NORTH CAROLINA REGISTER

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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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Fiscal Notes & Economic Analysis

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116 West Jones Street
Raleigh, North Carolina 27603-8005
Contact: Julie Ventaloro, Economic Analyst — osbmruleanalysis@osbm.nc.gov — 984-236-0694

Fiscal Research Division
Legislative Office Building
300 N. Salisbury Street, Suites 619 and 400
Raleigh, NC 27603-5925
Contact: Brian Matteson — brian.matteson@ncleg.gov — 919-733-4910

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215 North Dawson Street
Raleigh, North Carolina 27603
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424 Fayetteville Street, Suite 1900
Raleigh, North Carolina 27601
contact: Baxter Wells — bwells@nclm.org

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545 Legislative Office Building
300 North Salisbury Street — 919-733-2578
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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	270th 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

March 10, 2026

EXECUTIVE ORDER NO. 34

ESTABLISHING THE BLUE RIBBON COMMISSION ON PUBLIC EDUCATION

WHEREAS, North Carolina has a constitutional duty to ensure all children have the opportunity to receive a sound, basic public education; and

WHEREAS, North Carolina's public schools are foundational to our state's prosperity, ensuring the long-term economic vitality, civic strength, and social well-being of our state and its people; and

WHEREAS, support and resources are needed to effectively meet the academic and social-emotional needs of students and the organizational needs of schools and school systems; and

WHEREAS, pursuant to the laws and Constitution of North Carolina, including Article III of the North Carolina Constitution and N.C. Gen. Stat. §§ 143A-4 and 143B-4, the Governor is the chief executive officer of the state and is responsible for formulating and administering the policies of the executive branch of state government; and

WHEREAS, pursuant to N.C. Gen. Stat. § 147-12, the Governor has the authority and the duty to supervise the official conduct of all executive and ministerial officers.

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. Establishment.

The Blue Ribbon Commission on Public Education ("Commission") is hereby established.

Section 2. Membership.

The Commission shall be composed of up to thirty (30) members jointly appointed by the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives. Members should represent the geographic, professional, and demographic diversity of North Carolina. Commission members each shall serve a term of one (1) year and may be reappointed to successive terms.

The Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives shall jointly select one or more members to serve as chair or co-chairs of the Commission.

Section 3. Duties.

The Commission shall study the structure and implementation of public education in the

State. The Commission may examine:

a. Teacher training and student advancement
b. Administrative operations
c. Educational leadership
d. Accountability

The Commission may report on findings and recommendations to the Governor and General Assembly by December 31, 2026.

Section 4. Meetings.

The Commission shall meet upon the call of the chair(s) or the joint call of the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives. The Commission may conduct meetings using electronic conferencing or other electronic means.

A simple majority of the Commission members shall constitute a quorum for the purpose of transacting the business of the Commission.

Section 5. Administration.

Governor's Office staff shall coordinate with non-partisan professional staff from North Carolina General Assembly Legislative Services on the Committee's work.

Members of the Commission shall receive per diem, subsistence, and travel allowance as provided in N.C. Gen. Stat. §§ 120-3.1, 138-5, and 138-6, as appropriate.

Section 6. Effect and Duration.

This Executive Order is effective immediately. It shall remain in effect until December 31, 2026, pursuant to N.C. Gen. Stat. § 147-16.2, or until 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 10th day of March in the year of our Lord two thousand and twenty-six.

Josh Stein
Governor

ATTEST:

Elaine F. Marshall
Secretary of State

Notice of Application for a new Innovative Approval of a Wastewater System for On-site Subsurface Use

Pursuant to NCGS 130A-343(g), the North Carolina Department of Health and Human Services (DHHS) shall publish a Notice in the NC Register that a manufacturer has submitted a request for approval of a modification of a wastewater system, component, or device for on-site subsurface use. The following application has been submitted to DHHS:

Application by: Infiltrator Water Technologies
PO Box 768
Old Saybrook, CT 06475

For: Modifications to the Innovative Approval for the Low Profile Chamber System

DHHS Contact: Wilson Mize
919-270-9665
Fax: 919-845-3973
wilson.mize@dhhs.nc.gov

These applications may be reviewed by contacting the applicant or Wilson Mize, Branch Head, at 65 Moore Dr, Durham, NC, On-Site Water Protection Branch, Environmental Health Section, Division of Public Health. Draft proposed innovative approvals and proposed final action on the application by DHHS can be viewed on the On-Site Water Protection Branch web site: http://ehs.ncpublichealth.com/oswp/.

Written public comments may be submitted to DHHS within 30 days of the date of the Notice publication in the North Carolina Register. All written comments should be submitted to Wilson Mize, Branch Head, On-site Water Protection Branch, 1642 Mail Service Center, Raleigh, NC 27699-1642, wilson.mize@dhhs.nc.gov, or fax 919-845-3973. Written comments received by DHHS in accordance with this Notice will be taken into consideration before a final agency decision is made on the innovative subsurface wastewater system application.

Note from the Codifier: *The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept written comments on any proposed rules for at least 60 days from the publication date, or until the date of any public hearing, whichever is longer. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days.*
Statutory reference: G.S. 150B-21.2.

TITLE 02 – DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Notice *is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Gasoline and Oil Inspection Board intends to adopt the rule cited as 02 NCAC 42 .0405, readopt with substantive changes the rules cited as 02 NCAC 42 .0102, .0201, .0401, .0504, .0701, and readopt without substantive changes the rules cited as 02 NCAC 42 .0101, .0202, .0204, .0301, .0302, .0501-.0503, .0505, .0601-.0604, and .0702.*

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

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

Proposed Effective Date: *August 1, 2026*

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Any person may request a public hearing on the proposed rules by submitting a request in writing no later than April 30th, 2026 to Anna Hayworth, mailing address 1002 Mail Service Center, Raleigh, NC 27699.*

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

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

Comment period ends: *June 15, 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 42 - GASOLINE AND OIL INSPECTION BOARD

SECTION .0100 - PURPOSE AND DEFINITIONS

02 NCAC 42 .0101 PURPOSE AND ORGANIZATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 42 .0102 DEFINITIONS

Except as otherwise defined in Chapter 119, North Carolina General Statutes, the definitions applicable in this Chapter are as follows:

(1) "ASTM" means ASTM International.

(2) "Approved lead substitute" means an EPA registered gasoline additive formulated to reduce valve seat recession in engines designed to operate on leaded gasoline.

(3) "Biodiesel" means a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100, and meeting the requirements of ASTM D 6751.

(4) "Biodiesel Blend" means a blend of biodiesel meeting ASTM D 6751 with petroleum-based diesel fuel meeting ASTM D 975 or fuel oil meeting ASTM D 396 and designated BXX, where XX represents the volume percentage of biodiesel in the blend.

(5) "Board" means the Gasoline and Oil Inspection Board.

(6) "Cetane number" means the relative ignition quality of diesel fuels by the ASTM Cetane Method D 613.

(7) "CFR" means the Code of Federal Regulations.

~~(7)~~(8) "Denatured fuel ethanol" means ethanol meeting the provisions of ASTM D 4806, "Standard Specification for Denatured Fuel Ethanol to be Blended with Gasolines for Use as an Automotive Spark-Ignition Engine Fuel."

~~(8)~~(9) "Director" means the Director of the Standards Division of the North Carolina Department of Agriculture and Consumer Services.

~~(9)~~(10) "Distributor" means any person who transports or stores or causes the transportation or storage of gasoline at any point between any gasoline refinery or importer's facility and any retail outlet or wholesale purchaser-consumer's facility.

~~(10) "E85" means a petroleum product that is a blend of denatured ethanol and gasoline or natural gasoline of which the ethanol portion is nominally 70 to 85 percent ethanol by volume and meeting the requirements of ASTM D 5798.~~

(11) "EPA" means the United States Environmental Protection Agency.

(12) "Ethanol Flex Fuel" means a petroleum product that is a blend of denatured ethanol and gasoline or natural gasoline of which the ethanol portion is nominally 51 to 83 percent ethanol by volume and meeting the requirements of ASTM D 5798.

~~(12)~~(13) "Leaded" means any gasoline or gasoline-oxygenate blend which contains more than 0.05 gram lead per U.S. gallon (0.013 gram lead per liter) or contains an approved lead substitute which provides a lead equivalency of at least 0.10 gram lead per U.S. gallon (0.026 gram per liter).

~~(13)~~(14) "Liquefied petroleum gas" means any material which is composed predominantly of any of the following hydrocarbons or mixtures of same: propane, propylene, butanes (normal or iso-butane), and butylenes.

~~(14)~~(15) "Motor Octane Number" means the number describing the relative anti-knock characteristic of a motor fuel determined by ASTM Motor Method (D 2700).

~~(15)~~(16) "NCWM" means the National ~~Conference~~ Council on Weights and Measures.

~~(16)~~(17) "NIST" means the National Institute of Standards and Technology.

~~(17)~~(18) "Octane Index" means the number obtained by adding the research octane number and the motor octane number and dividing the sum by two.

~~(18)~~(19) "Oxygenate" means any substance which, when added to gasoline, increases the amount of oxygen in that gasoline, and which has been approved by EPA for use in gasoline.

~~(19)~~(20) "Premium Diesel" means a refined middle distillate petroleum product that meets the specifications of ASTM D 975 and NIST Handbook 130, Uniform Engine Fuels, Petroleum Products and Automotive Lubricants Regulation, section 2.2.1.

~~(20)~~(21) "Qualitative word or term" means any word or term used in a brand name which by definition or customary usage indicates a level of quality, classification, grade, or designation.

~~(21)~~(22) "Regular" when used as part of a brand name or as a grade designation for gasoline or gasoline-oxygenate blend shall be construed to mean an unleaded regular grade commercial automotive gasoline or gasoline-oxygenate blend.

~~(22)~~(23) "Renewable Diesel Fuel" means a fuel which is not a mono-alkyl ester; meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 7545 of the Clean Air Act; is intended for use in engines that are designed to run on conventional, petroleum derived diesel fuel; is derived from nonpetroleum renewable resources including, but not limited to, vegetable oil, animal wastes, including poultry fats and poultry wastes, and other waste materials, or municipal solid waste and sludges and oils derived from wastewater and the treatment of wastewater; and meets the latest version of ASTM specification D 975.

~~(23)~~(24) "Research Octane Number" means the number describing the relative anti-knock characteristic of a motor fuel determined by ASTM Research Method (D 2699).

~~(24)~~(25) "Retail" means the sale or offering for sale of gasoline to the ultimate consumer for use in a motor vehicle.

~~(25)~~(26) "Substantially Similar" rule means the United States Environmental Protection Agency's "Substantially Similar" rule, Section 211 (f)(1) of the Clean Air Act [42 U.S.C. 7545 (f)(1)].

~~(26)~~(27) "Terminal" means a facility at which gasoline is dispensed into trucks for transportation to retail outlets or wholesale purchaser-consumer facilities.

~~(27)~~(28) "Unleaded" means any gasoline or gasoline-oxygenate blend to which no lead or phosphorus compounds have been intentionally added and which contains not more than 0.05 gram lead per U.S. gallon (0.013 gram lead per liter) and not more than 0.005 gram phosphorus per U.S. gallon (0.0013 gram phosphorus per liter).

Authority G.S. 119-26; 119-26.1.

SECTION .0200 - QUALITY OF LIQUID FUEL PRODUCTS

02 NCAC 42 .0201 STANDARD SPECIFICATIONS

(a) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel" as standard specification for gasoline with the following modifications:

(1) applications for temporary exceptions to vapor pressure and vapor-liquid ratio specifications as provided in this Subparagraph shall be made to the Director. Said applications shall contain evidence that outlets marketing gasoline in North Carolina cannot be supplied from bulk terminals furnishing specified volatility level gasoline or that customary sources of supply have been temporarily interrupted by product shortage and alternate sources furnishing specified volatility level gasoline are not available. Such temporary exceptions granted shall apply only until the next meeting of the Board at which time the Board shall establish the duration of the exception;

(2) the minimum lead content for gasoline registered or labeled as "leaded" shall be as defined in 02 NCAC 42 .0102;

(3) vapor pressure and vapor-liquid ratio seasonal specifications as listed in this Subparagraph may be extended for a maximum period of 15 days to allow for the disbursement of old stocks. However, new stocks of a higher volatility classification shall not be offered for retail sale prior to the effective date of the higher volatility classification.

(b) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel" as standard specification for alcohol blends with the following modifications:

(1) a vapor pressure tolerance not exceeding one pound per square inch (1 psi) for ethanol blends of 9 percent to 15 percent by volume;

(2) vapor pressure seasonal specifications as listed in this Subparagraph may be extended for a maximum period of 15 days to allow for the disbursement of old stocks. However, new stocks of a higher volatility classification shall not be offered for retail sale prior to the effective date of the higher volatility classification;

(3) applications for temporary exceptions to vapor pressure specifications as provided in this Subparagraph shall be made to the Director. Said applications shall contain evidence that outlets marketing gasoline in North Carolina cannot feasibly be supplied from bulk terminals furnishing specified volatility level gasoline or that customary sources of supply have been temporarily interrupted by product shortage and alternate sources furnishing specified volatility level gasoline are not available. Such temporary exceptions granted shall apply only until the next meeting of the Board at which time the Board shall establish the duration of the exception;

(4) the minimum lead content for gasoline and alcohol blends registered or labeled as "leaded" shall be as defined in 02 NCAC 42 .0102;

(5) octane rating shall not be less than the octane index certified on the brand name registration as required by 02 NCAC 42 .0500;

(6) all blends, both leaded and unleaded, shall be blended according to the EPA "Substantially Similar" rule found in the Clean Air Act, CAA Section 211(f)(1)(B), or an EPA waiver for unleaded fuel;

~~(7) water tolerance shall be such that no phase separation occurs when subjected to a temperature equal to the temperatures specified in the table for "Maximum Temperature for Phase Separation, C," ASTM D 4814;~~

~~(9)~~(7) the vapor-liquid ratio specification shall be waived for ethanol blends of up to 10 percent.

(c) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 975, "Standard Specification for Diesel ~~Fuel Oils"~~ Fuel" as standard specification for diesel ~~motor fuels~~ fuels, and renewable diesel ~~fuels with the following modification: For diesel motor fuel grade 2-D, the minimum flash point as determined by ASTM Test Method D-56 shall be 115 degrees F (46 degrees C).~~ fuels.

(d) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 7467, "Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6 to B20)" as standard specification for diesel fuel that contains biodiesel between 6 percent and 20 percent by volume.

~~(d)~~(e) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 396, "Standard Specification for Fuel Oils" as standard specification for fuel oils and blends of biodiesel and fuel oil.

~~(e)~~(f) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 3699, "Standard Specification for Kerosene" as standard specification for kerosenes with the following modification: For grade 2-K, the presence or absence of coloring matter shall in no way be determinative of whether a substance meets the requirements of this grade of kerosene.

~~(f)~~(g) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 6751, "Standard Specification for Biodiesel (B100) Blend Stock for Distillate Fuels" as standard specification for biodiesel (B100) and for B99 (a blend of 99 percent biodiesel and one percent petroleum diesel).

~~(g)~~(h) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 5798, "Standard Specification for Ethanol Fuel Blends for Flexible Fuel Automotive Spark-Ignition Engines" as standard specification for Ethanol Flex Fuel.

(i) The Board hereby adopts by reference, including subsequent amendments and editions, SAE J300, "Engine Oil Viscosity Standard" as standard specification for automotive engine oils. A copy of this document is available for inspection in the office of the Director of the Standards Division and may be obtained from SAE International at their website, www.sae.org, for a cost of eighty-one dollars ($81.00).

~~(h)~~(j) The Board hereby adopts by reference, including subsequent amendments and editions, NIST Handbook 130, "Uniform Engine Fuels, Petroleum Products and Automotive Lubricants Regulation," section 2.2.1 "Premium Diesel Fuel" as the standard specification of premium diesel fuels in addition to ASTM D 975. Copies of this document may be obtained at no cost from the NIST Web site - https://www.nist.gov/pml/weights-and-measures/publications/nist-handbooks/other-nist-handbooks/other-nist-handbooks-2-1

~~(i)~~(k) In addition to meeting all specification requirements as set forth in this Rule, each fuel must be suitable for the intended use. Motor fuels shall not contain concentrations of methyl tertiary butyl ether (MTBE) in violation of G.S. 119-26.3.

~~(j)~~(l) ~~ASTM documents adopted by reference herein are available for inspection in the office of the Director of the Standards Division and may be obtained from ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959 or their Web site - www.astm.org, at the following cost for each document: D 396, fifty eight dollars ($58.00); D 975, seventy five dollars ($75.00); D 3699, fifty two dollars ($52.00); D 4814, seventy five dollars ($75.00); D 5798, fifty two dollars ($52.00); and D 6751 fifty eight dollars ($58.00).~~ ASTM documents adopted by reference herein are available for inspection in the office of the Director of the Standards Division and may be obtained from ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959 or their Web site, www.astm.org, at the following cost for each document: D 396, ninety-one dollar ($91.00); D 975, ninety-nine dollars ($99.00); D 3699, sixty-nine ($69.00); D 4814, ninety-nine dollars ($99.00); D 5798, sixty-nine dollars ($69.00); D 6751 seventy-six dollars ($76.00); and D 7467, ninety-nine dollars ($99.00).

Authority G.S. 119-26; 119-26.1.

02 NCAC 42 .0202 QUALITY OF MOTOR FUELS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 42 .0204 INSPECTION FEE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0300 - SALE OF GASOLINE

02 NCAC 42 .0301 GASOLINE SOLD UNDER LABEL NAME OR BRAND (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 42 .0302 EVIDENCE OF ORIGINAL PURCHASE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0400 - DISPENSING DEVICES AND PUMPS

02 NCAC 42 .0401 LABELING OF DISPENSING DEVICES

(a) For the purpose of product identity, each dispensing device used in the retailing of any motor fuel shall, on the front panel of the dispenser and in plain view of the customer, be labeled with the following:

(1) For gasoline, ~~the registered brand name;~~ the registered brand name, which is comprised of the brand name and the grade designation, and the labels as appropriate to the specific product as described in the most current version of the 16 CFR 306.10 Automotive Fuel Rating Posting and 16 CFR 306.12 Labels;

(2) For diesel fuel, the registered brand name plus a descriptive or generic label if the registered brand name does not identify the type or grade of product;

(3) For ~~biodiesel~~ biodiesel, and biodiesel blends, and renewable diesel, the registered brand name plus a descriptive or generic label if the registered brand name does not identify the type or grade of product; and the labels as appropriate to the specific product as described in the most current version of 16 CFR 306.10 Automotive Fuel Rating Posting and 16 CFR 306.12 Labels;

(4) For gasoline-oxygenate ~~blends~~ blends, the registered brand name, which is comprised of the brand name and grade designation, and the labels as appropriate to the specific product as described in the most current version of 16 CFR 306.10 Automotive Fuel Rating Posting and 16 CFR 306.12 Labels and the following: ~~other than E85 fuel ethanol containing:~~

~~(A) At least one percent by volume of methanol, the registered brand name plus an additional label which states that the blend "contains methanol."~~

~~(B)~~(A) ~~Ten~~ For gasoline-ethanol blends of ten percent or less by volume of ethanol, ~~the registered brand name plus an~~ shall have an additional label which states that the blend "contains 10% ethanol," "may contain up to 10% ethanol," "contains 10% or less ethanol" or similar wording.

~~(C)~~(B) ~~Greater than 10 percent but no more than 15 percent by volume of ethanol, the registered brand name plus an additional label that states the blend "contains up to 15% ethanol," "contains between 10-15% ethanol," or similar wording.~~ For gasoline-ethanol blends of greater than 10 percent up to 15 percent by volume shall comply with EPA labeling requirements under 40 CFR 1090.1510.

~~(D)~~(C) ~~For blends greater than 15 percent but no more than 85 percent by volume of ethanol, the registered brand name plus an additional label which states the specific volume percentage of ethanol present in the blend such as "contains 30% ethanol."~~ For blends

greater than 15 percent but no more than 50 percent by volume of ethanol, an additional label which states the specific volume percentage of ethanol present in the blend such as "contains 30% ethanol."

(5) For ~~E85 fuel ethanol~~ ethanol flex fuel, the registered brand name.

(b) The additional labels required by Subparagraph (a)(4) of this Rule shall be composed of letters at least one inch in height, minimum one-eighth inch stroke, which contrast with the label background and shall be affixed to the dispenser front panel in a position conspicuous from the driver's position. Exceptions to the requirements in Subparagraph (a)(4) of this Rule are:

(1) For fuels not covered by an EPA waiver, the additional label shall identify the percent by volume of ethanol or methanol in the blend; and

(2) For fuels meeting the EPA's "Substantially Similar" rule and which do not contain methanol, no additional label is required.

(c) Each dispensing device used in the retailing of products other than motor fuel shall, on the front panel of the dispenser and in plain view of the customer, be labeled as follows:

(1) Kerosene shall be labeled as either 1-K Kerosene or 2-K Kerosene. In addition, each dispenser shall contain one of the following legends as appropriate:

(A) On 1-K kerosene dispensers, the legend "Suitable For Use In Unvented Heaters"; or

(B) On 2-K kerosene dispensers, the legend "May Not Be Suitable For Use In Unvented Heaters"; and

(2) Other products shall be labeled with either the applicable generic name or a brand name which identifies the type of product.

(d) When a motor fuel or other product provided for in this Section is offered for sale, sold, or delivered at retail in barrels, casks, cans, or other containers, each container shall be labeled in accordance with this Section and in accordance with 15 U.S.C. 1451 et. seq., the Fair Packaging and Labeling Act.

(e) If a dispenser is designed so that one or more hoses connected to a common housing dispense more than one type or grade of product, means shall be provided to indicate the identity of the product being dispensed from the hose.

(f) Copies of 16 CR 306 and 40 CFR 1090.1510 may be found for free at www.ecfr.gov.

Authority G.S. 119-27; 119-27.2.

02 NCAC 42 .0405 RETAIL STORAGE TANKS AND DISPENSER FILTERS

(a) The presence of water in retail storage tanks, filters on retail dispensers, product storage identification and volume product information shall be per the most current version of NIST Handbook 130, "Uniform Engine Fuels, Petroleum Products and Automotive Lubricants Regulation," Section 4, "Retail Storage Tanks and Dispenser Filters" with the following modification to Section 4.3.1:

(1) A 30 micron or smaller nominally pore sized filter shall be used for all gasoline, gasoline-alcohol blends, gasoline-ether blends, and ethanol flex fuel dispensers.

(b) Copies of this document may be obtained at no cost from the NIST website – https://www.nist.gov/pml/weights-and-measures/publications/nist-handbooks/handbook-130.

Authority G.S. 119-26.

SECTION .0500 - REGISTRATION AND BRANDING

02 NCAC 42 .0501 BRANDING AND REGISTRATION OF MOTOR FUELS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 42 .0502 OCTANE RANGE NUMBER OF COMMERCIAL GASOLINE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 42 .0503 CETANE RANGE OF COMMERCIAL DIESEL FUELS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 42 .0504 REGISTRATION PROVISIONS

(a) The director may decline to register any brand name containing a qualitative word or term inconsistent with any quality specification certified on the application for registration.

(b) Any person who registered a brand name for a motor fuel and fails to or discontinues to sell or deliver the registered product shall notify the director within 60 days after registration or last invoice or delivery ticket. Failure to notify shall automatically terminate and cancel the registration of the brand name and the quality specifications.

(c) The director may decline to register any brand name which actually or by implication would deceive or tend to deceive a purchaser as to the identity or the quality of the motor fuel.

(d) Any denied application for registration may be appealed to the Board.

(e) The director may establish and maintain a normal prevailing range of quality specifications of motor fuels for similar or customary classifications, grades, or designations of motor fuels intended for the same use or application. For automotive gasolines and gasoline/oxygenate blends, the minimum octane index shall be 87 ~~except that for those designated as "Premium" or by a word or term of equivalent meaning, the minimum octane index shall be 91.~~ for "Regular," 89 for "Plus," and 91 for "Premium" products. When a gasoline or gasoline/oxygenate blend is not designated as "Plus" or "Premium" a word or term of equivalent meaning shall be used. The grade designation "Unleaded" shall be recognized as meaning "Regular Unleaded" with a minimum octane index of 87.

(f) The director shall provide for amendments to registered specifications. Said amendments shall in no way limit liability for violation of these Regulations or G.S. 119-14 et. seq. prior to submission of said amendments.

Authority G.S. 119-26.

