCAC 09C .0308*	40:06 NCR
<u>Recertification Following Separation</u>	12 NCAC 09C .0311*	40:06 NCR
<u>Approved Speed-Measuring Instruments</u>	12 NCAC 09C .0601*	40:06 NCR
<u>Speed-Measuring Instrument Accuracy Tests and Operational...</u>	12 NCAC 09C .0607*	40:06 NCR
<u>Speed-Measuring Instrument Operating Procedures</u>	12 NCAC 09C .0608	40:06 NCR
<u>Law Enforcement Professional Certificate Program</u>	12 NCAC 09D .0101*	40:06 NCR
<u>General Provisions</u>	12 NCAC 09D .0102	40:06 NCR
<u>Intermediate Law Enforcement Certificate</u>	12 NCAC 09D .0104	40:06 NCR
<u>Advanced Law Enforcement Certificate</u>	12 NCAC 09D .0105	40:06 NCR
<u>Method of Application</u>	12 NCAC 09D .0106	40:06 NCR
<u>Juvenile Justice Professional Certificate Program</u>	12 NCAC 09D .0201*	40:06 NCR
<u>General Provisions</u>	12 NCAC 09D .0202	40:06 NCR
<u>Intermediate Criminal Justice Certificate</u>	12 NCAC 09D .0204	40:06 NCR
<u>Advanced Law Enforcement Certificate</u>	12 NCAC 09D .0205	40:06 NCR

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*APPROVED RULES*

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<u>Method of Application</u>	12 NCAC	09D	.0206	40:06	NCR
<u>Medical Examination</u>	12 NCAC	09G	.0205*	40:06	NCR
<u>Terms and Conditions of Specialized Instructor Certification</u>	12 NCAC	09G	.0311*	40:06	NCR
<u>State Corrections Professional Certificate Program</u>	12 NCAC	09G	.0601*	40:06	NCR
<u>General Provisions</u>	12 NCAC	09G	.0602	40:06	NCR
<u>Intermediate State Corrections Certificate</u>	12 NCAC	09G	.0604	40:06	NCR
<u>Advanced State Corrections Certificate</u>	12 NCAC	09G	.0605	40:06	NCR
<u>Method of Application</u>	12 NCAC	09G	.0606	40:06	NCR
<u>Instructor and Professional Lecturer Certification Forms</u>	12 NCAC	09I	.0101*	40:06	NCR
<u>Course Management Forms</u>	12 NCAC	09I	.0102*	40:06	NCR
<u>Basic Law Enforcement Training (BLET) Course Forms</u>	12 NCAC	09I	.0103*	40:06	NCR
<u>Commission-Accredited Delivery Site Administration Forms</u>	12 NCAC	09I	.0104*	40:06	NCR
<u>Medical Forms</u>	12 NCAC	09I	.0105*	40:06	NCR
<u>Speed Measurement Instrument (SMI) Forms</u>	12 NCAC	09I	.0106*	40:06	NCR
<u>Professional Certificates Forms</u>	12 NCAC	09I	.0107*	40:06	NCR

**PUBLIC SAFETY, DEPARTMENT OF**

<u>Purpose</u>	14B NCAC	03	.0601	40:08	NCR
<u>Required Foot Conversion</u>	14B NCAC	03	.0602	40:08	NCR

**ALCOHOLIC BEVERAGE CONTROL COMMISSION**

<u>Malt Beverage Product Approval: Listing in State</u>	14B NCAC	15C	.0201*	40:02	NCR
<u>Wine Approvals: Listing In State</u>	14B NCAC	15C	.0202*	40:02	NCR
<u>Spiritous Liquor Product Approvals</u>	14B NCAC	15C	.0203*	40:02	NCR
<u>Spiritous Liquor Product Lists</u>	14B NCAC	15C	.0204	40:02	NCR
<u>Samples Required on Request</u>	14B NCAC	15C	.0205	40:02	NCR
<u>New Filing Required Upon Transfer of Brand</u>	14B NCAC	15C	.0206*	40:02	NCR
<u>Packaging Requirements</u>	14B NCAC	15C	.0301	40:02	NCR
<u>Labels to be Submitted to Commission</u>	14B NCAC	15C	.0302*	40:02	NCR
<u>Labels Contents: Malt Beverages</u>	14B NCAC	15C	.0303*	40:02	NCR
<u>Label Contents: Wine</u>	14B NCAC	15C	.0304	40:02	NCR
<u>All Containers to Have Label</u>	14B NCAC	15C	.0305	40:02	NCR
<u>Label Alteration</u>	14B NCAC	15C	.0306	40:02	NCR
<u>Growlers</u>	14B NCAC	15C	.0307	40:02	NCR
<u>Growlers: Cleaning, Sanitizing, Filling and Sealing</u>	14B NCAC	15C	.0308	40:02	NCR
<u>Application of Standards</u>	14B NCAC	15C	.0401	40:07	NCR
<u>Prohibited Practices</u>	14B NCAC	15C	.0402*	40:07	NCR
<u>Containers</u>	14B NCAC	15C	.0403*	40:07	NCR
<u>Seizure of Substandard Wine</u>	14B NCAC	15C	.0404	40:07	NCR
<u>Inspection of Premises</u>	14B NCAC	15C	.0501	40:07	NCR
<u>Record Keeping Requirements: Sales Tickets</u>	14B NCAC	15C	.0502	40:07	NCR
<u>Sanitation</u>	14B NCAC	15C	.0503	40:07	NCR
<u>Operation of Licensed Premises: Employees</u>	14B NCAC	15C	.0504*	40:07	NCR
<u>Off-Site Storage Location</u>	14B NCAC	15C	.0505	40:07	NCR
<u>Approved Brands Only</u>	14B NCAC	15C	.0601	40:07	NCR
<u>Sales and Purchase Restrictions: Records</u>	14B NCAC	15C	.0602*	40:07	NCR
<u>Holding of Checks Prohibited</u>	14B NCAC	15C	.0603	40:07	NCR
<u>Collection of Amount of Sale</u>	14B NCAC	15C	.0604	40:07	NCR

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*APPROVED RULES*

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<u>Platform Sales</u>	14B NCAC	15C .0605	40:07 NCR
<u>Draught Malt Beverage Sales: Accessories Deliveries</u>	14B NCAC	15C .0606*	40:07 NCR
<u>Malt Beverage and Wine Shipments to Military Bases</u>	14B NCAC	15C .0607	40:07 NCR

**WILDLIFE RESOURCES COMMISSION**

<u>Paynes Branch Game Land in Forsyth and Stokes Counties</u>	15A NCAC	10D .0295	40:04 NCR
<u>Catawba, Iredell, Lincoln, and Mecklenburg Counties</u>	15A NCAC	10F .0307*	40:04 NCR
<u>Davidson County</u>	15A NCAC	10F .0324*	40:05 NCR
<u>Caldwell County</u>	15A NCAC	10F .0338*	40:05 NCR
<u>Purpose of Wildlife Service Agents</u>	15A NCAC	10G .0401	40:04 NCR
<u>Appointment of Wildlife Service Agents</u>	15A NCAC	10G .0402*	40:04 NCR
<u>Wildlife Service Agent Agreement</u>	15A NCAC	10G .0403	40:04 NCR
<u>Wildlife Service Agent Terms and Conditions</u>	15A NCAC	10G .0405	40:04 NCR
<u>Appointment Termination</u>	15A NCAC	10G .0406*	40:04 NCR
<u>Application for Licensure</u>	15A NCAC	10H .1101	40:05 NCR
<u>Cages</u>	15A NCAC	10H .1104	40:05 NCR
<u>Records</u>	15A NCAC	10H .1107	40:05 NCR

**EDUCATION, STATE BOARD OF**

<u>North Carolina Read to Achieve Program</u>	16 NCAC	06D .0508*	40:07 NCR
<u>Definitions</u>	16 NCAC	06H .0101*	40:07 NCR
<u>Complaint Procedures for Federal Programs</u>	16 NCAC	06H .0103	40:07 NCR
<u>Child Nutrition Procedures</u>	16 NCAC	06H .0104*	40:07 NCR

**INTERPRETER AND TRANSLITERATOR LICENSING BOARD**

<u>The Application Package and Requirements for Licensure</u>	21 NCAC	25 .0202*	40:04 NCR
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**CLINICAL MENTAL HEALTH COUNSELORS, BOARD OF LICENSED**

<u>Definitions</u>	21 NCAC	53 .1001*	40:06 NCR
<u>Board Agreements with Programs</u>	21 NCAC	53 .1002*	40:06 NCR
<u>Program Operations and Procedures for All Participants</u>	21 NCAC	53 .1003	40:06 NCR
<u>Program Operations and Procedures for Board Referrals</u>	21 NCAC	53 .1004	40:06 NCR
<u>Confidentiality</u>	21 NCAC	53 .1005*	40:06 NCR
<u>Periodic Reporting of Anonymized Information to the Board</u>	21 NCAC	53 .1006	40:06 NCR

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

<u>Requirements for Licensing</u>	21 NCAC	56 .0501*	40:04 NCR
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**STATE HUMAN RESOURCES COMMISSION**

<u>Compensatory Time</u>	25 NCAC	01E .1006	40:01 NCR
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**TITLE 02 - DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**02 NCAC 37 .0201 SOIL TESTING SERVICE**

(a) The Agronomic Services Division shall analyze all samples for volume weight, pH, BpH, humic matter, phosphorus, potassium, calcium, magnesium, manganese, copper, and zinc. The Agronomic Services Division shall make nutrient and

management recommendations to correct deficiencies or toxicities by the application of lime, fertilizer, and other soil amendments.

(b) Fees for these services shall be as follows:

- (1) Routine soil analysis during peak season as defined in G.S. 106-22(17) – five dollars (\$5.00).

- (2) Expedited soil testing – two hundred fifty dollars (\$250.00).
- (3) Special services:
  - (A) Heavy metals -thirty dollars (\$30.00).
  - (B) Research – ten dollars (\$10.00).

*History Note: Authority G.S. 106-22(17); Eff. July 17, 1981; Amended Eff. June 1, 1990; Agency did not readopt rule pursuant to G.S. 150B-21.3A by RRC established deadline of March 31, 2017; Readopted Eff. September 1, 2017; Amended Eff. February 1, 2026.*

**02 NCAC 37 .0202 PLANT ANALYSIS SERVICE**

(a) The Agronomic Services Division shall analyze all samples for nitrogen, phosphorus, potassium, calcium, magnesium, manganese, copper, zinc, boron and other elements, as needed to make recommendations for corrective action. Results of the test and recommendations for corrective action shall be provided by the Agronomic Services Division. For the purposes of this Rule, "plant analyses" shall include analysis of wastes, soilless media, and other solutions for agronomic purposes.

(b) Fees for these services, to be paid at the time of submission, shall be as follows:

- (1) Routine plant analysis – \$10.00.
- (2) Routine solution analysis - \$10.00.
- (3) Routine soilless media analysis - \$10.00.
- (4) Routine waste analysis - \$15.00.
- (5) Research plant, waste, soilless media, and solution analysis - \$12.00.
- (6) Nonresident plant, waste, soilless media, and solution analysis - \$25.00.
- (7) Special services:
  - (A) Heavy metals - \$40.00.
  - (B) Waste-N breakout - \$15.00.
  - (C) Waste-liming equivalent - \$10.00.
  - (D) Plant-chloride - \$5.00.
  - (E) Molybdenum - \$5.00.
  - (F) Plant-petiole nitrates - \$5.00.
  - (G) Bulk density - \$10.00.

*History Note: Authority G.S. 106-22(17); Eff. July 17, 1981; Temporary Amendment Eff. July 7, 1989 for a Period of 180 Days to Expire on January 2, 1990; Amended Eff. June 1, 1990; January 2, 1990; Temporary Amendment Eff. December 3, 2013; Amended Eff. June 1, 2014; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015; Amended Eff. February 1, 2026; September 1, 2017.*

**02 NCAC 37 .0203 NEMATODE ADVISORY SERVICE**

(a) Individuals desiring nematode analysis may obtain sample containers and instructions from the Agronomic Services Division, county extension office, farm supply dealers, Agronomic Division Regional Agronomists, or other local

agricultural advisors. If plant-destructive nematodes are found, the best method of control will be recommended.

(b) Per sample fees for those services, to be paid at the time of submission, are as follows:

- (1) Routine nematode assay - \$10.00.
- (2) Research nematode assay - \$15.00.
- (3) Pinewood nematode assay - \$15.00.
- (4) Nematode species identification by molecular diagnosis - \$30.00.
- (5) Out-of-state surcharge - \$10.00
- (6) Regulatory assay - \$20.00.

*History Note: Authority G.S. 106-22(17); Eff. July 17, 1981; Temporary Amendment Eff. July 7, 1989 for a Period of 180 Days to Expire on January 2, 1990; Amended Eff. June 1, 1990; January 2, 1990; Agency did not readopt rule pursuant to G.S. 150B-21.3A by RRC established deadline of March 31, 2017; Readopted Eff. December 19, 2017; Amended Eff. February 1, 2026; March 20, 2019.*

**TITLE 12 - DEPARTMENT OF JUSTICE**

**12 NCAC 09B .0104 MEDICAL EXAMINATION**

(a) Each applicant for certification or enrollment in a Commission-approved basic law enforcement training course pursuant to 12 NCAC 09B .0205, shall complete, sign, and date the Commission's Medical History Statement Form (F-1), pursuant to 12 NCAC 09I .0105, and shall be examined by either a physician, physician assistant, or nurse practitioner who holds a current license in the United States to practice medicine, as issued by a state medical board, to help determine his or her fitness to carry out the physical requirements of the position of law enforcement officer.

(b) Prior to being examined, the applicant shall provide the examining physician, physician's assistant, or nurse practitioner with:

- (1) the Medical History Statement Form (F-1), which must be completed by the applicant and signed by the examiner; and
- (2) the Medical Examination Report Form (F-2), the Tuberculosis Questionnaire Form (F-2A), and the Medical Examination Report Addendum Form (F-2B), pursuant to 12 NCAC 09I .0105.

(c) The examining physician, physician's assistant, or nurse practitioner, shall record the results of the examination on the Medical Examination Report Form (F-2) and shall sign and date the form.

(d) The Medical Examination Report Form (F-2), the Tuberculosis Questionnaire Form (F-2A), and the Medical History Statement Form (F-1) shall be valid for one year after the date the examination was conducted and shall be completed prior to:

- (1) the applicant beginning the Commission-approved basic law enforcement training course; and

- (2) the employing agency submission of application for certification to the Commission. *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. February 1, 2026; November 1, 2024; October 1, 2022.*

*History Note: Authority G.S. 17C-6; 17C-10; Eff. January 1, 1981; Amended Eff. April 1, 2018; October 1, 2017; November 1, 1993; February 1, 1991; March 1, 1990; April 1, 1985;*

**12 NCAC 09B .0212 CERTIFICATION AND RE-CERTIFICATION TRAINING FOR RADAR OPERATORS**

(a) The Radar Operator Training Course for law enforcement officers shall be designed to provide the student with the skills and knowledge to perform the function of a law enforcement radar operator. This course shall be for a period not to exceed four consecutive weeks and shall consist of a minimum of 30 hours of instruction, including the following topic areas and minimum hours for each:

- |     |   |           |
|-----|---|-----------|
| (1) | Course Orientation  | 0.5 Hours |
| (2) | Introduction to Radar Training                              | 0.5 Hours |
| (3) | Speed Offenses and Speed Enforcement                        | 2 Hours   |
| (4) | Basic Principles of Radar Speed Measurement                 | 5 Hours   |
| (5) | Legal and Operational Considerations                        | 4 Hours   |
| (6) | Familiarization and Operation of Specific Radar Instruments | 10 Hours  |
| (7) | Courtroom Preparation                                       | 3 Hours   |
| (8) | Motor-Skill Performance Testing                             | 4 Hours   |
| (9) | Course Review   | 1 Hour    |

This course shall have a minimum ratio of one instructor per six students.

(b) Only those individuals currently certified as a law enforcement officer or appointed personnel of a law enforcement agency shall be enrolled in the Radar Operator Training Course. Sheriffs, deputy sheriffs, and federal law enforcement personnel, including armed forces personnel, shall be allowed to participate in the a Radar Operator Training Course at the discretion of the school director without having enrolled in or having successfully completed the basic law enforcement training course, pursuant to 12 NCAC 09B .0205, and without being currently certified in a probationary status or holding general law enforcement certification.

(c) The Radar Operator Re-Certification Training Course shall be designed to provide the law enforcement officer with the skills and knowledge to continue to proficiently perform the functions of a radar operator. This course shall be presented within a period not to exceed one week and shall consist of a minimum of six hours of instruction, including the following topic areas and minimum hours for each:

- |     |                                      |           |
|-----|--------------------------------------|-----------|
| (1) | Course Orientation                   | 0.5 Hours |
| (2) | Legal and Operational Considerations | 1.5 Hours |
| (3) | Motor-Skill Performance Testing      | 4 Hours   |

This course shall have a minimum ratio of one instructor per six students.

(d) Students enrolled in a Radar Operator Re-Certification Training Course shall, at the time of enrollment, hold active radar operator certification or have previously held active radar operator certification within 12 months prior to the scheduled end date of the course. Federal law enforcement personnel shall be allowed to participate in a Radar Operator Re-Certification Training Course at the discretion of the school director without previously having held radar operator certification, but such personnel must have completed one introductory level speed measurement instrument course that included instruction on operation of radar instruments. Courses that meet this requirement include those described in Paragraph (a) of this Rule and those described in 12 NCAC 09B .0242(a).

(e) If the Governor declares a State of Emergency pursuant to G.S. 166A- 19.3(19), the Director of the Criminal Justice Standards Division shall allow additional time to complete a specific course delivery beyond the time limits set forth in Paragraphs (a) and (c) of this Rule when the Director determines that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;
- (2) The risk of harm to students that may be caused by the continuation of the course;
- (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
- (4) The specific need for the waiver; and
- (5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to this Section shall be posted on the CJETS website, <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began or were in progress during the effective period of the State of Emergency.

*History Note: Authority G.S. 17C-6; Eff. November 1, 1981; Readopted w/change Eff. July 1, 1982; Temporary Amendment Eff. February 24, 1984 for a period of 120 days to expire on June 22, 1984;*

*Amended Eff. April 1, 1999; November 1, 1998; August 1, 1995; February 1, 1991; July 1, 1989; August 1, 1984; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. February 1, 2026; April 1, 2022.*

**12 NCAC 09B .0213      CERTIFICATION TRAINING FOR RADAR/TIME-DISTANCE OPERATORS**

*History Note: Authority G.S. 17C-6; Eff. November 1, 1981; Readopted w/change Eff. July 1, 1982; Amended Eff. April 1, 1999; November 1, 1998; August 1, 1995; February 1, 1991; July 1, 1989; August 1, 1984; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. April 1, 2022; Repealed Eff. February 1, 2026.*

**12 NCAC 09B .0215      SUPPLEMENTAL SMI TRAINING**

(a) The supplemental speed measuring instrument (SMI) training course for law enforcement officers shall be designed to allow officers an opportunity to be certified on additional speed measuring instruments and modes, as defined in 12 NCAC 09C .0308(h), not included on the officers' initial speed measuring instrument certification. The course shall be designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as an instructor or operator using the additional speed measuring instruments and modes.

(b) Each applicant for supplemental SMI training shall:

- (1) possess a valid radar or lidar speed measuring instrument instructor or operator certification as a result of successful completion of a training course set forth in 12 NCAC 09B .0210, .0212, .0237, .0238, or .0242;
- (2) present the endorsement of a Commission-certified school director or in-service training coordinator, or agency head or his or her designee by submitting Form SMI-16, pursuant to 12 NCAC 09I .0106(a)(4);
- (3) present a copy of the applicant's active SMI operator or instructor certification, which lists the instruments and modes that the officer is certified to operate;
- (4) demonstrate proficiency in the motor-skill and performance subject areas with the instrument and modes as evidenced by completion of the Commission's SMI-1 Form, SMI-1A Form, or SMI-13 Form pursuant to 12 NCAC 09I .0106; and
- (5) for individuals seeking certification on modes which are not included on their current SMI certification, complete 240 minutes of supervised field practice for each additional mode on Form SMI-15 pursuant to 12 NCAC 09I .0106. For dual antenna instruments, 120 of the 240 minutes must be completed using each antenna.

(c) The supplemental SMI training course required for certification on the additional instruments shall consist of a minimum of 1.5 hours of instruction, including the following topic areas and minimum hours for each:

- |   |          |
|---|----------|
| (1) Course Orientation                                      | 0.5 hour |
| (2) Familiarization & Operation of Specific SMI Instruments | 0.5 hour |
| (3) Motor Skills Testing (per instrument per student)       | 0.5 hour |

(d) Adding instruments and modes to an individual's SMI operator or instructor certification shall not extend the certification period as prescribed in 12 NCAC 09B .0308 and 09C .0308.

*History Note: Authority G.S. 17C-6; Eff. November 1, 1981; Readopted Eff. July 1, 1982; Amended Eff. November 1, 2007; May 1, 2004; August 1, 2002; April 1, 1999; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. February 1, 2026.*

**12 NCAC 09B .0220      RE-CERTIFICATION COURSE FOR RADAR OPERATORS**

*History Note: Authority G.S. 17C-6; Eff. October 1, 1983; Temporary Amendment Eff. February 24, 1984 for a period of 120 days to expire on June 22, 1984; Amended Eff. November 1, 2007; April 1, 1999; November 1, 1993; August 1, 1984;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Repealed Eff. February 1, 2026.*

**12 NCAC 09B .0221      RE-CERTIFICATION COURSE FOR RADAR/TIME-DISTANCE OPERATIONS**

*History Note: Authority G.S. 17C-6; Eff. October 1, 1983;*

*Amended Eff. November 1, 2007; April 1, 1999; November 1, 1993; August 1, 1984;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;*  
*Repealed Eff. February 1, 2026.*

*History Note: Authority G.S. 17C-6;*  
*Eff. October 1, 1983;*  
*Amended Eff. November 1, 2007; April 1, 1999; November 1, 1993; July 1, 1989; August 1, 1984; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;*  
*Repealed Eff. February 1, 2026.*

**12 NCAC 09B .0222 RE-CERTIFICATION COURSE FOR TIME-DISTANCE OPERATORS**

**12 NCAC 09B .0238 CERTIFICATION AND RE-CERTIFICATION TRAINING FOR LIDAR OPERATORS**

(a) The Lidar Operator Training Course for law enforcement officers shall be designed to provide the student with the skills and knowledge to perform the function of a law enforcement lidar operator. This course shall be for a period not to exceed four consecutive weeks, and shall consist of a minimum of 30 hours of instruction and shall include the following topic areas and minimum hours for each:

(1) Course Orientation	0.5 Hours
(2) Introduction to Lidar Training	0.5 Hours
(3) Basic Principles of Lidar Speed Measurement	1 Hour
(4) Legal and Operational Considerations	1 Hour
(5) Familiarization and Operation of Specific Lidar Instruments	2 Hours
(6) Courtroom Preparation	1 Hour
(7) Motor-Skill Performance Testing	3 Hours
(8) Course Review	1 Hour

This course shall have a minimum ratio of one instructor per six students.

(b) To be eligible for enrollment in the Lidar Operator Training Course, applicants shall meet the following requirements at the time of enrollment:

- (1) have completed a Commission-approved Basic Law Enforcement Training (BLET) Course, pursuant to 12 NCAC 09B .0205;
- (2) hold active law enforcement certification; and
- (3) hold active radar operator certification or be enrolled in a radar operator training course or a radar operator re-certification training course as outlined in 12 NCAC 09B .0212; or
- (4) hold active radar instructor certification or be enrolled in a radar instructor training course or a radar instructor re-certification training course as outlined in 12 NCAC 09B .0210.

Sheriffs, deputy sheriffs, and federal law enforcement personnel, including armed forces personnel, who do not meet these requirements shall be allowed to participate in a Lidar Operator Training Course at the discretion of the school director.

(c) The Lidar Operator Re-Certification Training Course shall be designed to provide the law enforcement officer with the skills and knowledge to continue to perform the functions of a lidar operator. This course shall be presented within a period not to exceed one week and shall consist of a minimum of four hours of instruction, including the following topic areas and minimum hours for each:

(1) Course Orientation	0.5 Hours
(2) Legal and Operational Considerations	1 Hour
(3) Motor-Skill Performance Testing	2.5 Hours

This course shall have a minimum ratio of one instructor per six students.

(d) To be eligible for enrollment in the Lidar Operator Re-Certification Training Course, applicants shall meet the following requirements at the time of enrollment:

- (1) hold active law enforcement certification;
- (2) hold active lidar operator certification or have previously held active lidar operator certification within the 12 months prior to the scheduled end date of the course; and
- (3) hold active radar operator certification or be enrolled in a radar operator training course or a radar operator re-certification training course as outlined in 12 NCAC 09B .0212.

Federal law enforcement personnel who do not meet these requirements shall be allowed to participate in a Lidar Operator Re-Certification Training Course at the discretion of the school director, but such personnel must have completed one introductory-level speed measurement instrument course that included instruction on the operation of lidar instruments. Courses that meet this requirement include those described in Paragraph (a) of this Rule and those described in 12 NCAC 09B .0242(a).

(e) If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional time to complete a specific course delivery beyond the time limits set forth in Paragraphs (a) and (c) of this Rule when the Director determines that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;
- (2) The risk of harm to students that may be caused by continuation of the course;
- (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
- (4) The specific need for the waiver; and

(5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to this Section shall be posted on the CJETS website, <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began or were in progress during the effective period of the State of Emergency.

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

*Eff. May 1, 2004;*

*Amended Eff. November 1, 2007;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;*

*Amended Eff. February 1, 2026; April 1, 2022.*

**12 NCAC 09B .0240 RE-CERTIFICATION TRAINING COURSE FOR LIDAR OPERATORS**

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

*Eff. May 1, 2004;*

*Amended Eff. November 1, 2007;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;*

*Repealed Eff. February 1, 2026.*

(1)	Course Orientation	0.5 Hours
(2)	Introduction to Radar/Lidar Training	0.5 Hours
(3)	Speed Offenses and Speed Enforcement	2 Hours
(4)	Basic Principles of Radar/Lidar Speed Measurement	6 Hours
(5)	Legal and Operational Considerations	5 Hours
(6)	Familiarization and Operation of Specific Radar and Lidar Instruments	12 Hours
(7)	Courtroom Preparation	4 Hours
(8)	Motor-Skill Performance Testing	5 Hours
(9)	Course Review	1 Hour

This course shall have a minimum ratio of one instructor per six students.

(b) Only those individuals currently certified as a law enforcement officer or appointed personnel of a law enforcement agency may be enrolled in the Radar/Lidar Operator Training Course. Sheriffs, deputy sheriffs, and federal law enforcement personnel, including armed forces personnel, shall be allowed to participate in a Radar/Lidar Operator Training Course at the discretion of the school director without having enrolled in or having completed the basic law enforcement training course, pursuant to 12 NCAC 09B .0205, and without being currently certified in a probationary status or holding general law enforcement certification.

(c) The Radar/Lidar Operator Re-Certification Training Course shall be designed to provide the law enforcement officer with the skills and knowledge to continue to proficiently perform the function of a radar and lidar operator. This course shall be presented within a period not to exceed one week and shall consist of a minimum of eight hours of instruction, including the following topic areas and minimum hours for each:

(1)	Course Orientation	0.5 Hours
(2)	Legal and Operational Considerations	2.5 Hours
(3)	Motor-Skill Performance Testing	5 Hours

This course shall have a minimum ratio of one instructor per six students.