02 NCAC 42 .0505 PROPANE AND BUTANE BRANDING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0600 - CONDEMNED MOTOR FUELS AND LIQUID FUELS

02 NCAC 42 .0601 NONCONFORMITY OF MOTOR FUELS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 42 .0602 REMEDIES IN MOTOR FUELS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 42 .0603 NONCONFORMITY OF LIQUID FUELS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

02 NCAC 42 .0604 REMEDIES IN LIQUID FUELS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0700 - PETROLEUM DEVICE TECHNICIANS

02 NCAC 42 .0701 QUALIFICATIONS AND REQUIREMENTS

(a) Any person seeking to be a petroleum device technician shall make application to the director on forms provided by the director, supported by two letters of endorsement satisfactory to the director.

(b) Qualifications necessary for approved registration shall include:

(1) Not less than one year of actual experience in the installation, maintenance, adjustment, calibration and repairing of liquid fuel pumps, meters, and other measuring devices;

(2) Possession of calibrated test measures necessary for making repairs to a rejected liquid fuel pump, meter, or measuring device which shall consist of one or more of the following test measures as applicable: a five-gallon test measure calibrated in customary and metric units ~~, five-gallon test measure,~~ or a ~~twenty liter~~ twenty-liter test measure calibrated in customary and metric units;

(3) Certification that if registered, said person will test each pump, meter, or other measuring device which he repairs or adjusts with test measures which have been sealed by the director within the last 12 months, except for test measures for terminal meters which must have been sealed by the director within the last five years; and

(4) Any other qualifications found necessary by the director.

(c) An approved registration by the director is subject to revocation for misrepresentation on the registration, incompetence or failure to render satisfactory service. A failure to render satisfactory service shall include failure to do the following:

(1) Seal all adjustments with the lead or wire seal on which shall be impressed his identifying insignia and current year;

(2) Seal all adjustments to as near a zero error in accuracy as possible;

(3) Notify the director of the fact that he has repaired a rejected pump, meter, or other measuring device, giving the name of the owner, location, and date service was rendered on the same day repair or adjustment was ~~completed.~~ completed; and

(4) Issue a service certificate that accurately documents both the adjustments made to a device and it's settings "as left" following a repair or adjustment.

(d) Penalties for violations of the above provision shall be pursuant to Article 3 of North Carolina General Statute Chapter 119.

Authority G.S. 119-26; 119-33.

02 NCAC 42 .0702 RE-REGISTRATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

TITLE 12 – DEPARTMENT OF JUSTICE

***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Sheriffs' Education and Training Standards Commission intends to amend the rules cited as 12 NCAC 10B .1303-.1306, and .1308.*

Link to agency website pursuant to G.S. 150B-19.1(c): *Proposed Rule Amendments - NCDOJ https://ncdoj.gov/law-enforcement-training/sheriffs/*

Proposed Effective Date: *August 1, 2026*

Public Hearing:
Date: *April 30, 2026*
Time: *9:00 a.m.*
Location: *1700 Tryon Park Dr., Raleigh NC 27610*

Reason for Proposed Action: *12 NCAC 10B .1303 eliminates unnecessary language.*
12 NCAC 10B .1304 adds the word "certification" for clarity.
12 NCAC 10B .1305 eliminates unnecessary language and adds wording for clarity.
12 NCAC 10B .1306 eliminates unnecessary language and adds wording for clarity.
12 NCAC 10B .1308 eliminates unnecessary language.

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

Comment period ends: *June 15, 2026*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the

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

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

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

CHAPTER 10 - SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

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

SECTION .1300 - MINIMUM STANDARDS OF TRAINING FOR TELECOMMUNICATORS

12 NCAC 10B .1303 TIME REQ/COMPLETION/TELECOMMUNICATOR CERTIFICATION COURSE

~~(a)~~ Each telecommunicator holding ~~temporary or~~ probationary certification shall satisfactorily complete a commission-accredited Telecommunicator Certification ~~Course. The telecommunicator shall complete such course~~ Course within one year from the date of his/her appointment. Any telecommunicator who does not comply with this Rule or other training provisions of this Chapter shall not be authorized to exercise the powers of a telecommunicator. If, however, a telecommunicator has enrolled in a commission-accredited Telecommunicator Certification Course that concludes later than the end of the telecommunicator's probationary period, the Commission may extend the probationary period for a period not to exceed six months.

~~(b) Persons having completed a commission accredited Telecommunicator Certification Course and not having been duly appointed and certified in a telecommunicator position as defined in 12 NCAC 10B .0103(20) within one year of completion of the Telecommunicator Certification Course shall complete a subsequent commission accredited Telecommunicator Certification Course in its entirety and pass the State Comprehensive Examination within the 12 month probationary period as prescribed in 12 NCAC 10B .0402, unless the Director determines that a delay in applying for certification was due to an act of God or simple negligence on the part of the applicant or employing agency, in which case the Director may accept a commission accredited Telecommunicator Certification Course which is over one year old. Such extension of the one year period shall not exceed 30 days from the expiration date of a commission accredited Telecommunicator Certification Course.~~

Authority G.S. 17E-4; 17E-7.

12 NCAC 10B .1304 EVALUATION FOR TRAINING WAIVER

(a) Applicants for certification with prior telecommunicating experience shall have been employed and certified in a telecommunicator position in order to be considered for training evaluation under this Rule.

(b) Persons who separated from a telecommunicator position during their probationary certification period after having completed a commission-accredited Telecommunicator Certification Course and who have been separated from a telecommunicator position for one year or less shall serve the remainder of the initial probationary period, but need not complete an additional training program.

(c) Persons who separated from a telecommunicator position during their probationary certification period without having completed a commission-accredited Telecommunicator Certification Course, or whose certification was suspended pursuant to 12 NCAC 10B .0204(b)(1), and who have remained separated or suspended for over one year shall complete a commission-accredited Telecommunicator Certification Course in its entirety and pass the State Comprehensive Examination, and shall be allowed a 12 month probationary period as prescribed in 12 NCAC 10B .1303(a).

(d) Persons previously holding Grandfather telecommunicator certification in accordance with G.S. 17E-7(c1) who have been separated from a telecommunicator position for more than one year shall be required to complete a commission-accredited Telecommunicator Certification Course in its entirety and pass the State Comprehensive Examination within the 12 month probationary certification period as prescribed in 12 NCAC 10B .1303(a).

Authority G.S. 17E-4; 17E-7.

12 NCAC 10B .1305 TRAINEE ATTENDANCE

(a) Each trainee enrolled in a certified "Telecommunicator Certification Course" shall attend all class sessions. ~~The sheriff or agency head is responsible for the trainee's regular attendance at all sessions of the telecommunicator training course.~~

(b) The school director may recognize valid reasons for class absences and may excuse a trainee from attendance at specific class sessions. However, excused absences shall not exceed ten percent of the total class hours for the course offering, except where the absence is due to religious observance as provided for in the community college policy, in which case the absence excused may be for an additional 11.3 hours.

(c) If the school director grants an excused absence from a class session, he or she shall schedule an appropriate make-up ~~work~~ and ensure the satisfactory completion of ~~such work~~ the classwork

missed during the current course presentation or in a subsequent course delivery as is permissible under 12 NCAC 10B .1306.

(d) A trainee is not eligible for administration of the State Comprehensive Examination nor certification for successful course completion if the cumulative total of class absences, with accepted make-up work, exceeds the amount of time allowed in Paragraph (b) of this Rule . ~~and~~ The trainee shall be terminated from further course participation by the school director at the time ~~of such occurrence.~~ the trainee becomes ineligible pursuant to Paragraph (b) of this Rule.

~~(e) The school director may terminate a trainee from course participation or may deny certification of successful course completion where the trainee is habitually tardy to or regularly departs early from class meetings or field exercises.~~

~~(f) Where a trainee is enrolled in a program as required in this Section, attendance shall be 100 percent in order to receive a successful course completion.~~

Authority G.S. 17E-4; 17E-7.

12 NCAC 10B .1306 COMPLETION OF TELECOMMUNICATOR CERTIFICATION COURSE

(a) ~~Each delivery of a commission-approved "Telecommunicator Certification Course" is considered to be a unit as set forth in this Section.~~ Each trainee shall attend and satisfactorily complete ~~a full course~~ an entire "Telecommunicator Certification Course" during a scheduled delivery. The school director may develop supplemental rules as set forth in 12 NCAC 10B .0709(a)(7), but may not add substantive courses, or change or expand the substance of the courses set forth in 12 NCAC 10B .1301. This Rule does not prevent the instruction on local agency rules or standards but such instruction shall not be considered or endorsed by the Commission for purposes of certification. The Director may issue prior written authorization for a specified trainee's limited enrollment in a subsequent delivery of the same course where the school director provides evidence that:

(1) the trainee attended and satisfactorily completed specified class hours and topics of the "Telecommunicator Certification Course" but through extended absence occasioned by illness, accident, or emergency was absent for more than 10 percent of the total class hours of the course offering; or

(2) the trainee was granted excused absences by the school director that did not exceed 10 percent of the total class hours for the course offering and the school director could not schedule appropriate make-up work during the current course offering as specified in 12 NCAC 10B .1305(c) due to valid reasons; or

(3) the trainee participated in an offering of the "Telecommunicator Certification Course" but had an identified deficiency in essential knowledge or skill in either one or two, but no more than two, of the specified topic areas incorporated in the course content as prescribed under 12 NCAC 10B .1302(b).

(b) An authorization of limited enrollment in a subsequent course delivery may not be used by the Director unless in addition to the evidence required by Paragraph (a) of this Rule:

(1) the trainee submits a written request to the Director, justifying the limited enrollment and certifying that the trainee's participation shall be accomplished pursuant to Paragraph (c) of this Rule; and

(2) the school director of the previous school offering submits to the director a certification of the particular topics and class hours attended and satisfactorily completed by the trainee during the original enrollment.

(c) An authorization of limited enrollment in a subsequent course delivery permits the trainee to attend an offering of the "Telecommunicator Certification Course" commencing within 120 calendar days from the last date of trainee participation in prior course delivery, but only if the trainee's enrollment with active course participation can be accomplished within the period of the trainee's probationary certification:

(1) the trainee need only attend and satisfactorily complete those portions of the course which were missed or identified by the school director as areas of trainee deficiency in the proper course participation;

(2) following proper enrollment in the subsequent course offering, scheduled class attendance and active participation with satisfactory achievement in the course, the trainee would be eligible for administration of the State Comprehensive Examination by the Commission and possible certification of successful course completion; and

(3) a trainee shall be enrolled as a limited enrollee in only one subsequent course offering within the 120 calendar days from the last date of trainee participation in prior course delivery. A trainee who fails to complete those limited portions of the course after one retest shall enroll in an entire delivery of the Telecommunicator Certification Course.

(d) A trainee who is deficient in three or more subject-matter or topical areas at the conclusion of the course delivery shall complete a subsequent program in its entirety.

Authority G.S. 17E-4; 17E-7.

12 NCAC 10B .1308 SATISFACTION OF MINIMUM TRAINING REQUIREMENTS

In order to satisfy the minimum training requirements for certification as a telecommunicator, a trainee shall:

(1) ~~achieve~~ Achieve a score of 70 percent correct answers on the Commission-administered comprehensive written examination; and

(2) ~~demonstrate~~ Demonstrate successful completion of a commission-approved offering of the "Telecommunicator Certification Course" as shown by the certification of the school director. ~~and~~ .

~~(3) obtain the recommendation of the trainee's school director that the trainee possesses at least the minimum degree of general attributes, knowledge, and skill to function as an inexperienced telecommunicator.~~

Authority G.S. 17E-4; 17E-7.

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

***Notice** is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Alcoholic Beverage Control Commission intends to readopt with substantive changes the rules cited as 14B NCAC 15C .0608, .0801, .0802, .0804, .0805, .0901, .0902, .1001-.1003, .1101-.1103, and .1201.*

Link to agency website pursuant to G.S. 150B-19.1(c): *abc.nc.gov*

Proposed Effective Date: *September 1, 2026*

Public Hearing:
Date: *June 10, 2026*
Time: *10:00 A.M.*
Location: *NC ABC Commission, Hearing Room, 400 East Tryon Road, Raleigh, NC 27610*

Reason for Proposed Action: *Periodic review pursuant to G.S. 150B-21.3A*

Comments may be submitted to: *Renee C. Metz, 400 East Tryon Road, Raleigh, NC 27610; phone (919) 948-7919; email rules@abc.nc.gov*

Comment period ends: *June 15, 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 15 - ALCOHOLIC BEVERAGE CONTROL COMMISSION

SUBCHAPTER 15C - INDUSTRY MEMBERS: RETAIL/INDUSTRY MEMBER RELATIONSHIPS: SHIP CHANDLERS: AIR CARRIERS: FUEL ALCOHOL

SECTION .0600 - SALES AND DELIVERIES OF MALT BEVERAGES AND WINE

14B NCAC 15C .0608 REFUSAL TO SELL; PRICING; SERVICING ACCOUNTS

(a) ~~Refusal to Sell to Retailer.~~ A wholesaler of malt beverages or wine may refuse to sell alcoholic beverages to a retailer for legitimate business reasons so long as the decision not to sell is not related to the size of the account, the distance of the retailer's premises from the wholesaler's warehouse, or the sex, race, age, religion or national origin of the permittee.

(b) ~~Pricing. As used in G.S. 18B-1303(b), the~~ The term "service" in G.S. 18B-1303(b) shall not ~~be construed to~~ prohibit a malt beverage wholesaler from reducing the price of a product in a portion of his assigned territory if the price reduction is made ~~in order~~ to meet a competitor's lower prices offered ~~on similar~~ in the same categories of malt beverage products ~~(e.g. "premium" or "low-end" products)~~ in that ~~same~~ portion of the territory.

Authority G.S. 18B-100; 18B-207; 18B-1303(b).

SECTION .0800 - SHIP CHANDLER'S PERMIT

14B NCAC 15C .0801 DEFINITIONS

As used in this Section:

(1) "Export Warehouse" or "Internal Revenue Warehouse" means ~~any~~ a warehouse ~~under~~ with an Internal Revenue Bond and ~~conforming to all~~ subject to Internal Revenue Service ~~rules and~~ regulations.

(2) "Ocean-going vessel" means ~~any~~ a ship or vessel ~~that plys~~ used on the high seas in interstate or foreign commerce ~~in the~~ to transport ~~of~~ for hire freight, passengers, or ~~both for hire exclusively.~~ both.

(3) "Ship chandler" means ~~any~~ a retail or wholesale agent ~~regularly~~ engaging in the storage and sale of stocks and supplies to ocean-going ~~vessels of stock and supplies.~~ vessels.

(4) "United States Customs Bonded Warehouse" means a private bonded warehouse used ~~exclusively~~ for the storage of only imported ~~merchandise~~ merchandise, either belonging or consigned to the ~~proprietor thereof~~ proprietor, or a public bonded warehouse used ~~exclusively~~ for the storage of only imported merchandise.

Authority G.S. 18B-100; 18B-106; 18B-207.

14B NCAC 15C .0802 IMPORTATION AND TRANSPORTATION ~~UNDER~~ VIA CUSTOMS BONDS

~~(a) Alcoholic beverages may be imported into North Carolina under United States Customs Bonds or United States Internal Revenue Bonds and held in North Carolina in United States Customs or Internal Revenue Bonded Warehouses and those alcoholic beverages may be removed from such a warehouse and transferred to any other similarly bonded warehouse, wherever situated.~~

~~(b) Alcoholic beverages so imported or removed to these warehouses in North Carolina shall be released from Customs or Internal Revenue Bonds in North Carolina only on a Ship Chandler's Permit issued by the Commission for transfer to another United States Customs or Internal Revenue Bonded Warehouse or delivery by a ship chandler to officers or agents of ocean-going vessels for use or consumption on those vessels.~~

~~(c) A ship chandler holding a Ship Chandler's Permit may make withdrawals of alcoholic beverages from United States Customs or Internal Revenue Warehouses for sale or transfer in reasonable quantities. If an unreasonable quantity is sold, the Commission may limit sales.~~

(a) Alcoholic beverages shall be imported into North Carolina only pursuant to United States Customs Bonds or United States Internal Revenue Bonds.

(b) Alcoholic beverages imported into this State shall be held at either a United States Customs or Internal Revenue Bonded Warehouse. Alcoholic beverages may be transferred between warehouses subject to the same bond.

(c) Alcoholic beverages store at United States Customers or Internal Revenue Bonded Warehouses shall only be released pursuant to a Ship Chandler's Permit for transfer to another United States Customs or Internal Revenue Warehouse or for sale and delivery by a ship chandler to officers or agents of ocean-going vessels for use or consumption on the vessels.

Authority G.S. 18B-100; 18B-106; 18B-207.

14B NCAC 15C .0804 APPLICATION FOR PERMIT

~~Every person desiring to~~ To obtain a Ship Chandler's ~~Permit~~ Permit, a person shall file an application on a form provided by the Commission and comply with the procedures set forth in ~~Rule .0102 of this Subchapter.~~ 14B NCAC 15C .0102.

Authority G.S. 18B-100; 18B-106; 18B-207.

14B NCAC 15C .0805 COMPLIANCE: INSPECTION

(a) Holders of Ship Chandler's Permits shall comply with ~~all~~ regulations ~~promulgated by~~ of the United States Customs Service, the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury, and rules of the Commission.

(b) ~~All documents that~~ If the United States Customs Service, the Bureau of Alcohol, Tobacco and Firearms and the Internal Revenue Service require a ship chandler to maintain documents, the ship chandler shall ~~be retained~~ retain the documents for inspection for a period of three years.

(c) A United States Customs officer shall supervise the delivery ~~Delivery~~ of alcoholic beverages ~~will be under the supervision of a United States Customs officer~~ to ocean-going vessels under seal that shall not be broken until the ship is outside the territorial waters of the United States. Consumption of tax-exempt alcoholic beverages is forbidden within the territorial waters of the United States except as authorized by United States ~~Customs in release of sea stores from under seal for immediate consumption on board a vessel by the officers and crew thereof.~~ Customs.

(d) A ship chandler holding a Ship Chandler's Permit shall report ~~all~~ losses of alcoholic beverages held ~~under~~ pursuant to United States Customs or Internal Revenue Bond to the Commission within five days of the loss and pay state taxes ~~on any loss~~ within 10 days of the loss.

Authority G.S. 18B-100; 18B-106; 18B-207.

SECTION .0900 - DISTILLERS: REPRESENTATIVES

14B NCAC 15C .0901 DISTILLER, SUPPLIER AND BROKERAGE REPRESENTATIVES: PROHIBITED ACTS

(a) ~~Representatives Prohibited from Entering Store.~~ Distiller representatives, supplier representatives, or brokerage representatives shall not enter any ABC store except for the purpose of calling on the buyer if the buyer's office is maintained in the store, ~~for the purpose~~ of making a purchase, or ~~for the purpose~~ of visiting a store to market product, build displays, or attach added value items in accordance with written permission from the local Board. ~~An initial~~ A representative shall make an initial request for permission to visit a store pursuant to this Paragraph ~~shall be made~~ in writing ~~by the representative~~ to the general manager of the local Board in a form acceptable to the local Board. The local Board may adopt policies ~~regulating~~ including when a representative may visit the local Board's ABC store, ~~which may include~~ the times, frequency, purpose, method of requesting and approving permission, and ~~any~~ advance notice requirements. ~~Permission granted by the~~ The general manager, or other ~~persons designated by the~~ local ~~Board,~~ Board designee, ~~to the representative~~ shall grant initial permission to visit the local Board's ABC stores ~~shall initially be made~~ in writing ~~and in accordance with any~~ and in compliance with policies adopted by the local Board. The duration of the permission may be for an indefinite time. The local Board's policies may authorize the general ~~manager, or his or her designee,~~ manager or designee to verbally authorize subsequent specific visits ~~after~~ once written permission has been given.

(b) ~~Representatives Prohibited from Contacting Store Personnel.~~ Distiller representatives, supplier representatives, or brokerage representatives shall not contact store personnel for the purpose of promoting their merchandise while store personnel are off-duty. ~~Store personnel shall not allow distiller representatives, supplier representatives, or brokerage representatives to contact them in any manner for the purpose of promoting their merchandise while store personnel are off-duty.~~

(c) ~~Gifts Prohibited.~~ Distiller representatives, supplier representatives, or brokerage representatives shall not give liquor, including samples, or ~~anything~~ things of value to local ABC board members or ~~employees, including store managers and general managers, at any time.~~ employees. Local ABC board members ~~or employees, which includes store managers and general managers,~~ and employees shall not accept ~~gifts, either directly or through a~~

~~third person, from any~~ gifts initiated by a distiller representative, supplier representative, or brokerage representative.

(d) ~~Soliciting and Advertising Prohibited. Except for contact with the Commission, local ABC boards, and retail permittees, with regards to~~ Except regarding the promotion and purchase of spirituous ~~liquor,~~ liquor to the Commission, local ABC boards, and retail permittees, no distiller representative, supplier representative, or brokerage representative shall:

(1) solicit ~~any~~ an order, agreement, or other commitment to purchase liquor, whether or not it is legally enforceable; or

(2) advertise, promote, or encourage purchases ~~by any means or method~~ of spirituous liquor or furnish ~~any~~ means ~~by which spirituous liquor may be obtained,~~ to obtain spirituous liquor, except as provided in 14B NCAC 15B .1008.

This Paragraph shall not apply to a distiller representative, supplier representative, or brokerage representative ~~who has been~~ granted an exception by the Commission to make presentations ~~of pictorial artwork or renderings of the design of the decanter and solicitation of a special order of these decanters~~ at the request of a local ABC board and non-profit, charitable corporation related to orders and sales of commemorative bottles pursuant to 14B NCAC 15A .1404. ~~Requests for an exception under this Paragraph shall be made in writing to the Commission.~~ Representatives shall submit requests for an exception in writing to pricing@abc.nc.gov.

(e) ~~Relationship With Mixed Beverages Permittee.~~ No employee or representative of ~~any~~ a distiller, importer, rectifier, or bottler may promote or solicit orders by a mixed beverages permittee or aid the permittee in placing orders for ~~any~~ spirituous liquor or ~~for any~~ other alcoholic beverages.

(f) ~~Gifts and Inducements Prohibited.~~ Except as permitted pursuant to Rules .0710 and .0711 of this Subchapter, ~~no employee or representative of any industry member may~~ employees or representatives of industry members shall not give or lend to ~~any~~ a mixed beverage permittee or the permittee's employee ~~any~~ a gift, money, services, equipment, furniture, fixture, or other thing of value.

Authority G.S. 18B-100; 18B-207; 18B-704; 18B-807; 18B-1116.

14B NCAC 15C .0902 REVOCATION OR SUSPENSION OF PERMITS

(a) The suspension or revocation of the permit of ~~any~~ a representative for a violation of these Rules shall raise a rebuttable presumption that the ~~unlawful activity by the representative was done with the knowledge and consent of his employer.~~ employer had knowledge and consent of the unlawful activity of the representative.

(b) Upon a hearing and finding that the employer or distiller had knowledge of the employee's violation ~~of any~~ of these Rules and that the employer failed to take appropriate disciplinary action, the permit of the employer or distiller to do business in North Carolina may be suspended or revoked or ~~any~~ alcoholic beverages listed by the Commission may be put on embargo by the Commission for a specific period of time.

(c) For purposes of this Rule, an order of embargo issued by the Commission shall have the effect of barring the particular code from shipment by the distiller to the state ABC warehouse and from the warehouse to local systems. ~~Therefore items~~ Items affected by an order of embargo shall not be available to fill orders placed by local boards with the State ABC warehouse.

The Commission shall send notice ~~Notice~~ of the embargo order ~~shall be sent~~ to the representative, his ~~employer~~ employer, and to the State ABC warehouse.

Authority G.S. 18B-100; 18B-104; 18B-207.

SECTION .1000 - AIR CARRIERS

14B NCAC 15C .1001 APPLICATION FOR PERMIT

An air carrier shall apply for and obtain an Air Carrier Permit ~~desiring~~ to purchase malt beverages, ~~wine~~ wine, or spirituous liquor for resale to its passengers while those passengers are in transit aboard an ~~aircraft shall apply for and obtain an Air Carrier Permit.~~ aircraft. ~~Application shall be on a form provided by the Commission and shall be made by the air carrier's employee responsible for purchases of food and beverages for service to passengers.~~ The air carrier's employee responsible for purchases of food and beverages shall apply on a form provided by the Commission. The food and beverage service manager, by whatever title called, shall ~~provide,~~ provide to the Commission and certify under oath the following ~~information to the Commission:~~ information:

(1) name of air carrier;
(2) name of airport where permit will apply;
(3) address of airport;
(4) mailing address of carrier at airport;
(5) state ~~in which~~ where air carrier ~~corporation~~ is incorporated; and
(6) residence of food and beverage manager.

The applicant shall also include a diagram of the location where the malt beverages, ~~wine~~ wine, and spirituous liquor will be stored.

Authority G.S. 18B-100; 18B-107; 18B-207.

14B NCAC 15C .1002 SEPARATE PERMITS REQUIRED

An air carrier shall obtain a separate Air Carrier Permit for each airport where the carrier operates in this State ~~at which the carrier operates~~ when malt beverages or wines will be purchased, ~~transported~~ transported, and stored for ~~later~~ service or sale to the air carrier's passengers.

Authority G.S. 18B-100; 18B-107; 18B-207.

14B NCAC 15C .1003 SALES OF ALCOHOLIC BEVERAGES IN TERMINAL

(a) Malt Beverages and Wine. An air carrier offering service at airports boarding at least 150,000 passengers ~~annually~~ per calendar year may sell malt beverages or wine in passenger rooms ~~approved by the Commission~~ upon obtaining ~~the appropriate~~ retail on-premises Malt Beverage or Wine Permits and following the application procedures set forth in 14B NCAC15B ~~.0102 of the Commission's Rules.~~ .0102.

(b) Providing Complimentary Alcoholic Beverages. ~~An~~ Instead of obtaining retail permits to sell malt beverages and wine, an air carrier ~~offering service at airports boarding at least 150,000 passengers annually~~ qualifying pursuant to Paragraph (a) of this Rule may serve complimentary alcoholic beverages to passengers in passenger rooms under the following conditions:

(1) the air carrier submits a detailed diagram of the carrier's passenger room, showing its exact location in the airport; ~~and~~

(2) the Commission provides the air carrier ~~obtains with~~ written authorization ~~from the Commission~~ to serve complimentary alcoholic ~~beverages,~~ beverages; and ~~which document is maintained by the carrier in its principal office at the airport.~~

(3) the air carrier maintains the written authorization in its principal office at the airport.

Authority G.S. 18B-100; 18B-107; 18B-207.

SECTION .1100 - FUEL ALCOHOL PERMITS

14B NCAC 15C .1101 APPLICATION FOR FUEL ALCOHOL PERMIT: OPERATION

(a) ~~Required Information.~~ In addition to the information required by G.S. 18B-900 and G.S. 18B-902, an applicant for a Fuel Alcohol Permit shall ~~furnish~~ provide the following information to the Commission:

(1) Federal Operating Permit number and a photocopy of the Federal Operating Permit; and

(2) detailed diagram of the fuel alcohol plant premises, identifying roads, streams, lakes, buildings, and other structures on or features of the land that will show ~~locate exactly~~ the precise location ~~place~~ where plant operations will occur.

(b) No person shall ~~commence the operation of~~ operate a fuel alcohol plant without first applying for and ~~obtaining~~ receiving a Fuel Alcohol Permit from the Commission.

Authority G.S. 18B-100; 18B-207; 18B-1105(b).

14B NCAC 15C .1102 CHANGE OF PLANT LOCATION

(a) ~~Change of Less Than 100 Yards. Whenever any~~ When a facility for the manufacture of fuel alcohol is moved ~~less~~ fewer than 100 yards from the original site, the permittee shall amend his original application by submitting to the Commission a new diagram, providing the information required by Rule .1101 of this Section.

(b) ~~Change of More Than 100 Yards; Change of Location. Any~~ A move of a plant facility of 100 yards or more shall be considered a change of location requiring a new ~~application and~~ application, new application ~~fee and~~ fee, and compliance with the provisions of G.S. 18B-900 and Rule .1101 of this Section.

Authority G.S. 18B-100; 18B-207; 18B-900; 18B-903(e).

14B NCAC 15C .1103 INSPECTION OF PREMISES: AVAILABILITY OF PERMIT

(a) ~~The premises of a fuel alcohol plant shall be open to inspection by law enforcement officers as provided by law.~~ Law enforcement officers shall have access to the premises of a fuel alcohol plant for inspection as provided by law.

(b) ~~A permittee holding a permit for the manufacture of fuel alcohol shall produce his permit and make it available for inspection upon request of any law enforcement officer under Article 5 of Chapter 18B of the General Statutes or any representative of the Commission.~~ The fuel alcohol permit shall be available for inspection by law enforcement officers or employees of the Commission as authorized by G.S. 18B-502.

Authority G.S. 18B-100; 18B-207; 18B-502.

SECTION .1200 - ADMINISTRATIVE ACTION BY COMMISSION

14B NCAC 15C .1201 EFFECT OF ADMINISTRATIVE ACTION

The provisions of ~~Rules~~ 14B NCAC 15B .1101, .1104, and .1105 ~~of Subchapter 15B of these Rules~~ shall apply to all permittees covered by this Subchapter.

Authority G.S. 18B-100; 18B-104; 18B-207.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice *is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Department of Environmental Quality intends to readopt with substantive changes the rules cited as 15A NCAC 01A .0102; and 01S .0101.*

Link to agency website pursuant to G.S. 150B-19.1(c): *https://www.deq.nc.gov/accessdeq/rules-regulations/deq-proposed-rule*

Proposed Effective Date: *August 1, 2026*

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice)*: *Contact: Jennifer Everett at jennifer.everett@deq.nc.gov*

Reason for Proposed Action: *Pursuant to G.S. 150B-21.3A, the Department of Environmental Quality is proposing to readopt the rules for technical corrections and clarity.*

Comments may be submitted to: *Jennifer Everett, 1601 Mail Service Center, Raleigh, NC 27699-1601; email jennifer.everett@deq.nc.gov*

Comment period ends: *June 15, 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 - DEPARTMENTAL RULES

SUBCHAPTER 01A – GENERAL ORGANIZATION

SECTION .0100 - GENERAL

15A NCAC 01A .0102 HOW TO CONTACT THE DEPARTMENT

(a) The ~~Headquarters of the~~ Department of Environmental Quality is located in the ~~Environment and Natural Resources~~ Green Square Building, 217 West Jones Street, Raleigh, North ~~Carolina.~~ Carolina, 27603. The mailing address ~~of the Department~~ is 1601 Mail Service Center, Raleigh, North Carolina 27699-1601. The ~~toll free~~ telephone number is (877) 623-6748. The Department's website shall be located at https://www.deq.nc.gov/. ~~All citizens wishing to contact the Department are urged to make initial contact through the regional manager at the nearest regional office. Information regarding the location of the regional offices is available through the following website: http://portal.ncdenr.org/web/guest/contacts.~~

Authority G.S. 143B-10(b).

SUBCHAPTER 01S - OFFICE OF ENVIRONMENTAL EDUCATION

SECTION .0100 - NORTH CAROLINA ENVIRONMENTAL EDUCATION CERTIFICATION PROGRAM

15A NCAC 01S .0101 FEES

(a) For enrollment in the North Carolina Environmental Education Certification Program an applicant shall submit to the Office of Environmental Education and Public Affairs an enrollment application, provided by the Office of Environmental Education and Public Affairs, accompanied by a one-time money order or non-refundable check fee of fifty dollars ($50.00).

(b) The application shall be submitted on a form provided by the Environmental Education Certification Program that includes:

(1) Applicant's Name;
(2) Applicant's Employer;
(2) Name of school or workplace, if different from applicant's employer;
(3) State whether the applicant is a classroom teacher, a nonformal teacher or neither;
(4) If the applicant is a classroom teacher, identify the grade(s) and subject(s) he or she has taught; and
(5) If the applicant is licensed to teach in NC.

(c) The application and fee shall be submitted to NCDEQ Environmental Education, 1601 Mail Service Center, Raleigh, NC 27699-1601.

Authority G.S. 143B-285.21; 143B-285.22; 143B-285.23; 150B-19(5)(d).

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***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to adopt the rules cited as 15A NCAC 02B .0512; and 02H .0923. This notice is a republication; previous publication of text was published in Volume 40 Issue 18.*

Link to agency website pursuant to G.S. 150B-19.1(c): *https://www.deq.nc.gov/about/divisions/water-resources/water-resources-commissions/environmental-management-commission/emc-proposed-rules*

Proposed Effective Date: *November 1, 2026*

Public Hearing:
Date: *April 7, 2026*
Time: *6:00 p.m. Speaker registration and sign-in will begin at 5:00 p.m.*
Location: *Ferguson Auditorium, AB-Tech Community College, 19 Tech Drive, Asheville, NC 28801*

Date: *April 20, 2026*
Time: *6:00 p.m. Speaker registration and sign-in will begin at 5:00 p.m.*
Location: *Archdale Building, Ground Floor Hearing Room, 512 N. Salisbury Street, Raleigh, NC 27604*

Date: *April 23, 2026*
Time: *6:00 p.m. Speaker registration and sign-in will begin at 5:00 p.m.*
Location: *City Hall at Skyline Center, 1st Floor Conference Center, 929 North Front Street, Wilmington, 28401.*
At each hearing, speaker registration and sign-in will begin at 5:00 p.m.

Each hearing will conclude by 9:00 p.m., however the hearing officer may conclude the hearing earlier if all registered speakers

have been heard. The Hearing Officer may limit the length of time (e.g., three minutes) for each speaker to allow everyone an opportunity to be heard. Written comments and copies of prepared remarks will be accepted at each hearing.

Reason for Proposed Action: *The Environmental Management Commission (EMC) will conduct public hearings to consider the proposed adoption of PFOA, PFOS, and Gen-X monitoring and minimization rules 15A NCAC 02B .0512 and 15A NCAC 02H .0923. These rules are proposed for adoption in order to achieve two key objectives. First, to characterize the presence of PFOS, PFOA, and GenX in discharges from PFOS, PFOA, and GenX industrial NPDES dischargers and their associated indirect dischargers (i.e., SIUs going to POTWs with pretreatment programs). Second, to require affected entities (subset of industrial direct dischargers and SIUs) to develop minimization plans that identifies approaches to reduce PFOS, PFOA, and GenX discharges directly or indirectly to surface waters.*

Public comments will be accepted on these proposed rule adoptions and the Regulatory Impact Analysis associated with these rule adoptions. The EMC is also soliciting public comments on:

- *Whether it would be scientifically defensible and advisable to establish a screening threshold above the lowest reporting concentration for PFOS, PFOA, and Gen X that could serve as a trigger for ongoing monitoring and minimization requirements;*
- *Whether the applicability of the PFAS monitoring and minimization rule should be limited to industrial dischargers associated with SIC or NAICS codes known to be linked to PFAS use or discharge; and*
- *Whether to require all entities subject to proposed rules 15A NCAC 02B .0512 and 15A NCAC 02H .0923 to submit all analytical results for all PFAS chemicals analyzed according to EPA Test Method 1633A to DEQ.*

Comments may be submitted to: *Karen Preston, DEQ-DWR NPDES Permitting Section, 1617 Mail Service Center, Raleigh, NC 27699-1617; email publiccomments@deq.nc.gov*

Comment period ends: *June 15, 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 02 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 02B - SURFACE WATER AND WETLAND STANDARDS

SECTION .0500 - SURFACE WATER MONITORING: REPORTING

15A NCAC 02B .0512 PFOS, PFOA, AND GEN X MONITORING AND MINIMIZATION

(a) The terms used in this Rule shall be as defined in Rule .0503 of this Section and as follows:

(1) "EPA test Method 1633" means the EPA method for analysis of per- and polyfluoroalkyl substances (PFAS) in aqueous, solid, biosolids, and tissue samples by LC-MS/MS. Versions released on or after December 2022 by EPA are incorporated by reference, including subsequent amendments, editions and versions. The method may be accessed at https://www.epa.gov/cwa-methods/cwa-analytical-methods-and-polyfluorinated-alkyl-substances-pfas free of charge;

(2) "Gen X" means Hexafluoropropylene oxide dimer acid (HFPO-DA), CAS Registry Number 13252-13-6;

(3) "Industrial Direct Dischargers" means a person with an industrial discharge as defined in Rule .0202 of this Subchapter. Industrial Direct Dischargers does not include persons listed in 15A NCAC 02H .0102(b);

(4) "IDD-IP" means an Industrial Direct Discharger with an individual NPDES permit, except for the following types:
  (A) 100 percent domestic wastewater;
  (B) Seafood packing, rinsing, or other aquatic animal operations; and
  (C) Water treatment plants;

(5) "Intake water" means the water entering the industrial establishment from surface water, groundwater, commercial, or other sources prior to any activities of the industrial establishment;

(6) "Minimization plan for PFOA, PFOS, and Gen X" means a strategy to reduce or eliminate PFOA, PFOS, and Gen X at the source before they are discharged into the environment. A

minimization plan for PFOA, PFOS, and Gen X includes:

(A) Best management practices, such as: preventative measures to control and reduce pollution, pollution prevention, good housekeeping practices (e.g., regular changing or cleaning of equipment and tanks), identifying and eliminating PFOA, PFOS, and Gen X in raw materials, predicting process or operation generation of PFOA, PFOS, and Gen X as byproducts; improving operational efficiency to minimize the quantity waste generation; product substitution to eliminate the introduction or generation for PFOA, PFOS, and Gen X, and installing treatment technologies;

(B) A timeline for implementation;

(C) Estimated annual reductions from implementation; and

(D) Reduction goals, such as a target concentration or percent reduction;

(7) "PFOA means Perfluorooctanoic acid, Chemical Abstracts Service (CAS) Registry Number 335-67-1;

(8) "PFOS" means Perfluorooctane Sulfonic Acid, CAS Registry Number 1763-23-1;

(9) "POTW" means Publicly Owned Treatment Works as defined in Rule .0403 of this Subchapter;

(10) "POTW-LPP" means a POTW with a local pretreatment program approved in accordance with Section .0900 of Subchapter 02H;

(11) "Semiannually" means occurring two times during a calendar year at a frequency of once per each interval of six consecutive months;

(b) All PFOA, PFOS, and Gen X monitoring outlined in this Rule shall be conducted as follows:

(1) Prior to EPA test Method 1633 being promulgated into 40 CFR 136, which is incorporated by reference including subsequent amendments and editions:

(A) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall be conducted using the third draft of EPA test Method 1633 released on December 2022 or a more recent draft or version of EPA test Method 1633 released after December 2022.

(B) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall be exempt from the requirement in 40 CFR 403.12, which is incorporated by reference including subsequent amendments and editions, to be certified.

(C) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall not require field blanks to be analyzed.

(D) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall be a representative grab sample, unless the Director approves use of either a grab-composite as specified in 40 CFR 403.12(g)(3), which is incorporated by reference including subsequent amendments and editions, or 24-hour to 72-hour composites collected by an automatic sampler cleaned and prepared to prevent PFOA, PFOS, and Gen X contamination.

(2) After EPA test Method 1633 is promulgated into 40 CFR 136, which is incorporated by reference including subsequent amendments and editions:

(A) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall be conducted using the version of EPA test Method 1633 that is promulgated into 40 CFR 136, which is incorporated by reference including subsequent amendments and editions.

(B) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall comply with the requirement in 40 CFR 403.12, which is incorporated by reference including subsequent amendments and editions, to be certified.

(C) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall require field blanks to be analyzed.

(D) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall be a representative grab sample, unless the Director approves use of either a grab-composite as specified in 40 CFR 403.12(g)(3), which is incorporated by reference including subsequent amendments and editions, or 24-hour to 72-hour composites collected by an automatic sampler cleaned and prepared to prevent PFOA, PFOS, and Gen X contamination.

(c) All PFOA, PFOS, and Gen X monitoring outlined in this Rule shall be submitted to the Director as follows:

(1) PFOA, PFOS, and Gen X monitoring results reporting shall comply with the requirements in Rule .0506 of this Section, except as noted in Paragraph (b) of this Rule.

(2) PFOA, PFOS, and Gen X monitoring results for all PFOA, PFOS, and Gen X shall be reported for each sample.

(3) The lowest reporting concentration shall be reported for each PFOA, PFOS, and Gen X.

(d) PFOA, PFOS, and Gen X baseline characterization monitoring shall be required as follows:

(1) Within 60 days of the effective date of this Rule, the Director shall notify all IDDs-IP and all POTWs-LPP that either:

(A) PFOA, PFOS, and Gen X baseline characterization monitoring shall be required as described in Subparagraph (d)(2) of this Rule, or

(B) Representative historical PFOA, PFOS, and Gen X sampling as described in Subparagraph (d)(3) of this Rule shall be used to satisfy the requirement for PFOA, PFOS, and Gen X baseline characterization monitoring outlined in Subparagraph (d)(2) of this Rule.

The Director shall also notify any new applicants for an individual NPDES Industrial Direct Discharger permit or a POTW seeking approval of new pretreatment program under Section .0900 of Subchapter 02H that PFOA, PFOS, and Gen X baseline characterization monitoring shall be required as described in Subparagraph (d)(2) of this Rule.

(2) Each IDD-IP and POTW-LPP notified under Part (d)(1)(A) of this Rule shall characterize the PFOA, PFOS, and Gen X concentrations in their influent or intake water and their effluent by conducting PFOA, PFOS, and Gen X baseline characterization monitoring as follows:

(A) For each POTW-LPP, PFOA, PFOS, and Gen X samples shall be collected quarterly at each influent station and effluent station for one calendar year from the Director's notification starting within three months from the Director's notification;

(B) For each IDD-IP, PFOA, PFOS, and Gen X samples shall be collected quarterly at each intake water station and effluent station for one calendar year from the Director's notification starting within three months from the Director's notification;

(C) PFOA, PFOS, and Gen X samples shall be collected in accordance with the requirements in Rule .0505 of this Section;

(D) PFOA, PFOS, and Gen X samples shall be collected in accordance with the requirements in Paragraph (b) of this Rule; and

(E) PFOA, PFOS, and Gen X monitoring data shall be submitted to the Director in accordance with the requirements in Paragraph (c) of this Rule.

(3) Representative historical PFOA, PFOS, and Gen X sampling may be used to satisfy the requirement for PFOA, PFOS, and Gen X baseline characterization monitoring outlined in Subparagraph (d)(2) of this Rule if all of the following criteria are met:

(A) The PFOA, PFOS, and Gen X sampling follows the requirements in Paragraph (b) of this Rule;

(B) The PFOA, PFOS, and Gen X sampling follows the requirements in Subparagraph (d)(2) of this Rule; and

(C) The samples were collected within the four and one-half years prior to the Director's notification date under Subparagraph (d)(1) of this Rule.

(4) PFOA, PFOS, and Gen X monitoring required in a NPDES permit issued prior to the effective date of this Rule may be used to satisfy the requirement for PFAS baseline characterization monitoring outlined in Subparagraph (d)(2) of this Rule if all of the following criteria are met:

(A) The PFOA, PFOS, and Gen X sampling follows the requirements in Paragraph (b) of this Rule; and

(B) The PFOA, PFOS, and Gen X sampling follows the requirements in Subparagraph (d)(2) of this Rule.

(e) PFOA, PFOS, and Gen X ongoing monitoring shall be required as follows:

(1) The Director shall require PFOA, PFOS, and Gen X ongoing monitoring as described in Subparagraph (e)(2) of this Rule for any IDD-IP or POTW-LPP that reports a concentration above the lowest reporting concentration (meaning, not a non-detect) of any of the PFOA, PFOS, and Gen X in any of the quarterly effluent station samples collected under Paragraph (d) of this Rule.

(A) For each IDD-IP and POTW-LPP notified under Part (d)(1)(A) of this Rule, within 120 calendar days of receiving all of the PFOA, PFOS, and Gen X baseline characterization monitoring data as required in Paragraph (d) of this Rule, the Director shall notify each IDD-IP and each POTW-LPP whether PFOA, PFOS, and Gen X ongoing monitoring will be required or not.

(B) For each IDD-IP and POTW-LPP notified under Part (d)(1)(B) of this Rule, when the Director notifies each IDD-IP and each POTW-LPP in accordance with Part (d)(1)(B) of this

Rule, the Director shall also notify each IDD-IP and each POTW-LPP whether PFOA, PFOS, and Gen X ongoing monitoring will be required or not.

(2) Each IDD-IP and POTW-LPP notified under Subparagraph (e)(1) of this Rule shall conduct ongoing PFOA, PFOS, and Gen X monitoring of their influent or intake water and their effluent as follows:

(A) For each POTW-LPP, PFOA, PFOS, and Gen X samples shall be collected semiannually at each influent station and effluent station starting within three months from the Director's notification. Sampling shall continue each calendar year until the requirements in Subparagraph (e)(3) of this Rule are met;

(B) For each IDD-IP, PFOA, PFOS, and Gen X samples shall be collected semiannually at each intake water station and effluent station starting within three months from the Director's notification. Sampling shall continue each calendar year until the requirements in Subparagraph (e)(3) of this Rule are met;

(C) PFOA, PFOS, and Gen X samples shall be collected in accordance with the requirements in Rule .0505 of this Section;

(D) PFOA, PFOS, and Gen X samples shall be collected in accordance with the requirements in Paragraph (b) of this Rule; and

(E) PFOA, PFOS, and Gen X monitoring data shall be submitted to the Director in accordance with the requirements in Paragraph (c) of this Rule.

(3) Ongoing PFOA, PFOS, and Gen X monitoring required in Subparagraphs (e)(1) and (2) of this Rule shall continue at each station until the concentration for all PFOA, PFOS, and Gen X are below the lowest reporting concentration (meaning, reported as non-detects) in four consecutive effluent samples for that effluent station. If more than one sample is collected within a semiannual period, then the highest concentration for each PFOA, PFOS, and Gen X for that semiannual period shall be used to determine whether ongoing PFOA, PFOS, and Gen X monitoring shall be performed.

(f) A minimization plan for PFOA, PFOS, and Gen X shall be required for IDDs-IP as follows:

(1) When the Director notifies each IDD-IP in accordance with Subparagraph (e)(1) of this Rule, the Director shall also notify each IDD-IP that meets the criteria in Subparagraph (e)(1) of this Rule that a minimization plan for PFOA, PFOS, and Gen X that will reduce or eliminate PFOA, PFOS, and Gen X loading to surface waters is required.

(2) Within 365 days of receiving notification from the Director that a minimization plan for PFOA, PFOS, and Gen X is required, a minimization plan for PFOA, PFOS, and Gen X shall be submitted by the IDD-IP to the Director for review and approval.

(3) Within 120 calendar days of receipt of the minimization plan for PFOA, PFOS, and Gen X from the IDD-IP, the Director shall approve the plan or notify the IDD-IP of any deficiencies identified in the plan that shall be addressed before approval. The IDD-IP shall correct all deficiencies and resubmit a complete and updated minimization plan for PFOA, PFOS, and Gen X to the Director within 60 calendar days.

(4) Within 120 calendar days of the Director's approval of the minimization plan for PFOA, PFOS, and Gen X, the IDD-IP shall commence implementation of the minimization plan for PFOA, PFOS, and Gen X. Upon approval by the Director, the IDD-IP is required to comply with their approved minimization plan for PFOA, PFOS, and Gen X. The Director shall incorporate the ongoing monitoring and approved minimization plan for PFOA, PFOS, and Gen X into the IDD-IP permit upon permit renewal.

(5) The Director shall require annual reporting on the minimization plan for PFOA, PFOS, and Gen X that includes:

(A) A summary of the status of implementation of the minimization plan for PFOA, PFOS, and Gen X; and

(B) Any observed increases or decreases in the PFOA, PFOS or Gen X concentrations in the samples collected before and after implementation of the minimization plan for PFOA, PFOS, and Gen X.

(6) The minimization plan for PFOA, PFOS, and Gen X shall be reviewed every two years after the Director's approval in accordance with Subparagraph (f)(3) of this Rule. If the IDD-IP's reduction goals in their approved minimization plan for PFOA, PFOS, and Gen X are not met, then the IDD-IP shall provide an updated minimization plan for PFOA, PFOS, and Gen X to seek additional reductions to the Director for review and approval in accordance with Subparagraphs (f)(2) and (3) of this Rule.

(7) Once the criteria in Subparagraph (e)(3) of this Rule are met for all effluent stations at the IDD-IP, the requirements in Subparagraphs (f)(5)

and (6) of this Rule shall no longer be required from the IDD-IP.