(d) To be eligible for enrollment in the Radar/Lidar Operator Re-Certification Training Course, applicants shall meet the following requirements at the time of enrollment:

- (1) hold active radar operator certification or have previously held active radar operator certification within 12 months prior to the scheduled end date of the course; and
- (2) hold active lidar operator certification or have previously held active lidar operator certification within the 12 months prior to the scheduled end date of the course.

Federal law enforcement personnel who do not meet these requirements shall be allowed to participate in a Radar/Lidar

**12 NCAC 09B .0242 CERTIFICATION AND RE-CERTIFICATION TRAINING FOR RADAR AND LIDAR OPERATORS**

(a) The Radar/Lidar Operator Training Course for law enforcement officers shall be designed to provide the student with the skills and knowledge to perform the function of a radar and lidar operator. This course shall be for a period not to exceed four consecutive weeks, and shall consist of a minimum of 36 hours of instruction and shall include the following topic areas and minimum hours for each:

(1)	Course Orientation	0.5 Hours
(2)	Introduction to Radar/Lidar Training	0.5 Hours
(3)	Speed Offenses and Speed Enforcement	2 Hours
(4)	Basic Principles of Radar/Lidar Speed Measurement	6 Hours
(5)	Legal and Operational Considerations	5 Hours
(6)	Familiarization and Operation of Specific Radar and Lidar Instruments	12 Hours
(7)	Courtroom Preparation	4 Hours
(8)	Motor-Skill Performance Testing	5 Hours
(9)	Course Review	1 Hour

(b) Only those individuals currently certified as a law enforcement officer or appointed personnel of a law enforcement agency may be enrolled in the Radar/Lidar Operator Training Course. Sheriffs, deputy sheriffs, and federal law enforcement personnel, including armed forces personnel, shall be allowed to participate in a Radar/Lidar Operator Training Course at the discretion of the school director without having enrolled in or having completed the basic law enforcement training course, pursuant to 12 NCAC 09B .0205, and without being currently certified in a probationary status or holding general law enforcement certification.

(c) The Radar/Lidar Operator Re-Certification Training Course shall be designed to provide the law enforcement officer with the skills and knowledge to continue to proficiently perform the function of a radar and lidar operator. This course shall be presented within a period not to exceed one week and shall consist of a minimum of eight hours of instruction, including the following topic areas and minimum hours for each:

(1)	Course Orientation	0.5 Hours
(2)	Legal and Operational Considerations	2.5 Hours
(3)	Motor-Skill Performance Testing	5 Hours

(d) To be eligible for enrollment in the Radar/Lidar Operator Re-Certification Training Course, applicants shall meet the following requirements at the time of enrollment:

Operator Re-Certification Training Course at the discretion of the school director, but such personnel must have completed one or more introductory level speed measurement instrument courses that included instruction on operation of radar instruments and lidar instruments. Courses that meet this requirement include those described in Paragraph (a) of this Rule, 12 NCAC 09B .0212(a), and 12 NCAC 09B .0238(a).

(e) If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional time to complete a specific course delivery beyond the time limits set forth in Paragraphs (a) and (c) of this Rule when the Director determines

that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;
- (2) The risk of harm to students that may be caused by continuation of the course;
- (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
- (4) The specific need for the waiver; and
- (5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to this Section shall be posted on the CJETS website, <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began or were in progress during the effective period of the State of Emergency.

*History Note: Authority G.S. 17C-6; Eff. November 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. February 1, 2026; April 1, 2022.*

**12 NCAC 09B .0243 RE-CERTIFICATION TRAINING COURSE FOR RADAR/LIDAR OPERATORS**

*History Note: Authority G.S. 17C-6; Eff. November 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Repealed Eff. February 1, 2026.*

**12 NCAC 09B .0244 CERTIFICATION TRAINING FOR RADAR/TIME-DISTANCE/LIDAR OPERATORS**

*History Note: Authority G.S. 17C-6; Eff. November 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. April 1, 2022; Repealed Eff. February 1, 2026.*

**12 NCAC 09B .0245 RE-CERTIFICATION TRAINING COURSE FOR RADAR/TIME-DISTANCE/LIDAR OPERATORS**

*History Note: Authority G.S. 17C-6; Eff. November 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Repealed Eff. February 1, 2026.*

**12 NCAC 09B .0305 TERMS AND CONDITIONS OF SPECIALIZED INSTRUCTOR CERTIFICATION**

(a) An applicant meeting the requirements for Specialized Instructor Certification as set forth in Rule .0304 of this Section shall be issued a certification to expire three years from the date of issuance.

(b) The applicant shall apply for certification as a Specialized Instructor within 60 days after the date the applicant achieved a passing score on the state comprehensive exam for the respective Specialized Instructor training course.

(c) The instructor is required to instruct, within three years after Specialized Instructor Certification is issued, a minimum of 12 hours in each of the topics for which Specialized Instructor Certification was granted. The instruction shall be provided in a Commission-approved basic training, Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005.

(d) An application for certification renewal shall contain, in addition to the requirements listed in Rule .0304 of this Section, documentary evidence that the applicant has remained active in the instructional process during the previous three-year period. Such documentary evidence shall include the following:

- (1) proof that the applicant has, within the three-year period preceding application for renewal, instructed at least 12 hours in each of the topics for which Specialized Instructor Certification was granted, and that instruction was provided in a Commission-approved basic training, Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In-Service Training Coordinators and written attestation from a School Director or In-Service Training Coordinator;
- (2) proof that the applicant has, within the three-year period preceding application for renewal, attended and completed all instructor updates that have been issued by the Commission. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In-Service Training Coordinators, or copies of certificates of completion issued by the institution which provided the instructor updates;
- (3) a favorable written recommendation from a School Director or In-Service Training Coordinator completed on an Application for Instructor and Professional Lecturer Certification Form (Form F-12), pursuant to 12 NCAC 09I .0101(a)(1), stating the instructor taught at least 12 hours in each of the topics for which Specialized Instructor Certification was granted. The teaching shall have been provided in a Commission-approved basic training, Specialized Instructor Training course, pursuant to Rule 12 NCAC 09C .0401, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 09F .0101, 12 NCAC 09H, 12 NCAC 10B .0601, .1302, or .2005;

- (4) a favorable written evaluation by a School Director, Qualified Assistant, In-Service Training Coordinator, or another Specialized Instructor certified in the same specialized subject, based on an on-site classroom evaluation of a presentation by the instructor in a Commission-approved basic training, Specialized Instructor Training, Commission-recognized in-service training course, or in-service training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005 during the three-year period of Specialized Instructor Certification. Such evaluation shall be presented on a Criminal Justice Instructor Evaluation Form F-16, pursuant to Rule .0202 of this Subchapter, and 12 NCAC 09I .0101(a)(2);
- (5) proof that the individual applying for renewal as a Specialized Firearms Instructor has achieved a minimum score of 92 on the day and night Basic Law Enforcement Training firearms qualification courses, administered by a certified Specialized Firearms Instructor, within the three-year period preceding the application for renewal;
- (6) proof that the individual applying for renewal as a Specialized Physical Fitness Instructor has passed the Basic Law Enforcement Training Police Officer Physical Abilities Test, administered by a certified Specialized Physical Fitness Instructor, within the three-year period preceding the application for renewal;
- (7) proof that the individual applying for renewal as a Specialized Driver Instructor has achieved the following minimum scores Instructor within the three-year period preceding the application for renewal. The individual applying for renewal must achieve a minimum score of 85 on two out of three attempts for the "Off-Set Lane Maneuver" and "Serpentine" courses during the daytime, a minimum score of 85 on two out of three attempts for the "Precision" course during both day and night evaluation, a score of "Pass" on two out of three attempts for each command for the "Evasive Action/Maneuver" course during the daytime, and a score of Pass on two out of three attempts in each direction for the "Fixed Radius Curve" course during the daytime. Evaluations shall be administered by a certified Specialized Driving Instructor;
- (8) proof that the individual applying for renewal as a Specialized Compliance and Control Techniques Instructor (CCT) has satisfactorily completed the technique evaluations skills of the Basic Law Enforcement Training CCT course, administered by a certified Specialized CCT Instructor, within the three-year period preceding the application for renewal; and
- (9) Acceptable documentary evidence for proof of completion requirements as specified in Part (d)(3)-(8) of this Rule shall include the practical skill assessment submitted by School Directors or In-Service Training Coordinators and written attestation from a School Director or In-Service Training Coordinator.
  - (e) Certification as a Specialized Instructor in the Standard Field Sobriety Testing, First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topic areas as outlined in Rule .0304(e), (h), (k), and (l) of this Section shall remain in effect for 36 months from the date of issuance. During the 36 month term all non-Commission certificates required in Rule .0304(e), (h), (k), and (l) of this Section for Specialized Instructor certification in the Standard Field Sobriety Testing, First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topical areas shall be maintained.
  - (f) Individuals who hold Specialized Instructor certification may, for just cause, be granted an extension of the three-year period to teach the 12 hour minimum requirement, pursuant to Paragraph (b) of this Rule. The Director may grant such extensions on a one-time basis only not to exceed 12 months. For purposes of this Rule, just cause means accident, illness, emergency, course cancellation, or other exceptional circumstances which precluded the instructor from fulfilling the teaching requirement.
  - (g) Upon expiration of their Specialized Instructor certification, instructors have 90 days to submit renewal documentation to the Division for review and approval. During this 90-day period, instructors are not permitted to teach any Commission-approved courses or blocks of instruction that require instruction by a Specialized Instructor outlined in 12 NCAC 09B .0304(a). The Director may, for just cause, grant an extension of the 90-day period in which an instructor's renewal application must be submitted, however, such extension shall not exceed 12 months and shall not extend the instructor's certification period beyond its specified expiration period.
  - (h) Those individuals who have previously held Specialized Instructor Certification and have not exceeded a three year time period from when his or her Specialized Instructor Certification expired are eligible to apply for re-issuance of the previously held Specialized Instructor Certification. An application for re-issuance shall contain documentation that the applicant:
    - (1) holds a current General Instructor certification;
    - (2) has completed the pre-qualification skills assessment for that specialty;
    - (3) has passed the state examination for that specialty with a minimum score of 75; and
    - (4) has maintained non-Commission certificates required in Rule .0304(e), (h), (k), and (l) of this Section for Specialized Instructor certification in the Standard Field Sobriety Testing, First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topical areas, if applicable.
  - (i) Applicants for re-issuance of the Specialized Instructor Certification shall have one opportunity to pass the prequalification skills assessment and the state examination for

that specialty. Should an applicant not achieve a passing score on either the prequalification skills assessment or the state examination for that specialty, the applicant shall complete the specific Specialized Instructor Course in its entirety.

(j) Applicants whose Specialized Instructor Certification is suspended or revoked shall not qualify for re-issuance.

(k) After re-issuance of certification, the instructor shall complete eight hours of evaluated instruction in the specialty where re-issuance of certification is sought, as documented on an F-16 Form located on the agency's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>. The eight hours of instruction shall be taught within 60 days of the Specialized Instructor Certification being reissued and evaluated by a Specialized Instructor certified in that specialty. Failure to complete the required eight hours of evaluated instruction will result in the reissued Specialized Instructor Certification being revoked.

*History Note: Authority G.S. 17C-6; Eff. January 1, 1981; Amended Eff. January 1, 2017; February 1, 2016; August 1, 2015; May 1, 2014; June 1, 2012; November 1, 2007; January 1, 2006; December 1, 2004; August 1, 2004; August 1, 2000; July 1, 1991; July 1, 1989; December 1, 1987; February 1, 1987; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. February 1, 2026; January 1, 2025; May 1, 2023; January 1, 2022; January 1, 2020; August 1, 2019.*

**12 NCAC 09B .0312 INSTRUCTOR CERTIFICATION RENEWAL**

*History Note: Authority G.S. 17C-6; Eff. March 1, 1990; Amended Eff. January 1, 2017; August 1, 2006; January 1, 2006; August 1, 2000; January 1, 1995; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Repeal Eff. February 1, 2026.*

**12 NCAC 09B .0408 COMPREHENSIVE STATE EXAMINATION—SMI OPERATOR CERTIFICATION**

(a) Within 60 days of the conclusion of the classroom instruction portion of a school's offering of any speed measuring instrument (SMI) operator course or re-certification course, the Commission shall administer a comprehensive state examination to each student who has completed all of the required course work. The examination shall be an objective test covering the topic areas contained in the certified course curriculum, pursuant to 12 NCAC 09B .0212, .0238, and .0242.

(b) A student of a RADAR, LIDAR, or RADAR/LIDAR operator training shall achieve a passing score on the comprehensive state examination upon answering a minimum of 70 percent of the questions correctly. A student who fails to achieve a passing score on a RADAR, LIDAR, or RADAR/LIDAR operator training comprehensive state examination shall be eligible to request re-examination with the following conditions:

- (1) The student must have achieved a minimum score of 60 percent on the initial examination;

- (2) The student's request for re-examination shall be made in writing on the Commission's Examination Request Form (F-23) pursuant to 12 NCAC 09B .0406(c), and shall be received by the Standards Division within 15 days of the initial examination;
- (3) The student shall have, within 30 days of the date of initial examination, only one opportunity for re-examination; and
- (4) The student must have completed each motor-skill and performance area of the course curriculum.

A student who fails to achieve the minimum passing score of 70 percent on the re-examination, or who fails to achieve a minimum score of 60 percent on the initial examination, shall not be eligible for SMI operator certification until a subsequent SMI operator training course offering and examination are completed by the student.

(c) A student of a RADAR operator re-certification, LIDAR operator re-certification, or RADAR/LIDAR operator re-certification training course, pursuant to Paragraph (a) of this Rule, shall achieve a passing score on the comprehensive state examination upon answering a minimum of 75 percent of the questions correctly. At the time a student fails to achieve the minimum passing score, the student's SMI operator certifications shall be immediately revoked, and the student shall not be eligible for re-certification until a subsequent SMI operator training course offering and further examination are completed by the student.

*History Note: Authority G.S. 17C-6; Eff. November 1, 1981; Readopted Eff. July 1, 1982; Amended Eff. January 1, 2015; November 1, 2007; May 1, 2004; April 1, 1999; December 1, 1987; October 1, 1983; April 1, 1983; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. February 1, 2026.*

**12 NCAC 09B .0409 SATISFACTION OF TRAINING--SMI OPERATORS**

(a) To satisfy the training requirements for operator certification, a trainee shall complete all of the following:

- (1) achieve a minimum score of 70 percent correct answers on the comprehensive state examination as outlined in 12 NCAC 09B .0408;
- (2) complete a Commission-approved course as prescribed under 12 NCAC 09B .0212(a), .0238(a), or .0242(a) as evidenced by a completed Post Delivery Form (F-10B) pursuant to 12 NCAC 09I .0102;
- (3) demonstrate proficiency in the motor-skill and performance subject areas to a certified Speed Measurement Instrument (SMI) instructor as evidenced on documentation on the Commission's SMI-1 Form for radar instruments and SMI-13 Form for lidar instruments, pursuant to 12 NCAC 09I .0106;

(4) present evidence showing completion of 12 hours of supervised field practice, as outlined in Paragraph (c) of this Rule, within 90 days after completing a RADAR or RADAR/LIDAR operator training course as prescribed in 12 NCAC 09B .0212, .0215, and .0242. Evidence of completion shall consist of a completed SMI-15 Form pursuant to 12 NCAC 09I .0106. Individuals applying for SMI operator certification may request an extension of up to 12 months for the 90-day requirement to complete the 12 hours of supervised field practice. The Director shall grant the extension request upon a showing of just cause which, for the purposes of this rule, includes accident, illness, emergency, course cancellation, or other exceptional circumstance that prevents the applicant from completing the required supervised field practice time;

(A) Individuals shall be exempt from the portions of the required supervised field practice, as outlined in Subparagraph (c)(4) of this Rule, which they have completed at a prior date, upon providing evidence of prior completion; and

(B) Evidence shall include a completed SMI-14 Form pursuant to 12 NCAC 09I .0106, and a copy of the individual's prior SMI operator or instructor certification which lists the instruments and modes which the officer is certified to operate. Division staff shall evaluate the evidence of prior completion to determine which portions of the supervised field practice have been completed at a prior date.

(b) Any trainee failing to achieve proficiency in the motor-skill area may request re-examination within 15 days of the original examination. The trainee's request for re-examination shall consist of a completed F-23 Exam Admission Form, pursuant to 12 NCAC 09I .0102. A trainee shall have, within 30 days of the original examination, only one opportunity for motor-skill re-examination and must complete each identified area of deficiency on the original motor-skill examination. If the trainee fails to achieve the prescribed score on the examination, the trainee's active SMI operator certifications shall be immediately revoked, and the trainee shall not be eligible for certification or re-certification until a subsequent SMI operator training course offering is completed, as prescribed under 12 NCAC 09B .0212(a), .0238(a), or .0242(a) and further examination is completed.

(c) The 12 hours of supervised field practice shall be completed as follows:

(1) The trainee must conduct the 12 hours of field practice using the radar instrument with the most modes, pursuant to 12 NCAC 09C

.0308(h), that the trainee is seeking certification to operate;

(2) The trainee shall operate the police vehicle and the radar instrument while being supervised by a certified radar instructor or operator who is certified to operate the radar instrument used by the trainee during the field practice;

(3) SMIs shall not be used to enforce speed violations by the trainee or by the supervising radar operator or instructor during the 12 hours of field practice;

(4) The 12 hours of field practice shall be completed according to the following time requirements:

(A) for trainees seeking certification with a dual antenna unit and with stationary, moving-opposite direction, and moving-same direction modes: 120 minutes in each mode while using the front antenna and 120 minutes in each mode while using the rear antenna;

(B) for trainees seeking certification with a dual antenna unit and with stationary and moving-opposite modes only: 180 minutes in each mode while using the front antenna and 180 minutes in each mode while using the rear antenna;

(C) for trainees seeking certification with a dual antenna unit and with stationary mode only: 360 minutes in stationary mode while using the front antenna and 360 minutes in stationary mode while using the rear antenna;

(D) for trainees seeking certification with a single antenna unit and with stationary, moving-opposite direction, and moving-same direction modes: 240 minutes in each mode while using the front antenna;

(E) for trainees seeking certification with a single antenna unit and with stationary and moving-opposite modes only: 360 minutes in each mode while using the front antenna; or

(F) for trainees seeking certification with a single antenna unit and with stationary mode only: 720 minutes in stationary mode while using the front antenna.

(d) To satisfy the training requirements for operator re-certification, an operator seeking re-certification shall:

(1) Achieve a score of 75 percent correct answers on the comprehensive state examination provided for in 12 NCAC 09B .0408(c);

(2) Complete a Commission-approved course, prescribed under 12 NCAC 09B .0210(d), .0212(c), .0237(d), .0238(c), or .0242(c);

- (3) Satisfy all motor-skill requirements as required in Subparagraph (a)(3) of this Rule; and
- (4) For individuals seeking supplemental certification or re-certification to operate instruments with additional modes than those currently or previously certified to operate, complete 240 minutes of supervised field practice for each additional mode. For dual antenna instruments, 120 of the 240 minutes must be completed using each antenna.

*History Note: Authority G.S. 17C-6; Eff. November 1, 1981; Readopted w/change Eff. July 1, 1982; Amended Eff. November 1, 2007; May 1, 2004; April 1, 1999; December 1, 1987; August 1, 1984; October 1, 1983; April 1, 1983; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Emergency Amendment Eff. May 5, 2020; Emergency Amendment Expired Eff. July 31, 2020; Amended Eff. February 1, 2026; January 1, 2021.*

**12 NCAC 09B .0501 CERTIFICATION OF SCHOOL DIRECTORS**

- (a) Any person designated to act as, or who performs the duties of, a School Director in the delivery or presentation of a Commission-approved criminal justice training course shall be and remain certified by the Commission as a school director while serving in such role.
- (b) To qualify for initial certification as a School Director, an applicant shall:
  - (1) hold current General Instructor certification as issued by the Commission, pursuant to 12 NCAC 09B .0302 and .0303;
  - (2) furnish documentary evidence to the Standards Division of high school, college, or university graduation as outlined in 12 NCAC 09B .0106;
  - (3) attend or have attended the most current offering of the School Director's orientation as developed and presented by the Commission staff, otherwise an individual orientation with a staff member shall be required; and
  - (4) submit a Form F-10 School Director/Qualified Assistant Application, pursuant to 12 NCAC 09I .0104, to the Commission for the issuance of such certification. This application shall be executed by the executive officer of the institution or agency currently accredited, or which may be seeking accreditation by the Commission to make presentation of Commission-approved training programs and for whom the applicant will be the designated School Director.
- (c) In addition to the requirements identified in Paragraph (b) of this Rule, to qualify for certification as a School Director in the presentation of the Criminal Justice Instructor Training Course, an applicant shall document completion of the Instructor Training

Orientation presented by the North Carolina Justice Academy on delivery of instructor training course and student evaluations.

*History Note: Authority G.S. 17C-6; Eff. January 1, 1985; Amended Eff. February 1, 2016; November 1, 2015; July 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. February 1, 2026; December 1, 2023.*

**12 NCAC 09C .0212 POST-DELIVERY REPORT OF TRAINING COURSE PRESENTATION**

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

**12 NCAC 09C .0308 SPEED MEASURING INSTRUMENT (SMI) OPERATORS CERTIFICATION PROGRAM**

- (a) Only those individuals currently certified as a law enforcement officer or appointed personnel of a law enforcement agency who use a SMI for enforcement purposes shall hold certification from the Commission authorizing the officer to operate the SMI. Certification in one or more categories reflects operational proficiency in the designated types of approved equipment for which the trainee has been examined and tested.
- (b) Standards Division staff shall issue SMI certification in the following categories:
  - (1) RADAR operator SMI certification or re-certification requiring completion of the training program as required in 12 NCAC 09B .0210, .0212, .0218, or .0242;
  - (2) LIDAR SMI operator certification or re-certification requiring successful completion of the training program as required in 12 NCAC 09B .0237, .0238, .0239, or .0242.
- (c) The applicant shall meet the following requirements for SMI operator certification or re-certification within 90 days of completing a SMI course outlined in 12 NCAC 09B .0212, .0238, or .0242:
  - (1) have completed course requirements as outlined in 12 NCAC 09B .0212, .0238, or .0242;
  - (2) have passed the comprehensive state exam as prescribed in 12 NCAC 09B .0408;
  - (3) have completed the 12 hours of field practice training as outlined in 12 NCAC 09B .0409; and
  - (4) meet one of the following requirements:
    - (A) hold active certification as a law enforcement officer; or
    - (B) be employed as a sheriff, deputy sheriff, or other sworn appointee with arrest authority governed by the

provisions of G.S. 17E and be in compliance with the employment and training standards as established by the North Carolina Sheriffs' Education and Training Standards Commission, pursuant to 12 NCAC 10B .0400.

(d) Certified SMI operators shall be notified by email via the North Carolina Justice Training and Certification portal not less than 90 days prior to the expiration of certification. All applicants for re-certification shall complete a Commission-approved re-certification course within 12 months from the expiration of the previous certification. This prescribed 12 month period shall not extend the operator certification period beyond its specified expiration date. When a re-certification course is successfully completed prior to the expiration of the previous certification, the new certification shall be issued by the Criminal Justice Standards Division effective upon the receipt and review by Division staff of the required documentation outlined in 12 NCAC 09B .0409. Operator re-certification shall be issued only to officers with active law enforcement certification.

(e) If re-certification is not obtained within the prescribed 12-month period, the officer is no longer eligible for re-certification and must meet the requirements of initial operator certification, including completion of a RADAR, LIDAR, or RADAR/LIDAR operator training course as outlined in 12 NCAC 09B .0212(a), 12 NCAC 09B .0238(a), and 12 NCAC 09B .0242(a).

(f) RADAR operator certification is valid for a three-year period from the date of issue. Re-certification is also valid for a three-year period from the date of issue, unless sooner terminated by the Commission.

(g) LIDAR operator certification and re-certification shall only be issued when the applicant holds active RADAR operator certification. The expiration date of LIDAR operator certification and re-certification shall match the expiration date of the applicant's RADAR operator certification.

(h) An individual's SMI operator certification shall apply only to the instruments and modes of operation with which the individual has proven proficiency in the motor-skill and performance subject areas, pursuant to 12 NCAC 09B .0409(a)(3), during an SMI operator course pursuant to 12 NCAC 09B .0212, .0215, .0238, and .0242. Modes of operation include: stationary, moving-same direction, and moving-opposite direction.

*History Note: Authority G.S. 17C-6; Eff. November 1, 1981; Readopted w/change Eff. July 1, 1982; Temporary Amendment Eff. February 24, 1984, for a period of 120 days to expire on June 22, 1984; Amended Eff. November 1, 2007; February 1, 2006; May 1, 2004; April 1, 1999; November 1, 1993; March 1, 1992; February 1, 1991; December 1, 1987; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Emergency Amendment Eff. May 5, 2020; Emergency Amendment Expired Eff. July 31, 2020; Amended Eff. February 1, 2026.*

**12 NCAC 09C .0311 RECERTIFICATION FOLLOWING SEPARATION**

(a) Previously certified juvenile court counselors, chief court counselors, and juvenile justice officers who have completed a minimum of one year of service with the North Carolina Department of Public Safety's Division of Juvenile Justice and have been separated from the North Carolina Department of Public Safety's Division of Juvenile Justice for less than three years may have their certification reinstated to a probationary status following a re-verification of employment standards as outlined in 12 NCAC 09B .0116 and .0117. These individuals shall be exempt from the completion of the appropriate basic training course as described in 12 NCAC 09B .0235 and .0236, provided the basic training was completed prior to separation.

(b) Previously certified juvenile court counselors, chief court counselors, and juvenile justice officers who served less than one year with the North Carolina Department of Public Safety's Division of Juvenile Justice and who have been separated for less than two years may have their certification reinstated following a re-verification of employment standards as outlined in 12 NCAC 09B .0116 and .0117. These individuals shall complete the appropriate basic training course as described in 12 NCAC 09B .0235 and .0236 unless the basic training course was successfully completed prior to separation and the training occurred within 12 months of reinstatement.

(c) Previously certified juvenile court counselors, chief court counselors, and juvenile justice officers who have been separated from the North Carolina Department of Public Safety's Division of Juvenile Justice for more than three years, regardless of the length of prior service, shall complete the verification of employment standards as outlined in 12 NCAC 09B .0116 and .0117 and shall complete the appropriate basic training course described in 12 NCAC 09B .0235 and .0236, to be eligible for subsequent certification.

*History Note: Authority G.S. 17C-2; 17C-6; 17C-10; Eff. May 1, 2023; Amended Eff. February 1, 2026.*

**12 NCAC 09C .0601 APPROVED SPEED-MEASURING INSTRUMENTS**

(a) Prior to approval as a speed measuring instrument, the manufacturer of said instrument shall certify in writing to the Criminal Justice Standards Division that said instrument meets or exceeds the applicable standards set out in the "Model Performance Specifications for Police Traffic Radar Devices" as published by the National Highway Traffic Safety Administration, United States Department of Transportation (as in effect July 1, 1982) which is hereby incorporated by reference, and shall include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Copies of this publication may be obtained at no cost from the Department of Justice website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-105-wpfd-smi>.