(g) An IDD-IP may request an exemption from the requirements in Paragraphs (e) and (f) of this Rule from the Director if the PFOA, PFOS, and Gen X concentrations meet all of the following criteria:

(1) The PFOA concentration in all of the quarterly effluent station samples is equal to or less than the PFOA concentration in all of the intake water station samples;

(2) The PFOS concentration in all of the quarterly effluent samples is equal to or less than the PFOS concentration in all of the intake water station samples;

(3) The Gen X concentration in all of the quarterly effluent samples is equal to or less than the Gen X concentration in all of the intake water station samples; and

(4) There is no increase in any of the PFOA, PFOS, and Gen X due to activities of the IDD-IP.

(h) Nothing in this Rule limits the Control Authority's authority to impose additional monitoring, reduction requirements, control or treatment requirements, or any other requirements as authorized in Section .0900 of Subchapter 02H.

(i) Nothing in this Rule limits the Commission's or Division's authority to impose additional monitoring, reduction requirements, control or treatment requirements, or any other requirements as authorized under the Clean Water Act, North Carolina General Statutes, or other Rules within the North Carolina Administrative Code.

Authority G.S. 143-215(a); 143-215.1(a); 143-215.1(b); 143-215.1(c); 143-215.3(a)(1); 143-215.3(a)(2); 143-215.6A; 143-215.6B; 143-215.6C; 143-215.65; 143-215.66; 143-215.67; 143-215.69.

SUBCHAPTER 02H - PROCEDURES FOR PERMITS: APPROVALS

SECTION .0900 - LOCAL PRETREATMENT PROGRAMS

15A NCAC 02H .0923 PFOA, PFOS AND GEN X MONITORING AND MINIMIZATION

(a) The terms used in this Rule shall be as defined in Rule .0903 of this Section and as follows:

(1) "EPA test Method 1633" means the EPA method for analysis of per- and polyfluoroalkyl substances (PFAS) in aqueous, solid, biosolids, and tissue samples by LC-MS/MS. Versions released on or after December 2022 by EPA are incorporated by reference, including subsequent amendments, editions and versions. The method may be accessed at https://www.epa.gov/cwa-methods/cwa-analytical-methods-and-polyfluorinated-alkyl-substances-pfas free of charge.

(2) "Gen X" means Hexafluoropropylene oxide dimer acid (HFPO-DA), CAS Registry Number 13252-13-6;

(3) "Intake water" means the water entering the SIU from surface water, groundwater, commercial, or other sources prior to any activities of the SIU.

(4) "Minimization plan for PFOA, PFOS, and Gen X" means a strategy to reduce or eliminate PFOA, PFOS, and Gen X at the source before they are discharged into the environment. A minimization plan for PFOA, PFOS, and Gen X includes:

(A) Best management practices, such as: preventative measures to control and reduce pollution, pollution prevention, good housekeeping practices (e.g., regular changing or cleaning of equipment and tanks), identifying and eliminating PFA, PFOS, and Gen X in raw materials, predicting process or operation generation of PFOA, PFOS, and Gen X as byproducts, improving operational efficiency to minimize the quantity of waste generation, product substitution to eliminate the introduction or generation for PFOA, PFOS, and Gen X, and installing treatment technologies;

(B) A timeline for implementation;

(C) Estimated annual reductions from implementation; and

(D) Reduction goals, such as a target concentration or percent reduction.

(5) "PFOA means Perfluorooctanoic acid, Chemical Abstracts Service (CAS) Registry Number 335-67-1;

(6) "PFOS" means Perfluorooctane Sulfonic Acid, CAS Registry Number 1763-23-1;

(7) "Quarterly" means the term as defined in 15A NCAC 02B .0503(20);

(8) "Semiannually" means occurring two times during a calendar year at a frequency of once per each interval of six consecutive months;

(b) All PFOA, PFOS, and Gen X monitoring outlined in this Rule shall be conducted as follows:

(1) Prior to EPA test Method 1633 being promulgated into 40 CFR 136, which is incorporated by reference including subsequent amendments and editions:

(A) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall be conducted using the third draft of EPA test Method 1633 released on December 2022 or a more recent draft or version of EPA test Method 1633 released after December 2022.

(B) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall be exempt from the requirement in 40 CFR 403.12, which is incorporated by reference including subsequent amendments and editions, to be certified.

(C) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall not require field blanks to be analyzed.

(D) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall be a representative grab sample, unless the Control Authority approves use of either a grab-composite as specified in 40 CFR 403.12(g)(3), which is incorporated by reference including subsequent amendments and editions, or 24-hour to 72-hour composites collected by an automatic sampler cleaned and prepared to prevent PFOA, PFOS, and Gen X contamination.

(2) After EPA test Method 1633 is promulgated into 40 CFR 136, which is incorporated by reference including subsequent amendments and editions:

(A) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall be conducted using the version of EPA test Method 1633 that is promulgated into 40 CFR 136, which is incorporated by reference including subsequent amendments and editions.

(B) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall comply with the requirement in 40 CFR 403.12, which is incorporated by reference including subsequent amendments and editions, to be certified.

(C) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall require field blanks to be analyzed.

(D) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall be a representative grab sample, unless the Control Authority approves use of either a grab-composite as specified in 40 CFR 403.12(g)(3), which is incorporated by reference including subsequent amendments and editions, or 24-hour to 72-hour composites collected by an automatic sampler cleaned and prepared to prevent PFOA, PFOS, and Gen X contamination.

(c) All PFOA, PFOS, and Gen X monitoring outlined in this Rule shall be submitted to the Control Authority as follows:

(1) PFOA, PFOS, and Gen X monitoring data submitted shall include the following:

(A) Facility name;

(B) Facility number or other identification if assigned by the Control Authority;

(C) For each reported sample: sample date, sample time (on a 2400 hour clock basis), sample location, and sample collection type;

(D) PFOA, PFOS, and Gen X monitoring results for each reported sample; and

(E) The lowest reporting concentration shall be reported for each PFOA, PFOS, and Gen X.

(2) All PFOA, PFOS, and Gen X monitoring data shall be submitted to the Control Authority in accordance with the schedule outlined in the pretreatment discharge permit issued to the SIU by the Control Authority in accordance with Rule .0916 of this Subchapter.

(d) PFOA, PFOS, and Gen X baseline characterization monitoring shall be required as follows:

(1) Within 60 days of the effective date of this Rule, the Control Authority shall notify all SIUs that either:

(A) PFOA, PFOS, and Gen X baseline characterization monitoring shall be required as described in Subparagraph (d)(2) of this Rule, or

(B) Representative historical PFOA, PFOS, and Gen X sampling as described in Subparagraph (d)(3) of this Rule shall be used to satisfy the requirements for PFOA, PFOS, and Gen X baseline characterization monitoring outline in Subparagraph (d)(2) of this Rule.

The Control Authority shall specify in the notification whether the Control Authority or SIU will be responsible for completing the monitoring. The Control Authority shall also notify any new SIU pretreatment permit applicant that PFOA, PFOS, and Gen X baseline characterization monitoring shall be required as described in Subparagraph (d)(2) of this Rule.

(2) SIUs notified under Part (d)(1)(A) of this Rule or the Control Authority on behalf of the SIU shall characterize the PFOA, PFOS, and Gen X concentrations in their effluent by conducting PFOA, PFOS, and Gen X baseline characterization monitoring as follows:

(A) PFOA, PFOS, and Gen X samples shall be collected quarterly at each effluent station for one calendar year

from the Control Authority's notification starting within three months from the Control Authority's notification;

(B) PFOA, PFOS, and Gen X sample location and timing shall be representative of the effluent for each effluent;

(C) PFOA, PFOS, and Gen X samples shall be collected in accordance with the requirements in Paragraph (b) of this Rule; and

(D) PFOA, PFOS, and Gen X monitoring data shall be submitted to the Control Authority in accordance with the requirements in Paragraph (c) of this Rule.

(3) Representative historical PFOA, PFOS, and Gen X sampling may be used to satisfy the requirement for PFOA, PFOS, and Gen X baseline characterization monitoring outlined in Subparagraph (d)(2) of this Rule if all of the following criteria are met:

(A) The PFOA, PFOS, and Gen X sampling follows the requirements in Paragraph (b) of this Rule;

(B) The PFOA, PFOS, and Gen X sampling follows the requirements in Subparagraph (d)(2) of this Rule; and

(C) The samples were collected within the four and one-half years prior to the date the SIU is notified by the Control Authority as outlined in Subparagraph (d)(1) of this Rule.

(4) PFOA, PFOS, and Gen X monitoring required in a NPDES permit may be used to satisfy the requirement for PFOA, PFOS, and Gen X baseline characterization monitoring outlined in Subparagraph (d)(2) of this Rule if all of the following criteria are met:

(A) The PFOA, PFOS, and Gen X sampling follows the requirements in Paragraph (b) of this Rule; and

(B) The PFOA, PFOS, and Gen X sampling follows the requirements in Subparagraph (d)(2) of this Rule.

(e) PFOA, PFOS, and Gen X ongoing monitoring shall be required as follows:

(1) The Control Authority shall require PFOA, PFOS, and Gen X ongoing monitoring as described in Subparagraph (e)(2) of this Rule for any SIU that reports a concentration above the lowest reporting concentration (meaning, not a non-detect) of any of the PFOA, PFOS, and Gen X in any of the quarterly effluent station samples collected under Paragraph (d) of this Rule.

(A) For each SIU notified under Part (d)(1)(A) of this Rule, within 120 calendar days of receiving all of the PFOA, PFOS, and Gen X baseline characterization monitoring data as required in Paragraph (d) of this Rule, the Control Authority shall notify each SIU whether PFOA, PFOS, and Gen X ongoing monitoring will be required or not. The Control Authority shall specify in the notification whether the Control Authority or SIU will be responsible for completing the ongoing monitoring of PFOA, PFOS, and Gen X.

(B) For each SIU notified under Part (d)(1)(B) of this Rule, when the Control Authority notifies each SIU in accordance with Part (d)(1)(B) of this Rule, the Director shall also notify each SIU whether PFOA, PFOS, and Gen X ongoing monitoring will be required or not.

(2) SIUs notified under Subparagraph (e)(1) of this Rule, or the Control Authority on behalf of the SIU, shall conduct ongoing PFOA, PFOS, and Gen X monitoring of their effluent as follows:

(A) PFOA, PFOS, and Gen X samples shall be collected semiannually at each effluent station starting within three months from the Control Authority's notification date per Subparagraph (e)(1) of this Rule. Sampling shall continue each calendar year until the requirements in Subparagraph (e)(3) of this Rule are met;

(B) PFOA, PFOS, and Gen X sample location and timing shall be representative of the effluent for each effluent;

(C) PFOA, PFOS, and Gen X samples shall be collected in accordance with the requirements in Paragraph (b) of this Rule; and

(D) PFOA, PFOS, and Gen X monitoring data shall be submitted to the Control Authority in accordance with the requirements in Paragraph (c) of this Rule.

(3) Ongoing PFOA, PFOS, and Gen X monitoring required in Subparagraphs (e)(1) and (2) of this Rule shall continue at each station until the concentrations for all PFOA, PFOS, and Gen X are below the lowest reporting concentration (meaning, reported as non-detects) in four consecutive effluent samples for that effluent station. If more than one sample is collected per semiannual period at an effluent station, then the highest concentration for each PFOA, PFOS, and Gen X for that semiannual period shall be used to determine whether ongoing

PFOA, PFOS, and Gen X monitoring shall be performed at that effluent station.

(f) A minimization plan for PFOA, PFOS, and Gen X shall be required as follows:

(1) When the Control Authority notifies each SIU in accordance with Subparagraph (e)(1) of this Rule, they shall also notify each SIU that meets the criteria in Subparagraph (e)(1) of this Rule that a minimization plan for PFOA, PFOS, and Gen X that will reduce or eliminate PFOA, PFOS, and Gen X loading to the POTW is required.

(2) Within 365 days of receiving notification from the Control Authority that a minimization plan for PFOA, PFOS, and Gen X is required, a minimization plan for PFOA, PFOS, and Gen X shall be submitted by the SIU to the Control Authority for review and approval.

(3) Within 120 calendar days of receipt of the minimization plan for PFOA, PFOS, and Gen X from the SIU, the Control Authority shall approve the plan or notify the SIU of any deficiencies identified in the plan that shall be addressed before approval. The SIU shall correct all deficiencies and resubmit a complete and updated minimization plan for PFOA, PFOS, and Gen X to the Control Authority within 60 calendar days.

(4) Within 120 calendar days of the Control Authority's approval of the minimization plan for PFOA, PFOS, and Gen X, the SIU shall commence implementation of the minimization plan for PFOA, PFOS, and Gen X. The Control Authority shall modify the SIU permit in accordance with Rule .0916 of this Subchapter to incorporate the ongoing monitoring and the approved minimization plan for PFOA, PFOS, and Gen X into the SIU permit within 120 calendar days of the Control Authority's approval of the minimization plan for PFOA, PFOS, and Gen X.

(5) The Control Authority shall require annual reporting on the minimization plan for PFOA, PFOS, and Gen X in the SIU permits that include:

(A) A summary of the status of implementation of the minimization plan for PFOA, PFOS, and Gen X; and

(B) Any observed increases or decreases in the PFOA, PFOS or Gen X concentrations in the samples collected before and after implementation of the minimization plan for PFOA, PFOS, and Gen X.

(6) The minimization plan for PFOA, PFOS, and Gen X shall be reviewed every two years after the SIU permit is modified in accordance with Subparagraph (f)(4) of this Rule. If the SIU's reduction goals in their approved minimization plan for PFOA, PFOS, and Gen X are not met, then the SIU shall provide an updated minimization plan for PFOA, PFOS, and Gen X to seek additional reductions to the Control Authority for review and approval in accordance with Subparagraphs (f)(2) and (3) of this Rule.

(7) Once the criteria in Subparagraph (e)(3) of this Rule are met for all effluent stations at the SIU, the requirements in Subparagraphs (f)(5) and (6) of this Rule shall no longer be required from the SIU.

(g) A SIU may request an exemption from the requirements in Paragraphs (e) and (f) of this Rule from the Control Authority if all of the following are met:

(1) Concurrent with the PFOA, PFOS, and Gen X baseline characterization monitoring conducted in accordance with Paragraph (d) of this Rule, the SIU shall also characterize the PFOA, PFOS, and Gen X concentrations in their intake water by conducting PFOA, PFOS, and Gen X baseline characterization monitoring as follows:

(A) PFOA, PFOS, and Gen X samples shall be collected quarterly at each intake water station for one calendar year from the date the SIU is notified by the Control Authority in Subparagraph (d)(1) of this Rule;

(B) PFOA, PFOS, and Gen X sample location and timing shall be representative of the intake water for each intake water station;

(C) PFOA, PFOS, and Gen X samples shall be collected in accordance with the requirements in Paragraph (b) of this Rule; and

(D) PFOA, PFOS, and Gen X monitoring data shall be submitted to the Control Authority in accordance with the requirements in Paragraph (c) of this Rule.

(2) The PFOA, PFOS, and Gen X concentrations meet all of the following criteria:

(A) The PFOA concentration in all of the quarterly effluent station samples is equal to or less than the PFOA concentration in all of the intake water station samples;

(B) The PFOS concentration in all of the quarterly effluent samples is equal to or less than the PFOS concentration in all of the intake water station samples;

(C) The Gen X concentration in all of the quarterly effluent samples is equal to or less than the Gen X concentration in all of the intake water station samples; and

(D) There is no increase in any of the PFOA, PFOS, and Gen X due to activities of the SIU.

(h) In the Pretreatment Annual Report submitted to the Division as required in Rule .0908 of this Subchapter, the Control Authority shall submit a PFOA, PFOS, and Gen X Addendum that includes:

(1) A summary of the PFOA, PFOS, and Gen X monitoring data received by the Control Authority from all SIUs as required in Paragraphs (d) and (e) of this Rule;

(2) Copies of lab reporting sheets or excel spreadsheets received by the Control Authority from all SIUs as required in Paragraphs (c) and (d) of this Rule.

(3) A list of SIUs with approved minimization plans for PFOA, PFOS, and Gen X, including their total volume discharged and their estimated mass of PFOA, PFOS, and Gen X discharged during the reporting year;

(4) A summary of the implementation status for all approved minimization plans for PFOA, PFOS, and Gen X;

(5) A summary of the estimated annual reductions of PFOA, PFOS, and Gen X reaching the POTW from implementation of the approved minimization plans for PFOA, PFOS, and Gen X;

(6) A list of any enforcement actions taken for failing to conduct ongoing PFOA, PFOS, and Gen X monitoring, failing to provide a minimization plan for PFOA, PFOS, and Gen X or for failing to implement an approved minimization plan for PFOA, PFOS, and Gen X; and

(7) A summary of status and outcomes for any enforcement actions taken.

(i) Nothing in this Rule limits the Control Authority's authority to impose additional monitoring, reduction requirements, control or treatment requirements, or any other requirements as authorized in Section .0900 of this Subchapter.

(j) Nothing in this Rule limits the Commission's or Division's authority to impose additional monitoring, reduction requirements, control or treatment requirements, or any other requirements as authorized under the Clean Water Act, North Carolina General Statutes, or other Rules within the North Carolina Administrative Code.

Authority G.S. 143-215(a); 143-215.1(a); 143-215.1(b); 143-215.1(c); 143-215.3(a)(1); 143-215.3(a)(2); 143-215.3(a)(14); 143-215.6A; 143-215.6B; 143-215.6C; 143-215.65; 143-215.66; 143-215.67; 143-215.69.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 34 - FUNERAL SERVICE

***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Board of Funeral Service intends to amend the rules cited as 21 NCAC 34C .0102, and .0103.*

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

Proposed Effective Date: *October 1, 2026*

Public Hearing:
Date: *May 13, 2026*
Time: *10:00 a.m.*
Location: *1033 Wade Ave, Ste 108, Raleigh, NC 27605*

Reason for Proposed Action: *21 NCAC 34C .0102- To update the manner in which monthly cremation reports and payment of associated fees are submitted to the board.*
21 NCAC 34C .0103- To codify the information required for application of a crematory or hydrolysis license

Comments may be submitted to: *Amy Acord Elston, 1033 Wade Ave, Ste 108, Raleigh, NC 27605; phone (919) 733-9380; email aelston@ncbfs.org*

Comment period ends: *June 30, 2026*

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

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

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

SUBCHAPTER 34C - CREMATORIES

SECTION .0100 – GENERAL PROVISIONS

21 NCAC 34C .0102 FORM AND SUBMISSION OF DOCUMENTS

(a) When any provision of Article 13F, Chapter 90, of the North Carolina General Statutes or any rule in this Subchapter requires a crematory or hydrolysis licensee to obtain any death certificate, report, authorization, waiver, statement or other document prior to cremation or hydrolysis, the crematory or hydrolysis licensee may accept the document in the form of the original, a photocopy, or by electronic or facsimile transmission.

(b) Crematory licensees shall submit all monthly reports pursuant to G.S. 90-210.132(c) and fees pursuant to G.S. 90-210.132(a) to the Board through the Board's online portal that is available at https://ncbfs.org/cremation-portal/. In the event that the online portal is inaccessible at the time of submission, crematory licensee shall submit the monthly report via email at cremationreports@ncbfs.org and shall remit the fee through the Board's website at https://ncbfs.org/fees-and-payments/.

Authority G.S. 90-210.127; 90-210.134(a); 90-210.136(d),(h).

21 NCAC 34C .0103 APPLICATION ~~FORM~~ FORMS FOR CREMATORY OR HYDROLYSIS LICENSE

(a) All initial applications for a crematory or hydrolysis license shall be made on forms provided by the ~~Board.~~ Board on its website at https://ncbfs.org. Applications not completed within ninety days following submission to the Board shall be denied. The application shall state the following information:

(1) the legal name of the ~~applicant;~~ individual or entity that owns the crematory;

(2) the email ~~address;~~ address, physical address, mailing address, phone number(s), and facsimile number of the crematory or hydrolysis licensee;

~~(3) type of business entity;~~

~~(4) location of crematory or hydrolysis facility;~~

~~(5)~~(3) ~~description of~~ other names under which the crematory or hydrolysis ~~facilities and equipment;~~ licensee conducts business and the name and address of any affiliated funeral establishment;

~~(6) name and address of each crematory or hydrolysis technician;~~

~~(7) name and address of the crematory or hydrolysis manager; and~~

~~(8) any criminal convictions of the applicant and manager.~~

(4) whether the entity or individual owning the crematory or hydrolysis licensee is a sole proprietorship, partnership, corporation, or limited liability company;

(5) if owned by a sole proprietor, the legal name of the sole proprietor;

(6) if owned by a partnership, a copy of the applicant's partnership agreement, the name of each partner and his or her respective ownership interests;

(7) if owned by a corporation, a copy of the applicant's Articles of Incorporation, the name of each corporate officer, his or her position, and the respective ownership interests of each person or entity holding an ownership interest in the corporation;

(8) if owned by a limited liability company, a copy of the applicant's Articles of Organization and the name of each member and his or her respective percentage of ownership;

(9) if the applicant will conduct business in a different name than that of its owning entity, a copy of the applicant's Certificate of Assumed Name;

(10) the name and license number of the individual who will serve as the licensed crematory manager or hydrolysis licensee manager in accordance with G.S. 90-210.123(d);

(11) the name and address of every crematory or hydrolysis technician employed by the crematory or hydrolysis licensee;

(12) the name and address of the facility at which refrigeration of unembalmed human remains on behalf of the crematory or hydrolysis licensee will occur, if refrigeration will be performed in an off-site facility;

(13) the type of material out of which the crematory or hydrolysis licensee is constructed;

(14) whether the crematory or hydrolysis licensee is located within a funeral establishment licensed by the Board or whether it is a stand-alone facility;

(15) whether the crematory or hydrolysis licensee has a holding facility and if so, the square footage;

(16) if the applicant is a crematory, the following information:

(A) the manufacturer of the cremation chamber, along with the model number and year of manufacture;

(B) whether the cremation chamber is commercially manufactured, within crematory facility, and made specifically for the cremation of human remains;

(C) whether the cremation chamber as an ash collection pan;

(D) whether the cremation chamber has a hearth or floor without depressions for the purpose of minimizing the commingling of human remains;

(E) whether the cremation chamber has a door safety switch to stop burner operation when front charging door is opened;

(F) whether the cremation chamber has a pollution monitoring system to monitor and detect smoke when density exceeds federal and state standards, whereupon system will automatically stop burner operation on

time setting of not less than three minutes; and

(G) whether the cremation chamber is approved by UL or another testing agency.

(17) if the applicant has pulverization equipment, the following information:

(A) the manufacturer of the pulverization equipment, along with the model number and year of manufacture;

(B) whether the machine is commercially manufactured, located within crematory facility, made specifically for pulverization of cremated remains;

(C) whether the machine is capable of consistently processing cremated remains to unidentifiable dimensions;

(D) whether the machine has a dust-resistant processing chamber; and

(E) whether the machine has an exterior surface made of sanitary and non-corrosive material.

(18) if the applicant uses on-site refrigeration units, the following information:

(A) the manufacturer of the pulverization equipment, along with the model number and year of manufacture;

(B) whether the refrigeration unit located in the holding facility of the building;

(C) the number and capacity of each refrigeration unit housed on-site;

(D) whether the refrigeration units are capable of maintaining an interior temperature of 40 degrees Fahrenheit while loaded with the maximum number of bodies for which the refrigeration unit was designed;

(E) whether the refrigeration units have sealed concrete, stainless steel, galvanized, aluminum, or other sanitary flooring in walk-in units; and

(F) whether the refrigeration units have stainless steel, aluminum, or other non-corrosive and sanitary surfaces for the remainder of the interior of all units.

(19) a copy of the General Price List, Casket Price List, Outer Burial Container Price List, and Statement of Funeral Goods and Services Selected intended for use by the applicant, if required by the FTC Funeral Rule, 16 C.F.R. 453.2;

(20) proof of the applicant's right of occupancy for the premises at which the crematory or hydrolysis licensee will be located;

(21) copies of the current educational certificates for crematory technicians required by G.S. 90-210.121(14);

(22) whether the applicant currently is in good standing with the North Carolina Secretary of State and, if so, documentation to establish proof of the same;

(23) whether, within the preceding two years, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;

(24) the licensed manager's notarized signature to certify that:

(A) he or she has prepared the application and has read the answers;

(B) the information provided in the application is true;

(C) the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789; and

(D) he or she understands that any credential issued shall be governed by the provisions of Article 13A or 13F, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board;

(25) the signature of each owner, partner, manager, member, operator, and officer of the business entity applying for licensure, consenting to the Board's ability to conduct a background check on his or her criminal history; and

(26) the application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license until the renewal fees and non-sufficient fund charges are paid.

(b) Upon receipt of an initial application as set forth in this Rule, the Board shall provide to the individuals identified in Subparagraph (a)(24) of this Rule instructions on how to submit his or her fingerprints for a criminal background check, in accordance with G.S. 90-210.25(a)(5)(h) and 90-210.123(c1). The individuals shall sign and return to the Board a form provided by the Board, consenting to the check of the criminal records and to the use of his or her fingerprints and other identifying information required by the State or national repositories. If the background check is performed by the State Bureau of Investigation, the individuals shall remit payment to the Board in the form of an official check, money order, or cashier's check, made payable to the State Bureau of Investigation, the actual costs charged by the Department of Public Safety for performing the criminal background check. If the background check is performed by another vendor, the individuals shall remit payment to the Board payment of actual costs charged by the vendor for performing the criminal background check.

(c) All crematory and hydrolysis licensees shall annually submit a renewal application on forms provided by the Board that are available on the Board's website, ncbfs.org. All renewal applications for a crematory and hydrolysis license shall contain the following:

(1) the information required in Subparagraph (a)(1) – (a)(5), (a)(10) – (a)(11), and (a)(22) – (a)(26) of this Rule;
(2) if owned by a corporation, the name of each corporate officer, his or her position, and the respective ownership interests of each person or entity holding an ownership interest in the corporation;
(3) if owned by a limited liability company, the name of each member and his or her respective percentage of ownership;
(4) whether any changes have been made to the licensee's building since the last renewal and if so, a description of the changes;
(5) whether any changes have been made to the following facilities or equipment since the last renewal and, if so, a description of the changes:
(A) the holding facility;
(B) the cremation chamber;
(C) the pulverization equipment;
(D) the refrigeration units; and
(6) whether the licensee operates a cremation or hydrolysis society, in accordance with G.S. 90-210.135.

Authority G.S. 90-210.123; 90-210.134(a); 90-210.36(d),(h).

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CHAPTER 46 - 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 .1420.*

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: *May 19, 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: *The Board has proposed adopting a rule to accommodate standardized orders in health care pharmacy settings (such as hospitals and long-term care facilities). Standardized orders are ones that allow a health care facility pharmacist-manager to establish criteria for ordering medications that are determined to be safe for all patients meeting those criteria, regardless of any drugs, supplements or other substances that might have been consumer by those patients. Because of the absence of any relevant distinction among those patients, the medications would be able to be dispensed without patient-specific drug regimen review being performed. This rule was the product of study by a working group that included members from a wide variety of health care pharmacy settings.*

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: *June 15, 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 .1400 - HOSPITALS: OTHER HEALTH FACILITIES

21 NCAC 46 .1420 STANDARDIZED ORDERS

(a) This Rule applies if a Health Care Facility has developed a set of standardized orders for its patients. As used in this Rule, standardized orders are pre-established written protocols that allow authorized practitioners at the Health Care Facility to administer medications to a patient who meets defined criteria.
(b) A pharmacist-manager of Health Care Facility Pharmacy may establish which of those standardized orders are safe and effective for all patients presenting a set of predetermined criteria established by the pharmacist-manager. Those orders must be safe and effective for all patients presenting those criteria, regardless of any drugs, supplements or other substances that might have been consumed by any patient. Any standardized orders so designated by the pharmacist-manager may be dispensed by the pharmacy to a Health Care Facility patient without any patient-specific drug regimen review being performed by the pharmacist.
(c) The pharmacist-manager must maintain policies and procedures sufficient to identify the standardized orders and the

criteria for issuing those standardized orders, as well as the process by which those orders are to be dispensed. The pharmacist-manager must also keep records of all dispensing pursuant to this Rule, including the authorized practitioner's determination that the standardized order was appropriate and documentation that any criteria have been met.
(d) This Rule does not apply to outpatient pharmacies or to drugs dispensed pursuant to 21 NCAC 46 .1415.

Authority G.S. 90-18.1; 90-18.2; 90-85.6; 90-85-21; 90-85.26; 90-85.33; 90-85.34.

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***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Board of Pharmacy intends to amend the rule cited as 21 NCAC 46 .1806.*

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: *May 19, 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: *The Board has proposed revisions of the requirements for transferring prescriptions from one pharmacy to another. The rule was last revised when paper prescriptions predominated, and the requirements were written in that framework. The Board has proposed to update those requirements. The proposed amendment further streamlines the requirements, removing ones that are no longer necessary to protect the public health, safety and welfare.*

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: *June 15, 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 .1800 - PRESCRIPTIONS

21 NCAC 46 .1806 TRANSFER OF PRESCRIPTIONS ~~PRESCRIPTION INFORMATION~~

(a) ~~The transfer of original prescription information for the purpose of refill dispensing~~ Transferring prescriptions between pharmacies is permissible ~~between pharmacies~~ subject to the following requirements:

(1) the transfer is communicated directly from either a pharmacist or certified technician to either a pharmacist or certified technician and not by only one pharmacist or certified technician gaining access to an information file containing data for ~~several locations,~~ another pharmacy, unless ~~all locations accessed~~ both pharmacies are under common ownership or ~~accessed~~ the transfer is performed pursuant to contractual agreement of the pharmacies;

(2) the transferring pharmacist or certified technician deactivates the original prescription; ~~invalidates the prescription and any remaining refills at the transferring pharmacy by marking the word "void" on the face of the prescription or its equivalent;~~

(3) the transferring pharmacist or certified technician records: ~~records the name and address of the pharmacy to which it was transferred and the name of the pharmacist or certified technician receiving the prescription information on the reverse of the invalidated prescription;~~
   (A) the date of the transfer;
   (B) the identity of the pharmacist or certified technician transferring the prescription; and
   (C) the identity of the pharmacy to which the prescription was transferred and the identity of the pharmacist or certified technician receiving it.

(4) ~~the transferring pharmacist or certified technician records the date of the transfer and the name of the pharmacist or certified technician transferring the information.~~ the pharmacist or certified technician receiving the transferred prescription records:
   (A) the date of the original prescription, and the original prescription number;

(B) the number of refills authorized and remaining on the prescription;
(C) the date of the last fill or refill (if any);
(D) the manufacturer or brand of the drug previously dispensed, if the drug is a narrow therapeutic index drug under G.S. 90-85.27;
(E) the date of the transfer; and
(F) the identity of the pharmacy from which the prescription information was transferred, and the identity of the pharmacist or certified technician transferring the prescription.

(b) ~~The pharmacist or certified technician receiving the transferred prescription information shall reduce to writing the following:~~
~~(1) The word "transfer" on the face of the transferred prescription;~~
~~(2) All information required to be on a prescription, including:~~
~~(A) Date of issuance of original prescription;~~
~~(B) Number of refills authorized on original prescription;~~
~~(C) Date and time of transfer;~~
~~(D) Number of valid refills remaining and date of last refill;~~
~~(E) Pharmacy's name, address and original prescription number from which the prescription information was transferred;~~
~~(F) Name of transferring pharmacist or certified technician; and~~
~~(G) Manufacturer or brand of drug dispensed.~~
~~(c) The transferred prescription, as well as the original, must be maintained for a period of three years from the date of last refill.~~
~~(d) Dispensing is permitted only within the original authorization for refills and no dispensing on such transfer shall occur beyond that authorized on the original prescription. Any dispensing beyond that originally authorized or one year, whichever is less, may occur only on a new prescription.~~
~~(e) The requirements of Paragraphs (a) and (b) of this Rule may be facilitated by use of a computer or data system without reference to an original prescription document. The system must be able to identify transferred prescriptions and prevent subsequent prescription refills at that pharmacy.~~
~~(f) This Rule applies to the transfer of prescriptions issued by prescribers in other states, provided that the pharmacist or certified technician receiving the prescription actually knows or reasonably should know that a physician patient relationship exists and dispensing the drug is in the patient's best interests.~~
~~(g) All records pertinent to this Rule shall be readily retrievable.~~
~~(h) A system must be in place that will allow only authorized access by a pharmacist or certified technician to all records pertinent to this Rule and will indicate on the prescription record when and by whom such access was made.~~
~~(i) The transfer of original prescription information for the purpose of refill dispensing~~ Transferring prescriptions between device and medical equipment permit holders is permissible ~~between device and medical equipment permit holders~~ so long as the transferring permit holder provides all records and documentation necessary for dispensing and does not interfere with the service and claims processing procedures of the receiving permit holder.

Authority G.S. 90-85.6(a); 90-85.32.

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***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 .1822, and amend the rules cited as 21 NCAC 46 .1616, .1821, and .2516.*

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: *May 19, 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: *The Board has proposed adoption of a rule (21 NCAC 46 .1822) that would permit a pharmacy to deliver prescriptions that have been fully filled and labeled for specific patients by having certain pharmacy personnel deliver them at a fixed alternate delivery site. This rule change was originally proposed by a pharmacist as a method of facilitating service to remote locations that cannot support a pharmacy. This method has recently been used successfully in Virginia with no adverse impact to the public health, safety and welfare. The requirements of the proposed rule largely track the requirements for direct-to-patient locker and kiosk systems (21 NCAC 46 .1821), which the Board adopted in 2023. There are proposed conforming changes to (a) the limited service permit rule (21 NCAC 46 .1616) to provide for permitting and inspection of the alternate delivery site; (b) the direct-to-patient delivery system rule (21 NCAC 46 .1821) to acknowledge the new rule; and (c) the pharmacy emergency closure rule (21 NCAC 46 .2516) to provide for delivery of filled prescriptions to a pharmacy's nearby alternate delivery site if the pharmacy is subject to emergency closure, so that patients can have the choice to retrieve drugs during that closure.*

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: *June 15, 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 .1600 - LICENSES AND PERMITS

21 NCAC 46 .1616 LIMITED SERVICE PERMITS

(a) The following pharmacy practice locations are eligible to apply for "limited service permits," which are pharmacy locations whose operations are modified by the provisions set forth in Paragraphs (b), (c), and (d) of this Rule:

(1) auxiliary medication inventories permitted and operating in health care facilities pursuant to Rule .1414(d) of this Chapter;
(2) automated dispensing or drug supply devices permitted and operating in health care facilities pursuant to Rule .1419 of this Chapter;
(3) direct to patient systems that are not located at the home pharmacy's facility pursuant to Rule .1821 of this Chapter;
(4) alternate delivery sites pursuant to Rule .1822 of this Chapter;
~~(4)~~(5) facilities where drugs are dispensed only by nurse practitioners or physician assistants pursuant to Section .1700 of this Chapter;
~~(5)~~(6) county health departments or other governmental entities providing local health services under G.S. 130A-34 where drugs are dispensed only by registered nurses and only pursuant to G.S. 90-85.34A and Section .2400 of this Chapter;
~~(6)~~(7) county health departments or other governmental entities providing local health services under G.S. 130A-34 that engage in dispensing beyond that set out in G.S. 90-85.34A and Section .2400 of this Chapter;
~~(7)~~(8) free clinics, as defined in G.S. 90-85.44(a)(6); or
~~(8)~~(9) critical access hospitals, as defined in G.S. 131E-76.

(b) A pharmacist-manager for a limited service permit may designate one assistant pharmacist-manager but is not required to do so. The assistant pharmacist-manager shall be responsible for exercising all of the responsibilities of a pharmacist-manager when the assistant pharmacist-manager is present and the pharmacist-manager is not present at the location holding the limited service permit. If the pharmacist-manager chooses to designate an assistant pharmacist-manager, the pharmacist-manager shall notify the Board on the limited service permit application, if an assistant pharmacist-manager is desired at that time. If a designation is made or changed after the limited service permit application is filed, the pharmacist-manager shall notify the Board, in writing, within 15 days of any change in the designation. Notwithstanding the pharmacist-manager's designation of an assistant pharmacist-manager, the pharmacist-manager shall be responsible for ensuring the pharmacy's compliance with all statutes, rules, and standards at all times.

(c) For limited service permits, the pharmacist-manager attendance requirements set out in Rule .2502(b) of this Chapter are modified only as set forth herein:

(1) For limited service permits described in Subparagraphs (a)(1), (2), (3), and (4)~~(2) and (3)~~ of this Rule, either the pharmacist-manager or the assistant pharmacist-manager shall perform an in-person, on-site visit at least once per calendar quarter to inspect the location holding the permit, review the operations of the location holding the permit with the persons involved in accessing them as permitted by the rules referenced in Subparagraphs (a)(1), (2), (3), and (4) ~~and (3)~~ of this Rule, and ensure that the location holding the permit is operated in compliance with all applicable State and federal laws.
(2) For limited service permits described in Subparagraphs (a)(5) and (6)~~(a)(4) and (5)~~ of this Rule, either the pharmacist-manager or the assistant pharmacist-manager shall perform an in-person, on-site visit at least once per week to inspect the location holding the permit, review the operations of the location holding the permit with the persons involved in dispensing, and ensure that the location holding the permit is operated in compliance with all applicable State and federal laws.
(3) For limited service permits described in Subparagraphs (a)(7), (8), and (9)~~(a)(6), (7) and (8)~~ of this Rule, either the pharmacist-manager or the assistant pharmacist-manager employed or otherwise engaged to supply pharmaceutical services may have a flexible schedule of attendance but shall be present for at least one-half of the hours the pharmacy is open or 20 hours a week, whichever is less. For the limited service permits described in Subparagraphs (a)(7) and (8)~~(a)(5) and (6)~~ of this Rule, a licensed pharmacist shall be present when the pharmacy is open as described in Rule .2502(e) of this Chapter. For the limited service permits

described in Subparagraph (a)(9)~~(a)(7)~~ of this Rule, the location holding the limited service permit may operate in the absence of a pharmacist only as set out in Rule .1413 of this Chapter.

(4) The limited service permit holder may name a temporary pharmacist-manager or assistant pharmacist-manager for a period not to exceed 90 days from the departure date of the previous pharmacist-manager or assistant pharmacist-manager. The temporary pharmacist-manager or assistant pharmacist-manager shall accept the responsibilities of that position and shall be present as set forth in this Rule. A location holding a limited service permit may not operate for a period of more than 30 days without a pharmacist employed or otherwise engaged as a permanent or temporary pharmacist-manager who has signed the permit for that pharmacy.

(d) A person may serve as the pharmacist-manager or the assistant pharmacist-manager for multiple limited service permits, and may do so while also serving as the pharmacist-manager for a maximum of one permit other than a limited service permit. A person serving multiple limited service permit locations must fulfill all of that person's duties under State and federal law as to each location.

(e) Except as expressly set forth in this Rule, the pharmacist-manager must provide oversight and supervision as provided elsewhere in this Chapter.

Authority G.S. 90-18.1(c); 90-18.2; 90-85.6; 90-85.21; 90-85.32; 90-85.33; 90-85.34.

SECTION .1800 - PRESCRIPTIONS

21 NCAC 46 .1821 DIRECT-TO-PATIENT DELIVERY SYSTEMS

(a) This Rule sets out the requirements under which pharmacies may utilize "direct-to-patient" or ("DTP") delivery systems for dispensing in the State of North Carolina.

(b) Definitions.

(1) "Direct to patient system" or "DTP system" means any delivery system through which a pharmacy dispenses drugs, devices or medical equipment to a patient through any means other than:

(A) in-person dispensing to a patient by pharmacy personnel inside a pharmacy,

(B) in-person dispensing by delivery to a patient's ~~residence or~~ residence, to a health care provider treating that patient, or at an alternate delivery site governed by Rule .1822 of this Section,

(C) shipping through common carrier to a patient or to a health care provider treating that patient, or

(D) the use of an automated dispensing device by a health care facility pharmacy that is governed by Rule .1419 of this Chapter.

Except as provided in this Rule or one of the exceptions set out in Parts (A)-(D) of this Subparagraph, no person holding any license or permit from the Board shall participate in any arrangement whereby prescriptions may be left at, picked up from, accepted by, or delivered to any other place. The only DTP systems allowed are "lockers" and "kiosks" as defined herein.

(2) The "home pharmacy" means the pharmacy responsible for dispensing drugs, devices or medical equipment through a DTP system.

(3) A "locker" means a secure container in which pharmacy personnel place labeled patient-specific drugs, devices, or medical equipment to be picked up by the patient.

(4) A "kiosk" means an automated system that is capable of filling, labeling, and dispensing drugs, devices, or medical equipment to be dispensed to a patient.

(c) Any DTP system located within the State of North Carolina (whether a locker or a kiosk) shall meet the following requirements:

(1) Before any drugs, devices, or medical equipment may be dispensed from a DTP system, the home pharmacy shall have been issued a pharmacy permit by the Board pursuant to G.S. 90-85.21 or 90-85.21A. In addition, before any drugs, devices, or medical equipment may be dispensed from the DTP system, the DTP system shall hold a limited service permit under Rule .1616 of this Section if it is not located at the home pharmacy's permitted facility.

(2) The home pharmacy shall notify the Board, in writing, through the home pharmacy's online permit portal, prior to beginning to use any DTP system, including the address and geographical coordinates of the DTP system and the licensed pharmacist(s) responsible for the DTP system. The home pharmacy shall notify the Board prior to moving the DTP system and shall secure a new limited service permit, if one is required by Subparagraph (c)(1) of this Rule, before operating the DTP system in the new location. The home pharmacy shall notify the Board within 10 days after discontinuing patient use of any DTP system.

(3) A DTP system shall be used exclusively by the home pharmacy.

(4) Any DTP system shall be 60 miles or fewer from the home pharmacy (via the shortest surface street route).

(5) A DTP system may be placed in the office of a prescriber only if the DTP system is under the control of the home pharmacy, which is

responsible for compliance with all laws regarding the DTP system. The home pharmacy shall maintain the DTP system in the prescriber's office only if the prescriber offers patients a choice of pharmacy. The home pharmacy shall not give compensation to or receive compensation from the prescriber for the placement of the DTP system or for any prescriptions filled by the DTP system.

(6) The home pharmacy shall prohibit access to the DTP system and its contents by unauthorized personnel and maintain confidentiality of patient information. The DTP system shall be under the continuous supervision of a pharmacist employed by the home pharmacy, which may be satisfied by real-time remote supervision of the pharmacy through video and audio connections.

(7) The DTP system shall display the home pharmacy's name, address, phone number, North Carolina permit number, and the name of the home pharmacy's pharmacist-manager, as well as (where applicable) the limited service permit number for the DTP system and the name of the limited service permit's pharmacist-manager and assistant pharmacist-manager, if any.

(8) The home pharmacy shall ensure that there is continuous, recorded video surveillance of the DTP system and any persons using or accessing the DTP system. It shall maintain any recordings for a minimum of 90 days.

(9) The home pharmacy shall develop, maintain, and follow a manual of policies and procedures that includes policies and procedures for:

(A) Maintaining the security of the DTP system and the drugs, devices, and medical equipment within the DTP system.

(B) Determining and applying criteria regarding which drugs, devices, and medical equipment are appropriate for placement in the DTP system and which patients are eligible to use the DTP system.

(C) Maintaining any drugs, devices, and medical equipment at temperatures, humidities and other environmental conditions to ensure that they do not become adulterated under G.S. 106-133 and to ensure that they are transported and stored in accordance with manufacturer's specifications, if any, for those items.

(D) Removing outdated drugs, devices, and medical equipment from the DTP system as set forth in Subparagraph (c)(11) of this Rule on a regular basis so that patients do not receive drugs, devices, and medical equipment with a beyond use date during the period when the patient is to use the item.

(E) Describing the assignment of responsibilities to, and training of, pharmacy personnel regarding the maintenance and filling procedures for the DTP system.

(F) Orienting participating patients on use of the DTP system; notifying patients when expected drugs, devices, or medical equipment are not available in the DTP system or when the DTP system is not functioning and notifying them of alternate methods for having those prescriptions filled; and ensuring that patient use of the DTP system does not interfere with the delivery of drugs, devices, and medical equipment to patients.

(G) Inspecting the DTP system during each required inspection.

This written manual of policies and procedures shall be reviewed and updated annually.

(10) The home pharmacy shall comply with any federal and state controlled substance laws and rules, including but not limited to registrations that may be required for any DTP systems, before any controlled substances are dispensed from any DTP systems. The home pharmacy shall comply with G.S. 90-106.1 in dispensing any drugs covered by that statute from a DTP system, and shall visually confirm that the person seeking the dispensation is the same as the person on the photographic identification provided.

(11) Only pharmacy personnel who are licensed with this Board as pharmacists or registered with this Board as technicians or pharmacy interns may stock drugs, devices, and medical equipment in, or remove drugs, devices, and medical equipment from, the inventory of a DTP system. The home pharmacy shall maintain records of any access to the DTP system by pharmacy personnel stocking or otherwise accessing the DTP system.

(12) Before a home pharmacy dispenses drugs, devices and medical equipment to a patient through a DTP system, the home pharmacy shall secure the affirmative consent of the patient to use the DTP system.

(13) The dispensing pharmacist on any drugs, devices, or medical equipment dispensed from a DTP system in the State of North Carolina shall be licensed with this Board.

(14) Before a prescription is dispensed from the DTP system, the dispensing pharmacist at the home pharmacy shall verify each prescription

and shall conduct a drug utilization review and otherwise assure that the drug, device, or medical equipment may safely be dispensed to the patient.

(15) The labels of any drugs, devices, and medical equipment dispensed from a DTP system shall be labeled for the individual patient and contain all information required by law, including but not limited to having the dispensing pharmacist identified on the label.

(16) The home pharmacy shall create and maintain records of dispensing for any drugs, devices, and medical equipment dispensed in a DTP system in compliance with State and federal law. Any kiosk shall be connected to the home pharmacy's automated data processing system, and any drugs, devices, or medical equipment dispensed from any locker shall be recorded in the home pharmacy's recordkeeping system. The recordkeeping system shall be capable of producing a record of all drugs, devices, and medical equipment dispensed from the DTP system.

(17) The DTP system shall have a means to identify each patient (or that patient's authorized agent) and release only that patient's prescription drugs, devices, or medical equipment to the patient (or the patient's authorized agent).

(18) The DTP system shall convey the home pharmacy's offer to counsel a patient as required by Rule .2504 of this Chapter and shall provide the ability for the patient to have an immediate real-time consultation with a pharmacist licensed by this Board and employed by the home pharmacy who has access to all of the home pharmacy's information related to the patient. The communication link shall protect the confidentiality of the patient's information. The home pharmacy shall check the communication link at least daily and the DTP system shall be closed if the link malfunctions or if a licensed pharmacist is not available from the home pharmacy for counseling, unless a licensed pharmacist is physically present at the DTP system. A pharmacist who is responsible for counseling may not provide that service for more than three sites simultaneously. In the event that the DTP system is placed in the same physical space as the dispensing area of the home pharmacy, this provision may be satisfied during the time that the pharmacy is open by informing the patient how to receive counseling from a pharmacist in the home pharmacy. If the dispensing pharmacist has determined that the patient should receive counseling before the prescription is dispensed, the DTP system shall provide the ability for the pharmacist to force counseling before the DTP system dispenses the drug, device, or medical equipment.

(19) The home pharmacy shall record and review any incident involving a complaint, delivery error, or omission regarding a DTP as part of the home pharmacy's quality assurance program.

(20) Drugs, devices, or medical equipment that are not picked up by a patient may be returned to stock under the same conditions as if the item had been maintained in the pharmacy, as long as the requirements of this Rule for operating the DTP system have been followed.

(d) With respect to drugs, devices, or medical equipment dispensed through a kiosk, the following additional requirements shall be met:

(1) The dispensing pharmacist shall electronically compare via video link the stock bottle, drug dispensed, the strength, and the beyond-use date. The dispensing pharmacist shall verify the entire label for accuracy on the video link.

(2) The kiosk shall utilize a barcode system that prints the barcode of the stock bottle or other packaging on the label of the dispensed drug, device, or medical equipment. If the stock bottle or other packaging does not have a barcode, the home pharmacy shall create one. Pharmacy personnel shall scan both the stock bottle or other packaging and the label of the dispensed drug, device, or medical equipment to verify that the item dispensed is the same as the one in the stock bottle or other packaging for each prescription dispensed.

(3) Drugs, devices, or medical equipment dispensed by the kiosk shall be packaged only by a licensed manufacturer or repackager, or prepackaged by the home pharmacy in compliance with the Pharmacy Practice Act and this Chapter.

(4) The home pharmacy shall keep a perpetual inventory of controlled substances that are received and dispensed from each kiosk.