(b) Prior to approval, speed measuring instruments shall be evaluated for law-enforcement use in North Carolina by representatives from the North Carolina Criminal Justice Education and Training Standards Commission and the North

Carolina Department of Public Safety, as outlined in "Appendix A: Approved List of Speed Measuring Instruments" as published by the North Carolina Justice Academy, which is hereby incorporated by reference, and shall include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Copies of this publication may be obtained at no cost from the Department of Justice website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-105-wpfd-smi>. A summary of the findings shall be submitted in writing to the Criminal Justice Standards Division's Speed Measurement Instrument Program Administrator.

*History Note: Authority G.S. 17C-6; Eff. November 1, 1981;*

*Readopted w/change Eff. July 1, 1982; Amended Eff. November 1, 2007; May 1, 2004; November 1, 1998; August 1, 1998; August 1, 1995; January 1, 1995; November 1, 1993; February 1, 1991; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. February 1, 2026.*

**12 NCAC 09C .0607 SPEED-MEASURING INSTRUMENT ANNUAL ACCURACY TESTS AND DAILY OPERATIONAL PROCEDURES**

(a) All requirements for accuracy testing methods and operational procedures for speed measuring instruments used by law enforcement officers and agencies to measure the speed of vehicles for enforcement of speed laws and regulations shall conform with G.S. 8-50.2 and G.S. 17C-6.

(b) Each speed measuring instrument shall be tested for accuracy within a 12-month period prior to each use of the instrument for speed enforcement purposes, as outlined in "Appendix B: Annual Tests for Accuracy Requirements" published by the North Carolina Justice Academy, which is hereby incorporated by reference, and shall include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Copies of this publication may be obtained at no cost from the Department of Justice website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-105-wpfd-smi>. The results of the tests shall be recorded on Form SMI-9 for RADAR instruments and Form SMI-12 for LIDAR instruments, pursuant to 12 NCAC 09I .0106.

(c) On a daily basis, speed measuring instruments must be calibrated and tested for accuracy by the certified SMI operator prior to using the instrument for speed enforcement purposes. The tests shall be conducted according to the recommendations of the instrument's manufacturer and include tuning fork tests for each of the instrument's modes of operation.

(d) The daily operating procedures by SMI operators of each speed measuring instrument shall be in accordance with the instrument's manufacturer recommendations and conform with G.S. 8-50.2. The daily operating procedures are outlined in "Appendix C: Daily Tests for Accuracy Requirements & Operating Procedures" as published by the North Carolina Justice Academy, which is hereby incorporated by reference, and shall include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Copies of this

publication may be obtained at no cost from the Department of Justice website <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-105-wpfd-smi>.

*History Note: Authority G.S. 8-50.2; 17C-6; Eff. August 1, 1998; Amended Eff. May 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. February 1, 2026.*

**12 NCAC 09C .0608 SPEED-MEASURING INSTRUMENT OPERATING PROCEDURES**

*History Note: Authority G.S. 8-50.2; 17C-6; Eff. August 1, 1998; Amended Eff. November 1, 2007; May 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Repealed Eff. February 1, 2026.*

**12 NCAC 09D .0101 LAW ENFORCEMENT PROFESSIONAL CERTIFICATE PROGRAM**

(a) Applicants who meet the qualifications set forth in this Rule shall be eligible to receive a Law Enforcement Officer's Professional Certificate. Based on the applicant's qualifications, this Professional Certificate is defined as either an Intermediate or Advanced Certificate. Advanced Certificates shall be approved by Commission vote at regularly scheduled meetings prior to being awarded.

(b) To be eligible for either Intermediate or Advanced Certificates, applicants shall meet the following qualifications:

- (1) The applicant shall be a full-time employee of a law enforcement agency within the State and hold general law enforcement certification pursuant to 12 NCAC 09C .0304; or
- (2) The applicant shall be a full-time employee of a law enforcement agency within the State, who has previously held general law enforcement officer certification pursuant to 12 NCAC 09C .0304 but is presently, by virtue of direct promotion or transfer from the certified law enforcement position, serving in a position not subject to certification.
- (3) The applicant shall be in good standing with their employing agency at the date of application.

(c) An officer subject to suspension or revocation proceedings, probation subsequent to suspension or revocation proceedings, or under investigation for possible decertification action by the Commission pursuant to 12 NCAC 09A .0206, the Company and Campus Police Program pursuant to either 12 NCAC 02I .0214 or 12 NCAC 09J .0211, or the North Carolina Sheriffs' Education and Training Standards Commission pursuant to 12 NCAC 10B .0206, shall not be eligible for professional certificates for the pendency of the proceeding or the period of probation.

(d) Eligibility for either Intermediate or Advanced Certificates shall be based upon a formula which combines formal education,

law enforcement training, and service as a law enforcement employee pursuant to Subparagraph (d)(4) of this Rule. Eligibility shall be computed in the following manner:

- (1) The applicant's highest educational degree will be given a point value. Graduate degrees will be worth 15 points, Bachelor's degrees will be worth 12 points, and Associate's degrees will be worth 7 points;
- (2) Each semester hour of college or university credit earned in pursuit of an educational degree not yet completed by the applicant shall equal one-tenth of a point, and each quarter hour of college or university credit earned shall equal one-fifteenth of a point. The total points earned in this manner shall not equal or exceed the number of points that would be given for the degree upon completion;
- (3) Twenty classroom or practical skills assessment hours of Commission-approved law enforcement training shall equal one point. No points shall be awarded for completing Commission-approved courses that are required to obtain or maintain law enforcement certification, including basic law enforcement training and in-service training courses. Additionally, no points will be awarded for the maintenance of specialized law enforcement training;
- (4) Each full year of service as a full-time employee of a North Carolina criminal justice agency, or equivalent service as determined by the Commission, shall fulfill a requisite year of creditable service. For the purposes of this Rule, "equivalent service" includes full-time, sworn employment within the State, out-of-state, or with a federal law enforcement agency or the military police.

(e) Applicants for the Intermediate Law Enforcement Certificate shall have acquired a minimum of four years of full-time law enforcement service and a minimum of 30 total education and training points.

(f) Applicants for the Advanced Law Enforcement Certificate shall have acquired a minimum of nine years of full-time law enforcement service and a minimum of 60 total education and training points.

(g) All applicants for either Intermediate or Advanced Certificates shall submit a completed Application for Award of Professional Certificate Form F-6 (LE), pursuant to 12 NCAC 09I .0107, to the employing agency in-service training coordinator or agency head of the applicant's employing agency.

(h) Documentary evidence of college or university graduation shall be submitted with the application pursuant to 12 NCAC 09B .0106.

(i) Documentation of training submitted to the Division shall include training records, signed by the employing agency in-service training coordinator or agency head, that indicate the number of training contact hours.

(j) Replacement certificates may be requested by a completed Request for Replacement of Professional Certificate Form F-7,

pursuant to 12 NCAC 09I .0107. An applicant shall have been previously awarded either an Intermediate or Advanced Certificate to be able to receive a replacement.

*History Note: Authority G.S. 17C-6; Eff. January 1, 1981; Amended Eff. August 1, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. February 1, 2026.*

**12 NCAC 09D .0102 GENERAL PROVISIONS**

*History Note: Authority G.S. 17C-6; Eff. January 1, 1981; Amended Eff. June 1, 2012; August 1, 2002; August 1, 1995; May 1, 1986; April 1, 1984; January 1, 1983; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Repealed Eff. February 1, 2026.*

**12 NCAC 09D .0104 INTERMEDIATE LAW ENFORCEMENT CERTIFICATE**

*History Note: Authority G.S. 17C-6; Eff. January 1, 1981; Amended Eff. August 1, 2002; August 1, 1995; May 1, 1986; January 1, 1983; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Repealed Eff. February 1, 2026.*

**12 NCAC 09D .0105 ADVANCED LAW ENFORCEMENT CERTIFICATE**

*History Note: Authority G.S. 17C-6; Eff. January 1, 1981; Amended Eff. August 1, 2002; August 1, 1995; May 1, 1986; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Repealed Eff. February 1, 2026.*

**12 NCAC 09D .0106 METHOD OF APPLICATION**

*History Note: Authority G.S. 17C-6; Eff. January 1, 1981; Amended Eff. August 1, 2002; August 1, 1995; May 1, 1986; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Repealed Eff. February 1, 2026.*

**12 NCAC 09D .0201 JUVENILE JUSTICE PROFESSIONAL CERTIFICATE PROGRAM**

(a) Applicants who meet the qualifications set forth in this Rule shall be eligible to receive a Juvenile Justice Professional Certificate. Based on the applicant's qualifications, this Professional Certificate is defined as either an Intermediate or Advanced Certificate. Advanced Certificates shall be approved by

Commission vote at regularly scheduled meetings prior to being awarded.

(b) To be eligible for either Intermediate or Advanced Certificates, applicants shall meet the following qualifications:

- (1) The applicant shall be a full-time employee of the Division of Juvenile Justice and shall hold general Juvenile Justice Officer certification pursuant to 12 NCAC 09B .0117 or 09B .0116; or
- (2) The applicant shall have previously held the certification listed in Subparagraph (d)(1) of this Rule and, by virtue of direct promotion or transfer from a certified position, currently serve in a permanent, full-time position not subject to certification for the Division of Juvenile Justice; and
- (3) The applicant shall be in good standing with the Division of Juvenile Justice at the date of application.

(c) An applicant subject to suspension or revocation proceedings, probation subsequent to suspension or revocation proceedings, or under investigation for possible decertification action by the Commission pursuant to 12 NCAC 09A .0206, the Company and Campus Police Program pursuant to either 12 NCAC 02I .0214 or 12 NCAC 09J .0211, or the North Carolina Sheriffs' Education and Training Standards Commission pursuant to 12 NCAC 10B .0206, shall not be eligible for professional certificates for the pendency of the proceeding or the period of probation.

(d) Eligibility for Intermediate or Advanced Certificates shall be based upon a formula which combines formal education, Juvenile Justice training, and service as a Juvenile Justice employee pursuant to Subparagraph (d)(4) of this Rule. Eligibility shall be computed in the following manner:

- (1) The applicant's highest educational degree will be given a point value. Graduate degrees will be worth 15 points, Bachelor's degrees will be worth 12 points, and Associate's degrees will be worth 7 points;
- (2) Each semester hour of college or university credit earned in pursuit of an educational degree not yet completed by the applicant shall equal one-tenth of a point, and each quarter hour of college or university credit earned shall equal one-fifteenth of a point. The total points earned in this manner shall not equal or exceed the number of points that would be given for the degree upon completion;
- (3) Twenty classroom or practical skills assessment hours of Commission-approved Juvenile Justice training shall equal one point. No points will be awarded for the maintenance of specialized Juvenile Justice training;
- (4) Each full year of service as a full-time employee of the Division of Juvenile Justice, or equivalent service as determined by the Commission, shall fulfill a requisite year of creditable service. For the purposes of this Rule, "equivalent service" includes service in a

permanent, full-time, paid position in a federal or out-of-state Juvenile Justice institution.

(e) Applicants for the Intermediate Juvenile Justice Certificate shall have acquired a minimum of four years of full-time Juvenile Justice service and a minimum of 30 total education and training points.

(f) Applicants for the Advanced Juvenile Justice Certificate shall have acquired a minimum of nine years of full-time criminal justice service and a minimum of 80 total education and training points.

(g) All applicants for either Intermediate or Advanced Certificates shall submit a completed Application for Award of Professional Certificate Form F-6 (DJJ), pursuant to 12 NCAC 09I .0107, to the Division of Juvenile Justice agency head.

(h) Documentary evidence of college or university graduation shall be submitted with the application pursuant to 12 NCAC 09B .0106.

(i) Documentation of training submitted to the Division shall include training records, signed by the Division of Juvenile Justice agency head, that indicate the number of training contact hours.

(j) Replacement certificates may be requested by submitting a completed Request for Replacement of Professional Certificate Form F-7, pursuant to 12 NCAC 09I .0107. An applicant shall have been previously awarded either an Intermediate or Advanced Certificate to be able to receive a replacement.

*History Note: Authority G.S. 17C-6; Eff. August 15, 1981; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. February 1, 2026.*

**12 NCAC 09D .0202 GENERAL PROVISIONS**

*History Note: Authority G.S. 17C-6; Eff. August 15, 1981; Amended Eff. June 1, 2012; August 1, 2002; December 1, 1987; May 1, 1986; July 1, 1982; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Repealed Eff. February 1, 2026.*

**12 NCAC 09D .0204 INTERMEDIATE CRIMINAL JUSTICE CERTIFICATE**

*History Note: Authority G.S. 17C-6; Eff. August 15, 1981; Amended Eff. August 1, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Repealed Eff. February 1, 2026.*

**12 NCAC 09D .0205 ADVANCED CRIMINAL JUSTICE CERTIFICATE**

*History Note: Authority G.S. 17C-6; Eff. August 15, 1981; Amended Eff. August 1, 2002;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Repealed Eff. February 1, 2026.*

**12 NCAC 09D .0206 METHOD OF APPLICATION**

*History Note: Authority G.S. 17C-6; Eff. August 15, 1981; Amended Eff. May 1, 1986; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Repealed Eff. February 1, 2026.*

**12 NCAC 09G .0205 MEDICAL EXAMINATION**

(a) Each applicant for certification or enrollment in a basic correctional officer or probation/parole officer training course shall complete, sign, and date the Commission's Medical History Statement Form (F-1) and shall be examined by either a physician, physician assistant, or nurse practitioner who holds a current license in the United States to practice medicine, as issued by a state medical board, to help determine his or her fitness to carry out the physical requirements of the position of correctional officer or probation/parole officer as listed in the current job description provided by the North Carolina Department of Adult Correction.

(b) Prior to being examined, the applicant shall provide the examining physician, physician's assistant, or nurse practitioner with:

- (1) the Medical History Statement Form (F-1), pursuant to 12 NCAC 09I .0105, which must be read, completed, and signed by the applicant; and
- (2) the Medical Examination Report Form (F-2), the Tuberculosis Questionnaire Form (F-2A), and the Medical Examination Report Form Addendum (F-2B), pursuant to 12 NCAC 09I .0105. The Medical Examination Report (F-2) Form shall notify the examining physician, physician's assistant, or nurse practitioner that the "Minimum Medical Qualifications for Law Enforcement Officers, Corrections Officers, Juvenile Justice Officers, Court Counselors, Chief Court Counselors, Detention Officers and Telecommunicators" as published by the North Carolina Criminal Justice Educations and Training Standards Commission is available at no cost at <https://ncdoj.gov/law-enforcement-training/criminal-justice/>.

(c) The examining physician, physician's assistant, or nurse practitioner shall record the results of the examination on the Medical Examination Report Form (F-2) and shall sign and date the form.

(d) The Medical Examination Report Form (F-2), the Tuberculosis Questionnaire Form (F-2A), and the Medical History Statement Form (F-1) shall be valid for one year after the date of the examination was conducted and shall be completed prior to:

- (1) the applicant's beginning the basic correctional officer or basic probation/parole officer training course, and
- (2) an agency's submission of application for certification to the Commission.

*History Note: Authority G.S. 17C-6; 17C-10; Temporary Adoption Eff. January 1, 2001; Eff. August 1, 2002; Amended Eff. January 1, 2015; April 1, 2009; August 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Temporary Amendment Eff. February 15, 2022; Amended Eff. February 1, 2026; November 1, 2024; May 1, 2023; October 1, 2022; August 23, 2022.*

**12 NCAC 09G .0311 TERMS AND CONDITIONS OF SPECIALIZED INSTRUCTOR CERTIFICATION**

(a) An applicant meeting the requirements for Specialized Instructor Certification as set forth in Rule .0310 of this Section shall be issued a certification to expire three years from the date of issuance. The applicant shall apply for certification as a Specialized Instructor within 60 days after the date the applicant achieved a passing score on the state comprehensive exam for the respective Specialized Instructor training course, pursuant to Rule .0315 of this Section.

(b) The instructor shall instruct, within three years after Specialized Instructor Certification is issued, a minimum of 12 hours in each of the topics for which Specialized Instructor Certification was granted, and that instruction shall be provided in a Commission-approved basic training, Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005.

(c) An application for certification renewal shall contain, in addition to the requirements listed in Rule .0310 of this Section, documentary evidence that the applicant has remained active in the instructional process during the previous three-year period. Such documentary evidence shall include the following:

- (1) proof that the applicant has, within the three-year period preceding application for renewal, instructed at least 12 hours in each of the topics for which Specialized Instructor Certification was granted, and that instruction was provided in a Commission-approved basic training, Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In-Service Training Coordinators and written attestation from a School Director or In-Service Training Coordinator;
- (2) proof that the applicant has, within the three-year period preceding application for renewal, attended and completed all instructor updates that have been issued by the Commission. Acceptable documentary evidence shall include

official Commission records submitted by School Directors or In-Service Training Coordinators, or copies of certificates of completion issued by the institution which provided the instructor updates; and

(3) a favorable written recommendation from a School Director or In-Service Training Coordinator completed on an Application for Instructor and Professional Lecturer Certification Form (Form F-12), pursuant to 12 NCAC 09I .0101(a)(1), stating the instructor taught at least 12 hours in each of the topics for which Specialized Instructor Certification was granted. The teaching shall have been provided in a Commission-approved basic training, or Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 09G .0411 or 09G .0412;

(4) a favorable written evaluation by a School Director, Qualified Assistant, In-Service Training Coordinator, or another Specialized Instructor certified in the same specialized subject, based on an on-site classroom evaluation of a presentation by the instructor in a Commission-approved basic training, Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered, pursuant to 12 NCAC 09G .0411 or 09G .0412, during the three-year period of Specialized Instructor Certification. Such evaluation shall be presented on a Criminal Justice Instructor Evaluation Form F-16, pursuant to Rule .0202 of this Subchapter and 12 NCAC 09I .0101(a)(2).

(d) Upon expiration of their Specialized Instructor certification, instructors have 90 days to submit renewal documentation to the Division for review and approval. During this 90-day period, instructors shall not teach any Commission-approved courses or blocks of instruction that require instruction by a Specialized Instructor. The Director may, for just cause, grant an extension of the 90-day period in which an instructor's renewal application must be submitted, however, such extension shall not exceed 12 months and shall not extend the instructor's certification period beyond its specified expiration period. For purposes of this Rule, just cause means accident, illness, emergency, or other exceptional circumstances that precluded the instructor from submitting the renewal documentation.

(e) Individuals who hold Specialized Instructor certification may, for just cause, be granted an extension of the three-year period to teach the 12 hour minimum requirement, pursuant to Paragraph (b) of this Rule. The Director may grant such extensions on a one-time basis only not to exceed 12 months. For purposes of this Rule, just cause means accident, illness, emergency, course cancellation, or other exceptional circumstances that precluded the instructor from fulfilling the teaching requirement.

(f) Those individuals who have previously held Specialized Instructor Certification and have not exceeded a three-year time period from when his or her Specialized Instructor Certification expired are eligible to apply for re-issuance of the previously held

Specialized Instructor Certification. An application for re-issuance shall contain documentation that the applicant:

- (1) holds a current General Instructor certification, pursuant to 12 NCAC 09G .0308;
- (2) has completed the pre-qualification skills assessment for that specialty; and
- (3) has passed the state examination for that specialty with a minimum score of 75.

(g) Applicants for re-issuance of the Specialized Instructor Certification shall have one opportunity to pass the prequalification skills assessment and the state examination for that specialty. Should an applicant not pass either the prequalification skills assessment or the state examination for that specialty, the applicant shall complete the specific Specialized Instructor Course in its entirety.

(h) Applicants whose Specialized Instructor Certification is suspended or revoked shall not qualify for re-issuance.

(i) After re-issuance of certification, the instructor shall complete eight hours of evaluated instruction in the specialty where re-issuance of certification is sought, as documented on an F-16 Form located on the agency's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>. The eight hours of instruction shall be taught within 60 days of the Specialized Instructor Certification being reissued and evaluated by a Specialized Instructor certified in that specialty. Failure to complete the required eight hours of evaluated instruction shall result in the reissued Specialized Instructor Certification being revoked.

*History Note: Authority G.S. 17C-6; Temporary Adoption Eff. January 1, 2001; Eff. August 1, 2002; Amended Eff. January 1, 2017; May 1, 2014; June 1, 2012; January 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. February 1, 2026; January 1, 2020.*

**12 NCAC 09G .0601 STATE CORRECTIONS PROFESSIONAL CERTIFICATE PROGRAM**

(a) Applicants who meet the qualifications set forth in this Rule shall be eligible to receive a State Corrections Officer's Professional Certificate. Based on the applicant's qualifications, this Professional Certificate is defined as either an Intermediate or Advanced Certificate. Advanced Certificates shall be approved by Commission vote at regularly scheduled meetings prior to being awarded.

(b) To be eligible for either Intermediate or Advanced Certificates, applicants shall meet the following qualifications:

- (1) The applicant shall be a full-time employee of the North Carolina Department of Adult Correction (DAC), and shall hold general correctional officer certification, pursuant to 12 NCAC 09G .0208, or probation/parole officer certification, pursuant to 12 NCAC 09G .0209; or
- (2) The applicant shall have previously held one of the certifications listed in Subparagraph (b)(1) of this Rule and, by virtue of direct promotion

or transfer from a certified position, currently serve in a permanent, full-time position not subject to certification.

- (3) The applicant shall be in good standing with DAC at the date of application.

(c) An officer subject to suspension or revocation proceedings, probation subsequent to suspension or revocation proceedings, or under investigation for possible decertification action by the Commission pursuant to 12 NCAC 09A .0206, the Company and Campus Police Program pursuant to either 12 NCAC 02I .0214 or 12 NCAC 09J .0211, or the North Carolina Sheriffs' Education and Training Standards Commission pursuant to 12 NCAC 10B .0206, shall not be eligible for professional certificates for the pendency of the proceeding or the period of probation.

(d) Eligibility for Intermediate or Advanced Certificates shall be based upon a formula which combines formal education, correctional training, and service as a corrections pursuant to Subparagraph (d)(4) of the Rule. Eligibility shall be computed in the following manner:

- (1) The applicant's highest educational degree will be given a point value. Graduate degrees will be worth 15 points, Bachelor's degrees will be worth 12 points, and Associate's degrees will be worth 7 points;
- (2) Each semester hour of college or university credit earned in pursuit of an educational degree not yet completed by the applicant shall equal one-tenth of a point, and each quarter hour of college or university credit earned shall equal one-fifteenth of a point. The total points earned in this manner shall not equal or exceed the number of points that would be given for the degree upon completion;
- (3) Twenty classroom or practical skills assessment hours of Commission-approved criminal justice training shall equal one point. No points will be awarded for the maintenance of specialized criminal justice training;
- (4) Each full year of service as a full-time employee of the North Carolina Department of Adult Correction, or equivalent service as determined by the Commission, shall fulfill a requisite year of creditable service. For the purposes of this Rule, "equivalent service" includes service in a permanent, full-time, paid position in a federal or out-of-state correctional or criminal justice institution.

(e) Applicants for the Intermediate State Corrections Officer Certificate shall have acquired a minimum of four years of full-time criminal justice service and a minimum of 30 total education and training points.

(f) Applicants for the Advanced State Corrections Officer Certificate shall have acquired a minimum of nine years of full-time criminal justice service and a minimum of 80 total education and training points.

(g) All applicants for either Intermediate or Advanced Certificates shall submit a completed Application for Award of Professional Certificate Form F-6 (DAC), pursuant to 12 NCAC 09I .0107, to the DAC training coordinator or agency head.

(h) Documentary evidence of college or university graduation shall be submitted with the application pursuant to 12 NCAC 09B .0106.

(i) Documentation of training submitted to the Division shall include training records, signed by the employing agency in-service training coordinator or agency head, that indicate the number of training contact hours.

(j) Replacement certificates may be requested by submitting a completed Request for Replacement of Professional Certificate Form F-7. An applicant shall have been previously awarded either an Intermediate or Advanced Certificate to be able to receive a replacement.

*History Note: Authority G.S. 17C-6; Temporary Adoption Eff. January 1, 2001; Eff. August 1, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. February 1, 2026.*

**12 NCAC 09G .0602 GENERAL PROVISIONS**

*History Note: Authority G.S. 17C-6; Temporary Adoption Eff. January 1, 2001; Eff. August 1, 2002; Amended Eff. January 1, 2015; June 1, 2012; August 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Repealed Eff. February 1, 2026.*

**12 NCAC 09G .0604 INTERMEDIATE STATE CORRECTIONS CERTIFICATE**

*History Note: Authority G.S. 17C-6; Temporary Adoption Eff. January 1, 2001; Eff. August 1, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Repealed Eff. February 1, 2026.*

**12 NCAC 09G .0605 ADVANCED STATE CORRECTIONS CERTIFICATE**

*History Note: Authority G.S. 17C-6; Temporary Adoption Eff. January 1, 2001; Eff. August 1, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Repealed Eff. February 1, 2026.*

**12 NCAC 09G .0606 METHOD OF APPLICATION**

*History Note: Authority G.S. 17C-6; Temporary Adoption Eff. January 1, 2001; Eff. August 1, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Repealed Eff. February 1, 2026.*

**12 NCAC 09I .0101 INSTRUCTOR AND PROFESSIONAL LECTURER CERTIFICATION FORMS**

The following Commission-approved forms shall be used by individuals applying for initial or renewal of certification as an instructor or professional lecturer, pursuant to 12 NCAC 09B .0300:

- (1) Form F-12, Application for Instructor or Professional Lecturer Certification, shall contain the following information:
  - (a) name of applicant;
  - (b) address, phone number, email address, date of birth, age, last four of Social Security Number, and academy ID number;
  - (c) current agency or firm, status (Retired, Civilian, Sworn), agency address, and business phone number;
  - (d) type of instructor certification applying for;
  - (e) supporting documents for specific certification sought;
  - (f) highest education level, school attended, school location, and graduation date;
  - (g) criminal justice experience;
  - (h) signature of applicant;
  - (i) Commission-accredited school taught at, course title, hours taught, course dates, and whether the course was a requirement of Mandatory In-Service Training; and
  - (j) signature of certifying School Director or In-Service Training Coordinator, school or agency name, phone number, and email address.
- (2) Form F-16, Criminal Justice Instructor Evaluation, shall contain the following information:
  - (a) instructor's name, date of birth, and academy ID number;
  - (b) evaluator's name and academy ID number;
  - (c) block of instruction, date, location, and total hours of instruction;
  - (d) scores for Instructional Ability and Strategies; and
  - (e) Presentation Evaluation Criteria.

*History Note: Authority G.S. 17C-6; Eff. February 1, 2026.*

**12 NCAC 09I .0102 COURSE MANAGEMENT FORMS**

The following Commission-approved forms shall be used by certified School Directors during the administration of Commission-approved courses:

- (1) Form F-10A, Pre-Delivery Report of Training Course Presentation, shall include the following:

- (a) Name of delivery site (academy);
- (b) Proposed Commission course being requested to administer;
- (c) Number of course hours;
- (d) Location of course delivery;
- (e) Commencement and completion dates;
- (f) Anticipated class size;
- (g) Names of all delivery site (academy) staff requiring administrative access to the course page on the North Carolina Justice Training and Certification Portal; and
- (h) Name and signature of certified School Director.