(5) The home pharmacy shall not dispense compounded medications through a kiosk.

(6) The kiosk shall not accept returns of drugs, devices and medical equipment from patients.

(e) This Rule does not alter the method by which patients or providers shall transmit prescriptions to the home pharmacy. Prescriptions may not be collected by the home pharmacy through the DTP system.

Authority G.S. 90-85.6; 90-85.15A; 90-85.21; 90-85.32.

21 NCAC 46 .1822 ALTERNATE DELIVERY SITES

(a) This Rule sets out the requirements under which pharmacies may utilize alternate delivery sites for delivery of drugs, devices, or medical equipment or for receipt of prescriptions in the State of North Carolina.

(b) Before any drugs, devices, or medical equipment may be delivered at an alternate delivery site, the pharmacy shall have been issued a pharmacy permit by the Board pursuant to G.S. 90-85.21 or G.S. 90-85.21A, and the alternate delivery site shall have been issued a limited service permit under Rule .1616 of this Chapter. The limited service permit shall be granted only if, and so long as, compliance with all requirements of this Rule can be reasonably assured.

(c) Location.

(1) An alternate delivery site shall be within the State of North Carolina and 60 miles or fewer from the pharmacy (via the shortest surface street route).

(2) An alternate delivery site may not be located in the same building or on the same property as the pharmacy or any pharmacy under common ownership.

(3) An alternate delivery site may be placed in the office of a prescriber only if the alternate delivery site is under the control of the pharmacy, which is responsible for compliance with all laws regarding the alternate delivery site, and only if the alternate delivery site is staffed with pharmacy personnel, as set forth herein. The pharmacy shall maintain the alternate delivery site in the prescriber's office only if the prescriber offers patients a choice of pharmacy. The pharmacy shall not give compensation to or receive compensation from the prescriber for the placement of the alternate delivery site or for any prescriptions delivered at the alternate delivery site.

(4) An alternate delivery site may not be located on residential property.

(5) The pharmacy shall notify the Board within 10 days after discontinuing patient use of any alternate delivery site.

(d) Staffing and Management.

(1) When the alternate delivery site is open, it must be continuously staffed by a pharmacist or certified pharmacy technician who is an employee of the pharmacy.

(2) The alternate delivery site shall be used exclusively by the one pharmacy whose pharmacist-manager is responsible for the alternate delivery site's operation.

(3) The dispensing pharmacist for any drugs, devices, or medical equipment delivered to an alternate delivery site shall be employed by the pharmacy and licensed with this Board.

(4) At all times that the alternate delivery site is open, a pharmacist employed by the pharmacy must be available for counseling, as set forth in this Rule, and for consultation with the staff of the alternate delivery site.

(5) All staff at the alternate delivery site shall wear identification badges as set forth in G.S. 90-640.

(e) Services Limited to Prescription Pickup and Drop Off for the Pharmacy.

(1) At the alternate delivery site, a pharmacist or a certified technician employed by the pharmacy may personally deliver any drug, device, or medical equipment to the patient or the patient's agent, after that drug, device or medical equipment has been previously dispensed by the pharmacy. All physical steps in the dispensing process (other than delivery to the patient) must occur at the pharmacy, including but not limited to filling and patient-specific labeling. No drugs, devices or medical equipment may be maintained at the alternate delivery site, other than completed patient-specific labeled and previously dispensed drugs, devices, or medical equipment that have been transported from the pharmacy to the alternate delivery site to be delivered.

(2) At the alternate delivery site, a pharmacist or certified pharmacy technician who is an employee of the pharmacy may personally accept a written prescription from the patient or the patient's agent, so long as the prescription is then transmitted to the pharmacy so that all physical steps in the dispensing process may take place in the pharmacy. Patients or their agents may not leave prescriptions at the alternate delivery site, other than by personally delivering them to the pharmacist or certified pharmacy technician.

(f) Requirements for Use of Alternate Delivery Site.

(1) Before a pharmacy delivers drugs, devices, or medical equipment to a patient at an alternate delivery site, the pharmacy shall secure the affirmative consent of the patient to use the alternate delivery site. The pharmacy shall not require patients to pick up their prescriptions from an alternate delivery site, rather than at the pharmacy or through delivery mechanisms otherwise available at the pharmacy.

(2) To ensure appropriate coordination of patient care, the pharmacy shall notify the alternate delivery site of the anticipated arrival time of the transportation of the drug, device, or medical equipment to the alternate delivery site, the name of the patient for whom the drug, device or medical equipment was dispensed, and any special storage requirements.

(3) The hours of the alternate delivery site shall be reported to the Board, and the alternate delivery site shall be open during the hours that have been reported to the Board. Emergency closure of the alternate delivery site shall require the pharmacist-manager of the pharmacy to follow the procedures in Rule .2516 of this Chapter.

(4) The pharmacist or certified pharmacy technician at the alternate delivery site shall convey the pharmacy's offer to counsel a patient

as required by Rule .2504 of this Chapter and shall provide the ability for the patient to have an immediate real-time consultation with a pharmacist licensed by this Board and employed by the pharmacy who has access to all of the pharmacy's information related to the patient. The communication link shall protect the confidentiality of the patient's information. A pharmacist who is responsible for counseling may not provide that service for more than three limited service permits simultaneously. A certified pharmacy technician staffing an alternate delivery site may not perform counseling of any sort.

(5) The alternate delivery site shall have real-time access to the pharmacy's information system and shall comply with all recordkeeping requirements for drugs, devices, and medical equipment delivered at the site.

(6) The pharmacist or certified pharmacy technician delivering drugs, devices, or medical equipment has the authority conferred by Rule .1817 of this Section with respect to proof of identification.

(7) Controlled substances may be delivered to an alternate delivery site only if permitted by state and federal controlled substances laws. If permitted, both the pharmacy and alternate delivery site shall comply with any federal and state controlled substance laws and rules, including but not limited to receiving any registrations that may be required for any alternate delivery site, before any controlled substances are delivered to any alternate delivery site. The pharmacist or certified pharmacy technician delivering drugs at the alternate delivery site must comply with G.S. 90-106.1 in delivering any drugs covered by that statute from an alternate delivery site and shall visually confirm that the person seeking the delivery is the same as the person on the photographic identification provided.

(8) The pharmacy shall retrieve any drugs, devices, or medical equipment not delivered to the patient within one week of being delivered to the alternate delivery site.

(9) Drugs, devices, or medical equipment that are not picked up by a patient may be returned to stock under the same conditions as if the item had been maintained in the pharmacy, as long as the requirements of this Rule for operating the alternate delivery site have been followed and the drugs, devices or medical equipment can be returned to stock consistent with the public health, safety and welfare.

(g) Safety and Security.

(1) The pharmacist-manager shall not deliver drugs, devices, or medical equipment to or at the alternate delivery site unless the pharmacist-manager is satisfied that drugs, devices or medical equipment may be as safely and effectively stored and delivered at the alternate delivery site as in the pharmacy itself.

(2) Drugs, devices, or medical equipment delivered to the alternate delivery site shall be stored in a lockable room or lockable cabinet or other irremovable device. The lockable storage must remain locked at all times except when a drug, device, or medical equipment is being actively removed from storage. If prescriptions require special storage, such as refrigeration, those storage devices must be similarly secured. Access shall be restricted to the pharmacist or certified pharmacy technician who is personally delivering the prescriptions.

(3) The pharmacy shall ensure the transportation and storage of any drugs, devices, and medical equipment at temperatures, humidities, and other environmental conditions to ensure that they do not become adulterated under G.S. 106-133 and to ensure that they are transported and stored in accordance with manufacturer's specifications, if any, for those items.

(4) The pharmacy shall ensure that there is continuous, recorded video surveillance of the storage and delivery of drugs, devices, and medical equipment at the alternate delivery site. It shall maintain any recordings for a minimum of 90 days.

(h) Policies and Procedures: The pharmacy must develop and implement written policies and procedures to ensure that the requirements of the Pharmacy Practice Act and its regulations are complied with at the alternate delivery site. These shall include:

(1) Tracking and maintaining the security of delivery of drugs, devices, and medical equipment between the pharmacy and the alternate delivery site.

(2) Maintaining the security of the alternate delivery site and the drugs, devices, and medical equipment at the alternate delivery site.

(3) Transporting and maintaining any drugs, devices, and medical equipment in the appropriate environmental conditions.

(4) Describing the assignment of responsibilities to, and training of, pharmacy personnel regarding the transportation, storage, and delivery procedures for the alternate delivery site.

(5) Offering to counsel and providing counseling at the alternate delivery site, including keeping records of offers to counsel.

(6) Orienting participating patients on use of the alternate delivery site; notifying patients when their dispensed prescription will be available at the alternate delivery site; and ensuring that use of the alternate delivery site does not interfere with the delivery of drugs, devices, and medical equipment to patients.

(7) Keeping records of the delivery of drugs, devices, and medical equipment to patients at the alternative delivery site.
(8) Returning to the pharmacy any drugs, devices, or medical equipment that are not delivered to the patient.
(9) Assuring confidentiality of patient information.
(10) Inspecting the alternate delivery site during each required inspection.

This written manual of policies and procedures shall be maintained both in the pharmacy and at the alternate delivery site. The manual shall be reviewed and updated annually.

(i) The pharmacy shall record and review any incident involving a complaint, delivery error, or omission regarding an alternate delivery site as part of the pharmacy's quality assurance program.

(j) This Rule does not prohibit the use of other delivery methods set forth in Rule .1821(b)(1) of this Section, which are exclusive.

Authority G.S. 90-85.6; 90-85.15A; 90-85-21; 90-85.21A; 90-85.26.

SECTION .2500 - MISCELLANEOUS PROVISIONS

21 NCAC 46 .2516 EMERGENCY CLOSURE

(a) The pharmacist-manager of a pharmacy has the responsibility and authority to cease some or all of the pharmacy operations when doing so is necessary to fill the pharmacist-manager's responsibility (a) for the safe, lawful and secure receipt of prescription orders and delivery of prescription drugs under Rule .1804(a) of this Chapter, or (b) to ensure that adequate qualified personnel are in place to properly render pharmaceutical service in compliance with state and federal law under Rule .1601(a)(1) of this Chapter.

(b) In the event that a pharmacist-manager anticipates that a pharmacy will be closed for more than two hours, either to receive prescription orders or to dispense prescription drugs, during the regular hours that it has posted that it is open under Rule .1601(a)(2) of this Chapter, the pharmacist-manager shall take the following actions before closing:

(1) Post a notice in a location conspicuous to the public of (a) which services the pharmacy has ceased providing, and (b) the date and time that the pharmacist-manager anticipates that the pharmacy will resume providing those services. The pharmacist-manager shall change the posted notice in the event that the pharmacist-manager determines that it is no longer accurate.
(2) Send an e-mail to emergencyclosure@ncbop.org with the information provided in Paragraph (b)(1) of this Rule, including any changes to the required notice.
(3) If the pharmacy will not be dispensing prescription drugs during the closure, take each of the following actions and post a notice in a location conspicuous to the public of the actions taken:
(A) If the pharmacy maintains an alternate delivery site within 10 miles of the pharmacy (via the shortest surface street route), the pharmacy shall deliver any prescription drugs that have been filled but not delivered to the alternate delivery site and shall notify patients that prescriptions will be available at that alternate delivery site during the emergency closure. Immediately upon the end of the emergency closure, the pharmacy shall retrieve any drugs delivered to the alternate delivery site pursuant to this Subparagraph;
(B) Offer to transfer any prescriptions at the patient's request ~~during any time when the pharmacy is not dispensing prescription drugs~~ and notify ~~post a notice in a location conspicuous to~~ the public ~~notify~~ of the process for having those prescriptions transferred. This includes prescriptions that have been filled but not delivered before the pharmacy is closed. However, the pharmacy is not required to transfer prescriptions at any time at which there is no pharmacist or certified technician who is able to transfer prescriptions. For the purposes of this rule, a pharmacist or certified technician is able to transfer prescriptions if that person either: (i) is present at the pharmacy, or (ii) has remote access to the pharmacy's systems, either because that person is employed by the pharmacy, or employed by a pharmacy with a remote medication order processing services arrangement with the closed pharmacy under Rule .1816 of this Section.
~~(A) is present at the pharmacy, or~~
~~(B) has remote access to the pharmacy's systems, either because that person is employed by the pharmacy, or employed by a pharmacy with a remote medication order processing services arrangement with the closed pharmacy under Rule .1816 of this Section.~~

(c) In the event that the pharmacist-manager is unable to exercise the authority in this Rule, a pharmacist who is on duty at the pharmacy has the responsibility and authority set out in Paragraph (a) of this Rule if the pharmacist follows the procedures set out in Paragraph (b) of this Rule.

(d) This Rule does not apply in the following circumstances:

(1) Permanent closures or temporary closures lasting more than 14 consecutive days, which

are instead governed by the provisions of Rule .2502(h) and (i) of this Section;

(2) Pharmacies located outside the State of North Carolina, which should follow any closure rules of their home states; or

(3) During the duration of time when the Governor or any county or municipality has declared a state of emergency in the pharmacy's location pursuant to Chapter 166A of the North Carolina General Statutes.

(e) In the event that the either (a) the pharmacist-manager suffers an emergency that renders the pharmacist-manager unable to exercise the responsibilities in Paragraph (b) of this Rule, or (b) the pharmacist-manager is unavailable and the only pharmacist(s) on duty suffers an emergency that renders the pharmacist unable to exercise the responsibilities in Paragraph (b) of this Rule, the exercise of the responsibilities in Paragraph (b) of this Rule shall be excused until such time as an employee authorized by the pharmacist-manager or permit holder can exercise those responsibilities.

Authority G.S. 90-85.6; 90-85.15A; 90-85.21; 90-85.25; 90-85.32.

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CHAPTER 53 - CLINICAL MENTAL HEALTH COUNSELORS

***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Board of Licensed Clinical Mental Health Counselors intends to adopt the rule cited as 21 NCAC 53 .0312.*

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

Proposed Effective Date: *August 1, 2026*

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

Reason for Proposed Action: *This rule is proposed to implement the procedure for individuals holding privileges under the Professional Counseling Licensure Compact to apply for licensure through North Carolina residency.*

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

Comment period ends: *June 15, 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 .0300 – HOW TO OBTAIN LICENSURE

21 NCAC 53 .0312 LICENSURE BY VIRTUE OF PRIVILEGE AND CHANGE OF RESIDENCY UNDER PROFESSIONAL COUNSELING LICENSURE COMPACT

(a) Pursuant to G.S. 90-349.5, and notwithstanding the requirements of Rules .0205, .0206, and .0304 of this Chapter, an individual licensed by another member state of the Professional Counseling Licensure Compact, and who holds an active privilege to practice in this State, may apply for licensure as a Licensed Clinical Mental Health Counselor by virtue of the privilege if North Carolina has become the individual's primary residence. The privilege holder seeking licensure based on change of primary residency shall submit an application on the form furnished by the Board at www.ncblcmhc.org. The following information and documentation must be provided with the application form:

(1) Complete name;
(2) Date of birth;
(3) Social Security Number;
(4) National Practitioner Identifier;
(5) Any other name by which the applicant was known in the past, accompanied by a certified copy of a court order of name change, if applicable;
(6) Home phone number;
(7) Work phone number;
(8) Cell phone number;
(9) Email address;
(10) Primary residential address, dates of residency at that address, and any other primary residential addresses in the 12 consecutive months prior to submitting the application;
(11) Proof of applicant's primary residency in North Carolina, including any of the following documentation for the applicant:

(A) filed North Carolina state income tax return for the most recent year;
(B) deed demonstrating ownership of property in North Carolina where the applicant resides;
(C) unexpired North Carolina driver's license;
(D) active registration to vote in North Carolina; or
(E) active registration in North Carolina of a vehicle owned by applicant;

(12) Identification of current home state, home state license number, current license status, any prior disciplinary or administrative action, and expiration date of home state license;
(13) North Carolina privilege number;
(14) A statement regarding any existing or prior encumbrance or restriction on any state-issued license or privilege and the dates of such encumbrance or restriction;
(15) A statement regarding any adverse action, including disciplinary action, taken against the applicant's license or privilege in any state;
(16) The applicant's Professional Disclosure Statement meeting the requirements of Rule .0204 of this Chapter;
(17) A completed fingerprint record card and signed release of information form authorizing the Board to request a fingerprint-based criminal history record check from the Federal Bureau of Investigation and the North Carolina State Bureau of Investigation; and
(18) Documentation of successful completion of the jurisprudence exam published on the Board's website, completed within six months prior to seeking licensure.

(b) Pursuant to G.S. 90-349.5(b), the applicant for licensure must pay the application fee set forth in Rule .0501 of this Chapter.
(c) Once a privilege is converted to a home state license, applicant shall notify their former home state that North Carolina is their new home state under the Compact.

Authority G.S. 90-334; 90-349.3; 90-349.4; 90-349.5.

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CHAPTER 61 - RESPIRATORY CARE BOARD

***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Respiratory Care Board intends to amend the rule cited as 21 NCAC 61 .0103.*

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

Proposed Effective Date: *August 1, 2026*
Public Hearing:
Date: *May 4, 2026*
Time: *9:00 a.m.*
Location: *125 Edinburgh South Drive, Suite 100, Cary NC 27511*

Reason for Proposed Action: *The amendment updates and clarifies definitions used throughout Chapter 61 to align with statutory terminology in the Respiratory Care Practice Act and current professional standards. The rule also adds and clarifies definitions related to respiratory care procedures, licensing status categories, and clinical practices to improve consistency and interpretation of the Board's rules.*

Overall, the amendment:
- *Aligns regulatory definitions with statutory language in the Respiratory Care Practice Act;*
- *Clarifies terminology used throughout Chapter 61;*
- *Incorporates current professional and clinical standards; and*
- *Improves consistency and understanding of the scope of respiratory care practice regulated by the Board.*

Comments may be submitted to: *Dr. William L. Croft Ed.D., Ph.D., RRT, RCP, FAARC, 125 Edinburgh South Drive, Suite 100, Cary, NC 27511; phone (919) 878-5595; email bcroft@ncrcb.org*

Comment period ends: *June 15, 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 .0100 - ORGANIZATION AND GENERAL PROVISIONS

21 NCAC 61 .0103 DEFINITIONS
The definitions of terms contained in G.S. 90-648 shall apply to the rules in this Chapter. In addition, the following definitions shall apply to the rules in this Chapter:

(1) "Assessment" means a clinical evaluation of an individual patient by a Respiratory Care Practitioner (RCP) or other licensed health care provider within their scope of practice to determine the ability and efficacy of a respiratory care procedure, protocol, or treatment, including an assessment of the suitability and efficacy of equipment for an individual patient if equipment is to be used in the procedure or treatment.

(2) "Respiratory care" means the health care discipline that specializes in the promotion of optimum cardiopulmonary function and health and wellness using scientific principles to identify, treat and prevent acute or chronic dysfunction of the cardiopulmonary system pursuant to G.S. 90-648(11) that is taught in accredited educational programs pursuant to G.S. 90-653(3) or in approved continuing education programs pursuant to the rules of this Chapter within the guidelines established by the American Association for Respiratory Care, incorporated by reference including subsequent amendments and editions, pursuant to G.S. 90-648(10)(f). Copies of the guidelines may be found at https://www.aarc.org/resources/clinical-resources/clinical-practice-guidelines/ at no cost.

(3) "The practice of respiratory care" means the performance of assessments and diagnostic tests, and implementation of treatment procedures and protocols related to the cardiopulmonary system pursuant to G.S. 90-648(10) and the activities defined by the American Association of Respiratory Care clinical guidelines, incorporated by reference including subsequent amendments and editions, pursuant to G.S. 90-648(10)(f). Copies of the guidelines may be found at https://www.aarc.org/resources/clinical-resources/clinical-practice-guidelines/ at no cost.

(4) "Medical gases" mean those inhaled gases used in the treatment of cardiopulmonary disease.

(5) "Humidity" means adding heat or moisture to an inhaled medical gas.

(6) "Aerosols" mean the suspension of particles dispersed in air or gas to deliver medication or humidity to the airways.

(7) "Pharmacologic agent" means a medication or medical gas delivered during a respiratory care procedure for the treatment of cardiopulmonary disease.

(8) "Hyperbaric oxygen therapy" means inhalation of high concentrations of oxygen at increased levels of atmospheric pressures within a total body chamber for the treatment of cardiopulmonary disorders or wounds.

(9) "Mechanical or physiological ventilatory support" means the provision of an apparatus to support gas exchange associated with cardiopulmonary dysfunction.

(10) "Hemodynamic monitoring" means a procedure required to monitor blood pressure invasively or noninvasively.

(11) "Diagnostic testing" means a procedure for assessing the function of the cardiopulmonary system and diagnosing cardiopulmonary disease or sleep related disorders.

(12) "Therapeutic application" means utilizing evidenced-based protocols, procedures, treatments, or modalities defined in this Chapter to maintain cardiopulmonary health or treat cardiopulmonary disease.

(13) "Active status" means a license issued to an individual after meeting the requirements of G.S. 90-653.

(14) "Inactive status" means an active license declared inactive by the licensee under G.S. 90-658.

(15) "Provisional status" means an active twelve month non-renewable license issued to an individual after meeting the requirements of G.S. 90-656.

(16) "Reciprocity status" means an active license issued to an individual after meeting the requirements of G.S. 90-655.

~~(14)~~(17) "Endorsement" means a license issued by the Board recognizing the person named on the certificate as having met the requirements to perform respiratory care procedures pursuant to the rules of this Chapter.

(18) "Entry-level examination" means a standardized outcomes assessment given by the National Board for Respiratory Care, Inc., used to evaluate the knowledge, skills, and abilities of individuals applying for a license.

(19) "Equipment Setup" means the process of preparing, configuring, verifying, connecting, calibrating, positioning, and initiating a respiratory care apparatus for use by a patient, including delivery of the apparatus, its placement, and safe operational readiness, and providing instruction to the patient or caregiver in its correct use or fitting. This term does not mean the independent performance of patient-specific therapeutic selection, evaluation of treatment efficacy, or the formulation of a care plan, which constitutes the practice of respiratory care under G.S. 90-648(10) and Item (3) of this Rule.

Authority G.S. 90-652; 90-648(2),(10), and (11); 90-660.

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***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Respiratory Care Board intends to amend the rule cited as 21 NCAC 61 .0201.*

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

Proposed Effective Date: *August 1, 2026*

Public Hearing:
Date: *May 4, 2026*
Time: *9:00 a.m.*
Location: *125 Edinburgh South Drive, Suite 100, Cary NC 27511*

Reason for Proposed Action: *The amendment clarifies that applicants must submit an electronic application through the Board's licensee portal and provide appropriate identification documentation rather than a physical passport-style photograph. The rule also reorganizes and clarifies the information required within the application, including personal identifying information, educational background, professional licensure history, work history, and disclosures regarding disciplinary actions or investigations. The rule also clarifies requirements for applicants returning to practice after periods of inactivity and incorporates licensure provisions for military-trained applicants and military spouses pursuant to state law. These changes improve clarity and align the rule with current Board practices. Overall, the amendment:*

- *Updates the rule to reflect the Board's electronic application process;*
- *Clarifies the documentation and information required from applicants;*
- *Aligns the rule with statutory licensure requirements and military licensure provisions;*
- *Provides clearer requirements for applicants returning to practice after periods of inactivity; and*
- *Improves clarity, organization, and consistency with other Board rules.*

Comments may be submitted to: *Dr. William L. Croft Ed.D.,Ph.D., RRT, RCP, FAARC, 125 Edinburgh South Drive, Suite 100, Cary, NC 27511; phone (919) 878-5595; email bcroft@ncrcb.org*

Comment period ends: *June 15, 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 .0200 – APPLICATION FOR LICENSE

21 NCAC 61 .0201 APPLICATION PROCESS

(a) Each applicant for a respiratory care practitioner license shall complete an electronic application form provided by the Board. This form shall be submitted to the Board using the website licensee portal at www.ncrcb.org and shall be accompanied by:

(1) ~~one head and shoulders passport type photograph~~ a photo or scanned digital copy of the ~~applicant~~ applicants state ID, Drivers license or passport of acceptable quality for ~~identification, two inches by two inches in size;~~ identification;

(2) the ~~fee~~ fees established in Rule .0204 of this Chapter;

(3) evidence, verified by oath, that the applicant ~~has successfully~~ completed the minimum requirements of ~~a~~ an accredited respiratory care education program ~~approved by the Commission for Accreditation of Allied Health Educational Programs or the Canadian Council on Accreditation for Respiratory Therapy Education;~~ in accordance with G.S. 90-653 (3);

(4) evidence, verified by oath, that the applicant ~~has successfully~~ completed the requirements for certification in Basic Life Support ~~which includes Adult, Child and Infant Cardiopulmonary Resuscitation (CPR), the Heimlich Maneuver, and Automatic External Defibrillator (AED) use by the American Heart Association, the American Red Cross or the American Safety and Health Institute; and~~ in accordance with G.S. 90-653 (4);

(5) evidence from the National Board for Respiratory Care (NBRC) ~~of successful completion of the Certified Respiratory Therapist (CRT)~~ that the applicant passed the entry-level examination administered by ~~it.~~ it; and

(6) The electronic application for licensure shall contain the following information about the applicant:

(A) Full Name including middle name if applicable;

(B) Maiden names, and aliases if applicable;
(C) Race;
(D) Gender;
(E) Birth date;
(F) City, state, and country of birth;
(G) Social security number or taxpayer identification number;
(H) Primary address of residence;
(I) Telephone number;
(J) Email address;
(K) Educational degree earned with the program name, location and completion date;
(L) Work history for the last ten years if applicable;
(M) Professional or occupational licenses held by the applicant with the licensure number and jurisdiction in which the license was issued, if applicable;
(N) NBRC credentials earned, and dates passed;
(O) Disclosure regarding their personal background to include adverse actions taken by any court, other professional boards, or health care organizations in accordance with 21 NCAC 61 .0205 (a)(1)(2) and (3);
(P) Disclosure regarding any complaint or investigation related to their conduct or professional competence in accordance with 21 NCAC 61 .0205 (a)(4) and (5); and
(Q) Declaration affirming the accuracy of information submitted on the application including the acknowledgement of the requirements in Article 38 and rules of this Chapter.