- (2) Form F-10B and Web Form F-10B, Post Delivery Report of Training Course Presentation, shall include the following:

- (a) Name of delivery site (academy);
- (b) Commission course administered;
- (c) Number of course hours;
- (d) Location of course delivery;
- (e) Commencement and completion dates;
- (f) Final class size; and
- (g) Name and signature of certified School Director.

- (3) Form F-23, Commission Exam Admission Form, shall include the following:

- (a) Course pre-delivery number, exam location, and exam date;
- (b) First-Time Exam Admission information;
- (c) Re-Examination Admission information;
- (d) Name and signature of certified School Director; and
- (e) List of all trainees.

- (4) Web Form WF-6, CJ Standards Specialized Training Departure Report, shall include the following:

- (a) Course name, course dates, and training location;
- (b) Departing student's name, date of birth, and academy ID number; and
- (c) Date, reason for, and explanation of departure.

*History Note: Authority G.S. 17C-6; Eff. February 1, 2026.*

**12 NCAC 09I .0103 BASIC LAW ENFORCEMENT TRAINING (BLET) COURSE FORMS**

The following Commission-approved forms shall be used by certified School Directors and instructors during the administration of a Commission-approved Basic Law Enforcement Training (BLET) course:

- (1) Form F-13, Request for Deficiency Remediation, shall include the following:

- (a) Name of certified School Director and delivery site (academy);
  - (b) Date of request and state exam date;
  - (c) Student's name and academy ID number;
  - (d) Block of instruction and dates of deficiency;
  - (e) Instructor's name and academy ID number;
  - (f) Remediation location and dates of remediation;
  - (g) Details of remediation plan; and
  - (h) Signature of certified School Director.
- (2) Form F-14, Request for Limited Enrollment, shall include the following:
- (a) Name of certified School Director and delivery site (academy);
  - (b) Date of request and original BLET start date;
  - (c) Student's name and academy ID number;
  - (d) Blocks of instruction for make-up training; and
  - (e) Delivery site (academy) where make-up training will be conducted.
- (3) Form F-17, Student Evaluation of Instructors, shall include the following:
- (a) Name of delivery site (academy);
  - (b) Instructor's name;
  - (c) Block of instruction and date;
  - (d) Evaluation of delivery of course material by instructor; and
  - (e) Evaluation of organization and presentation of delivery of instruction;
- (4) Form F-25, Criminal Record Conviction History for BLET, shall include the following:
- (a) Agency name and address;
  - (b) Applicant's full name and former names;
  - (c) Applicant's address; and
  - (d) Name and signature of Agency head.
- (5) Form F-26, BLET Student Absence Report, shall include the following:
- (a) School or academy name and class name;
  - (b) Student's name and academy ID number;
  - (c) Course topic and date;
  - (d) Hours missed and made up;
  - (e) Reason for missed time;
  - (f) Student's and certified School Director's signature and date; and
  - (g) Name of instructor conducting the make-up training.
- (6) Form F-32, BLET Request for Early Enrollment, shall include the following:
- (a) Name and signature of certified School Director and delivery site (academy);
  - (b) Student's name and date of birth; and
  - (c) BLET start date and date of state exam.
- (7) Web Form WF-1, BLET Student Injury Report, shall include the following:
- (a) Student's name, date of birth, and academy ID number;
  - (b) Date and details of injury;
  - (c) Student's status (returned to training on same day or required hospital care); and
  - (d) Email address of School Director.
- (8) Web Form WF-2, BLET Departure Report, shall include the following:
- (a) Student's name and academy ID number;
  - (b) Date, reason, and details of departure; and
  - (c) Email address of School Director.
- (9) Web Form WF-3, BLET Student Enrollment Questionnaire, shall include the following:
- (a) Student's demographic information, including gender and employment status;
  - (b) Student's education information, including highest education level, name of institution, and degree earned;
  - (c) Student's military service history, including dates and branch of service and current status; and
  - (d) Student's primary language.
- (10) Web Form WF-4, BLET Student Course Completion Record, shall include the following:
- (a) Student's name and academy ID number;
  - (b) Student's gender;
  - (c) Student's employment status on last day of class;
  - (d) Student's hiring status with a law enforcement agency; and
  - (e) Course completion information, including whether the student completed all course requirements and passed the state exam.
- (11) Web Form WF-13B, BLET Deficiency, Report of Completed Training, shall include the following:
- (a) Student's name and academy ID number;
  - (b) Deficiency information, including the number and names of instructional topics which the student is deficient in;
  - (c) Deficiency make-up information, including whether the student completed all required coursework for the instructional topic in which he or she is remediating and whether the

- (d) Date the deficiency remediation was completed; and
- (e) School Director's name, signature, and email address.

*History Note: Authority G.S. 17C-6; Eff. February 1, 2026.*

**12 NCAC 091 .0104 COMMISSION-ACCREDITED DELIVERY SITE ADMINISTRATION FORMS**

The following Commission-approved forms shall be used by Commission-accredited delivery sites to administer Commission-approved courses:

- (1) Form F-10, School Director/Qualified Assistant Application, shall include the following:
  - (a) the name of the appointing institution or agency;
  - (b) the applicant's name, date of birth, last four digits of social security number, phone number, email address, instructor certification number, and the location and date the applicant completed orientation training;
  - (c) the applicant's educational background, specifically, the dates of attendance, the institution attended, and the degree or diploma attained from each institution;
  - (d) the applicant's criminal justice experience, specifically, the agency for which the applicant worked, the applicant's duties in each position, and the dates of employment. The applicant shall have acquired four years of practical experience as a criminal justice officer or as an administrator or specialist in a field directly related to the criminal justice system. At least one year of the required four years of experience must have been completed while actively participating in criminal justice training as a Commission-certified instructor;
  - (e) the signature of the applicant certifying the accuracy of the contents of the application; and
  - (f) the signature of the appointing institution's executive officer signifying recommendation of an applicant to be a School Director; or
  - (g) the signature of the School Director signifying recommendation of an applicant to be a Qualified Assistant.
- (2) Form F-10 (SA), Accreditation of Criminal Justice Schools, shall include the following:
  - (a) the name of the requesting institution or agency;

- (b) the mailing address, phone number, and name of the institution head or executive officer;
- (c) the name, title or rank, address, and phone number of the School Director;
- (d) the type of Commission-approved training course in which accreditation is being sought;
- (e) the type and location of all facilities to be used in administering the Commission-approved training course; and
- (f) the signature of the institution head or executive officer.

*History Note: Authority G.S. 17C-6; Eff. February 1, 2026.*

**12 NCAC 091 .0105 MEDICAL FORMS**

The following Commission-approved forms shall be used by agencies and Commission-accredited delivery sites during the application for criminal justice certification or Commission-approved training course enrollment:

- (1) Form F-1, Medical History Statement, shall include the following:
  - (a) Applicant's name, date of birth, address, and telephone number;
  - (b) Current medications, allergies, and past medical history;
  - (c) Occupational history;
  - (d) Applicant's signature; and
  - (e) Name and signature of a physician, physician assistant, or nurse practitioner who holds a current license in the United States to practice medicine, as issued by a state medical board.
- (2) Form F-2, Medical Examination Report, shall include the following:
  - (a) Name, date of birth, employing agency, height, weight, and last four digits of the Social Security Number for the person being examined;
  - (b) Results of Vision Acuity;
  - (c) Results of Hearing Acuity;
  - (d) Results of Cardiovascular Examination;
  - (e) Certification that the individual being examined does or does not have any conditions, physical, emotional, or mental, that suggest further medical examination; and
  - (f) Name, signature, and medical license number of the examining medical professional.
- (3) Form F-2A, Tuberculosis Questionnaire, shall include the following:
  - (a) Applicant's name, date of birth, and employing agency;

- (b) Tuberculosis Risk Questions and individual's response; and
- (c) Tuberculosis Symptoms Questions and individual's response.
- (4) Form F-2B, Medical Examination Report Addendum, shall include the following:
  - (a) Name, date of birth, and employing agency of individual being examined;
  - (b) Additional Exam Notes, if any;
  - (c) Certification that the individual being examined does or does not have any conditions, physical, emotional, or mental, that suggest further medical examination; and
  - (d) Name, signature, and medical license number of examining medical professional.
- (5) Form F-31, Request for Accommodation, shall include the following:
  - (a) Name, signature, and date of birth of requesting student;
  - (b) Accredited delivery site, and name of certified School Director;
  - (c) Reason for Accommodation; and
  - (d) Proposed Accommodation.
- (6) Web Form WF-5, CJ Standards Specialized Training Student Injury Report for SMI, Instructor Courses, shall include the following:
  - (a) Course name, course dates, and training location;
  - (b) Injured student's name, date of birth, and academy ID number;
  - (c) Date of the injury;
  - (d) Details of the injury, including what the injury is, when and where it took place, and how the injury occurred;
  - (e) Whether the student was able to return to training on the same day as the injury occurred; and
  - (f) Whether the student was transported to a hospital or other medical facility for assessment or treatment of the injury.
- (B) Radar instrument being tested on and name of the instrument's manufacturer;
- (C) Modes being tested on;
- (D) Verification by the evaluating instructor that the trainee completed each step of the instrument sign-off, evidenced by the instructor's initials;
- (E) Timing and results of the trainee's motor skills testing; and
- (F) Name, academy ID number, and signature of each evaluating instructor verifying whether the trainee successfully completed the motor skill performance test.
- (2) Form SMI-1A, Moving/Stationary Radar Instrument Sign-Off, shall include the following:
  - (A) Trainee's full name, employing law enforcement agency, date of birth, academy ID number, email address, and phone number;
  - (B) Radar instrument being tested on and the name of the instrument's manufacturer;
  - (C) Modes being tested on;
  - (D) Verification by the evaluating instructor that the trainee completed each step of the instrument sign-off, evidenced by the instructor's initials; and
  - (E) Name, academy ID number, and signature of each evaluating instructor verifying whether the trainee successfully completed the motor skill performance test.
- (3) Form SMI-13, Lidar Motor Skill Performance Test, shall include the following:
  - (A) Trainee's full name, employing law enforcement agency, date of birth, academy ID number, email address, and phone number;
  - (B) Lidar instrument being tested on and name of the instrument's manufacturer;
  - (C) Verification by the evaluating instructor that the trainee completed each step of the instrument sign-off, evidenced by the instructor's initials; and
  - (D) Name, academy ID number, and signature of each evaluating instructor verifying whether the trainee successfully completed the motor skill performance test.
- (4) Form SMI-16, Written Endorsement to Attend Supplemental SMI Training, shall include the following:

*History Note: Authority G.S 17C-6; Eff. February 1, 2026.*

**12 NCAC 09I .0106 SPEED-MEASURING INSTRUMENT (SMI) FORMS**

(a) The following Commission-approved forms shall be used by certified SMI instructors during the administration of SMI courses:

- (1) Form SMI-1, Moving/Stationary Radar Motor Skill Performance Test, shall include the following:
  - (A) Trainee's full name, employing law enforcement agency, date of birth, academy ID number, email address, and phone number;

- (A) Name, academy ID number, date of birth, email address, and employing law enforcement agency of each trainee enrolled in the course;
  - (B) List of speed measuring instruments each trainee is currently certified to operate;
  - (C) Dates and location of training;
  - (D) Name, academy ID number, and signature of each instructor of the course; and
  - (E) Name, employing agency, title, email address, phone number, and signature of School Director, agency head, agency head designee, or in-service training coordinator.
- (b) The following Commission-approved forms shall be used by individuals applying for certification as a Radar operator:
- (1) Form SMI-14, Trainee's Statement of Prior Radar Training, shall be filled out by a trainee enrolled in a radar or radar/lidar operator training course, as prescribed by 12 NCAC 09B .0212(a) and .0242(a), who has previously been certified by the Commission as a radar operator. The trainee shall sign and date the form prior to submission. The form shall also include the following:
    - (A) Trainee's full name, academy ID number, date of birth, and employing law enforcement agency;
    - (B) Name of the institution or agency at which the trainee received prior training;
    - (C) Location where the prior radar training took place; and
    - (D) End date and total hours of prior radar training.
  - (2) Form SMI-15, SMI Operator Supervised Field Instruction/Practice Log, shall be completed by a trainee completing Supervised Field Practice within the 90 days following the completion of a SMI operator course, pursuant to 12 NCAC 09B .0409(a)(4) and (c). The form shall include the following:
    - (A) Trainee's full name, employing law enforcement agency, academy ID number, email address, and phone number;
    - (B) Dates and times of supervised field practice;
    - (C) Name, academy ID number, and signature of each evaluator providing supervision;
    - (D) Location and end date of the trainee's SMI operator course;
    - (E) Name and modes of instrument used during the supervised field practice;
    - (F) Total time of supervised field practice; and
- (G) Trainee's signature and date of form completion.
- (c) The following Commission-approved forms shall be used during annual accuracy tests of speed measuring instruments:
- (1) Form SMI-9, Record of Radar Instrument Calibration and Accuracy Tests, shall include the following:
    - (A) Agency or organization name;
    - (B) Instrument model, manufacturer, serial number, modes, and features;
    - (C) Accuracy test results for the counter box, antennas, and tuning forks; and
    - (D) Name, license or certification information, and signature of the testing technician verifying that the instrument passed the tests.
  - (2) Form SMI-12, Record of Lidar Instrument Calibration and Accuracy Tests, shall include the following:
    - (A) Agency or organization name;
    - (B) Instrument model, manufacturer, serial number, modes, and features;
    - (C) Accuracy test results as indicated by Pass or Fail; and
    - (D) Name, license or certification information, and signature of the testing technician verifying that the instrument passed the tests.

*History Note: Authority G.S. 8-50.2; 17C-6; Eff. February 1, 2026.*

**12 NCAC 09I .0107 PROFESSIONAL CERTIFICATES FORMS**

The following Commission-approved forms shall be used by individuals to apply for a new or replacement Professional Certificate:

- (1) Form F-6 (LE), Application for Award of Law Enforcement Certificate, shall include the following:
  - (a) Applicant's name, date of birth, and last four digits of Social Security Number;
  - (b) Applicant's address, phone number, and email address;
  - (c) Applicant's employing agency and agency address;
  - (d) Type of award applying for;
  - (e) Law enforcement experience (agencies and years of law enforcement experience);
  - (f) Completed law enforcement training courses;
  - (g) Level of college education;
  - (h) Name and signature of applicant; and
  - (i) Name and signature of agency head or In-Service Training Coordinator.

- (2) Form F-6 (DAC), Application for Award of Criminal Justice Certificate, shall include the following:
  - (a) Applicant's name, date of birth, and last four digits of Social Security Number;
  - (b) Applicant's address, phone number, and email address;
  - (c) Applicant's employing agency and agency address;
  - (d) Type of award applying for;
  - (e) Criminal justice experience (agencies and years of criminal justice experience);
  - (f) Completed criminal justice training courses;
  - (g) Level of college education;
  - (h) Name and signature of applicant; and
  - (i) Name and signature of agency head or In-Service Training Coordinator.
- (3) Form F-6 (DJJ), Application for Award of Juvenile Justice Certificate, shall include the following:
  - (a) Applicant's name, date of birth, and last four digits of Social Security Number;
  - (b) Applicant's address, phone number, and email address;
  - (c) Applicant's employing agency and agency address;
  - (d) Type of award applying for;
  - (e) Juvenile justice experience (agencies and years of juvenile justice experience);
  - (f) Completed juvenile justice training courses;
  - (g) Level of college education;
  - (h) Name and signature of applicant; and
  - (i) Name and signature of agency head or In-Service Training Coordinator.
- (4) Form F-7, Request for Replacement of Professional Certificate, shall include the following:
  - (a) Awardee's name, date of birth, and last four digits of Social Security Number;
  - (b) Awardee's address, phone number, and email address;
  - (c) Type of replacement certificate;
  - (d) Printed name and signature of awardee; and
  - (e) Name and signature of agency head or In-Service Training Coordinator, if still employed at an agency.

**SECTION .0600 - U.S. SURVEY FOOT/INTERNATIONAL FOOT**

**14B NCAC 03 .0601 PURPOSE**

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

*History Note: Authority G.S. 102-1; 102-1.1; 102-1.2; 102-1.3; 102-2; 102-8; 102-9  
Eff. February 1, 2026.*

**14B NCAC 03 .0602 REQUIRED FOOT CONVERSION**

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

- (1) The International Foot, 1 foot = 0.3048 meter exactly, when coordinates are based on the North American Terrestrial Reference Frame of 2022 (NATRF2022) as described in G.S. 102-1.2, and for all subsequent coordinate systems adopted by the North Carolina Geodetic Survey or its successor.
- (2) The International Foot, 1 foot = 0.3048 meter exactly, when heights are based on the North American-Pacific Geopotential Datum of 2022 (NAPGD2022), and for all subsequent coordinate systems adopted by the North Carolina Geodetic Survey or its successor.
- (3) The U.S. Survey Foot, 1 foot = 1200/3937 meter exactly or 1 foot = 0.304800609601219 meter approximately, when coordinates are based on the North American Datum of 1983 (NAD 83) or the North American Datum of 1927 (NAD 27) as described in G.S. 102-1.1 or 102-1.
- (4) The U.S. Survey Foot, 1 foot = 1200/3937 meter exactly or 1 foot = 0.304800609601219 meter approximately, when heights are based on the North American Vertical Datum of 1988 (NAVD 88) or the National Geodetic Vertical Datum of 1929 (NGVD29).

*History Note: Authority G.S. 102-1; 101-1.1; 102-1.2; 102-1.3; 102-2; 102-8; 102-9;  
Eff. February 1, 2026.*

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*History Note: Authority G.S. 17C-6;  
Eff. February 1, 2026.*

**14B NCAC 15C .0201 MALT BEVERAGE PRODUCT**

**APPROVAL: LISTING IN STATE**

(a) The Commission shall approve malt beverage products prior to the products being offered for sale in this State. The Commission shall provide Application for Malt Beverage Label and Products forms through the Commission's public website or upon request. Approved malt beverage products sold in this State shall conform to the analysis as submitted on the application form.

- (b) The Commission shall approve malt beverage products if:
- (1) the procedure for approval is complied with as required in Paragraph (c) of this Rule;
  - (2) the analysis is within the limits as required in Paragraph (d) of this Rule;
  - (3) the malt beverage product meets or exceeds the packaging requirements of Rule .0301 of this Subchapter; and
  - (4) at the time of consideration, the Commission does not have evidence the product:
    - (A) contains harmful or impure substances;
    - (B) contains an improper balance of substances, based on studies by universities, laboratories, the Commission or other scientific studies;
    - (C) is a spurious or imitation product; or
    - (D) is unfit for human consumption.

(c) Procedure for Approval. To receive consideration for approval by the Commission for a new malt beverage product, an industry member shall comply with the following procedures:

- (1) submit a completed Application for Malt Beverage Label and Products with a list of container sizes being offered;
- (2) attach malt beverage product labels specified on the application to the form;
- (3) upon request from the Commission, submit a sample of the product in a marketable container;
- (4) attach a copy of the Federal Label Approval Form (COLA) to the application form; and
- (5) submit required items to the Commission Product Section at [product@abc.nc.gov](mailto:product@abc.nc.gov).

(d) Malt beverage analyses shall be within the following limits:

- (1) a maximum 15 percent alcohol by volume;
- (2) a maximum 25 parts per million of total sulphur dioxide content; and
- (3) a maximum 100 parts per million of gallo tannins.

(e) Analyses of products submitted by industry members shall provide the following information in English:

- (1) the measured amounts listed in Paragraph (d) of this Rule;
- (2) the calories per 360 milliliters (12 ounces);
- (3) the specific gravity; and
- (4) the amount of fortified stimulant per 360 milliliters (12 ounces).

(f) The Commission shall withdraw approval of a malt beverage product when the Commission has evidence to suspect that the product:

- (1) contains harmful or impure substances;
- (2) contains an improper balance of substances;
- (3) is a spurious or imitation product; or
- (4) is unfit for human consumption.

The Commission shall not re-approve a malt beverage product until receipt of evidence that the basis for withdrawal of approval was corrected.

(g) A person possessing malt beverage products with approval withdrawn by the Commission shall have 60 days after notice of the withdrawal to sell or otherwise dispose of the malt beverage products.

(h) Each Application for Malt Beverage Label and Products shall include the following information:

- (1) the trading as name of the applicant;
- (2) the applicant's North Carolina ABC permit number;
- (3) the mailing address of the applicant;
- (4) the name, email address, and telephone number of the contact person for the applicant;
- (5) whether the application is for a new malt beverage, a transfer of a malt beverage brand to a new supplier; or a revision of a previously approved malt beverage product which requires the inclusion of the North Carolina product code number on the form;
- (6) the brand name of the malt beverage;
- (7) the fanciful name of the malt beverage if indicated on the label;
- (8) the type of malt beverage as identified in Subpart I of 27 CFR Part 7, available free of charge at <https://www.ecfr.gov/current/title-27/chapter-I/subchapter-A/part-7/subpart-I>;
- (9) the types and sizes of containers included for approval;
- (10) if the supplier is a North Carolina brewery, the applicant must indicate whether the malt beverages will be sold only in North Carolina or will be sold in other states to determine whether a COLA must be included with the application;
- (11) the applicant must indicate whether the malt beverage does not include malt or hops, referenced in the industry as IRC beer, to determine whether a COLA must be included with the application;
- (12) the applicant must indicate whether the brand is a private label that is owned by a specific retail permittee; and,
- (13) the product analysis certification on the application must include the name of the certifier, the alcohol by volume resulting from the certifier's analysis, and the signature and title of the certifier.

*History Note: Authority G.S. 18B-100; 18B-203(a)(5); 18B-206; 18B-207; Eff. January 1, 1982; Amended Eff. April 1, 2011; July 1, 1992; May 1, 1984;*

*Transferred and Recodified from 04 NCAC 02T .0201 Eff. August 1, 2015;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;*  
*Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0202 WINE APPROVALS; LISTING IN STATE**

(a) Except as provided in 14B NCAC 15B .0216 for special orders, the Commission shall approve wine products prior to the wine products being offered for sale in the State. The Commission shall provide blank Application for Wine Label and Products forms through the Commission's website or upon request. Thereafter, approved wine products sold in this State shall conform to the analysis as submitted on the application form.

- (b) The Commission shall approve a wine product if:
- (1) the procedure for approval is complied with as required in Paragraph (d) of this Rule;
  - (2) it is a fortified wine product that the alcohol by volume is above 16 percent and no more than 24 percent;
  - (3) it is an unfortified wine product that the alcohol by volume is 16 percent or less;
  - (4) the wine product meets or exceeds the packaging requirements as required in 14B NCAC 15C .0301, and
  - (5) at the time of consideration, the Commission does not have evidence to suspect that the product:
    - (A) contains harmful or impure substances;
    - (B) contains an improper balance of substances, based on studies by universities, laboratories, the Commission or other scientific studies;
    - (C) is a spurious or imitation product; or
    - (D) is unfit for human consumption.

(c) Procedure for Approval. To receive consideration for approval by the Commission for a new wine product, an industry member shall comply with the following procedures:

- (1) submit a completed Application for Wine Label and Products;
- (2) submit separate applications for fortified and unfortified wine products;
- (3) attach all wine product labels that are specified on the application to the form;
- (4) upon request from the Commission, submit a 500 milliliter (or a larger size if 500 milliliter is not available) bottle of each product offered;
- (5) attach a copy of the Federal Label Approval Form (COLA), found for free at <https://www.ttb.gov/alfd/certificate-of-label-approval-cola>, to the application; and
- (6) submit required items to the Commission Product Section at [product@abc.nc.gov](mailto:product@abc.nc.gov).

(d) If an analysis of a product is submitted, it shall provide at least the following information in English:

- (1) alcohol by volume (percent);

- (2) total acidity (g/100 cc as tartaric acid);
- (3) total sulphur dioxide content (ppm);
- (4) volatile acidity, exclusive of sulphur dioxide (g/100 cc as acetic acid);
- (5) alcohol-free soluble solids (degrees/Brix degrees/Balling);
- (6) identity and quantity of any added chemical preservative; and
- (7) the amount of any fortified stimulant per container.

(e) The Commission shall withdraw approval of a wine product when the Commission has evidence to suspect that the product:

- (1) contains harmful or impure substances;
- (2) contains an improper balance of substances;
- (3) is a spurious or imitation product; or
- (4) is unfit for human consumption.

The wine product shall not be reaproved until the Commission has evidence that proves otherwise.

(f) A person possessing wine products that have had the approval withdrawn by the Commission shall have 60 days after notice of the withdrawal to sell or otherwise dispose of the wine products.

(g) Each Application for Wine Label and Products shall include the following information:

- (1) the trading as name of the applicant;
- (2) the applicant's North Carolina ABC permit number;
- (3) the mailing address of the applicant;
- (4) the name, email address, and telephone number of the contact person for the applicant;
- (5) whether the application is for a new wine, a transfer of a wine brand to a new supplier; or a revision of a previously approved wine product which requires the inclusion of the North Carolina product code number on the form;
- (6) the brand name of the wine;
- (7) the fanciful name of the wine;
- (8) the class or type of wine as identified in Subpart C of 27 CFR Part 4, available free of charge at <https://www.ecfr.gov/current/title-27/chapter-1/subchapter-A/part-4/subpart-C>;
- (9) the grape varietal if indicated on the label;
- (10) the appellation of the wine;
- (11) the types and sizes of containers included for approval;
- (12) indicate whether the applicant is the primary source of supply in the United States for the product;
- (13) indicate whether the wine is a Bordeaux to determine whether a negociant form is required;
- (14) the applicant must indicate whether the brand is a private label that is owned by a specific retail permittee; and,
- (15) the product analysis certification on the application must include the name of the certifier, the alcohol by volume resulting from the certifier's analysis, and the signature and title of the certifier.

*History Note: Authority G.S. 18B-100; 18B-203(a)(5); 18B-206; 18B-207; Eff. January 1, 1982; Amended Eff. April 1, 2011; July 1, 1992; May 1, 1984; Transferred and Recodified from 04 NCAC 02T .0202 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0203 SPIRITUOUS LIQUOR PRODUCT APPROVALS**

- (a) Spirituous liquor suppliers shall receive approval from the Commission prior to selling spirituous liquor products in this state.
- (b) The distillery, rectifier, bottler, or importer shall submit items to the Commission for consideration for listing by the New Item form.
- (c) If a spirituous liquor supplier has the proper permits to conduct business in North Carolina, Pricing Section staff will assign login credentials for the ABC Pricing System at <https://pricing.abc.nc.gov/>. A supplier must use the ABC Pricing System to access the New Item form referenced in Paragraph (b) of this Rule.
- (d) Each New Item form submitted for consideration shall include the following information:
  - (1) brand name of the spirituous liquor;
  - (2) category of spirituous liquor as identified in Subpart I of 27 CFR Part 5, available free of charge at [https://www.ecfr.gov/current/title-27/chapter-I/subchapter-A/part-5/subpart-I.](https://www.ecfr.gov/current/title-27/chapter-I/subchapter-A/part-5/subpart-I;);
  - (3) Universal Product Code for the package of spirituous liquor;
  - (4) shipping container code and shipping point;
  - (5) whether the spirituous liquor is imported or domestic;
  - (6) age of the spirituous liquor in either years or months;
  - (7) alcohol proof amount;
  - (8) case length, height, width, and weight, including the unit of measurement;
  - (9) type of pallet;
  - (10) cases per layer of the pallet;
  - (11) size of the individual container;
  - (12) bottles or units per case;
  - (13) case cost Free On Board;
  - (14) freight cost; and,
  - (15) name of supplier.

*History Note: Authority G.S. 18B-100; 18B-203(a)(5); 18B-206; 18B-207; Eff. January 1, 1982; Amended Eff. July 1, 1992; Transferred and Recodified from 04 NCAC 02T .0203 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0204 SPIRITUOUS LIQUOR PRODUCT LISTS**

*History Note: Authority G.S. 18B-100; 18B-207; Eff. January 1, 1982; Amended Eff. May 1, 1984; Transferred and Recodified from 04 NCAC 02T .0204 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Repealed Eff. January 1, 2026.*

**14B NCAC 15C .0205 SAMPLES REQUIRED ON REQUEST**

Upon demand of the Commission, an industry member shall furnish samples at no cost to the Commission of alcoholic beverage products manufactured, sold, or offered for sale in this State, for the purpose of analysis.

*History Note: Authority G.S. 18B-100; 18B-206(c); 18B-207; Eff. January 1, 1982; Amended Eff. May 1, 1984; Transferred and Recodified from 04 NCAC 02T .0205 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0206 NEW FILING REQUIRED UPON TRANSFER OF BRAND**

When a malt beverage or wine brand is transferred from one nonresident vendor, manufacturer or importer to another, the new vendor, manufacturer or importer shall, within 30 days of the acquisition of the brand or product, submit the following items, as defined in 14B NCAC 15C .0201-.0203, to the Commission:

- (1) label approval application form with labels attached;
- (2) copies of Federal Label Approval forms;
- (3) a certified laboratory analysis of the product, in English, showing alcohol content by volume, and
- (4) the wholesaler territorial designations for the brand and product that were in effect on the date the product was acquired by the vendor, manufacturer or importer.

Compliance with this Rule is mandatory notwithstanding that the product has been previously approved by the Commission.

*History Note: Authority G.S. 18B-100; 18B-203(a); 18B-206; 18B-207; 18B-1203; 18B-1303(a); 18B-1305(d); Eff. July 1, 1992; Amended Eff. April 1, 2011; Transferred and Recodified from 04 NCAC 02T .0206 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0301 PACKAGING REQUIREMENTS**

No industry member shall sell, offer for sale, or possess for the purposes of sale in this State wine or malt beverages unless:

- (1) The alcoholic beverage product is packaged, marked, branded, sealed, and labeled in conformity with these Rules.
- (2) The label on a product describes the contents of the container in accordance with standards of identity.
- (3) The industry member responsible for label or product approval provides the Commission with a valid certificate of label approval from Alcohol and Tobacco Tax and Trade Bureau of the US Department of the Treasury.

*History Note: Authority G.S. 18B-100; 18B-206(a); 18B-207; Eff. January 1, 1982; Amended Eff. May 1, 1984; Transferred and Recodified from 04 NCAC 02T .0301 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0302 LABELS TO BE SUBMITTED TO COMMISSION**

- (a) Industry members shall submit labels for malt beverage and wine products to the Commission on an application for label and products form as required by Rule .0201 or .0202 of this Subchapter.
- (b) Each label approval application shall contain the names and addresses of the manufacturer, bottler, and importer of the product.
- (c) Notwithstanding Paragraphs (a) and (b) of this Rule, holders of retail permits pursuant to G.S. 18B-1001(1), (2), (3), (4), (16), or (16a) that fill or refill growlers on demand do not need to submit labels required by Rules .0303(b)-(c) or .0304(d)-(e) of this Section.

*History Note: Authority G.S. 18B-100; 18B-206(a); 18B-207; 18B-1001; Eff. January 1, 1982; Temporary Amendment Eff. October 25, 2013; Amended Eff. September 1, 2014; Transferred and Recodified from 04 NCAC 02T .0302 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Temporary Amendment Eff. November 28, 2017; Amended Eff. August 1, 2018; Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0303 LABEL CONTENTS: MALT BEVERAGES**

- (a) Breweries that prefill containers with malt beverages shall affix labels that contain the following information in compliance with Subpart D of 27 CFR Part 7:
  - (1) brand name of product;
  - (2) name and address of brewer or bottler;

- (3) class of product as identified in Subpart I of 27 CFR Part 7;
- (4) net contents;
- (5) if the malt beverage is fortified with any stimulants, the amount of each stimulant by milligrams per container; and
- (6) the alcoholic beverage health warning statement as required by the Federal Alcohol Administration Act, Subpart C of 27 CFR Part 16.

(b) Permittees who fill growlers with malt beverages, or refill on demand, pursuant to Rule .0308 of this Section shall affix a label or tag to the growler containing the following information in type not smaller than 3 millimeters in height and not more than 12 characters per inch:

- (1) brand name of the product dispensed;
- (2) name of brewer or bottler;
- (3) class of product as identified in Subpart I of 27 CFR Part 7;
- (4) net contents;
- (5) if the malt beverage is fortified with any stimulants from the original manufacturer, the amount of each stimulant in milligrams per container;
- (6) name and address of business that filled or refilled the growler;
- (7) date of fill or refill;
- (8) if the malt beverage is more than six percent alcohol by volume, the amount of alcohol by volume pursuant to G.S. 18B-101(9); and
- (9) the following statement: "This product may be unfiltered and unpasteurized. Keep refrigerated at all times."

(c) Permittees who fill growlers with malt beverages, or refill on demand, pursuant to Rule .0308 of this Section shall affix a label or tag to the growler containing the alcoholic beverage health warning statement as required by 27 CFR Part 16.

(d) All provisions of the CFR mentioned in this rule are incorporated by reference, including subsequent amendments and editions, and may be accessed for free at <https://www.ecfr.gov/current/title-27/chapter-I/subchapter-A>.

*History Note: Authority G.S. 18B-100; 18B-101(9); 18B-206(a); 18B-207; 18B-1001; Eff. January 1, 1982; Amended Eff. April 1, 2011; Temporary Amendment Eff. October 25, 2013; Amended Eff. September 1, 2014; Transferred and Recodified from 04 NCAC 02T .0303 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Temporary Amendment Eff. November 28, 2017; Amended Eff. August 1, 2018; Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0304 LABEL CONTENTS: WINE**

(a) Wineries that prefill containers with wine shall affix labels that contain the following information in compliance with Subpart D of 27 CFR Part 4;

- (1) brand name of product;
- (2) class and type;
- (3) name and address of manufacturer, or bottler, except as otherwise provided in these Rules;
- (4) for blends of foreign and domestic wine, a reference made to the presence of foreign wine must include the exact percentage by volume of the foreign wine;
- (5) net contents unless otherwise permanently blown or inscribed on the container; and
- (6) the alcoholic beverage health warning statement as required by the Federal Alcohol Administration Act, Subpart C of 27 CFR Part 16.

(b) Exception for Retailer's Private Brand. If wine is packaged for a retailer or other person under the person's private brand, the name and address of the bottler may be stated on another label affixed to the container if the name and address of the person for whom the wine was bottled or packed appears on the label. The net contents shall be stated on the brand label or on a separate label affixed on the same side of the container unless otherwise permanently blown or inscribed on the container.

(c) Imported Wines. The name and address of the importer of a foreign wine need not be stated on the brand label if it is stated upon another label affixed to the container.

(d) Permittees who fill growlers with unfortified wine, or refill on demand, pursuant to Rule .0308 of this Section shall affix a label or tag to the growler containing the following information in type not smaller than 3 millimeters in height and not more than 12 characters per inch:

- (1) brand name of the product dispensed;
- (2) name of manufacturer or bottler;
- (3) class and type of product;
- (4) net contents;
- (5) name and address of business that filled or refilled the growler;
- (6) date of fill or refill; and
- (7) the following statement: "This product may be unfiltered and unpasteurized. Keep refrigerated at all times."

(e) Permittees who fill growlers with unfortified wine, or refill on demand, pursuant to Rule .0308 of this Section shall affix a label or tag to the growler containing the alcoholic beverage health warning statement as required by 27 CFR Part 16.

(f) All provision of the CFR cited in this rule are incorporated by reference, including subsequent amendments and editions, and may be accessed for free at <https://www.ecfr.gov/current/title-27/chapter-I/subchapter-A/part-4/subpart-D>.

*History Note: Authority G.S. 18B-100; 18B-206(a); 18A-207; 18B-1001; Eff. January 1, 1982; Amended Eff. May 1, 1984; Transferred and Recodified from 04 NCAC 02T .0304 Eff. August 1, 2015;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Temporary Amendment Eff. November 28, 2017; Amended Eff. August 1, 2018; Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0305 ALL CONTAINERS TO HAVE LABEL**

Bottles, barrels, casks, kegs, cans, or other closed containers, irrespective of size or composition, that are used for the transportation, importation, or sale of malt beverages or wine shall bear a brand label containing the information required by Rules .0303 and .0304 of this Section.

*History Note: Authority G.S. 18B-100; 18B-206(a); 18B-207; Eff. January 1, 1982; Amended Eff. May 1, 1984; Transferred and Recodified from 04 NCAC 02T .0305 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0306 LABEL ALTERATION**

Permittees and their employees shall not alter, mutilate, destroy, obliterate, remove, or cover a label on wine or malt beverages kept for sale in this State. Permittees may affix an additional label or relabel a container to comply with this Section or federal or state laws and regulations.

*History Note: Authority G.S. 18B-100; 18B-206(a); 18B-207; Eff. January 1, 1982; Amended Eff. May 1, 1984; Transferred and Recodified from 04 NCAC 02T .0306 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0307 GROWLERS**

(a) As used in this Section, a "growler" is a rigid glass, ceramic, plastic, aluminum, or stainless steel container, with a secured seal closure or cap, that is no larger than 4 liters (1.0567 gallons) into which a malt beverage or unfortified wine is pre-filled, filled, or refilled on demand for off-premises consumption.

(b) Malt beverages may be sold in growlers as follows:

- (1) Holders of only a brewery permit may sell, deliver, and ship growlers pre-filled with the brewery's malt beverage for off-premises consumption provided the growler has an attached label that provides the information as required by Rules .0303(a) and .0305 of this Section.
- (2) Holders of retail permits pursuant to G.S. 18B-1001(1), (2), (16), or (16a) who do not hold a brewery permit shall not prefill growlers with malt beverage.
- (3) Holders of a brewery permit who also have retail permits pursuant to G.S. 18B-1001(1)

may fill or refill growlers on demand with the brewery's malt beverage for off-premises consumption, provided the growler has an attached label as required by Rules .0303(b) and (c) and .0305 of this Section.

- (4) Holders of retail permits pursuant to G.S. 18B-1001(1), (2), (16), or (16a) may fill or refill growlers on demand with draft malt beverage for off-premises consumption, provided the growler has an label as required by Rules .0303(b) and (c) and .0305 of this Section.
- (c) Unfortified wine may be sold in growlers as follows:
  - (1) Holders of only an unfortified winery permit may sell, deliver, and ship growlers prefilled with the winery's unfortified wine for off-premises consumption provided the growler has an attached label that provides the information as required by Rules .0304(a), (b), and (c), and .0305 of this Section.
  - (2) Holders of retail permits pursuant to G.S. 18B-1001(3), (4), (16), or (16a) who do not hold an unfortified winery permit shall not prefill growlers with unfortified wine.
  - (3) Holders of an unfortified winery permit who also have retail permits pursuant to G.S. 18B-1001(3) may fill or refill growlers on demand with the winery's unfortified wine for off-premises consumption, provided the growler has an attached label as required by Rules .0304(d) and (e) and .0305 of this Section.
  - (4) Holders of retail permits pursuant to G.S. 18B-1001(3), (4), (16), or (16a) may fill or refill growlers on demand with unfortified wine for off-premises consumption, provided the growler has an attached label as required by Rules .0304(d) and (e) and .0305 of this Section.
- (d) Holders of retail permits pursuant to G.S. 18B-1001(1), (2), (3), (4), (16), or (16a) shall affix a label to the growler as required by Rules .0303(b) and (c), .0304(d) and (e), and .0305 of this Section when filling or refilling a growler.
- (e) Holders of retail permits pursuant to G.S. 18B-1001(1), (2), (3), (4), (16), or (16a) may, in their discretion, refuse to fill or refill a growler, except in matters of discrimination pursuant to G.S. 18B-305(c).

*History Note: Authority G.S. 18B-100; 18B-206(a); 18B-207; 18B-305; 18B-1001; Eff. April 1, 2011; Temporary Amendment Eff. October 25, 2013; Amended Eff. September 1, 2014; Transferred and Recodified from 04 NCAC 02T .0308 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Temporary Amendment Eff. November 28, 2017; Amended Eff. May 1, 2022; August 1, 2018; Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0308 GROWLERS: CLEANING, SANITIZING, FILLING AND SEALING**

- (a) Except as permitted pursuant to Rules .0307(b) and (c) of this Section, permittee and permittee's employee shall fill and refill growlers only on demand by a consumer.
- (b) Only a permittee or a permittee's employee shall fill or refill a growler.
- (c) Prior to filling or refilling a growler, a permittee or the permittee's employee shall clean and sanitize the growler and its cap using one of the following methods:

- (1) Manual washing in a three compartment sink:
  - (A) prior to starting, clean sinks and work area to remove any chemicals, oils, or grease from other cleaning activities;
  - (B) empty residual liquid from the growler to a drain. Growlers shall not be emptied into the cleaning water;
  - (C) clean the growler and cap in water and detergent. Water temperature shall be at a minimum 110°F or the temperature specified on the cleaning agent manufacturer's label instructions. Detergent shall not be fat or oil based;
  - (D) remove any residues on the interior and exterior of the growler and cap;
  - (E) rinse the growler and cap in the middle compartment with water. Rinsing may be from the spigot with a spray arm, from a spigot, or from the tub as long as the water for rinsing is not stagnant and continually refreshed;
  - (F) sanitize the growler and cap in the third compartment. Chemical sanitizer shall be used in accordance with the EPA-registered label use instructions and shall meet the minimum water temperature requirements of that chemical; and
  - (G) a test kit or other device that accurately measures the concentration in mg/L of chemical sanitizing solutions shall be provided and be accessible for use; or
- (2) Mechanical washing and sanitizing machine:
  - (A) mechanical washing and sanitizing machines shall be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer and shall be used according to the machine's design and operation specifications;
  - (B) mechanical washing and sanitizing machines shall be equipped with chemical or hot water sanitization;
  - (C) concentration of the sanitizing solution or the water temperature shall be accurately determined by using a test kit or other device; and

- (D) the machine shall be serviced based upon the manufacturer's or installer's guidelines.

(d) Notwithstanding Paragraph (c) of this Rule, a permittee or the permittee's employee may fill or refill a growler without cleaning and sanitizing the growler, as follows:

- (1) Filling or refilling a growler with a tube as referenced by Paragraph (e) of this Rule:
  - (A) food grade sanitizer shall be used in accordance with the EPA-registered label use instructions;
  - (B) a container of liquid food grade sanitizer shall be maintained for no more than 10 malt beverage taps that will be used for filling and refilling growlers;
  - (C) each container shall contain no fewer than five tubes that will be used only for filling and refilling growlers;
  - (D) the growler is inspected visually for contamination;
  - (E) after each filling or refilling of a growler, the tube shall be immersed in the container with the liquid food grade sanitizer; and
  - (F) a different tube from the container shall be used for each fill or refill of a growler; or
- (2) Filling a growler with a contamination-free process:
  - (A) the growler shall be inspected visually for contamination;
  - (B) for growlers that can be refilled, the process shall be otherwise in compliance with the FDA Food Code 2009, Section 3-304.17(C); and
  - (C) for growlers that are for single use, the process shall be otherwise in compliance with the FDA Food Code 2009, Sections 4-903.11 and 4-903.12.

(e) Permittee or permittee's employee shall fill or refill growlers from the bottom of the growler to the top with a tube that is attached to the malt beverage or unfortified wine faucet and extends to the bottom of the growler or with a commercial filling machine.

(f) Permittee or permittee's employee shall immerse and store tubes to fill or refill growlers in a container with liquid food grade sanitizer.

(g) After filling or refilling a growler, a permittee or the permittee's employee shall seal the growler with a closure or cap.

*History Note: Authority G.S. 18B-100; 18B-206(a); 18B-207; 18B-1001; Temporary Adoption Eff. October 25, 2013; Eff. September 1, 2014; Transferred and Recodified from 04 NCAC 02T .0309 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;*

*Temporary Amendment Eff. November 28, 2017; Amended Eff. August 1, 2018; Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0401 APPLICATION OF STANDARDS**

Wine produced, imported, bottled, or offered for sale in this State shall meet the standards of identity as identified in Subpart C of 27 CFR Part 4, incorporated by reference including any subsequent amendments and editions. The provisions of the CFR may be accessed for free at <https://www.ecfr.gov/current/title-27/chapter-I/subchapter-A/part-4/subpart-C>.

*History Note: Authority G.S. 18B-100; 18B-206(a); 18B-207; Eff. January 1, 1982; Amended Eff. April 1, 2011; July 1, 1992; May 1, 1984; Transferred and Recodified from 04 NCAC 02T .0401 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0402 PROHIBITED PRACTICES**

(a) Industry members are prohibited from producing, importing, or selling in this State wine, or a product designated under a wine category, that is imitation, substandard, or fails to conform to the standards of these Rules.

- (b) Imitation Wine. Imitation wine includes:
  - (1) wine containing synthetic materials;
  - (2) wine made from a mixture of water containing residue after pressing grapes, fruit, or other agricultural products;
  - (3) wine treated to acquire the taste, aroma, color, or characteristics of a class or type of wine that would occur without treatment; or
  - (4) wine made from must concentrated to more than 80 degrees (Balling).
- (c) Substandard wine includes:
  - (1) wine with a volatile acidity, calculated as acetic acid and exclusive of sulphur dioxide, in excess of the maximum established in these Rules;
  - (2) wine that does not have a maximum volatile acidity prescribed in these Rules shall have a maximum volatile acidity of 0.14 gram per 100 cubic centimeters (measured at 20 degrees Centigrade);
  - (3) wine wine with a standard of identity prescribed in these Rules that fails to have the composition, color, taste, and aroma of wines conforming to that standard;
  - (4) wine containing added water, or a sugar and water solution, in excess of quantities authorized for standard wine as prescribed in these Rules;
  - (5) wine containing monochloroacetic acid or other substance prohibited by the United States Food and Drug Administration or the United States Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau; or

- (6) wine containing deleterious, harmful, or impure substances or an improper balance of elements.
- (d) Coined Names Industry members are prohibited from identifying wine on labels or in advertisements as a mixture of wine with other types of alcoholic beverages or as a mixture of wines that have standards of identity established in Subpart C of 27 CFR Part 4.

*History Note: Authority G.S. 18B-100; 18B-206(a); 18B-207; Eff. January 1, 1982; Amended Eff. July 1, 1992; May 1, 1984; Transferred and Recodified from 04 NCAC 02T .0409 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0403 CONTAINERS**

- (a) Unsealed Container Prohibited. Industry members shall not sell wine in an unsealed container, except as authorized by 14B NCAC 15C .0307, a container created for a product other than wine, or in a container whose design or shape would mislead the consumer regarding the contents.
- (b) Industry members shall not sell wine in containers that have, in addition to the information required by 14B NCAC 15C .0304, the blown, branded, or burned name or distinguishing mark of a different wine producer, importer, wholesaler, or bottler.

*History Note: Authority G.S. 18B-206; 18B-207; 18B-1001; Eff. January 1, 1982; Amended Eff. June 1, 1986; May 1, 1984; Transferred and Recodified from 04 NCAC 02T .0410 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Temporary Amendment Eff. November 28, 2017; Amended Eff. August 1, 2018; Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0404 SEIZURE OF SUBSTANDARD WINE**

*History Note: Authority G.S. 18B-100; 18B-206(a); 18B-207; 18B-503; Eff. January 1, 1982; Amended Eff. May 1, 1984; Transferred and Recodified from 04 NCAC 02T .0411 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Repealed Eff. February 1, 2026.*

**14B NCAC 15C .0501 INSPECTION OF PREMISES**

A storage facility, warehouse, or office area where alcoholic beverages are manufactured or stored, or where records of purchases, sales, or deliveries are maintained, are part of the licensed premises, and industry members shall make the entire premises available for inspection as provided in G.S. 18B-502.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-502; Eff. January 1, 1982; Amended Eff. July 1, 1992; May 1, 1984; Transferred and Recodified from 04 NCAC 02T .0501 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0502 RECORD KEEPING REQUIREMENTS: SALES TICKETS**

- (a) In addition to records required by the North Carolina Department of Revenue, industry members shall maintain on the licensed premises copies of original sales tickets or receipts relating to sales of alcoholic beverage products, equipment, advertising specialty items, or advertising novelties. Copies shall be in paper form or, if kept in electronic form, available to print on paper.
- (b) Sales Ticket Required. Wholesalers or their salesmen shall, at the time of each sale and delivery of malt beverages or wine to a retailer, provide the following information on retail sales tickets:
  - (1) date of sale;
  - (2) name of establishment;
  - (3) location;
  - (4) quantity of each brand of malt beverages or wine sold;
  - (5) unit price;
  - (6) total price;
  - (7) amount received;
  - (8) invoice number; and
  - (9) route number or name.
- (c) At the time of sale, the retailer or authorized agent and the wholesaler's salesman shall endorse the sales tickets by signature.
- (d) Wholesalers shall retain sales tickets for three years filed alphabetically, by sales route, or by date of sale.

*History Note: Authority G.S. 18B-100; 18B-207; Eff. January 1, 1982; Amended Eff. April 1, 2011; July 1, 1992; May 1, 1984; Transferred and Recodified from 04 NCAC 02T .0502 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0503 SANITATION**

Industry members shall maintain the premises and surroundings in a manner to avoid contamination or deterioration of alcoholic beverages the industry member is authorized to produce or possess.

*History Note: Authority G.S. 18B-100; 18B-206(a); 18B-207; Eff. January 1, 1982; Amended Eff. May 1, 1984; Transferred and Recodified from 04 NCAC 02T .0503 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0504 OPERATION OF LICENSED PREMISES: EMPLOYEES**

Industry members:

- (1) shall not employ a person less than 18 years old in a position requiring a permit;
- (2) shall not allow intoxicated persons to remain on the licensed premises;
- (3) shall keep the premises clean and lighted to avoid hazards to employees; or
- (4) shall not use the premises as living quarters.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-1003; 18B-1005; Eff. January 1, 1982; Amended Eff. May 1, 1984; Transferred and Recodified from 04 NCAC 02T .0504 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0505 OFF-SITE STORAGE LOCATION**

(a) If a brewery, winery, or distillery has a noncontiguous storage location as authorized pursuant to G.S. 18B-1120, the permittee shall notify the Commission of the authorization before storing the products manufactured by the permittee at the noncontiguous location. This notification shall be deemed part of the original permit application.

(b) The brewery, winery, or distillery shall notify the Commission on a form requiring the following information:

- (1) permittee's name;
- (2) business mailing address;
- (3) permit number;
- (4) principal location address;
- (5) noncontiguous storage location address;
- (6) a diagram of the premises showing the entrances, exits, storage areas for alcoholic beverages, and separate storage areas for any other property or merchandise;
- (7) a copy of the Alcohol and Tobacco Tax and Trade Bureau approval of the noncontiguous storage location; and
- (8) a copy of the Commission's Zoning and Compliance form applicable to the noncontiguous storage location, completed pursuant to G.S. 18B-901(c).

(c) The permittee shall use the noncontiguous storage location only for storage of alcoholic beverages manufactured by the permittee and non-alcoholic beverage items owned by the permittee. The permittee shall not store alcoholic beverages in the same storage area with other property or merchandise of the permittee or any other person. The noncontiguous storage location shall be subject to inspection pursuant to G.S. 18B-502 and 14B NCAC 15C .0501.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-502; 18B-901; 18B-1120; Eff. March 1, 2018;*

*Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0601 APPROVED BRANDS ONLY**

Wholesalers shall not sell alcoholic beverages in this State unless approved by the Commission or as provided in 14B NCAC 15B .0216.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-1005; Eff. January 1, 1982; Amended Eff. May 1, 1984; Transferred and Recodified from 04 NCAC 02T .0601 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0602 SALES AND PURCHASE RESTRICTIONS: RECORDS**

(a) Suppliers, or their designees, shall deliver malt beverages, unfortified wine, and fortified wine, intended for sale, delivery, or shipment to retail permittees, to the wholesaler assigned to the sales territory where the retail permittee is located. The wholesaler shall unload the alcoholic beverages from the delivery vehicle, place the delivery where its weight is supported by the wholesaler's floor, inventory, inspect, and verify the delivery for tax purposes. The provisions of this Paragraph do not apply to products sold, delivered, or shipped pursuant to G.S. 18B-1101(7) or G.S. 18B-1104(a)(8).

(b) Malt beverage wholesalers shall not sell malt beverages to a person who does not hold a retail or wholesale malt beverage permit, and wine wholesalers shall not sell fortified wine or unfortified wine to a person who does not hold a retail or wholesale fortified or unfortified wine permit. A wholesaler may furnish or sell wine or malt beverages to the wholesaler's employees pursuant to G.S. 18B-1107(a)(3) and 18B-1109(a)(3).

(c) Retail permittees shall purchase malt beverages or wine only from a licensed wholesaler.

(d) Retail permittees selling malt beverages or wine shall keep sales tickets and delivery receipts required by 14B NCAC 15C .0502 separate and apart from nonalcoholic beverage records. Delivery receipts shall state the terms of sale per transaction and shall include the following:

- (1) date of sale;
- (2) trade name of the retail establishment;
- (3) location of the retail establishment;
- (4) quantity of brand of malt beverages or wine sold;
- (5) unit price;
- (6) total price;
- (7) amount paid; and
- (8) invoice or receipt number.

(e) The retailer shall keep copies of all sales tickets and delivery receipts available for inspection on the premises for three years.

(f) A retail permittee may maintain malt beverage and wine invoices at one location, other than the licensed premises, upon written application to and approval by the Commission at [permits@abc.nc.gov](mailto:permits@abc.nc.gov). When reviewing the application, the Commission shall consider the following:

- (1) permits held by the same applicant;

- (2) electronic copies of the invoices will be accessible to law enforcement at the retail location; and
- (3) the permittee agrees to make the original invoices available on the licensed premises to law enforcement within 48 hours of the request by law enforcement.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-1107; 18B-1109; 18B-1113; 18B-1114; Eff. January 1, 1982; Amended Eff. July 1, 1992; May 1, 1984; Transferred and Recodified from 04 NCAC 02T .0602 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Amended Eff. August 23, 2022; Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0603 HOLDING OF CHECKS PROHIBITED**

A wholesaler shall not delay, at the request of the retailer or for the benefit of the retailer, the deposit of checks issued to the wholesaler by a retailer for alcoholic beverages delivered to the retailer. When a retailer's payment to the wholesaler is returned by the bank due to non-sufficient funds, the wholesaler shall attempt to redeposit the check. If the check is returned to the wholesaler a second time due to non-sufficient funds, the wholesaler shall report the matter to the Commission within 10 days of the second notice of non-sufficient funds.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-1116(a)(3); Eff. January 1, 1982; Amended Eff. May 1, 1984; Transferred and Recodified from 04 NCAC 02T .0603 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0604 COLLECTION OF AMOUNT OF SALE**

- (a) Wholesalers shall collect the full amount of the sale price in cash or bona fide check at the time of or prior to delivery of alcoholic beverages to a retailer except as provided in this Rule. A wholesaler shall not extend credit to a retailer who purchases malt beverages or wine from the wholesaler.
- (b) Paragraph (a) of this Rule does not apply to wholesaler sales and deliveries upon military reservations or installations.
- (c) A route salesman may accept one payment for all deliveries made on the same day to the same permittee if two or more of the permittee's retail premises are on the salesman's route. The route salesman shall collect payment for all permittee's deliveries no later than the last of permittee's stores on the route. A route salesman shall not collect payment from a permittee at an office location unless the office is located on the premises where a delivery is made.