(b) Applicants for initial licensure in North Carolina, who have been inactive and who have not practiced respiratory care for a period of time greater than one year, must complete the following requirements in addition to the requirements in Paragraph (a) of this Rule:

(1) for applicants who have not practiced respiratory care for a period of time greater than one year, but less than five years, the applicant must provide evidence of twelve hours of continuing education, that meet the requirements of 21 NCAC 61 .0401, for each full year of inactivity; and
(2) for applicants who have not practiced respiratory care for a period of time greater than five years, the applicant must provide evidence of either:
(A) sixty hours of continuing education that meet the requirements of 21 NCAC 61 .0401 and evidence from the National Board for Respiratory Care (NBRC) of successful completion of the ~~Certified Respiratory Therapist (CRT)~~ entry-level examination taken as an assessment examination ~~within the 90-day period~~ before issuance of a license, or
(B) completion of a Respiratory Care refresher course ~~offered through a Respiratory Care Education program accredited by the Commission for the Accreditation of Allied Health Educational Programs.~~ approved by the Board.

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

(1) applies for License to practice respiratory care, as set forth in this Rule;
(2) submits a license fee in accordance with this Rule and in accordance with G.S. 93B-15.1;
(3) provides documentation to satisfy conditions set out in G.S. 93B-15.1(a)(1) and (2); and
(4) provides documentation that the applicant has not committed any act in any jurisdiction that would constitute grounds for refusal, suspension, or revocation of a license in North Carolina at the time the act was committed.
(5) is in good standing and has not been disciplined by the agency that had jurisdiction to issue the license, certification, or permit.

(d) Upon receipt of a request for licensure pursuant to G.S. 93B-15.1 from a military spouse, the Board shall issue a license to the applicant who satisfies the following conditions:

(1) applies to practice respiratory care, as set forth in this Rule;
(2) submits a license fee in accordance with this Rule and in accordance with G.S. 93B-15.1;
(3) submits written documentation demonstrating that the applicant is married to an active member of the U.S. military;
(4) provides documentation to satisfy conditions set out in G.S. 93B-15.1(b)(1) and (2);
(5) provides documentation that the applicant has not committed any act in any jurisdiction that would constitute grounds for refusal, suspension, or revocation of a license in North Carolina at the time the act was committed; and
(6) is in good standing and has not been disciplined by the agency that had jurisdiction to issue the license, certification, or permit.

Authority G.S. 90-652 (1),(2) and (13); 90-653(a); G.S. 93B-15.1.

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***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Respiratory Care Board intends to amend the rule cited as 21 NCAC 61 .0204.*

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

Proposed Effective Date: *August 1, 2026*

Public Hearing:
Date: *May 4, 2026*
Time: *9:00 a.m.*
Location: *125 Edinburgh South Drive, Suite 100, Cary NC 27511*

Reason for Proposed Action: *This amendment updates the Board's fee schedule, including increasing the fee for issuance of an active license to reflect administrative costs associated with licensure and regulatory oversight, pursuant to N.C. Gen. Stat. § 90-652, N.C. Gen. Stat. § 90-660, and N.C. Gen. Stat. § 93B-2. The continuing education program approval fees were originally stated in Rule 21 NCAC .0401 (h), so the fees for continuing education program approval were moved to this rule for clarity pursuant to N.C. Gen. Stat. § 90-660 (b) (9).*

Comments may be submitted to: *Dr. William L. Croft Ed.D.,Ph.D., RRT, RCP, FAARC, 125 Edinburgh South Drive, Suite 100, Cary, NC 27511; phone (919) 878-5595; email bcroft@ncrcb.org*

Comment period ends: *June 15, 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 .0200 – APPLICATION FOR LICENSE

21 NCAC 61 .0204 FEES

(a) Fees are as follows:
(1) For an initial application, a fee of fifty dollars ($50.00);
(2) For issuance of an active license, a fee of ~~one hundred twenty five dollars ($125.00);~~ one hundred fifty dollars ($150.00);
(3) For the renewal of an active license, a fee of seventy-five dollars ($75.00);
(4) For the late renewal of any license, an additional late fee of seventy-five dollars ($75.00);
(5) For a license with a provisional or temporary endorsement, a fee of fifty dollars ($50.00); ~~and~~
(6) For official verification of license status, a fee of ~~twenty dollars ($20.00).~~ twenty dollars ($20.00); and
(7) For approval of continuing education credit, twenty dollars ($20.00) per hour with a maximum of one hundred fifty dollars ($150.00) per application for providers of continuing education programs applying for Board approval.

(b) Fees shall be nonrefundable and shall be paid in the form of a credit card or debit card, cashier's check, certified check, or money order made payable to the North Carolina Respiratory Care Board. The Board shall also accept personal checks and debit or credit cards for payment of the fees set forth in Subparagraphs (a)(3), (a)(4), and (a)(6) of this Rule.
(c) In the event the Board's authority to expend funds is suspended pursuant to G.S. 93B-2(d), the Board shall continue to issue and renew licenses and all fees tendered shall be placed in an escrow account maintained by the Board for this purpose. Once the Board's authority is restored, the funds shall be moved from the escrow account into the general operating account.

Authority G.S. 90-652(2); 90-652(9); 90-660; 93B-2(d).

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***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Respiratory Care Board intends to amend the rule cited as 21 NCAC 61 .0205.*

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

Proposed Effective Date: *August 1, 2026*

Public Hearing:
Date: *May 4, 2026*
Time: *9:00 a.m.*
Location: *125 Edinburgh South Drive, Suite 100, Cary NC 27511*

Reason for Proposed Action: *This amendment clarifies and expands the criminal and professional disclosure requirements for applicants seeking licensure as respiratory care practitioners. The current rule references primarily criminal convictions, but does not clearly require disclosure of other legal dispositions or professional disciplinary actions that may be relevant to evaluating an applicant's fitness to practice. The amendment updates the rule to require applicants to disclose all relevant*

criminal proceedings and related outcomes, including guilty pleas, pleas of nolo contendere, prayers for judgment continued, deferred adjudications, or other arrangements in which judgment is withheld. It also clarifies that applicants must disclose any disciplinary action involving a healthcare license and civil suits related to healthcare practice. These changes ensure the Board receives a more complete picture of an applicant's professional and legal history. The amendment also improves clarity and consistency by replacing references to "convictions" with the broader term "events reported," ensuring the Board can properly evaluate all disclosed matters when determining whether they relate to the duties and responsibilities of a respiratory care practitioner. This clarification supports the Board's statutory responsibility to protect the public by ensuring licensees meet standards of professional conduct and fitness for practice. Overall, the amendment:

Clarifies the scope of required disclosures;
Ensures consistent reporting of criminal and professional history;
Allows the Board to more effectively evaluate applicant fitness; and
Supports the Board's mandate to protect public health and safety.

Comments may be submitted to: *Dr. William L. Croft Ed.D.,Ph.D., RRT, RCP, FAARC, 125 Edinburgh South Drive, Suite 100, Cary, NC 27511; phone (919) 878-5595; email bcroft@ncrcb.org*

Comment period ends: *June 15, 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 .0200 – APPLICATION FOR LICENSE

21 NCAC 61 .0205 BACKGROUND INVESTIGATION

(a) Every applicant for licensure shall submit to the Board a signed release form, completed Fingerprint Record Card, and such other form(s) as required to perform a criminal history check by the North Carolina Department of ~~Justice at the time of the application.~~ Justice. In all instances the applicant must make full and accurate disclosure of ~~any felony convictions, any misdemeanor convictions (except for traffic violations), convictions of any crime directly related to the practice of respiratory care or any disciplinary action pending or ever been taken against any health care provider license / certificate the applicant has or has had~~ all of the following events:

(1) Any guilty plea or conviction of the applicant, in this State or any other jurisdiction, on any felony or misdemeanor (except for misdemeanor traffic violations);
(2) Any entry of a plea of Nolo Contendre (No Contest), or entry of a Prayer for Judgment continued or similar arrangement, in this State or any other jurisdiction, on a felony or misdemeanor charge against the applicant (except for misdemeanor traffic violations);
(3) Any other arrangement in which a verdict or judgment has been deferred or withheld, in this State or any other jurisdiction, on a felony or misdemeanor charge against the applicant, (except for misdemeanor traffic violations);
(4) Any disciplinary action pending or ever taken against any health care provider license or certificate held by the applicant currently, or in the past, in this State or any other jurisdiction; and
(5) The existence of any civil suit, in this State or any other jurisdiction, which arises out of or is related to the applicant's practice of respiratory care, or any other health care profession.

(b) The applicant shall provide any additional information regarding ~~any conviction~~ any event reported as requested by the Board.

(c) Failure to make full and accurate disclosure shall be grounds for immediate application denial, or other disciplinary action ~~applicable to licensure~~ pursuant to G.S. 90-659.

(d) The Board shall determine if ~~any conviction~~ any event reported by an applicant is related to the duties and responsibilities of a respiratory care practitioner. The Board shall consider the following factors:

(1) The nature and seriousness of the crime;
(2) The extent to which a license might offer an opportunity to engage in further criminal activity of the same type; and
(3) The relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of a respiratory care practitioner.

(e) If the person's criminal activity is related to a history of chemical dependency, the Board shall also consider the person's efforts and success in achieving and maintaining recovery. Applicants with a history of chemical dependency shall

demonstrate evidence of treatment or rehabilitation and at least two years of continuous recovery.
(f) An individual whose application is denied or whose license is suspended or revoked may request a hearing under the procedure established in G.S. 150B, Article 3A.

Authority G.S. 90-652(1).

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***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Respiratory Care Board intends to amend the rule cited as 21 NCAC 61 .0301.*

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

Proposed Effective Date: *August 1, 2026*

Public Hearing:
Date: *May 4, 2026*
Time: *9:00 a.m.*
Location: *125 Edinburgh South Drive, Suite 100, Cary NC 27511*

Reason for Proposed Action: *The amendment clarifies the circumstances under which respiratory care practitioners and respiratory care students may be exempt from wearing visible identification while providing patient care. The rule implements the authority granted to the Board under N.C. Gen. Stat. § 90-640, which requires respiratory care practitioners to identify themselves while providing care and authorizes licensing boards to establish exceptions to identification requirements. Specifically, subsection (d) of that statute permits licensing boards to adopt rules allowing exemptions from wearing identification badges or permitting the use of a practitioner's first name only when necessary for practitioner safety or therapeutic considerations. Consistent with this statutory authority, the rule establishes limited circumstances where visible identification may not be required or may be modified, including:*

- *during procedures requiring sterile dress or protective coverings that prevent badge display; and*
- *when displaying a practitioner's full name could jeopardize practitioner safety or interfere with the therapeutic relationship between the practitioner and patient.*

These provisions ensure compliance with statutory identification requirements while allowing reasonable flexibility in situations where identification badges are impractical, unsafe, or inconsistent with effective patient care.

Comments may be submitted to: *Dr. William L. Croft Ed.D.,Ph.D., RRT, RCP, FAARC, 125 Edinburgh South Drive, Suite 100, Cary, NC 27511; phone (919) 878-5595; email bcroft@ncrcb.org*

Comment period ends: *June 15, 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 .0300 – LICENSING

21 NCAC 61 .0301 LICENSE NUMBER: DISPLAY OF LICENSE

(a) Each license issued by the Board shall be valid for a period of one year, except as otherwise provided in G.S. 90-654 and G.S. 93B-15.1.
(b) Each individual who is issued a license shall be issued a license number that shall be displayed on the Board's website. Should that number be retired for any reason, such as death, failure to renew the license, or any other reason, that number shall not be reissued. A web-based license verification displaying the status, credentials, degree level, dates for registration, renewal, and expiration shall be accessible by the licensee in their principal place of business so as to be available for inspection in a printed or electronic format.
(c) In accordance with the provisions of G.S. 90-640, whenever a licensee is providing respiratory care to a patient, the licensee shall wear identification that displays, in readily visible type, the licensee's name and the designation "RCP". Provisional license holders shall wear identification that displays, in readily visible type, the licensee's name and the designation "RCP-Provisional." A licensee shall ensure any person working under his or her supervision who is exempted by G.S. 90-664(2) and (4) is properly identified by wearing identification that designates the person's affiliation and position in readily visible type.
(d) Exceptions to Paragraph (c) of this Rule include:
(1) The respiratory care practitioner or respiratory care student is not required to wear a readily visible badge or other form of identification in the following direct patient care situations:
(A) procedures requiring full sterile dress; or

(B) procedures requiring other protective clothing or covering.

(2) Identification of the respiratory care practitioner or respiratory care student may be limited to first name only and level of licensure or listing status when the full name identification may:

(A) place the personal safety of the respiratory care practitioner or respiratory care student in jeopardy; or

(B) interfere with the therapeutic relationship between the respiratory care practitioner or respiratory care student and patient(s).

(3) In all other situations involving the direct provision of health care to clients, the respiratory care practitioner or respiratory care student shall wear or display a readily visible form of identification to include:

(A) the individual's first and last name; and

(B) the license, approval to practice title or listing title as required by law, or standard abbreviations for such title.

Authority G.S. 90-640(d); 90-652(2),(4); 90-658(b). .

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***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Respiratory Care Board intends to amend the rule cited as 21 NCAC 61 .0306.*

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

Proposed Effective Date: *August 1, 2026*

Public Hearing:
Date: *May 4, 2026*
Time: *9:00 a.m.*
Location: *125 Edinburgh South Drive, Suite 100, Cary NC 27511*

Reason for Proposed Action: *The amendment clarifies the process and requirements for licensure by reciprocity by requiring submission of an online application in accordance with Rule .0201 and payment of fees pursuant to Rule .0204. The rule also clarifies eligibility requirements, including that the applicant must hold an active license for at least one year in a jurisdiction with substantially equivalent licensure standards. These changes improve clarity and align the rule with the Board's current application procedures. Overall, the amendment:*

- *Updates the rule to reflect the Board's current online application process;*
- *Clarifies the eligibility requirements for licensure by reciprocity;*
- *Ensures reciprocity applicants meet substantially equivalent licensure standards; and*
- *Improves clarity and consistency with other licensure rules.*

Comments may be submitted to: *Dr. William L. Croft Ed.D.,Ph.D., RRT, RCP, FAARC, 125 Edinburgh South Drive, Suite 100, Cary, NC 27511; phone (919) 878-5595; email bcroft@ncrcb.org*

Comment period ends: *June 15, 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 .0300 – LICENSING

21 NCAC 61 .0306 LICENSE BY RECIPROCITY

When the Board determines that a license, certificate or registration issued by another state, political territory, or jurisdiction to a respiratory care practitioner was issued upon satisfaction of substantially the same requirements for licensure required by the North Carolina Respiratory Care Practice Act, the Board may issue a license to that respiratory care practitioner upon receipt of the ~~initial application fee and license issuing fee.~~ online application in accordance with 21 NCAC 61 .0201 and the fees in accordance with 21 NCAC 61 .0204 if that issued license has been active for at least one year. A license issued under this Rule is exempt from the requirements of 21 NCAC 61 .0401 provided the individual remains licensed in their home state of record.

Authority G.S. 90-652(1),(2),(4); 90-655.

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***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Respiratory Care Board intends to amend the rule cited as 21 NCAC 61 .0308.*

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

Proposed Effective Date: *August 1, 2026*

Public Hearing:
Date: *May 4, 2026*
Time: *9:00 a.m.*
Location: *125 Edinburgh South Drive, Suite 100, Cary NC 27511*

Reason for Proposed Action: *The amendment clarifies and expands the continuing duty of respiratory care practitioners to report legal and professional events to the Board. The rule is revised to require disclosure of additional criminal case outcomes, healthcare license disciplinary actions, and civil suits related to healthcare practice. These changes align the reporting requirements for licensees with applicant disclosure requirements and ensure the Board receives complete information necessary to protect public health and safety. Overall, the amendment:*

1) Clarifies and standardizes the reporting obligations of licensees;
2) Aligns continuing reporting requirements with applicant disclosure requirements;
3) Ensures the Board receives timely and complete information about legal and professional events affecting licensees; and
4) Supports the Board's responsibility to protect the public by monitoring practitioner fitness and professional conduct.

Comments may be submitted to: *Dr. William L. Croft Ed.D.,Ph.D., RRT, RCP, FAARC, 125 Edinburgh South Drive, Suite 100, Cary, NC 27511; phone (919) 878-5595; email bcroft@ncrcb.org*

Comment period ends: *June 15, 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 .0300 – LICENSING

21 NCAC 61 .0308 CONTINUING DUTY TO REPORT

(a) All licensed respiratory care practitioners and provisional licensees are under a continuing duty to ~~report to the Board any and all:~~ make a full and accurate disclosure of all of the following events to the Board:

~~(1) convictions of, or pleas of guilty or nolo contendere to:~~
~~(A) any felony;~~
~~(B) any misdemeanor or other offense, such as fraud, when an element of the crime involves conduct by the licensee which indicates a lack of honesty, integrity, or competence directly relating to the licensee's delivery of respiratory care, including crimes whose elements include violations of Rule .0307(2), (5), (7), (10), (19), (21), (22), (23), (24) and (25) of this Chapter; and~~

~~(2) the existence of any civil suit which arises out of or is related to the licensee's practice of respiratory care.~~

(1) Any guilty plea or conviction of the applicant in this State or in any other jurisdiction, on any felony or misdemeanor (except for misdemeanor traffic violations);

(2) Any entry of a plea of Nolo Contendre (No Contest), or entry of a Prayer for Judgment continued, or similar arrangement, in this State or in any other jurisdiction, on a felony or misdemeanor charge against the applicant, (except for misdemeanor traffic violations);

(3) Any other arrangement in which a verdict or judgment has been deferred or withheld, in this State or in any other jurisdiction, on a felony or misdemeanor charge against the applicant (except for misdemeanor traffic violations);

(4) Any disciplinary action pending or ever taken against any health care provider license or certificate held by the applicant currently, or in the past, in this State or in any other jurisdiction; and

(5) The existence of any civil suit, in this State or in any other jurisdiction, which arises out of or is related to the applicant's practice of respiratory care, or any other health care profession.

(b) All supervising respiratory care practitioners are under a continuing duty to report to the Board any and all:

(1) terminations of any respiratory care practitioner for violations of the practice act or Board rules; and

(2) violations of the practice act or Board rules by any respiratory care practitioner under his or her supervision.

(c) The reports required by this Rule must be made within 15 calendar days of the occurrence of an event triggering the duty to disclose, but a failure to make a report within 15 calendar days does not bar the Board from investigating or taking action on the matter when it is reported.

Authority G.S. 90-652(2); 90-652(5); G.S. 90-659 (a)(2); and G.S. 90-647.

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***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Respiratory Care Board intends to amend the rule cited as 21 NCAC 61 .0401.*

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

Proposed Effective Date: *August 1, 2026*

Public Hearing:
Date: *May 4, 2026*
Time: *9:00 a.m.*
Location: *125 Edinburgh South Drive, Suite 100, Cary NC 27511*

Reason for Proposed Action: *This amendment updates and clarifies the continuing education requirements for respiratory care practitioners seeking license renewal. The rule is revised to modernize the continuing education structure, clarify acceptable learning activities, and align continuing education options with current professional credentialing pathways and educational formats. The amendment clarifies the minimum continuing education requirements by distinguishing between traditional continuing education activities that provide direct interaction with instructors and participants and non-traditional continuing education activities delivered through asynchronous or independent learning formats. The rule also expands the list of acceptable educational activities and professional credentialing examinations that may satisfy continuing education requirements. Additionally, the amendment clarifies alternative methods of satisfying continuing education requirements, including successful completion of credentialing examinations administered by the National Board for Respiratory Care or other recognized professional certification bodies, completion of accredited respiratory care refresher programs, participation in academic coursework related to respiratory care, and scholarly activities such as research presentations or authorship of peer-reviewed publications. The rule also clarifies documentation and audit requirements to ensure licensees maintain records demonstrating compliance with continuing education requirements and provides procedures for random audits conducted by the Board. It provides a provision for exempting those licensed under reciprocity from the requirements if licensed in their home state.*

Comments may be submitted to: *Dr. William L. Croft Ed.D.,Ph.D., RRT, RCP, FAARC, 125 Edinburgh South Drive, Suite 100, Cary, NC 27511; phone (919) 878-5595; email bcroft@ncrcb.org*

Comment period ends: *June 15, 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 .0400 - CONTINUING EDUCATION REQUIREMENTS FOR LICENSE HOLDERS

21 NCAC 61 .0401 CONTINUING EDUCATION REQUIREMENTS

(a) Upon application for license renewal, a licensee shall attest to having completed one or more of the following learning activity options during the preceding renewal cycle and be prepared to submit evidence of completion if requested by the ~~Board:~~ Board in accordance with Rule 21 NCAC 61 .0402:

(1) ~~Completion of a minimum of 12 hours of Category I Continuing Education (CE) activities related to the licensee's practice of respiratory care and approved by the Board, the American Association for Respiratory Care (AARC) or the Accreditation Council for Continuing Medical Education (ACCME). All courses and programs shall: contribute to the advancement, extension and enhancement of professional clinical skills and scientific knowledge in the practice of respiratory care; provide experiences that contain scientific integrity, relevant subject matter and course materials; and be developed and presented by persons with education and experience in the subject matter, of the program. Six contact~~

~~hours shall be obtained each reporting year from workshops, panel, seminars, lectures, or symposiums that provide for direct interaction between the speakers and the participants. "Category I" Continuing Education may include any one of the following:~~

~~(A) Lecture - a discourse given for instruction before an audience or through teleconference;~~

~~(B) Panel - a presentation of a number of views by several professionals on a given subject with none of the views considered a final solution;~~

~~(C) Workshop - a series of meetings for intensive, hands on study, or discussion in a specific area of interest;~~

~~(D) Seminar - a directed advanced study or discussion in a specific field of interest;~~

~~(E) Symposium - a conference of more than a single session organized for the purpose of discussing a specific subject from various viewpoints and by various presenters;~~

~~(F) Distance Education - a program provided by any print medium or presented through the internet or other electronic medium that includes an independently scored test as part of the learning package. The licensee shall submit proof of successful completion of a test administered as part of the educational program. A maximum of six contact hours each reporting year may be obtained from distance education programs;~~

~~(G) Clinical precepting - is the instruction and evaluation of a respiratory therapy student in the clinical setting. Three contact hours may be given for clinical precepting.~~

(1) The licensee shall complete twelve credit hours to include a minimum of six hours of traditional and a maximum of six non-traditional Category I Continuing Education (CE) activities related to the licensee's practice of respiratory care or complete the requirements in Paragraph (b) of this Rule during any renewal cycle:

(A) Traditional Continuing Education – an organized learning experience presented before an audience either in person or through synchronous virtual workshops, panels, seminars, lectures, or symposiums that provide for direct interaction between the speakers and the participants; and

(B) Non-Traditional Continuing Education - an organized learning experience provided by any print medium or presented through the internet or other electronic asynchronous formats.