For purposes of this Rule, the term "check" shall include the electronic transfer of funds from a retailer to a wholesaler. Prior to an electronic transfer of funds, the retailer and the wholesaler shall execute a written agreement regarding the terms for electronic transfer of funds for payment of alcoholic beverages, and shall include authorization for the wholesaler to initiate the transfer after delivery of alcoholic beverages to the retailer. The wholesaler shall initiate the electronic transfer of funds before the end of the business day following the day of delivery. A retailer shall be responsible for costs associated with the retailer's use of electronic transfer of funds. This Rule shall not waive record keeping requirements of 14B NCAC 15C .0502.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-1116; Eff. January 1, 1982; Amended Eff. June 1, 1996; July 1, 1992; May 1, 1984; Transferred and Recodified from 04 NCAC 02T .0604 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0605 PLATFORM SALES**

Platform sales, when a wholesaler sells malt beverages or wine at the wholesaler's premises to persons holding retail permits, are authorized.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-1107; 18B-1109; Eff. January 1, 1982; Amended Eff. May 1, 1984; Transferred and Recodified from 04 NCAC 02T .0606 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0606 DRAFT MALT BEVERAGE SALES: ACCESSORIES: DELIVERIES**

- (a) A wholesaler shall transport draft malt beverages in kegs to the premises of a licensed retailer. The wholesaler shall collect for the sale, and the retailer shall sign the sales ticket and add the name of the purchaser and the delivery address for the draft malt beverages. If the purchaser of the draft malt beverages can not transport the keg or does not know how to set up and tap the keg, the purchaser may request the wholesaler's assistance. Upon receiving a request for assistance, the wholesaler may deliver the keg from the retailer's premises to the purchaser and delivery address designated on the sales ticket.
- (b) At the designated place of delivery, the wholesaler may set up the equipment, tap the keg, and test to see that the keg is functioning.
- (c) A wholesaler may deliver to a consumer hand pumps, carbon dioxide cylinders, related gauges, tubs, ice, and cups with the kegs. Accessories may be left with a retailer only when the retailer has a specific and current order from a consumer, and either the retailer will deliver or the purchaser will pick up the kegs and accessories. This Rule does not authorize a wholesaler to loan or rent tubs or tapping accessories to a retailer.

(d) If a brewery charges a wholesaler a deposit for a draft malt beverage keg, the wholesaler shall charge and collect the deposit from the retailer when the keg is delivered to the retailer.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-1116; Eff. January 1, 1982; Amended Eff. July 1, 1992; May 1, 1984; Transferred and Recodified from 04 NCAC 02T .0607 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Readopted Eff. February 1, 2026.*

**14B NCAC 15C .0607 MALT BEVERAGE AND WINE SHIPMENTS TO MILITARY BASES**

Only a wholesaler with a permit pursuant to G.S. 18B-1107 or G.S. 18B-1109 shall ship malt beverages or wine directly to a United States military reservation or installation within North Carolina. All malt beverages and wine to be delivered to military reservations or installations shall be shipped to wholesalers. The shipments shall come to rest upon the warehouse floor of the wholesalers pursuant to 14B NCAC 15C .0602(a) before the wholesaler is authorized to deliver them to United States military reservations or installations within North Carolina.

*History Note: Authority G.S. 18B- 100; 18B-109(b); 18B-207; 18B-1101(2); 18B-1102(2); 18B-1104(3); 18B-1113; 18B-1114; Eff. January 1, 1982; Amended Eff. May 1, 1984; Transferred and Recodified from 04 NCAC 02T .0609 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Amended Eff. August 23, 2022; Readopted Eff. February 1, 2026.*

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

**15A NCAC 10D .0295 PAYNES BRANCH GAME LAND IN FORSYTH AND STOKES COUNTIES**

Paynes Branch Game Land is a Three Days per Week Area, in which the following applies:

- (1) Antlered or antlerless deer may be taken the first open day of the All Lawful Weapons Season for Deer With Visible Antlers through the second Wednesday thereafter.
- (2) Target shooting is prohibited.
- (3) Horseback riding is prohibited.

*History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305; Eff. February 1, 2026.*

**15A NCAC 10F .0307 CATAWBA, IREDELL, LINCOLN, AND MECKLENBURG COUNTIES**

(a) Regulated Area. This Rule shall apply to Lake Norman in Catawba, Iredell, Lincoln, and Mecklenburg counties:

- (1) within 50 yards of the shoreline at Jetton Park in Mecklenburg County, from a point on the west side of the park at 35.47082 N, 80.90427 W, south and around the point at 35.46703 N, 80.90360 W, then northeast to a point at 35.47262 N, 80.89727 W;
- (2) Bluff Point Cove in Cornelius shore to shore, east of a line from a point 50 yards west of the south shore of the cove mouth at 35.45327 N, 80.89520 W to a point 50 yards west of the north shore of the cove mouth at 35.45487 N, 80.89440 W; and
- (3) the cove immediately north of the inlet of Hager Creek in Iredell County, north of a line from a point on the north shore at 35.55760 N, 80.94730 W southwest to a point on the island at the inlet of Hager Creek at 35.55695 N, 80.94971 W, and east of a line from the same point on the island northwest to a point on the north shore at 35.55754 N, 80.95029 W.

(b) Speed Limit. No person shall operate a vessel at greater than no wake speed within the regulated areas described in Paragraph (a) of this Rule and as set forth in G.S. 75A-14.1.

(c) Placement and Maintenance of Markers. The Lake Norman Marine Commission shall be the designated agency for placement and maintenance of navigational aids and regulatory markers on the waters of Lake Norman.

(d) Vessel Liveries. Vessel liveries, as used in G.S. 75A-8, operating on Lake Norman shall conduct the following activities with each vessel renter prior to relinquishing control of the vessel:

- (1) a pre-rental vessel inspection to ensure that safety equipment required by Rule .0201 of this Subchapter is on board and accessible; and
- (2) provide and review instruction on safe operation of the vessel rented including review of navigation rules in G.S. 75A-6.1, operating restrictions in G.S. 75A-10, an electronic or waterproof navigational map of Lake Norman, and the U.S. Coast Guard's U.S. Aids to Navigation System pamphlet.

Both parties shall sign and date documentation verifying adherence to these requirements on the date the rental begins. The vessel livery shall maintain a copy of this documentation for a period of two years from the date of rental which shall be made available to law enforcement officers upon request. The vessel renter shall have a copy of the documentation on the vessel and available for law enforcement upon demand during the term of the rental.

*History Note: Authority G.S. 75A-3; 75A-15; Eff. February 1, 1976; Amended Eff. July 1, 1998; October 1, 1992; May 1, 1989; March 25, 1978; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;*

*Amended Eff. October 1, 2019; October 1, 2018;  
Temporary Amendment Eff. March 7, 2025;  
Amended Eff. February 1, 2026.*

**15A NCAC 10F .0324 DAVIDSON COUNTY**

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

(1) High Rock Lake:

- (A) the waters of the cove shore to shore in Abbots Creek between North Shore Drive and South Shore Drive, east of a point at 35.64752 N, 80.24875 W;
- (B) the waters shore to shore from a point 50 yards north of the docks at Camp Walter Johnson at 35.67130 N, 80.16592 W to a point 100 yards south of the docks at 35.66993 N, 80.16582 W, on Flat Swamp Creek on High Rock Lake;
- (C) the waters within 50 yards of the High Rock Boat Dock Marina pier north of Abbots Creek Cove on High Rock Lake in Lexington, at 35.64992 N, 80.24802 W;
- (D) the waters shore to shore in the cove at Skip Jack Harbor Marina and the Raven Point Boy Scout Camp dock, from a line at a point 50 yards south of the Raven Point Boy Scout Camp dock on the east shore of the cove at 35.63722 N, 80.27054 W, to a point on the west shore of the cove at 35.63788 N, 80.27212 W, northward ending 50 yards north of the Skipjack Harbor Marina dock at a line from a point on the east shore at 35.64070 N, 80.26864 W to a point on the west shore at 35.64064 N, 80.27050 W;
- (E) the waters within 50 yards of the High Rock Marina and Campground and fuel dock in Abbots Creek on High Rock Lake, from a point on the southwest shore at 35.68274 N, 80.25228 W, around the peninsula to a point on the north shore at 35.68439 N, 80.25052 W;
- (F) the waters 50 yards northeast and 50 yards southwest of the N.C. Highway 8 Bridge on Flat Swamp Creek on High Rock Lake, from a point northeast of the bridge at 35.64564 N, 80.18493 W to a point southwest of the bridge at 35.64488 N, 80.18559 W;
- (G) the waters 50 yards east and 50 yards west of the railroad trestle over Flat Swamp Creek on High Rock Lake, from a point east of the trestle at 35.61161 N, 80.23434 W, to a point

- (H) west of the trestle at 35.61151 N, 80.23535 W;
- (H) the waters shore to shore 50 yards northeast and 50 yards southwest of the SR 1396 bridge, otherwise known as the Linwood-Southmont Road Bridge on Swearing Creek on High Rock Lake, from a point northeast of the bridge at 35.69185 N, 80.30139 W to a point southwest of the bridge at 35.69135 N, 80.30218 W;
- (I) the waters within 50 yards northwest and 50 yards southeast of SR 2294 bridge otherwise known as the Holloway Church Road Bridge on Abbots Creek on High Rock Lake, from a point east of the bridge at 35.67612 N, 80.25005 W, to a point west of the bridge at 35.67663 N, 80.25097 W;
- (J) the waters within 50 yards northeast and 50 yards southwest of the N.C. Highway 8 bridge and railroad trestle on Abbots Creek on High Rock Lake, from a point southeast of the railroad trestle at 35.64235 N, 80.25508 W, to a point northeast of the bridge at 35.64292 N, 80.25396 W;
- (K) the waters 50 yards north and 50 yards south of the N.C. Highway 47 bridge on Abbots Creek on High Rock Lake, from a point north of the bridge at 35.74835 N, 80.24164 W, to a point south of the bridge at 35.74759 N, 80.24163 W;
- (L) the waters within 50 yards of the dock and ramp at the Southmont Boat Ramp on Abbots Creek on High Rock Lake at Wildlife Recreation Area Access Road, at 35.64694 N, 80.25990 W;
- (M) the waters within 50 yards of the dock and ramp at Buddle Creek Swim Area Boat Ramp on Abbots Creek on High Rock Lake, on Holloway Church Road, at 35.68212 N, 80.22924 W;
- (N) the waters within 50 yards of the dock and ramp at the Pebble Beach Boat Ramp on Flat Swamp Creek on High Rock Lake off N.C. Highway 8, south of the N.C. Highway 8 Bridge, at 35.64356 N, 80.18570 W;
- (2) Badin Lake:
  - (A) the waters of Beaverdam Creek Cove on Badin Lake shore to shore, north of a point at 35.50710 N, 80.10036 W in New London; and
  - (B) the waters within 50 yards of the Circle Drive Boating Access Area on

Badin Lake, at 724 Shoreline Drive, New London.

- (3) Tuckertown Reservoir. The waters 50 yards east and 50 yards west of the railroad trestle at Ellis Creek on Tuckertown Reservoir, from a point east of the trestle at 35.52983 N, 80.18650 W, to a point west of the trestle at 35.52966 N, 80.18749 W; and
- (4) Yadkin River:
  - (A) the waters 50 yards north and 50 yards south of the N.C. Highway 29/70 bridge, otherwise known as the Wil-Cox Bridge, and the railroad trestle near Yadkin River Park on the Yadkin River in Linwood, from a point north of the bridge at 35.72328 N, 80.391137 W, to a point south of the railroad trestle at 35.72263 N, 80.39137 W; and
  - (B) the waters within 50 yards of the York Hill Yadkin River (YRST) boat ramp on the Yadkin River at 35.72398 N, 80.39116 W, west of SR 1147 in Linwood.

(b) **Speed Limit.** No person shall operate a vessel at greater than no-wake speed while on the waters of the regulated areas designated in Paragraph (a) of this Rule.

(c) **Swimming Areas.** No vessel shall enter the waters of the following swimming areas:

- (1) Buddle Creek Swimming Area at Abbotts Creek on High Rock Lake in Lexington, east of the ropes from a point at 35.68124 N, 80.22895 W; and
- (2) Pebble Beach Swimming Area at Flat Swamp Creek on High Rock Lake in Denton, west of the ropes from a point at 35.64403 N, 80.18557 W to the shore at the N.C. Highway 8 bridge.

(d) **Placement of Markers.**

- (1) the Board of Commissioners of Davidson County shall be the designated agency implementing Parts (a)(1)(A) through (E), (a)(2)(A), and (a)(4)(A) and (B) of this Rule;
- (2) Cube Hydro Carolinas shall be the designated agency implementing Parts (a)(1)(L) through (N); and Subparagraph (c)(1) and (2) of this Rule; and
- (3) the North Carolina Wildlife Resources Commission shall be the designated agency implementing Parts (a)(1)(F) through (K), (a)(2)(B); and (a)(3) of this Rule.

*History Note: Authority G.S. 75A-3; 75A-15; Eff. July 1, 1976; Amended Eff. January 1, 2012; May 1, 2004; December 1, 1995; December 1, 1991; August 1, 1991; September 1, 1982; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. February 1, 2026; October 1, 2018.*

**15A NCAC 10F .0338 CALDWELL COUNTY**

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

- (1) Lake Rhodhiss:
  - (A) within 50 yards of the marina facilities at Castle Bridge Marina, 6131 Castle Bridge Drive in Granite Falls;
  - (B) within 50 yards of the Castle Bridge Boating Access Area, 6131 Connelly Springs Road in Granite Falls; and
  - (C) within 50 yards of the Conley Creek Boating Access Area, 5475 Waterworks Road in Granite Falls; and
- (2) Lake Hickory:
  - (A) the waters shore to shore beginning 50 yards southwest of the U.S. Highway 321 Bridge, from a line at a point on the east shore of Lake Hickory at 35.75636 N, 81.37646 W to a point on the west shore at 35.75820 N, 81.37843 W, northeast past River Walk on the east shore and Lake Hickory Pub and Marina on the west shore, ending at a line from a point on the east shore at 35.76041 N, 81.37425 W to a point on the west shore at 35.76054 N, 81.37713 W in the City of Hickory;
  - (B) within 50 yards of the Gunpowder Boating Access Area, at 5450 Hurricane Hill Road in Granite Falls;
  - (C) within 50 yards of the Lovelady Boating Access Area, at 5682 Rocky Mount Road in Granite Falls; and
  - (D) the waters of Gunpowder Creek shore to shore, within 50 yards northeast and 50 yards southwest of the Adam W. Klutz Bridge on Grace Chapel Road in Granite Falls.

(b) **Speed limit.** No person shall operate a vessel at greater than no-wake speed within any regulated area described in Paragraph (a) of this Rule.

(c) **Placement of Markers.**

- (1) the Board of Commissioners of Caldwell County shall be the designated agency implementing Subparagraph (a)(1)(A) of this Rule;
- (2) the City of Hickory shall be the designated agency implementing Part (a)(2)(A) of this Rule; and
- (3) the North Carolina Wildlife Resources Commission shall be the designated agency implementing Parts (a)(1)(B) and (C) and (a)(2)(B) through (D) of this Rule.

*History Note: Authority G.S. 75A-3; 75A-15; Eff. August 23, 1981;*

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. February 1, 2026; February 1, 2024; July 1, 2018.

**15A NCAC 10G .0401 PURPOSE OF WILDLIFE SERVICE AGENTS**

History Note: Authority G.S. 113-134; 113-270.1; Eff. April 1, 1997; Amended Eff. May 1, 2007; Repealed Eff. February 1, 2026.

**15A NCAC 10G .0402 APPOINTMENT OF WILDLIFE SERVICE AGENTS**

(a) Wildlife Service Agents are official license and vessel agents of the Commission who are authorized, pursuant to individual Wildlife Service Agent Agreements, to issue hunting, fishing, and other licenses, permits, applications, vessel registrations, and other items authorized by the Commission.

(b) An individual authorized to act on behalf of a business operating from a fixed location in North Carolina may apply to the Commission for appointment as a Wildlife Service Agent by completing the Wildlife Service Agent application available at ncwildlife.gov. Information required from the applicant shall include:

- (1) business name, physical address, email, county, phone number, agent type, description of services, and operational dates and hours; and
- (2) business owner name, address, date of birth, driver's license number, and length of business ownership.

(c) Business owners shall meet the following requirements to qualify as a Wildlife Service Agent unless otherwise approved by the Executive Director or his or her designee to maintain adequate service to the public in a geographic area:

- (1) one year's experience in operating the business for which the application is made or equivalent business experience;
- (2) a bank account for transferring net proceeds from Agent transactions to the Commission; and
- (3) no criminal convictions, for any offenses in Subchapter V of Chapter 14 of the North Carolina General Statutes, within the five years prior to application.

(d) Upon approval of the application by the Commission, Wildlife Service Agents shall:

- (1) have a computer, printer, and internet access at their business location;
- (2) provide a voided check or withdrawal slip for the bank account to be used to transfer funds to the Commission;
- (3) complete online training provided by the Commission or a contracted third-party vendor; and
- (4) sign and submit the Wildlife Service Agent Agreement.

(e) Wildlife Service Agent Agreements and appointments are non-transferable and valid only for the owner and business named on the executed agreement.

History Note: Authority G.S. 113-134; 113-270.1; Eff. April 1, 1997; Amended Eff. September 1, 2011; May 1, 2007; July 1, 1998; Readopted Eff. February 1, 2026.

**15A NCAC 10G .0403 WILDLIFE SERVICE AGENT AGREEMENT**

History Note: Authority G.S. 113-134; 113-270.1; Eff. April 1, 1997; Amended Eff. September 1, 2011; June 1, 2007; July 1, 1998; Repealed Eff. February 1, 2026.

**15A NCAC 10G .0405 WILDLIFE SERVICE AGENT TERMS AND CONDITIONS**

(a) A Wildlife Service Agent shall comply with the following conditions:

- (1) serve individuals seeking assistance with matters related to the duties of a Wildlife Service Agent during regular business hours.
- (2) transfer funds and records to the Commission as specified in the Wildlife Service Agent Agreement;
- (3) notify the Commission of changes to the original application for appointment within five business days of the change.
- (4) provide written notice of a change in business ownership, location, or management at least 10 business days prior to the change along with an application for a new Wildlife Service Agreement, if desired.
- (5) maintain five thousand dollars (\$5,000) in Agent transaction sales at the business location annually.

(b) A Wildlife Service Agent may cancel the Agreement by sending written notice to the Commission. Consigned equipment and supplies shall be returned to the Commission and the financial account shall be settled within 10 business days of the date of resignation letter receipt.

(c) A Wildlife Service Agent shall not use or disclose customer identifying information specified in G.S. 143-254.5 without written authorization from the Commission.

History Note: Authority G.S. 113-134; 113-270.1; Eff. June 1, 2007; Amended Eff. September 1, 2011; Readopted Eff. February 1, 2026.

**15A NCAC 10G .0406 APPOINTMENT TERMINATION**

(a) The Commission may audit Wildlife Service Agent transactions. Agents shall comply with Commission requests for records and information within 10 business days of the request.

(b) The Commission may suspend or terminate a Wildlife Service Agent appointment for violation of G.S. 113-270.1, the rules of this Section, or the Wildlife Service Agent Agreement. The

determination of whether to suspend or revoke appointment shall be based on the severity and frequency of the violation.  
 (c) Upon termination of appointment, a Wildlife Service Agent shall return consigned equipment and supplies to the Commission and settle the agent financial account within 10 business days of receipt of written termination notice from the Commission.  
 (d) Individuals denied appointment or whose appointment is terminated shall not reapply for appointment for two years from the date of receiving written notice from the Commission.

*History Note: Authority G.S. 113-134; 113-270.1; Eff. February 1, 2026.*

**15A NCAC 10H .1101 FURBEARER PROPAGATION LICENSE**

(a) The furbearer propagation license shall authorize the propagation of furbearing animals and red foxes, including all color phases, for use as fur.  
 (b) Furbearer propagation license holders may conduct the following activities with species designated on their license:  
     (1) breed the species for the production of marketable fur;  
     (2) raise live specimens for the production of marketable fur;  
     (3) sell domestically produced fur to a licensed fur dealer; and  
     (4) acquire, buy, and sell live specimens from or to another furbearer propagation license holder, a captivity license holder, or a licensed non-resident producer of ranch-raised breeding stock. Live specimens shall not be sourced from the wild.  
 (c) Application for a furbearer propagation license shall be made on a form available at the Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606-2576. Information required from the applicant shall include:  
     (1) name;  
     (2) residence or mailing address;  
     (3) physical address of the propagation facility;  
     (4) telephone number;  
     (5) date of birth;  
     (6) species of furbearing animal or fox to be propagated; and  
     (7) certification of up-to-date rabies pre-exposure prophylaxis, if applicable.  
 (d) The furbearer propagation license shall be posted at the propagation facility and be provided, upon request, to a representative of the Commission.

*History Note: Authority G.S. 113-134; 113-273; Eff. April 1, 1986; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. February 1, 2026; November 1, 2019.*

**15A NCAC 10H .1104 MINIMUM STANDARDS FOR CAGING AND CARE**

(a) General Cage Requirements.

- (1) Cages shall be constructed of non-toxic, corrosion-resistant materials sufficient to retain animals without tethers or chains;
- (2) Cages shall contain a den area large enough for all the animals in that cage to turn around and lie down;
- (3) Cages shall be housed in an area that provides protection from direct sunlight, precipitation, wind, and other weather conditions;
- (4) Cages shall minimize heat build-up and provide sufficient light to maintain the animal's circadian rhythms;
- (5) Cages shall be ventilated to sufficiently provide fresh air circulation;
- (6) Cages shall be securely anchored and elevated two feet above ground or floor level to facilitate cleaning;
- (7) Cages shall be arranged in rows to allow for visual and physical inspection and to allow space for cleaning; and
- (8) Cages shall be surrounded by a four foot perimeter fence with a one foot below ground dig barrier designed to prevent ingress and egress by domestic and wild animals. The fence shall have a top electrified wire three feet above the ground and a bottom electrified wire one foot above the ground. The fence shall be free from structures or vegetation.

(b) A pair of animals held for breeding or a female and her litter from the time the litter is born until weaning shall be held in a breeder cage.

(c) A single animal or two mink may be held in a pelter cage.

(d) Mink.

- (1) cages shall have a height of 12 inches.
- (2) breeder cages shall be 4,300 cubic inches.
- (3) pelter cages shall be 2,500 cubic inches for one mink, and 3,800 cubic inches for two mink.
- (4) shall be acquired from a furbearer propagation license holder, a captivity license holder, or a licensed non-resident producer of ranch-raised breeding stock that is free from Aleutian Disease, and shall be tested and vaccinated for Aleutian Disease.

(e) Fox.

- (1) cages shall have a height of 24 inches.
- (2) breeder cages shall be 13 cubic feet.
- (3) pelter cages shall be 16 cubic feet.

(f) The following cage dimension requirements in depth (d), width (w), and height (h), measured in feet, shall apply:

SPECIES	BREEDER CAGE (d x w x h)	PELTER CAGE (d x w x h)
Beaver	3 x 6 x 2.5	3 x 4 x 2.5
Bobcat	3 x 6 x 2.5	3 x 4 x 2.5
Nutria	3 x 3 x 2.0	3 x 2 x 2.0
Opossum	3 x 3 x 2.0	3 x 2 x 2.0
Otter	3 x 5 x 1.5	3 x 3 x 1.5
Raccoon	3 x 4 x 2.0	3 x 2 x 2.0

Skunk	3 x 3 x 1.5	3 x 2 x 1.5
Weasel	2 x 2 x 1.5	1 x 2 x 1.5

(g) General Sanitation and Food Requirements.

- (1) Clean drinking water shall be provided daily. All pools, tanks, water areas, and water containers provided for swimming, wading, or drinking shall be clean. Enclosures shall provide drainage for surface water and runoff;
- (2) Water and waste shall be disposed of in accordance with applicable local, State, and federal laws;
- (3) Food shall be of a type and quantity that is appropriate for the particular species and in an unspoiled and uncontaminated condition. Food shall be stored to prevent vermin infestation and spoilage;
- (4) Fecal and food waste shall be removed daily from inside, under, and around enclosures and disposed of in a manner that prevents seepage into groundwater, noxious odors, or pests;
- (5) Effective measures shall be implemented to control ectoparasites, insects, and vermin. These measures shall be documented and provided, upon request, by a representative of the Commission. EPA-approved insecticides may be used. Biological pest control methods may be used;
- (6) Acquired or purchased animals shall be quarantined for 30 days. The quarantine area shall have dedicated coveralls, boots, gloves, and footbath; and
- (7) Carcasses shall be disposed of in an incinerator, landfill, or buried 3 feet below ground and 300 feet from a waterbody. Carcasses shall be temporarily stored in a sealed container prior to final disposal.

(h) License holders who are authorized to propagate furbearing animals that are rabies species, as defined in Rule .1401(d)(19) of this Subchapter and red foxes, shall:

- (1) certify 12 hours of rabies or rabies species-specific training, or a combination thereof, for their initial application;
- (2) certify up-to-date rabies pre-exposure prophylaxis in accordance with current Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention at [www.CDC.gov](http://www.CDC.gov) for themselves and staff members who may contact rabies species;
- (3) provide the name and contact information of a North Carolina licensed veterinarian with whom the licensee has consulted and who agrees to provide necessary medical treatment to the rabies species;
- (4) certify notification to the appropriate animal control authority and local health department prior to making application to the Commission, to inform them of their anticipated activities

and location, and to coordinate future rabies testing activities;

(5) post the following information at the license holder's facility and be provided, upon request, by an authorized representative of the Commission:

- (A) proof of immunization or titer checks for individuals who have contact with rabies species;
- (B) contact information for the veterinarian who agrees to provide medical treatment to the rabies species;
- (C) contact information for the local animal control authority and local health department; and
- (D) a written protocol for euthanasia and rabies testing.

(6) consider rabies species to be potentially infected with the rabies virus. If a human or domestic animal has been scratched, bitten, or exposed to saliva, the fluid that surrounds the brain and spinal cord, or brain or spinal cord material from a rabies species, the license holder shall contact the local health department immediately to report the incident. License holders shall abide by requests from public health department personnel, animal control, and Commission personnel regarding disposition of the animal. Rabies species that have scratched or bitten a human or domestic animal or die in captivity shall not be released or disposed of until the local health department investigates the situation to determine if testing is necessary. Positive rabies test results shall be reported to the Commission within five business days of receipt from the health department.

(i) Biosecurity Standards. Prior to entering the perimeter fence, all individuals shall:

- (1) wear coveralls and boots;
- (2) wash their hands with a disinfecting soap or use a waterless hand disinfectant; and
- (3) use a footbath of phenolic, chlorhexidine, or quaternary ammonium disinfectants.

Except for license holders, all individuals shall sign an entrance log prior to entering the perimeter fence.

*History Note: Authority G.S. 113-134; 113-273; Eff. April 1, 1986; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. February 1, 2026; November 1, 2019.*

**15A NCAC 10H .1107 RECORDS AND INSPECTIONS**

(a) Furbearer propagation license holders shall record the following information:

- (1) the numbers and species of furbearing animals or foxes acquired;

- (2) the dates and sources of acquisition;
- (3) the numbers of animals produced by breeding
- (4) the numbers of animals raised for market; and
- (5) the numbers of animals sold, transferred, died, or euthanized, the dates of disposition, and the license numbers of the recipients, if applicable.

(b) The records required by this Rule shall be submitted to the Commission within 15 days of license expiration and shall be retained for 12 months following license expiration. Records shall be available for inspection upon request by a representative of the Commission.

(c) Representatives of the Commission shall be permitted to enter the premises of a license holder's facility upon request or during the facility's business hours for inspection, enforcement, or scientific purposes.

*History Note: Authority G.S. 113-134; 113-273; Eff. April 1, 1986;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. February 1, 2026; November 1, 2019.*

**TITLE 16 - TITLE 16 - EDUCATION - NO CONVERSION FOUND**

**16 NCAC 06D .0508 NORTH CAROLINA READ TO ACHIEVE PROGRAM**

(a) The governing board of each public school unit shall adopt retention and promotion policies for students in Grade 3 that are consistent with Chapter 115C, Article 8, Part 1A of the General Statutes.

(b) For the purpose of assessing reading proficiency under G.S. 115C-83.7(b)(3), local school administrative units shall utilize the alternative assessment approved by the State Board of Education in accordance with G.S. 115C-83.3. Any alternative assessment approved by the SBE shall include the requirements listed in G.S. 115C-83.6(b) and shall not include the use of a "three-cueing system" as defined in G.S. 115C-83.3(9a).

(c) The board of directors for a charter school may use an alternative assessment of its choice to assess reading proficiency under G.S. 115C-83.7(b)(3), provided that the board of directors notifies the SBE of the assessment it intends to use no later than August 1 of the school year in which it intends to use the alternative assessment. The provisions of this Paragraph shall also apply to the following:

- (1) a local board of education, with respect to any school under the local board's jurisdiction that has been authorized to operate under the Restart Model in accordance with 16 NCAC 06G .0317.
- (2) a chancellor, with respect to any school operated as a laboratory school under Chapter 116, Article 29A of the General Statutes, if the chancellor accepts funding appropriated by the General Assembly to support the Read to Achieve program.

(d) The governing body of a public school unit shall be responsible for any expenses associated with utilization of an alternative assessment.

(e) For purposes of supplemental tutoring offered in accordance with G.S. 115C-83.8(e), a student is identified as "retained twice" if the student was retained once in Kindergarten, Grade 1, Grade 2, or Grade 3, and was retained again in Grade 3 either by placement in a Grade 3 class or a combined Grades 3 and 4 class in which the student received Grade 3 instruction in reading.

*History Note: Authority G.S. 115C-12; 115C-83.1; 115C-83.3; 115C-83.6; 115C-83.7; 115C-83.7A; 115C-83.8; 115C-83.10; 115C-174.11; 115C-218.85;*

*Eff. July 1, 2014;*

*Amended Eff. February 1, 2026; January 1, 2025.*

**16 NCAC 06H .0101 DEFINITIONS**

(a) As used in this Subchapter, the following definitions apply:

- (1) "Federal agency" is defined in 2 C.F.R. 200.1.
- (2) "Federal award" is defined in 2 C.F.R. 200.1.
- (3) "Federal financial assistance" is defined in 2 C.F.R. 200.1.
- (4) "Federal program" is defined in 2 C.F.R. 200.1.
- (5) "Free appropriate public education" or "FAPE" is defined in 34 C.F.R. 300.101.
- (6) "Individualized education program" or "IEP" is defined in 34 C.F.R. 300.320.
- (7) "Least restrictive environment" or "LRE" is defined in 34 C.F.R. 300.114.
- (8) "Local education agency" or "LEA" is defined in 34 C.F.R. 303.28(a). For the purpose of federal programs administered by the State Board of Education, the term "LEA" includes any public school unit, as defined in G.S. 115C-5(7a), that is a subrecipient of a federal award.
- (9) "Parent" is defined in 34 C.F.R. 300.30.
- (10) "Recipient" is defined in 2 C.F.R. 200.1. For the purpose of federal programs administered by the State Board of Education, "recipient" includes a "grantee" as defined in 34 C.F.R. 77.1(c).
- (11) "State education agency" or "SEA" is defined in 34 C.F.R. 300.41. The State Board of Education is the SEA for the State of North Carolina.
- (12) "Subaward" is defined in 2 C.F.R. 200.1.
- (13) "Subrecipient" is defined in 2 C.F.R. 200.1. For the purpose of federal programs administered by the State Board of Education, "subrecipient" includes a "subgrantee" as defined in 34 C.F.R. 77.1(c).

(b) The provisions of 2 C.F.R. 200.1 and Subpart A of Part 300 of Title 34 of the Code of Federal Regulations are incorporated by reference throughout this Subchapter, including subsequent amendments and editions thereof. A copy of these regulations is available at no cost from <https://www.ecfr.gov/current/title-2/section-200.1> and <https://www.ecfr.gov/current/title-34/part-300/subpart-A>.

*History Note: Authority G.S. 115C-106.3; 115C-107.2; 2 C.F.R. 200.1; 34 C.F.R. 300.28; 34 C.F.R. 300.30; 34 C.F.R. 300.41; 34 C.F.R. 300.101; 34 C.F.R. 300.114; 34 C.F.R. 320; Eff. July 1, 1986; Amended Eff. December 1, 1999; June 1, 1996; Readopted Eff. February 1, 2026.*

**16 NCAC 06H .0103 COMPLAINT PROCEDURES FOR FEDERAL PROGRAMS**

(a) This Rule shall apply to federal programs of United States federal agencies that provide federal awards administered by the State Board of Education. The SBE shall receive, review and resolve complaints for which no other procedures or remedies are available by law or contract. These complaints shall involve the allegation that the SBE, an LEA, or a subrecipient has violated a federal statute, federal regulation or SBE rule governing a federal program.

(b) Any person who believes that grounds exist for filing a complaint under Paragraph (a) of this Rule may file a written complaint with the SBE. The complaint shall include the following:

- (1) The signature of the complainant;
- (2) The name of the party alleged to have violated a federal statute, federal regulation, or SBE rule;
- (3) An identification of the federal statute, federal regulation, or SBE rule alleged to have been violated by the party;
- (4) A detailed description of facts to support the complaint; and
- (5) A description of the relief the complainant is seeking.

(c) If the complaint involves a subrecipient, the SBE shall send the complaint to that subrecipient.

(d) The SBE shall review and issue a final written decision for each complete complaint to each party involved within 60 days of receipt. The SBE may extend the time for issuing a final written decision up to an additional 60 days if:

- (1) The complainant agrees to an extension; or
- (2) The SBE makes a finding good cause, as defined in 26 NCAC .0118(a)(1), for an extension.

(e) The final written decision shall include:

- (1) A summary of the relevant and material evidence;
- (2) Citations to the relevant federal statute(s), federal regulation(s), and SBE rules;
- (3) Findings of material fact;
- (4) Conclusions of law regarding each allegation and a summary of the reasons for those conclusions; and
- (5) An order for any technical assistance, negotiation, or corrective action that must occur and when those actions must be taken.

(f) If a federal program requires a subrecipient to develop and use a complaint procedure, the complainant may use either the subrecipient's procedure or the SBE procedure. If the complainant uses the subgrantee's procedure, the person may appeal the subrecipient's final decision to the within 30 days of receipt.

*History Note: Authority G.S. 115C-12(5); 15C-409; 7 C.F.R. 210.18; 34 C.F.R. 76.770; 34 C.F.R. 300.149–300.151; Eff. July 1, 1986; Amended Eff. August 1, 2000; Readopted Eff. February 1, 2026.*

**16 NCAC 06H .0104 SALE OF COMPETITIVE FOODS**

(a) As used in this Rule, the following definitions shall apply:

- (1) "Competitive food" is defined in 7 C.F.R. 210.11(a)(2).
- (2) "National School Lunch Program" is defined in 7 C.F.R. 210.2.
- (3) "Nonprofit school food service" is defined in 7 C.F.R. 210.2.
- (4) "Nonprofit school food service account" is defined in 7 C.F.R. 210.2.
- (5) "School campus" is defined in 7 C.F.R. 210.11(a)(4).
- (6) "School day" is defined in 7 C.F.R. 210.11(a)(5).

(b) The provisions of Part 210 of Title 7 of the Code of Federal Regulations are incorporated by reference in this Rule, including subsequent amendments and editions thereof. A copy of these regulations is available at no cost from <https://www.ecfr.gov/current/title-7/part-210>.

(c) All competitive foods shall, at minimum, meet the general nutrition standards established by 7 C.F.R. 210.1.

(d) Each LEA shall maintain records in accordance with 7 CFR 210.11.

(e) Each LEA may sell competitive foods during the school day, on the school campus, under the following conditions:

- (1) All receipts from the sale of these items before the cafeteria closes for the day shall be deposited in the nonprofit school food service account.
- (2) Adults may purchase individual food items without purchasing a complete lunch.

(f) Instructional programs in culinary arts, which operate under an approved Career and Technical Education plan and involve the preparation and sale of foods to individuals other than students, are not subject to this Rule.

(g) The State Board of Education may deny the opportunity to participate in the National School Lunch Program to any LEA which operates in violation of this Rule.

(h) No full-time public school employee is eligible for part-time employment in nonprofit school food services.

(i) The only adults who may eat in nonprofit school food services are school employees, personnel on official school business, and invited local patrons. These persons shall pay, as a minimum, the adult price for lunch.

*History Note: Authority G.S. 115C-263; 115C-264; 7 C.F.R. 210.11(b)(1); Eff. July 1, 1986; Readopted Eff. February 1, 2026.*

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 25 - INTERPRETER AND TRANSLITERATOR BOARD

21 NCAC 25 .0202 APPLICATION PACKAGE AND REQUIREMENTS FOR LICENSURE

(a) An applicant for licensure shall submit the following materials to the Board:

- (1) A completed, signed, and dated application;
(2) A clear, two-inch by two-inch, passport-style photograph of the head and shoulders of the applicant, made within two years of the date of application;
(3) A legible, fully-completed finger print card obtained from a local law enforcement agency;
(4) The applicant's signed, written consent to a criminal record check;
(5) One or more cashier's checks, certified checks or money orders made payable to the North Carolina Interpreter and Transliterator Licensing Board in the amounts charged by the Department of Public Safety for all necessary local, State and federal criminal record checks; and
(6) A cashier's check, certified check or money order made payable to the North Carolina Interpreter and Transliterator Licensing Board in the amount specified by Rule .0203 of this Section.

(b) Upon application to the Board and payment of the required fees under Rule .0203(a) of this Section, the Board shall grant an Applicant a full license as an interpreter or transliterator if the applicant meets all of the following qualifications:

- (1) Is 18 years of age or older.
(2) Is of good moral character presumptively established by the applicant's eligibility under Rule .0302 of this Chapter. Good moral character includes possessing the characteristics of honesty, sincerity, candor, integrity, maturity, and forthrightness. A finding of lack of good moral character is typically supported by a pattern or series of behaviors, but a single incident may be sufficient to support a finding of a lack of good moral character if it is particularly severe.
(3) Meets one of the following criteria:
(A) Is nationally certified by the Registry of Interpreters for the Deaf, Inc., (RID).
(B) Holds a valid Testing, Evaluation and Certification Unit, Inc. (TECUnit) national certification in cued language transliteration.
(C) Holds a current Cued Language Transliterator State Level Assessment (CLTSLA) level 3 or above classification.

- (D) Holds a Board for Evaluation of Interpreters (BEI) assessment of Advanced or above.
(E) A Deaf Interpreter who holds a Board for Evaluation of Interpreters (BEI) intermediary certificate level IV or above.
(F) Holds a Utah Certified Interpreter certification of professional.
(G) Holds a Utah Certified Deaf Interpreter certification.

(c) Upon application to the Board and payment of the required fees under Rule .0203(a) of this Section, the Board shall grant an Applicant a one-time provisional license as an interpreter or transliterator if the applicant meets all of the following qualifications:

- (1) Is 18 years of age or older.
(2) Is of good moral character presumptively established by the applicant's eligibility under Rule .0302 of this Chapter. Good moral character includes possessing the characteristics of honesty, sincerity, candor, integrity, maturity, and forthrightness. A finding of lack of good moral character is typically supported by a pattern or series of behaviors, but a single incident may be sufficient to support a finding of a lack of good moral character if it is particularly severe.
(3) Completes two continuing education units approved by the Board. These units shall be completed for each renewable year.
(4) Holds at least a two-year associate degree in interpreting from a post-secondary institution and satisfies one the following:
(A) Holds a quality assurance North Carolina Interpreter Classification System (NCICS) level C classification.
(B) Holds a valid National Association of the Deaf (NAD) level 2 or 3 certification.
(C) Holds a current Educational Interpreter Performance Assessment (EIPA) level 3.5 or above classification.
(D) Holds a Board for Evaluation of Interpreters (BEI) assessment of Basic.
(E) A Deaf Interpreter who holds a Board for Evaluation of Interpreters (BEI) intermediary certificate level III.
(F) Holds a Utah Certified Interpreter certification of novice.

(d) Upon application to the Board, payment of the required fees under Rule .0203(a) of this Section, and meeting the requirements for a provisional license under Subparagraphs (c)(1) and (2) of this Rule, the Board shall issue a provisional license to any of the following categories of persons seeking a one-time provisional license:

- (1) A deaf interpreter who completes 16 hours of training in interpreting coursework or workshops provided by the North Carolina Division of Services for the Deaf and Hard of Hearing, including role and function or ethics, and 20 hours in the 12 months immediately preceding the date of application in the provision of interpreting services.
- (2) An oral interpreter who completes a total of 40 hours of training in interpreting coursework or workshops related to oral interpreting.
- (3) A cued language transliterator who holds a current TECUnit Cued language Transliterator State Level Assessment (CLTSLA) level 2 or above classification.
- (4) A person providing interpreting or transliterating services who has a recognized credential from another state's licensing body in the field of interpreting or transliterating.
- (5) An interpreter or transliterator who has accumulated at least 200 hours per year in the provision of interpreting or transliterating services, in this State or another state, totaling at least 400 hours for the two years immediately preceding the date of the application. An applicant shall provide documentation of hours when applying for a provisional license under this category, subject to verification by the Board.

- (5) "Imminent danger" means any condition, disorder, conduct, or practice that poses a risk of death or serious physical, mental, or emotional harm if not abated.
- (6) "Independent Provider" means a mental health or medical provider that the Program has recommended as a service provider to a Participant or a Potential Participant but is not employed by or affiliated with the Program.
- (7) "Licensee" means a person holding an active license issued by the Board.
- (8) "Monitoring" means oversight by Program staff, volunteers, and Independent Providers of Participant's compliance with a Recovery Plan, the purpose of which is to support the Participant's well-being, recovery from Impairment, and ability to practice clinical mental health counseling with reasonable skill and safety in accordance with G.S. 90-340(11).
- (9) "Participant" means a Licensee, Former Licensee, Potential Applicant, or an Applicant who has executed a Participation Agreement.
- (10) "Participation Agreement" means a written assessment, treatment, or monitoring contract or agreement between the Program and a Participant.
- (11) "Potential Applicant" means a person who has completed a qualifying graduate training program as defined in Rule .0701 of this Chapter and provides an attestation of their intention to apply for licensure by the Board within two years. The attestation form is available on the Board's website at <https://www.ncblcmhc.org/Licensure/Applyin> g.
- (12) "Potential Participant" means a Licensee, Former Licensee, Potential Applicant, or an Applicant about whom information concerning suspected impairment has been provided to the Board or the Program, including an individual the Board has referred to the Program, or an individual who has self-referred to the Program.
- (13) "Program" means an impaired professionals program established by the Board or with whom the Board has an agreement or otherwise made arrangements to provide Screening and Monitoring to Potential Participants or Participants who have or may have an Impairment.
- (14) "Recovery Plan" means a comprehensive strategy to address a Participant's Impairment, including Monitoring and Recovery Services.
- (15) "Recovery Services" mean services provided to Participants or Potential Participants from Independent Providers, including assessment,

*History Note: Authority G.S. 90D-6; 90D-7; 90D-9, 90D-10; S.L. 2002-182, s. 7, as amended by S.L. 2003-56; Eff. March 21, 2005; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017; Temporary Amendment Eff. July 5, 2024; Amended Eff. January 1, 2026; February 1, 2025.*

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**CHAPTER 53 - CLINICAL MENTAL HEALTH COUNSELORS**

**21 NCAC 53 .1001 DEFINITIONS**

(a) The following definitions apply to this Section:

- (1) "Applicant" means a person who has submitted an application to the Board, paid the application fee, and received confirmation of receipt of the application from the Board.
- (2) "Board" means the North Carolina Board of Licensed Mental Health Counselors as defined in G.S. 90-330(1a).
- (3) "Former Licensee" means a person who formerly held a license issued by the Board and whose license was not permanently surrendered, revoked, or suspended.
- (4) "Impairment" means a condition or disorder caused by substance use, burnout, compassion fatigue, or other mental health issue that hinders

substance testing, referrals, treatment, and follow-up care.

- (16) "Screening" means to meet with a Potential Participant, conduct an investigation of a Potential Participant, gather pertinent personal, professional, physical, and mental health information, and interview collateral sources, when necessary, to determine if a potential Impairment exists and, if so, provide recommendations for a Recovery Plan.

*History Note:* Authority G.S. 90-334(l); G.S. 90-340; Eff. February 1, 2026.

**21 NCAC 53 .1002 BOARD AGREEMENTS WITH PROGRAMS**

- (a) The Board may enter into agreements with Programs pursuant to G.S. 90-334(l).
- (b) To meet the Board's requirements to enter into an agreement, a Program shall have staff, volunteers, policies, procedures, and other resources to provide the following services:
- (1) Performing Screening of Potential Participants and Monitoring of Participants;
  - (2) Formulating and Implementing Recovery Plans for Participants;
  - (3) Conducting evaluations and recommendations of Independent Providers of Recovery Services;
  - (4) Maintaining the confidentiality of information, documentation, and records received concerning Potential Participants and Participants in accordance with Rule .1005 of this Section;
  - (5) Submitting reports and information to the Board consistent with Rules .1004 and .1005 of this Section; and
  - (6) Providing a process by which Participants and Potential Participants may challenge or appeal a determination by the Program regarding the Participant or Potential Participant.
- (c) The Board shall conduct an annual review of the operations of any Program under an agreement to receive referrals of Potential Participants and Participants to determine the Program's compliance with the requirements in Paragraph (b) of this Rule and the Program's agreement with the Board.
- (d) In connection with the annual review, the Program shall provide the Board with a report of an annual financial audit for the preceding year.

*History Note:* Authority G.S. 90-334(l); 90-340; Eff. February 1, 2026.

**21 NCAC 53 .1003 PROGRAM OPERATIONS AND PROCEDURES FOR ALL PARTICIPANTS**

- (a) The Program may receive information about suspected Impairment of a Potential Participant through any of the following sources:
- (1) Referral by the Board, including as part of the application or disciplinary process;
  - (2) Self-referral by the Potential Participant; and

- (3) Referral from physicians, counselors, other mental health professionals, family members, colleagues, co-workers, or other individuals or sources with direct or personal knowledge concerning a Potential Participant.

- (b) Regardless of the source of the referral, the Program may investigate and conduct a Screening.
- (c) The Program may consult with Independent Providers and treating mental health or medical providers in conducting a Screening.
- (d) If the Program finds from the investigation or Screening that an Impairment likely exists, it may refer the Potential Participant for an assessment or treatment by an Independent Provider.
- (e) If Monitoring is recommended by the Program or an Independent Provider, the Program shall develop a Recovery Plan and request the Potential Participant to become a Participant.
- (f) As part of the Program's Monitoring, Participants shall submit urine or other bodily specimens to the Program, as requested, to test for the presence of any substances that could indicate Impairment.
- (g) Participants shall submit to periodic interviews with the Program staff or volunteers. The Program shall determine the frequency of personal interviews necessary to evaluate the Participant's Impairment and ability to practice clinical mental health counseling.
- (h) Upon signing a Participation Agreement, Participant shall sign releases to authorize the disclosure or exchange of information or documentation about Participant's compliance with the Participation Agreement and Recovery Plan:
  - (1) to the Board consistent with Rule .1005 of this Section;
  - (2) between the Program, Independent Providers, and treating mental health or medical professionals; and
  - (3) from employers or other individuals assigned to monitor Participant in the workplace.
- (i) A Participant shall comply with the Participation Agreement. A Participant's failure to comply with the Participation Agreement shall be deemed a failure to cooperate with the Board and shall subject the Participant to disciplinary action or denial of licensure by the Board pursuant to G.S. 90-340(a)(7) and (15).

*History Note:* Authority G.S. 90-334(l); G.S. 90-340; Eff. February 1, 2026.

**21 NCAC 53 .1004 PROGRAM OPERATIONS AND PROCEDURES FOR BOARD REFERRALS**

The following shall apply to Board referrals to the Program of Potential Participants who consent to the referral:

- (1) The Board may refer a Potential Participant to the Program if it receives, or obtains through an investigation or review, evidence or information of potential Impairment. The decision to refer a Potential Participant to the Program shall be made on a case-by-case basis based on the evidence or information received, and within the discretion of the Board.
- (2) Potential Participants shall cooperate with the Program, including:

- (a) executing all required releases or authorizations to exchange information about the Potential Participant between the Board, the Program, Independent Providers, and treating mental health or medical professionals; and
- (b) submitting to a Screening to determine if evidence exists to substantiate the potential Impairment.
- (3) The Program shall advise the Potential Participant and Board of the findings and recommendations from the Screening and the Potential Participant's cooperation with the Program or lack thereof.
- (4) The Program shall advise the Board as to the results and recommendations from assessments or treatment, including a recommendation for Monitoring.
- (5) In addition to Monitoring, the Board may require other conditions or stipulations from the Potential Participant to be included in the Participation Agreement.
- (6) The Program shall report to the Board if the Potential Participant fails to cooperate with the Program, including failing to sign a Participation Agreement, if requested by the Program.

History Note: Authority G.S. 90-334(l); 90-340; Eff. February 1, 2026.

**21 NCAC 53 .1005 CONFIDENTIALITY**

- (a) The Program shall maintain records on all Potential Participants and Participants, and the records, including those obtained from Independent Providers, treating professionals, and other third parties concerning Potential Participants or Participants, shall remain confidential in accordance with G.S. 90-340(f).
- (b) Information and documentation received by the Program regarding a Potential Participant or Participant shall remain confidential and shall not be released to the Board, except as set forth in Rule .1004 of this Section, unless the Program determines that the Potential Participant or Participant:
  - (1) constitutes an Imminent Danger to client care, the public, or himself or herself for any reason;
  - (2) is unable to practice clinical mental health counseling with reasonable skill and safety consistent with G.S. 90-340(a)(11); or
  - (3) refuses to cooperate with the Program, including failing to submit to assessment or treatment recommended by the Program or failing to comply with the terms of a Participation Agreement.
- (c) If the Program determines that a Participant meets any of the criteria of Subparagraphs (b)(1) through (b)(3) of this Rule, the Program shall submit a report to the Board along with all information, documentation, and any other evidence of the events

- leading to the report no later than 72 hours after making the determination.
- (d) Becoming a Participant or consenting to Screening by the Program shall not create a clinical or treatment relationship between the Program and Participants or Potential Participants.

History Note: Authority G.S. 90-334(l); G.S. 90-340; Eff. February 1, 2026.

**21 NCAC 53 .1006 PERIODIC REPORTING OF ANONYMIZED INFORMATION TO THE BOARD**

- (a) On a quarterly and annual basis, and upon request by the Board, the Program shall provide to the Board reports of statistical, demographic, and other information collected through Program operations, which reports shall not identify Potential Participants or Participants.
- (b) The Program shall meet with the Board or a representative of the Board on a quarterly basis to discuss the report and the Program's operations over the quarter reported upon.

History Note: Authority G.S. 90-334(l); Eff. February 1, 2026.

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**CHAPTER 56 - ENGINEERS AND SURVEYORS**

**21 NCAC 56 .0501 REQUIREMENTS FOR LICENSING**

(a) Education. Pursuant to G.S. 89C-13, the Board shall consider the education of an applicant in determining eligibility for certification as an Engineer Intern or licensure as a Professional Engineer. Certain terms describing the educational requirements found in G.S. 89C-13 are defined as follows:

- (1) "An EAC/ABET accredited program" is a program accredited by the Engineering Accreditation Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET). A list of accredited programs can be found on ABET's website at <https://www.abet.org>.
- (2) "An engineering curriculum or related science curriculum of four years or more" is a curriculum including non-ABET accredited engineering degrees or related science degrees. The curriculum may also include a bachelor's degree in engineering technology, whether or not accredited by the Engineering Technology Accreditation Commission (ETAC) of ABET.
- (3) "A master's degree in engineering from an institution that offers EAC/ABET accredited programs" and "an earned doctoral degree in engineering from an institution that offers EAC/ABET accredited programs" are graduate degrees in engineering from an institution which offers EAC/ABET accredited undergraduate programs.
- (4) Educational programs "approved by the Board as being of satisfactory standing" include

foreign degrees equivalent to the National Council of Examiners for Engineering and Surveying (NCEES) Engineering Education Standard, which includes subsequent amendments and is incorporated by reference. A copy of the applicable standard is available at no cost at <https://ncees.org/ncees-services/credentials-evaluations/>. Foreign degrees shall be considered substantially equivalent only after the Board obtains an evaluation report from the Credentials Evaluations Service of NCEES evaluating the foreign degree.

(b) Experience. Pursuant to G.S. 89C-13, the Board shall consider the experience of an applicant in determining eligibility for certification as an Engineer Intern or licensure as a Professional Engineer.

- (1) Required Experience. In evaluating experience, the Board shall consider an applicant's total experience record and its progressive nature. Experience shall be of a progressive engineering nature obtained after graduation from a program that meets the criteria set forth in G.S. 89C-13 and defined in Paragraph (a) of this Rule. Not less than half of required engineering experience shall be gained under the responsible charge of a licensed Professional Engineer, or if not, the applicant shall submit a written explanation to the Board explaining why the experience should be considered acceptable. Experience gained under the technical supervision of an unlicensed individual shall be considered based upon the engineering education and experience credentials of the unlicensed supervisor. Experience gained in the armed services, typically while serving in an engineering or engineering related group, shall be accepted only if substantially equivalent to civilian work.
- (2) Definition. "Progressive experience" requires that during the period of time provided as experience, an applicant made a practical utilization of acquired knowledge and demonstrated continuous improvement, growth, and development in the utilization of that knowledge as revealed in the complexity and technical detail of the work product or work record. The applicant shall demonstrate continuous assumption of greater individual responsibility for the work product over that period of time. The progressive experience on engineering projects shall demonstrate an increasing quality and responsibility that shows the Board that the applicant is competent to practice engineering.
- (3) Credit for Experience. In evaluating progressive engineering experience, the Board shall give credit for experience in the following areas of work:

- (A) One year of credit shall be granted for graduate schooling or research in an engineering program resulting in award of a master's degree from an institution that offers EAC/ABET-accredited programs;
- (B) Two years of credit shall be granted for graduate schooling or research in an engineering program resulting in award of an earned doctoral degree in engineering from an institution that offers EAC/ABET-accredited programs. If an applicant has earned both a master's and doctoral degree in engineering from an institution that offers EAC/ABET accredited programs, the applicant shall receive only two years of credit.
- (C) A maximum of two years of credit shall be granted for progressive land surveying experience; and
- (D) Teaching of engineering subjects at the university level in an engineering program offering a four-year or more degree approved by the Board.

The Board shall not accept combinations of the categories in this Subparagraph as fulfilling all the necessary statutory experience requirements.

- (4) An exception to the requirement in Subparagraph (b)(1) of this Rule that experience be obtained after graduation is for the long-established practice qualification of 20 years or more, as provided for in G.S. 89C-13(a3).
- (5) Other experience is considered if it is:
  - (A) Experience obtained prior to graduation as part of an ABET accredited engineering program shown on the transcript, with a maximum credit of one year; or
  - (B) Experience obtained in a foreign country that is performed under direct supervision of a Professional Engineer licensed with a member Board of the National Council of Examiners for Engineering and Surveying (NCEES).

*History Note: Authority G.S. 89C-10; 89C-13; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. August 1, 2014; August 1, 2011; May 1, 2009; August 1, 2002; August 1, 2000; August 1, 1998; November 2, 1992; April 1, 1989; January 1, 1982; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Amended Eff. February 1, 2026; July 1, 2020.*

**25 NCAC 01E .1006 COMPENSATORY TIME**

Under the state's overtime compensation policy certain employees are designated as administrative, executive, or professional. Employees in these categories are exempt from the provision for overtime pay. To grant these employees compensatory time is a decision that must be made by the agency head. When compensatory time is granted to administrative, executive, or professional employees, the following shall apply:

- (1) Amount. Compensatory time is awarded at a rate not to exceed the individual's straight time equivalent rate.
- (2) Non-cumulative. Compensatory time is not cumulative beyond a 12-month period. For this reason, an employee must be required to take compensatory time as soon as possible after it is credited.
- (3) Transferable. Compensatory time, up to 160 hours, may be transferred to another state agency, subject to approval by the receiving agency head. Agencies who agree to receive compensatory time from another state agency must ensure receipt of compensatory leave and administer it consistently.
  - (a) Administering the receipt of compensatory leave "consistently," for purposes of this Rule, means that if an agency agrees to accept the transfer of compensatory time, it will accept all transferring employees' compensatory time balances up to the limit set by the receiving agency, which shall be no more than 160 hours.
  - (b) "Ensuring Receipt" of compensatory leave, for purposes of this Rule, means that:

- (i) The receiving agency sets, within the limit of 160 hours, the amount of compensatory time that may be transferred;
  - (ii) The receiving agency communicates this amount to the agency that is transferring the employee;
  - (iii) The agency transferring the employee must set the compensatory time balance in the Integrated HR-Payroll System to the number communicated pursuant to Sub-Item (b)(ii) of this Rule; and
  - (iv) The receiving agency must confirm that the compensatory leave balance is the number communicated under Sub-Item (b)(ii) of this Rule.
- (4) Non-transferable. Compensatory time is not transferable to any other type of leave.
  - (5) Separation. Compensatory time is lost when an employee is separated from state service. The employee's separation date shall not be changed in order to pay for compensatory time.

*History Note: Authority G.S. 126-4(5);  
Eff. February 1, 1976;  
Amended Eff. August 1, 2009;  
Pursuant to G.S. 150B-21.3A, rule is necessary without  
substantive public interest Eff. October 4, 2016;  
Amended Eff. February 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 January 29, 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**

March 26, 2026	May 28, 2026
April 28, 2026	June 25, 2026

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**RULES REVIEW COMMISSION MEETING  
MINUTES  
January 29, 2026**

The Rules Review Commission met on Thursday, January 29, 2026, 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, Jeff Hyde, Chris Loutit, Randy Overton, Jake Parker, and Paul Powell were present in the Commission Room.

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

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

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

**APPROVAL OF MINUTES**

The Chair asked for any discussion, comments, or corrections concerning the minutes of the December 18, 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.

**Alcoholic Beverage Control Commission**

Prior to the review of the rules from the Alcoholic Beverage Control Commission, Commissioner Powell recused himself and did not participate in any discussion or vote concerning the rules because of a potential conflict of interest.

14B NCAC 15C .0201, .0202, .0203, .0204, .0205, .0206, .0301, .0302, .0303, .0304, .0305, .0306, .0307, and .0308 were approved.

**State Human Resources Commission**

25 NCAC 01E .1006 was unanimously approved.

Blake Thomas, the rulemaking coordinator and General Counsel for the agency, addressed the Commission.

**LOG OF FILINGS (PERMANENT RULES)**

**Board of Agriculture**

02 NCAC 37 .0201, .0202, and .0203 were unanimously approved.

**Criminal Justice Education and Training Standards Commission**

12 NCAC 09B .0104, .0212, .0213, .0215, .0220, .0221, .0222, .0238, .0240, .0242, .0243, .0244, .0245, .0305, .0312, .0408, .0409, .0501; 09C .0212, .0308, .0311, .0601, .0607, .0608; 09D .0101, .0102, .0104, .0105, .0106, .0201, .0202, .0204, .0205, .0206; 09G .0205, .0311, .0601, .0602, .0604, .0605, .0606; 09I .0101, .0102, .0103, .0104, .0105, .0106, and .0107 were unanimously approved.

12 NCAC 09B .0214 and .0301 were withdrawn at the request of the agency. No action was required by the Commission.

**Department of Public Safety**

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

14B NCAC 03 .0601 and .0602 were approved.

**Alcoholic Beverage Control Commission**

Prior to the review of the rules from the Alcoholic Beverage Control Commission, Commissioner Powell recused himself and did not participate in any discussion or vote concerning the rules because of a potential conflict of interest.

14B NCAC 15C .0201, .0202, .0203, .0204, .0205, .0206, .0301, .0302, .0303, .0304, .0305, .0306, .0307, .0308, .0401, .0402, .0403, .0404, .0501, .0502, .0503, .0504, .0505, .0601, .0602, .0603, .0604, .0605, .0606, and .0607 were approved.

**Wildlife Resources Commission**

15A NCAC 10D .0295, .0307, .0324, .0338, 10G .0401, .0402, .0403, .0405, .0406; 10H .1101, .1104, and .1107 were unanimously approved.

Willaim Casola, the rulemaking coordinator with the agency, addressed the Commission.

**State Board of Education**

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

16 NCAC 06D .0508; 06H .0101, .0103, and .0104 were approved.

The Commission extended the period of review for 16 NCAC 06H .0102 until the February 26, 2026, meeting.

**Interpreter and Transliterator Licensing Board**

21 NCAC 25 .0202 was unanimously approved.

**Board of Licensed Clinical Mental Health Counselors**

21 NCAC 53 .1001, .1002, .1003, .1004, .1005, and .1006 were unanimously approved.

**Board of Examiners for Engineers and Surveyors**

21 NCAC 56. 0501 was unanimously approved.

**LOG OF FILINGS (TEMPORARY RULES)**

**Medical Board**

21 NCAC 32B .2101 was withdrawn at the request of the agency. No action was required by the Commission.

**EXISTING RULES REVIEW**

**Department of Administration**

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

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

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

**Veterans Affairs Commission**

01 NCAC 26 - The Commission unanimously approved the report as submitted by the agency.

**Department of Health and Human Services**

10A NCAC 01 - The Commission unanimously approved the report as submitted by the agency.

**Medical Care Commission**

10A NCAC 13P - The Commission unanimously approved the report as submitted by the agency.

**HHS - Division of Services for the Deaf and Hard of Hearing**

10A NCAC 17 - The Commission unanimously approved the report as submitted by the agency.

**Commission for Mental Health DD/SAS**

10A NCAC 26E, 26F - The Commission unanimously approved the report as submitted by the agency.

**Sedimentation Control Commission**

15A NCAC 04 - The Commission unanimously approved the report as submitted by the agency.

**Capital Facilities Finance Agency**

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

**Board of Examiners of Electrical Contractors**

21 NCAC 18 - The Commission unanimously approved the report as submitted by the agency.

**Locksmith Licensing Board**

21 NCAC 29 - The Commission unanimously approved the report as submitted by the agency.

**READOPTIONS**

**Gas and Oil Inspection Board**

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

**Board of Agriculture**

02 NCAC 20B, 37, 60A, 60B - 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).

**Soil and Water Conservation Board**

02 NCAC 59 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than November 1, 2028, pursuant to G.S. 150B-21.3A(d)(2).

**HHS – Division of Mental Health/DD/SAS**

10A NCAC 26C - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than November 1, 2027, pursuant to G.S. 150B-21.3A(d)(2).

**Fire and Rescue Commission**

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

**Local Government Commission**

20 NCAC 03 – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than April 1, 2031, pursuant to G.S. 150B-21.3A(d)(2).

**Board of Physical Therapy Examiners**

21 NCAC 48 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than May 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

**REVIEW OF THE 2026 STATE MEDICAL FACILITIES PLAN**

The 2026 State Medical Facilities Plan was found in compliance with G.S. 131E-176 and unanimously approved by the Commission.

**COMMISSION BUSINESS**

The Commission voted unanimously to approve the request for extension of the 2024 - 2027 Periodic Review Schedule by the Building Code Council for the report for 11 NCAC 08 .0200 pursuant to 26 NCAC 05 .0204 and G.S. 150B-21.3A(d)(1). The report is extended from April 2026 and is now due in April 2027.

The Chair gave the Commission a brief update on the REINS Act sub-committee meeting.

The meeting adjourned at 10:34 a.m.

The next regularly scheduled meeting of the Commission is Thursday, February 26, 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



**Rules Review Commission Meeting January 29, 2026**

**Via WebEx**

<b>Name</b>	<b>Agency</b>
Dana McGhee	ic.nc.gov
Devon Horine	@dhhs.nc.gov
Brian Liebman	oah.nc.gov
Betsy Haywood	ncwildlife.gov
Ryan Collins	dpi.nc.gov
Graham Parrish	deq.nc.gov
Graham Parrish	deq.nc.gov
Cindy Aiken	nctreasurer.com
Elizabeth Hawley	nctreasurer.com
Gabrielle McKeithen	doa.nc.gov
Wilhemina Baker	dhhs.nc.gov
Jennifer Everett	deq.nc.gov
Donya Strong	doa.nc.gov
David Hardy	ncagr.gov
Julie Eddins	oah.nc.gov
Denise Mazza	nc.gov
Catherine Blum	deq.nc.gov
Chris Saunders Legislative Analysis	ncleg.gov
Reed Fountain	youngmoorelaw.com
Mitchell, Tom E	dhhs.nc.gov
James G	roboro.ai
Dianne Shearer	dhhs.nc.gov
Jessica Major	ncdoj.gov
Chandra Graves	ncbon.com
Misty Piekaar	dhhs.nc.gov
Tony Davis DSDHH Director	dhhs.nc.gov
Paris Penny	dhhs.nc.gov
Gabby Decker	bcbnsnc.com
Marilyn Smalls	abc.nc.gov
Eric Anderson	toyota.com
Andrea Emanuel	dhhs.nc.gov
Leslie Jones	dhhs.nc.gov
Renee Metz	abc.nc.gov
Catherine Lee	Hedrickgardner.com
Tia Pulikal	gmail.com
Ryan Mitiguy	Hedrickgardner.com
Raj.Premakumar@dhhs.nc.gov	dhhs.nc.gov
Doug Broucker	brouckerlawfirm.com
ASL Interpreter – Abby Qucik	gmail.com
Michelle Schilling	ncdoj.gov
Jeff Trader	gmail.com
Will Polk	ncdps.gov
Busch, Benjamin	NCDOJ.GOV

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

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

I have abstained because of potential conflicts of interest with respect to the above agencies.

This the 29 day of January, 2026

Cheryl C. Gault

Signature of Commission Member

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

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

In accordance with N.C. General Statute G.S. 138A-15(e), I have abstained from taking any verbal or written action, including voting, on the agenda item regarding Alcoholic Beverage Control Commission 1808-21.10

I have abstained because conflict with Employment at Wholesaler Permit holder.

This the 27<sup>th</sup> day of January, 2026



Signature of Commission Member

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



STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS

January 29, 2026

Anna Hayworth

**Sent via email to: Anna.Hayworth@ncagr.gov**

Re: Readoption deadline for 02 NCAC 20B, 37, 60A, 60B

Dear Ms. Hayworth:

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 January 29, 2026.

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

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  
Agriculture, Board of  
Total: 84

RRC Determination: Necessary

02 NCAC 20B .0101	02 NCAC 20B .0307	02 NCAC 60B .0602
02 NCAC 20B .0102	02 NCAC 20B .0401	02 NCAC 60B .0604
02 NCAC 20B .0103	02 NCAC 20B .0409	02 NCAC 60B .0605
02 NCAC 20B .0104	02 NCAC 20B .0410	02 NCAC 60B .0701
02 NCAC 20B .0106	02 NCAC 20B .0411	02 NCAC 60B .0702
02 NCAC 20B .0111	02 NCAC 20B .0412	02 NCAC 60B .0801
02 NCAC 20B .0112	02 NCAC 20B .0413	02 NCAC 60B .0802
02 NCAC 20B .0201	02 NCAC 20B .0425	02 NCAC 60B .0803
02 NCAC 20B .0202	02 NCAC 20B .0426	02 NCAC 60B .0804
02 NCAC 20B .0203	02 NCAC 37 .0201	02 NCAC 60B .0806
02 NCAC 20B .0204	02 NCAC 37 .0202	02 NCAC 60B .0901
02 NCAC 20B .0205	02 NCAC 37 .0203	02 NCAC 60B .0902
02 NCAC 20B .0206	02 NCAC 60A .0102	
02 NCAC 20B .0207	02 NCAC 60A .0103	
02 NCAC 20B .0208	02 NCAC 60B .0101	
02 NCAC 20B .0209	02 NCAC 60B .0103	
02 NCAC 20B .0210	02 NCAC 60B .0201	
02 NCAC 20B .0211	02 NCAC 60B .0204	
02 NCAC 20B .0212	02 NCAC 60B .0301	
02 NCAC 20B .0213	02 NCAC 60B .0303	
02 NCAC 20B .0214	02 NCAC 60B .0401	
02 NCAC 20B .0215	02 NCAC 60B .0402	
02 NCAC 20B .0216	02 NCAC 60B .0501	
02 NCAC 20B .0218	02 NCAC 60B .0502	
02 NCAC 20B .0220	02 NCAC 60B .0503	
02 NCAC 20B .0221	02 NCAC 60B .0504	
02 NCAC 20B .0222	02 NCAC 60B .0505	
02 NCAC 20B .0223	02 NCAC 60B .0506	
02 NCAC 20B .0224	02 NCAC 60B .0507	
02 NCAC 20B .0225	02 NCAC 60B .0508	
02 NCAC 20B .0301	02 NCAC 60B .0509	
02 NCAC 20B .0302	02 NCAC 60B .0510	
02 NCAC 20B .0303	02 NCAC 60B .0511	
02 NCAC 20B .0304	02 NCAC 60B .0512	
02 NCAC 20B .0305	02 NCAC 60B .0513	
02 NCAC 20B .0306	02 NCAC 60B .0601	



STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS

January 29, 2026

Anna Hayworth

**Sent via email to: Anna.Hayworth@ncagr.gov**

Re: Readoption deadline for 02 NCAC 42

Dear Ms. Hayworth:

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 January 29, 2026.

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

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

Sincerely,

/s/ Travis Wiggs

Travis Wiggs  
Commission Counsel

Melissa Owens Lassiter, Director  
Chief Administrative Law Judge

John C. Evans  
Senior Administrative Law Judge

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RRC DETERMINATION  
PERIODIC RULE REVIEW  
July 30, 2025  
APO Review: September 30, 2025  
Gasoline and Oil Inspection Board  
Total: 19

RRC Determination: Necessary

02 NCAC 42 .0101  
02 NCAC 42 .0102  
02 NCAC 42 .0201  
02 NCAC 42 .0202  
02 NCAC 42 .0204  
02 NCAC 42 .0301  
02 NCAC 42 .0302  
02 NCAC 42 .0401  
02 NCAC 42 .0501  
02 NCAC 42 .0502  
02 NCAC 42 .0503  
02 NCAC 42 .0504  
02 NCAC 42 .0505  
02 NCAC 42 .0601  
02 NCAC 42 .0602  
02 NCAC 42 .0603  
02 NCAC 42 .0604  
02 NCAC 42 .0701  
02 NCAC 42 .0702



STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS

January 29, 2026

Anna Hayworth

**Sent via email to: [Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)**

Re: Readoption deadline for 02 NCAC 59

Dear Ms. Hayworth:

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 January 29, 2026.

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

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

Sincerely,

/s/ Travis Wiggs

Travis Wiggs  
Commission Counsel

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

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

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RRC DETERMINATION  
PERIODIC RULE REVIEW  
July 30, 2025  
APO Review: September 30, 2025  
Soil and Water Conservation Commission  
Total: 43

RRC Determination: Necessary

02 NCAC 59A .0102	02 NCAC 59F .0105
02 NCAC 59A .0103	02 NCAC 59F .0106
02 NCAC 59A .0201	02 NCAC 59G .0101
02 NCAC 59A .0202	02 NCAC 59G .0102
02 NCAC 59A .0203	02 NCAC 59G .0103
02 NCAC 59A .0204	02 NCAC 59G .0104
02 NCAC 59A .0301	02 NCAC 59G .0105
02 NCAC 59A .0302	
02 NCAC 59B .0101	
02 NCAC 59B .0102	
02 NCAC 59B .0103	
02 NCAC 59B .0104	
02 NCAC 59C .0101	
02 NCAC 59C .0201	
02 NCAC 59C .0301	
02 NCAC 59C .0302	
02 NCAC 59C .0303	
02 NCAC 59C .0401	
02 NCAC 59C .0402	
02 NCAC 59C .0403	
02 NCAC 59C .0404	
02 NCAC 59C .0405	
02 NCAC 59C .0406	
02 NCAC 59C .0407	
02 NCAC 59C .0408	
02 NCAC 59C .0409	
02 NCAC 59C .0410	
02 NCAC 59C .0411	
02 NCAC 59E .0101	
02 NCAC 59E .0102	
02 NCAC 59E .0103	
02 NCAC 59E .0104	
02 NCAC 59F .0101	
02 NCAC 59F .0102	
02 NCAC 59F .0103	
02 NCAC 59F .0104	



STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS

January 29, 2026

Denise Baker, Department of Health and Human Services  
**Sent via email only to: denise.baker@dhhs.nc.gov**

Re: Readoption deadline for 10A NCAC 26C

Dear Ms. Baker,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the January 29, 2026, 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
10A NCAC 26C	November 1, 2027

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

Sincerely,

/s/ Seth Ascher  
Seth Ascher  
Commission Counsel

Melissa Owens Lassiter, Director  
Chief Administrative Law Judge

John C. Evans  
Senior Administrative Law Judge

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RRC DETERMINATION  
PERIODIC RULE REVIEW  
February 27, 2025  
APO Review: April 30, 2025  
HHS - Mental Health/DD/SAS, Division of  
Total: 10

RRC Determination: Necessary

10A NCAC 26C .0101  
10A NCAC 26C .0102  
10A NCAC 26C .0103  
10A NCAC 26C .0104  
10A NCAC 26C .0105  
10A NCAC 26C .0402  
10A NCAC 26C .0501  
10A NCAC 26C .0502  
10A NCAC 26C .0503  
10A NCAC 26C .0504



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

January 29, 2026

Kyle Heuser, Office of State Fire Marshall  
**Sent via email only to: [kyle.heuser@ncdoi.gov](mailto:kyle.heuser@ncdoi.gov)**

Re: Readoption deadline for 11 NCAC 05B, 05C

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 January 29, 2026, 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
11 NCAC 05B, 05C	May 1, 2028

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

Sincerely,

/s/ Seth Ascher  
Seth Ascher  
Commission Counsel

Melissa Owens Lassiter, Director  
Chief Administrative Law Judge

John C. Evans  
Senior Administrative Law Judge

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RRC DETERMINATION  
PERIODIC RULE REVIEW  
August 28, 2025  
APO Review: October 29, 2025  
State Fire and Rescue Commission  
Total: 14

RRC Determination: Necessary

- 11 NCAC 05B .0101
- 11 NCAC 05B .0102
- 11 NCAC 05B .0103
- 11 NCAC 05B .0201
- 11 NCAC 05B .0202
- 11 NCAC 05B .0302
- 11 NCAC 05B .0303
- 11 NCAC 05B .0401
- 11 NCAC 05B .0402
- 11 NCAC 05B .0501
- 11 NCAC 05B .0502
- 11 NCAC 05C .0101
- 11 NCAC 05C .0102
- 11 NCAC 05C .0103



STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS

January 29, 2026

Elizabeth Hawley

**Sent via email to: Elizabeth.Hawley@nctreasurer.com**

Re: Readoption deadline for 20 NCAC 03

Dear Ms. Hawley:

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 January 29, 2026.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **April 1, 2031**.

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  
July 30, 2025  
APO Review: September 30, 2025  
Local Government Commission  
Total: 64

RRC Determination: Necessary

20 NCAC 03 .0101	20 NCAC 03 .0505
20 NCAC 03 .0102	20 NCAC 03 .0506
20 NCAC 03 .0103	20 NCAC 03 .0508
20 NCAC 03 .0104	20 NCAC 03 .0601
20 NCAC 03 .0105	20 NCAC 03 .0710
20 NCAC 03 .0106	20 NCAC 03 .0711
20 NCAC 03 .0107	20 NCAC 03 .0712
20 NCAC 03 .0108	20 NCAC 03 .0713
20 NCAC 03 .0109	20 NCAC 03 .0714
20 NCAC 03 .0110	20 NCAC 03 .0715
20 NCAC 03 .0111	20 NCAC 03 .0801
20 NCAC 03 .0112	20 NCAC 03 .0802
20 NCAC 03 .0202	20 NCAC 03 .0803
20 NCAC 03 .0203	20 NCAC 03 .0901
20 NCAC 03 .0204	20 NCAC 03 .0903
20 NCAC 03 .0205	20 NCAC 03 .0904
20 NCAC 03 .0206	20 NCAC 03 .0905
20 NCAC 03 .0207	20 NCAC 03 .0906
20 NCAC 03 .0208	20 NCAC 03 .0907
20 NCAC 03 .0301	20 NCAC 03 .1001
20 NCAC 03 .0302	20 NCAC 03 .1002
20 NCAC 03 .0303	20 NCAC 03 .1003
20 NCAC 03 .0304	20 NCAC 03 .1004
20 NCAC 03 .0305	20 NCAC 03 .1005
20 NCAC 03 .0401	20 NCAC 03 .1006
20 NCAC 03 .0402	20 NCAC 03 .1007
20 NCAC 03 .0405	20 NCAC 03 .1008
20 NCAC 03 .0406	20 NCAC 03 .1009
20 NCAC 03 .0407	
20 NCAC 03 .0408	
20 NCAC 03 .0409	
20 NCAC 03 .0410	
20 NCAC 03 .0501	
20 NCAC 03 .0502	
20 NCAC 03 .0503	
20 NCAC 03 .0504	



STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS

January 29, 2026

Ellen Roeber

**Sent via email to: [eroeber@ncptboard.org](mailto:eroeber@ncptboard.org)**

Re: Readoption deadline for 21 NCAC 48

Dear Ms. Roeber:

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 January 29, 2026.

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, 2029**.

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

Sincerely,

/s/ Travis Wiggs

Travis Wiggs  
Commission Counsel

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

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

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RRC DETERMINATION  
PERIODIC RULE REVIEW  
August 28, 2025  
APO Review: October 29, 2025  
Physical Therapy Examiners, Board of  
Total: 85

RRC Determination: Necessary

21 NCAC 48A .0103	21 NCAC 48G .0103	21 NCAC 48G .0602
21 NCAC 48A .0105	21 NCAC 48G .0104	21 NCAC 48G .0701
21 NCAC 48A .0106	21 NCAC 48G .0105	21 NCAC 48G .0702
21 NCAC 48A .0107	21 NCAC 48G .0106	21 NCAC 48G .0703
21 NCAC 48B .0102	21 NCAC 48G .0107	21 NCAC 48G .0704
21 NCAC 48B .0103	21 NCAC 48G .0108	21 NCAC 48G .0705
21 NCAC 48B .0104	21 NCAC 48G .0109	21 NCAC 48G .0706
21 NCAC 48C .0101	21 NCAC 48G .0110	21 NCAC 48H .0701
21 NCAC 48C .0102	21 NCAC 48G .0111	21 NCAC 48H .0702
21 NCAC 48C .0103	21 NCAC 48G .0112	21 NCAC 48H .0703
21 NCAC 48C .0201	21 NCAC 48G .0201	21 NCAC 48H .0704
21 NCAC 48C .0202	21 NCAC 48G .0202	
21 NCAC 48C .0401	21 NCAC 48G .0203	
21 NCAC 48C .0402	21 NCAC 48G .0204	
21 NCAC 48C .0501	21 NCAC 48G .0306	
21 NCAC 48C .0601	21 NCAC 48G .0401	
21 NCAC 48D .0102	21 NCAC 48G .0402	
21 NCAC 48D .0105	21 NCAC 48G .0403	
21 NCAC 48D .0106	21 NCAC 48G .0404	
21 NCAC 48D .0107	21 NCAC 48G .0501	
21 NCAC 48D .0109	21 NCAC 48G .0502	
21 NCAC 48D .0110	21 NCAC 48G .0503	
21 NCAC 48D .0111	21 NCAC 48G .0504	
21 NCAC 48D .0112	21 NCAC 48G .0505	
21 NCAC 48E .0101	21 NCAC 48G .0506	
21 NCAC 48E .0103	21 NCAC 48G .0507	
21 NCAC 48E .0104	21 NCAC 48G .0508	
21 NCAC 48E .0105	21 NCAC 48G .0509	
21 NCAC 48E .0110	21 NCAC 48G .0510	
21 NCAC 48E .0111	21 NCAC 48G .0511	
21 NCAC 48E .0112	21 NCAC 48G .0512	
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21 NCAC 48F .0101	21 NCAC 48G .0515	
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January 29, 2026 Meeting

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<u>Certification Training for Radar/Time-Distance</u>	12 NCAC 09B .0213
<u>Supplemental SMI Training</u>	12 NCAC 09B .0215
<u>Re-Certification Course for Radar Operators</u>	12 NCAC 09B .0220
<u>Re-Certification Course for Radar/Time-Distance Operators</u>	12 NCAC 09B .0221
<u>Re-Certification Course for Time-Distance Operators</u>	12 NCAC 09B .0222
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<u>Comprehensive Written Examination - Basic SMI Certification</u>	12 NCAC 09B .0408
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<u>Certification of School Directors</u>	12 NCAC 09B .0501
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<u>Speed Measurement Instrument (SMI) Operators Certification...</u>	12 NCAC 09C .0308
<u>Recertification Following Separation</u>	12 NCAC 09C .0311
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