~~2) Retake the Therapist Multiple Choice Exam, administered by the National Board for Respiratory Care (NBRC), and achieve a passing score as determined by the NBRC for the CRT credential or take any of the following examinations and achieve a passing score as determined by the sponsor of the examination: the Therapist Multiple Choice Exam for Advanced Respiratory Therapists (RRT), administered by the NBRC; the Neonatal/Pediatric Respiratory Care Specialty Examination (NPS), administered by the NBRC; the Certification Examination for Entry Level Pulmonary Function Technologists (CPFT), administered by the NBRC; the Registry Examination for Advanced Pulmonary Function Technologist (RPFT), administered by the NBRC; the Sleep Disorders Specialty (SDS) exam, administered by the NBRC; Adult Critical Care Specialty (ACCS) exam, administered by the NBRC; the Registry Examination for Polysomnographic Technologist (RPSGT), administered by the Board of Registered Polysomnographic Technologists (BRPT); or the Asthma Educators Certification Examination (AE-C), administered by the National Asthma Educator Certification Board (NAECB);~~

(2) All continuing education courses shall:

(A) Be approved by the Board, the American Association for Respiratory Care (AARC), the Accreditation Council for Continuing Medical Education (ACCME), or organizations accredited by the ACCME;

(B) Include relevant subject matter and course materials that are scientifically accurate, relevant, and professionally appropriate;

(C) Contribute to the advancement, extension, and enhancement of professional clinical skills, scientific knowledge in the practice of respiratory care, and provide experiences;

(D) Advance, extend, or enhance clinical skills and scientific knowledge related to the practice of respiratory care; and

(E) Be developed and presented by persons with education and experience in the subject matter of the program.

(b) The completion of any of the following activities satisfies all twelve continuing education credits established in Paragraph (a) of this Rule provided the licensee provides evidence of successful completion when requested by the Board in accordance with Rule 21 NCAC 61 .0402:

(1) Achieving a passing score on any examination administered by the National Board for Respiratory Care (NBRC), including passing the:

(A) Therapist Multiple-Choice Examination at the high cut score;

(B) Neonatal/Pediatric Respiratory Care Specialty Examination (NPS);
(C) Certification Examination for Entry Level Pulmonary Function Technologists (CPFT);
(D) Registry Examination for Advanced Pulmonary Function Technologist (RPFT) exam;
(E) Sleep Disorders Specialty (SDS) Examination;
(F) Adult Critical Care Specialty (ACCS) Examination;
(G) Asthma Educators Certification Examination (AE-C); and
(H) Advanced Practice Respiratory Therapist Outcome Assessment Examination.

(2) Achieving a passing score on the Registry Examination for Polysomnographic Technologist (RPSGT), administered by the Board of Registered Polysomnographic Technologists (BRPT);

(3) ~~Completion of~~ Completing a Respiratory Care refresher course ~~offered through a Respiratory Care Education program accredited by the Commission for the Accreditation of Allied Health Educational Programs;~~ approved by the Board.

(4) ~~Completion of~~ Completing a three semester ~~hours~~ hour course ~~of~~ from an accredited post-licensure respiratory care ~~academic education~~ program leading to a ~~baccalaureate or~~ baccalaureate, masters or doctorate degree in Respiratory ~~Care;~~ Care, Cardiopulmonary Science, or Advance Practice Respiratory Therapy;

(5) ~~Presentation of~~ Presenting a Respiratory Care Research study at a continuing education conference; or

(6) Authoring a published Respiratory Care book or Respiratory Care article published in a medical peer review journal.

~~(c) The completion of certification or recertification in any of the following: Advanced Cardiac Life Support (ACLS) by the American Heart Association, Pediatric Advanced Life Support (PALS) by the American Heart Association, and Neonatal Resuscitation Program (NRP) by the American Academy of Pediatrics, shall count for a total of five hours of continuing education for each renewal period; but no more than five hours of total credit shall be recognized for each renewal period for the completion of any such certification or recertification.~~

~~(d) A licensee shall retain supporting documentation to provide proof of completion of the option chosen in Paragraph (a) of this Rule for a period of no less than three years.~~

(c) The following activities may be used to satisfy the continuing education requirements in Paragraph (a) of this Rule, provided the licensee submits documentation of completion upon request by the Board, in accordance with Rule 21 NCAC 61 .0402:

(1) Professional Certifications-completion or renewal of the following certifications shall be awarded five of the six ~~direct~~ continuing education hours when provided in accordance with Paragraph (a) of this Rule per renewal period. No more than five total hours may be credited per renewal period under this Subparagraph:
(A) Advanced Cardiac Life Support (ACLS) by the American Heart Association;
(B) Pediatric Advanced Life Support (PALS) by the American Heart Association; and
(C) Neonatal Resuscitation Program (NRP) by the American Academy of Pediatrics.

(2) Clinical Precepting-a licensee who serves as a clinical preceptor for respiratory therapy students in a clinical setting may receive up to three ~~direct interaction~~ traditional credit hours per renewal period.

(3) NBRC Credential Assessments- quarterly assessments through the NBRC credential maintenance program that earn a maximum of six non-traditional credit hours for each renewal cycle for any credential held by a licensee.

~~(e) A licensee shall maintain a file at his or her practice facility that contains a copy of the RCP license, a copy of a current Basic Cardiac Life Support (BCLS) certification, a copy of advanced life support certifications, and a copy of all credentials issued by the National Board for Respiratory Care.~~

~~(f) A licensee is subject to random audit for proof of compliance with the Board's requirements for continuing education.~~

~~(g) The Board shall inform licensees of their selection for audit upon notice of license renewal or request for reinstatement. Evidence of completion of the requirements of Paragraph (a) of this Rule shall be submitted to the Board no later than 30 days of receipt of the audit notice.~~

~~(h) Failure of a licensee to meet the requirements of this Rule shall result in disciplinary action pursuant to G.S. 90-666.~~

~~(i) The Board shall charge twenty dollars ($20.00) per approved hour of CE with a maximum of one hundred and fifty dollars ($150.00) per application for providers of continuing education who apply for approval of continuing education programs.~~

~~(j) The Board may grant extensions of the continuing education requirements due to personal circumstances. The Board shall require documentation of the following circumstances surrounding the licensee's request for extension:~~

~~(1) Having served in the regular armed services of the United States at least six months of the 12 months immediately preceding the license renewal date; or~~

~~(2) Having suffered a serious or disabling illness or physical disability that prevented completion of the required number of continuing education hours during the 12 months preceding the licensee renewal date.~~

(d) A license issued under 21 NCAC 61 .0306 is exempt from this Rule provided they maintain an active license in their home state of record.

Authority G.S. 90-652(2)(13); 90-658; 90-660(b)(9); 90-655.

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***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Respiratory Care Board intends to adopt the rule cited as 21 NCAC 61 .0402.*

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

Proposed Effective Date: *August 1, 2026*

Public Hearing:
Date: *May 4, 2026*
Time: *9:00 a.m.*
Location: *125 Edinburgh South Drive, Suite 100, Cary NC 27511*

Reason for Proposed Action: *This rule is proposed for adoption to clarify documentation retention and audit procedures related to the continuing education requirements for respiratory care practitioners. It separates and clarifies documentation and audit procedures that were previously embedded within the continuing education rule 21 NCAC 61 .0401, improving clarity and administrative efficiency. The rule requires licensees to retain documentation verifying completion of continuing education activities for a minimum period of three years and specifies the types of records that must be maintained, including copies of licensure, required life support certifications, and professional credentials issued by the National Board for Respiratory Care as originally established in Rule 21 NCAC 61 .0401. These requirements ensure that licensees are able to demonstrate compliance with continuing education requirements upon request by the Board. The rule also establishes procedures for random audits conducted by the Board to verify compliance with continuing education requirements. Overall, the rule:*

- *Establishes documentation retention requirements for continuing education compliance;*
- *Provides clear procedures for random audits of continuing education requirements;*
- *Clarifies recordkeeping responsibilities of licensees; and*
- *Establishes procedures for granting extensions of continuing education requirements under limited circumstances.*

Comments may be submitted to: *Dr. William L. Croft Ed.D.,Ph.D., RRT, RCP, FAARC, 125 Edinburgh South Drive, Suite 100, Cary, NC 27511; phone (919) 878-5595; email bcroft@ncrcb.org*

Comment period ends: *June 15, 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 .0400 - CONTINUING EDUCATION REQUIREMENTS FOR LICENSE HOLDERS

21 NCAC 61 .0402 DOCUMENTATION AND AUDIT REQUIREMENTS

(a) A licensee shall retain supporting documentation to provide proof of completion of the option chosen in 21 NCAC 61 .0401 (a) (b) and (c) for a period of no less than three years.

(1) A licensee shall maintain a file at his or her practice facility that contains a copy of the RCP license, a copy of a current Basic Cardiac Life Support (BCLS) certification, a copy of advanced life support certifications, if applicable, and a copy of all credentials issued by the National Board for Respiratory Care;

(2) A licensee is subject to random audit for proof of compliance with the Board's requirements for continuing education;

(3) The Board shall inform licensees of their selection for audit upon notice of license renewal or request for reinstatement;

(4) Evidence of completion of the requirements of 21 NCAC 61 .0401 shall be submitted to the Board no later than 30 days after receipt of the audit notice; and

(5) Failure of a licensee to meet the requirements of this Rule shall result in disciplinary action pursuant to G.S. 90-666, including an additional audit prior to renewal.

(b) The Board authorizes the Executive Director to grant extensions of the continuing education requirement due to personal circumstances. The Board shall require documentation of the following circumstances surrounding the licensee's request for extension:

(1) Having served in the regular armed services of the United States for at least six months of the 12 months immediately preceding the license renewal date; or

(2) Having suffered a serious or disabling illness or physical disability that prevented completion of the required number of continuing education hours during the 12 months preceding the license renewal date.

Authority G.S. 90-652(2)(13); 90-658; 90-660(b)(9).
Eff. August 1, 2026.

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***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Respiratory Care Board intends to amend the rule cited as 21 NCAC 61 .0501.*

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

Proposed Effective Date: *August 1, 2026*

Public Hearing:
Date: *May 4, 2026*
Time: *9:00 a.m.*
Location: *125 Edinburgh South Drive, Suite 100, Cary NC 27511*

Reason for Proposed Action: *This amendment updates and clarifies the requirements for respiratory care practitioners to notify the Board of changes to identifying and contact information. The current rule requires written notification of changes to name or address but does not reflect the Board's current electronic reporting procedures or specify the documentation required to verify a legal name change. The amendment clarifies that licensees must report changes to home address, work address, email address, or telephone number through the Board's online licensee portal within 30 days of the change. The amendment also establishes clear procedures for reporting a legal name change, including the submission of supporting documentation such as a marriage certificate, divorce decree, court order, or other official documentation verifying the change. Additionally, the amendment requires licensees who change their name to update their name with the National Board for Respiratory Care (NBRC) to ensure that professional credentials remain consistent with the license issued by the Board.*

This rule supports the Board's obligations under G.S. 150B-3 and G.S. 150B-38 of the North Carolina Administrative Procedure Act. These statutes require agencies to provide notice and an opportunity for hearing before taking disciplinary action and require service of notice to the licensee's last known address. Requiring licensees to maintain current contact and identifying information ensures the Board can provide proper notice and conduct disciplinary proceedings consistent with statutory due process requirements.

Comments may be submitted to: *Dr. William L. Croft Ed.D.,Ph.D., RRT, RCP, FAARC, 125 Edinburgh South Drive, Suite 100, Cary, NC 27511; phone (919) 878-5595; email bcroft@ncrcb.org*

Comment period ends: *June 15, 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 .0500 - GENERAL

21 NCAC 61 .0501 CHANGE OF ADDRESS OR BUSINESS NAME

~~All licensees shall notify the Board in writing of each change of name, including any change in the name under which the licensee is providing respiratory care, or any change in the licensee's residence or business address, including mailing address, within 30 days of such change.~~

(a) In the event of a change in a licensee's home or work address, email address, or telephone number, the licensee shall submit the change online using the Board's website located at www.ncrcb.org within 30 calendar days of the change and submit the evidence outlined in Paragraph (d) of this Rule;

(b) In the event of a name change, the licensee shall submit a request using their online licensee account located at www.ncrcb.org and provide two forms of documentation for the name change outlined in Paragraphs (c) and (d) of this Rule.

(c) A licensee shall provide one of the following documents:

(1) marriage certificate;
(2) social security card;
(3) divorce decree;
(4) a court-issued name change document; or
(5) immigration document;

(d) A licensee shall provide one of the following documents that reflects the legal name change:

(1) passport;
(2) visa:
(3) state-issued identification; or
(4) driver's license.

(e) In the event of a name change, the licensee shall update their name on their NBRC credential within 30 days to reflect the name change established under this Rule.

Authority G.S. 90-652(2); G.S. 150B-3; and G.S. 150B-38.

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***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Respiratory Care Board intends to amend the rule cited as 21 NCAC 61 .0701.*

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

Proposed Effective Date: *August 1, 2026*

Public Hearing:
Date: *May 4, 2026*
Time: *9:00 a.m.*
Location: *125 Edinburgh South Drive, Suite 100, Cary NC 27511*

Reason for Proposed Action: *The amendment clarifies which procedural rules apply when the Board refers to a contested case to the Office of Administrative Hearings. The rule specifies that the Board's contested case hearing procedures apply to such proceedings, clarifying the procedural framework governing administrative hearings before the Board. Overall, the amendment:*

- *Clarifies the procedural rules governing contested case hearings involving the Board;*
- *Provides guidance regarding the interaction between Board rules and the Office of Administrative Hearings; and*
- *Promotes consistent application of hearing procedures in administrative proceedings.*

Comments may be submitted to: *Dr. William L. Croft Ed.D.,Ph.D., RRT, RCP, FAARC, 125 Edinburgh South Drive, Suite 100, Cary, NC 27511; phone (919) 878-5595; email bcroft@ncrcb.org*

Comment period ends: *June 15, 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 .0700 - ADMINISTRATIVE HEARING PROCEDURES

21 NCAC 61 .0701 APPLICABLE HEARING RULES

When the Board elects to have the Office of Administrative Hearings hear a contested case, ~~the Board's rules pertaining to contested case hearings, instead of~~ the rules of the Office of Administrative Hearings, shall apply.

Authority G.S. 90-652(2),(5),(8).

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***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Respiratory Care Board intends to amend the rule cited as 21 NCAC 61 .0706.*

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

Proposed Effective Date: *August 1, 2026*

Public Hearing:
Date: *May 4, 2026*
Time: *9:00 a.m.*
Location: *125 Edinburgh South Drive, Suite 100, Cary NC 27511*

Reason for Proposed Action: *The amendment changes the timeframe for commencing a hearing from 90 days to 120 days, allowing additional time for the preparation of contested case proceedings, including scheduling coordination with the Office of Administrative Hearings, gathering of evidence, and preparation by the parties involved. This change promotes fairness and administrative efficiency while ensuring that contested case hearings are conducted within a reasonable timeframe.*

Comments may be submitted to: *Dr. William L. Croft Ed.D.,Ph.D., RRT, RCP, FAARC, 125 Edinburgh South Drive, Suite 100, Cary, NC 27511; phone (919) 878-5595; email bcroft@ncrcb.org*
Comment period ends: *June 15, 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 .0700 - ADMINISTRATIVE HEARING PROCEDURES

21 NCAC 61 .0706 CONTESTED CASES

(a) All administrative hearings shall be conducted by the Board, a panel consisting of a majority of the members of the Board then serving, or an administrative law judge designated to hear the case pursuant to G.S. 150B-40(e).

(b) The hearing of a contested case shall commence no later than ~~90~~ 120 days from the date the Board grants a request for a hearing, unless the licensee and the Board together shall jointly agree to extend this deadline.

Authority G.S. 90-652(2),(5),(8).

This Section contains information for the meeting of the Rules Review Commission on April 28, 2026 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comments on any proposed permanent rule before the Commission should submit those comments pursuant to 26 NCAC 05 .0103. Anyone wishing to submit written comments on any proposed permanent rule before the Commission should submit those comments pursuant to 26 NCAC 05 .0104. Anyone wishing to address the Commission should comply with 26 NCAC 05 .0105 and .0106.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate	**Appointed by House**
Bill Nelson (2nd Vice-Chair)	Jake Parker (Chair)
Jeanette Doran	Paul Powell (1st Vice-Chair)
John Hahn	Wayne R. Boyles, III
Jeff Hyde	Christopher Loutit
Wyatt Dixon, III	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

April 28, 2026	June 25, 2026
May 28, 2026	July 30, 2026

AGENDA
RULES REVIEW COMMISSION
Tuesday, April 28, 2026, 10:00 A.M.
1711 New Hope Church Rd., Raleigh, NC 27609

I. Ethics reminder by the chair as set out in G.S. 138A-15(e)

II. Approval of the minutes from the last meeting

III. Follow-up matters
1. Department of Public Safety - 14B NCAC 11 (Ascher)
2. Public Safety - State Capitol Police - 14B NCAC 13 (Ascher)
3. Private Protective Services Board - 14B NCAC 16 .0203, .0205, .0703, .0706, .0806, .0807, .0902, .0904, .0910, .0911, .1306, 1406 (Ascher)
4. Security Systems Licensing Board - 14B NCAC 17 .0201, .0301 (Ascher)

IV. Review of Log of Filings (Permanent Rules) for rules filed February 21, 2026 through March 20, 2026
1. Council of State (Miller)
2. Child Care Commission (Miller)
3. Medical Care Commission Wiggs)
4. Sheriffs' Education and Training Standards Commission (Miller)
5. Alcoholic Beverage Control Commission (Miller)
6. Environmental Management Commission (Miller)
7. Coastal Resources Commission (Miller)
8. State Board of Education (Miller)
9. Board of Certified Public Accountant Examiners (Ascher)
10. Board of Examiners In Optometry (Wiggs)
11. Board of Examiners for Engineers And Surveyors (Miller)

V. Log of Filings (Temporary Rules) for any rule filed within 15 business days before the RRC Meeting

VI. Existing Rules Review

VII. Review of Reports
1. 02 NCAC 58 - Commissioner of Agriculture and Consumer Services (Wiggs)

2. 10A NCAC 13J - Medical Care Commission (Wiggs)
3. 10A NCAC 27A, 27B., 27D - HHS - Division of Mental Health/DD/SAS (Ascher)
4. 10A NCAC 71 - Social Services Commission (Wiggs)
5. 11 NCAC 06, 11 NCAC 08 .0400 - .1500, 11 NCAC 13 - Department of Insurance (Ascher)
6. 11 NCAC 08 .0500-.0800 – Code Officials Qualification Board (Ascher)
7. 15A NCAC 07O - Department of Environmental Quality (Ascher)
8. 25 NCAC 01F - State Human Resources Commission (Ascher)

VIII. Commission Business

- RRC Draft Guidance on Form Requirements for Rules
- Closed session, to consult with attorneys regarding CRC v. RRC and CJETS v. RRC
- Next meeting: Thursday, May 28, 2026

Commission Review
Log of Permanent Rule Filings
February 21, 2026 through March 20, 2026

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

COUNCIL OF STATE

The rules in chapter 01 include departmental rules.

Administration	06	NCAC	01	.0108
Adopt*				
Purpose	06	NCAC	01	.0109
Adopt*				
Meetings	06	NCAC	01	.0110
Adopt*				
Location	06	NCAC	01	.0111
Adopt*				
Proxies	06	NCAC	01	.0112
Adopt*				
Agenda	06	NCAC	01	.0113
Adopt*				
Records of Meetings	06	NCAC	01	.0114
Adopt*				

the rules in chapter 02 include rule-making procedures

Preliminary Steps for Rule-Making	06	NCAC	02	.0105
Adopt*				
Petitions for Rule-Making Hearings	06	NCAC	02	.0106
Adopt*				
Adoption or Approval of Rules	06	NCAC	02	.0107
Adopt*				
Filing of Rules	06	NCAC	02	.0108
Adopt*				

the rules in chapter 04 include declaratory ruling process.

Declaratory Ruling Process	06	NCAC	04	.0103
Adopt*				
Records of Declaratory Rulings	06	NCAC	04	.0104
Adopt*				

CHILD CARE COMMISSION

The rules in Chapter 9 are child care rules and include definitions (.0100); general provisions related to licensing (.0200); procedures for obtaining a license (.0300); issuance of provisional and temporary licenses (.0400); age and developmentally appropriate environments for centers (.0500); safety requirements for child care centers (.0600); staff qualifications (.0700); health standards for children (.0800); nutrition standards (.0900); transportation standards (.1000); continuing education and professional development (.1100); building code requirements for child care centers (.1300); space requirements (.1400); temporary care requirements (.1500); family child care home requirements (.1700); discipline (.1800); special procedures concerning abuse/neglect in child care (.1900); rulemaking and contested case procedures (.2000); religious-sponsored child care center requirements (.2100); administrative actions and civil penalties (.2200); forms (.2300); child care for mildly ill children (.2400); care for school-age children (.2500); multi-init child care centers (.2600); criminal records checks (.2700); voluntary rated licenses (.2800); developmental day services (.2900); NC pre-kindergarten services (.3000); and care for school-age children during state of emergency(.3100).

Use of Corporal Punishment 10A NCAC 09 .2102
Amend*

MEDICAL CARE COMMISSION

The rules in Subchapter 13A concern the executive committee (.0100) and rulemaking (.0200).

Executive Committee 10A NCAC 13A .0101
Readopt without Changes*

Petitions 10A NCAC 13A .0201
Readopt without Changes*

Rulemaking Procedures 10A NCAC 13A .0202
Readopt with Changes*

Declaratory Rulings 10A NCAC 13A .0203
Readopt with Changes*

The rules in Chapter 13 are from the NC Medical Care Commission. The rules in Subchapter 13D are rules for the licensing of nursing homes including general information (.2000); licensure (.2100); general standards of administration (.2200); patient and resident care and services (.2300); medical records (.2400); physician's services (.2500); pharmaceutical services (.2600); dietary services (.2700); activities, recreation and social services (.2800); special requirements (.2900); specially designated units (.3000); design and construction (.3100); functional requirements (.3200); fire and safety requirements (.3300); and mechanical, electrical, and plumbing requirements (.3400).

Definitions 10A NCAC 13D .2001
Amend*

Application Requirements 10A NCAC 13D .2101
Amend*

Issuance of License 10A NCAC 13D .2102
Readopt without Changes*

Length of Licensure 10A NCAC 13D .2103
Readopt without Changes*

Requirements for Licensure Renewal or Changes 10A NCAC 13D .2104
Amend*

Temporary Change in Bed Capacity 10A NCAC 13D .2105
Amend*

Denial, Amendment, or Revocation of License 10A NCAC 13D .2106
Readopt without Changes*

Denial, Amendment, or Revocation of License 10A NCAC 13D .2107
Readopt without Changes*

Denial, Amendment, or Revocation of License Readopt without Changes*	10A	NCAC	13D	.2108
Inspections Amend*	10A	NCAC	13D	.2109
Administrator Readopt without Changes*	10A	NCAC	13D	.2201
General Standards of Administration Readopt without Changes*	10A	NCAC	13D	.2202
Patients Not to be Admitted Readopt without Changes*	10A	NCAC	13D	.2203
Respite Care Readopt without Changes*	10A	NCAC	13D	.2204
Discharge of Patients Readopt without Changes*	10A	NCAC	13D	.2205
Medical Director Readopt without Changes*	10A	NCAC	13D	.2206
Patient Rights Readopt without Changes*	10A	NCAC	13D	.2207
Safety Readopt without Changes*	10A	NCAC	13D	.2208
Infection Control Amend*	10A	NCAC	13D	.2209
Reporting and Investigating Abuse, Neglect or... Amend*	10A	NCAC	13D	.2210
Personnel Standards Readopt without Changes*	10A	NCAC	13D	.2211
Quality Assurance Committee Review*	10A	NCAC	13D	.2212
Patient Assessment and Plan of Care Readopt without Changes*	10A	NCAC	13D	.2301
Nursing Services Readopt without Changes*	10A	NCAC	13D	.2302
Nurse Staffing Requirements Readopt without Changes*	10A	NCAC	13D	.2303
Nurse Aides Readopt without Changes*	10A	NCAC	13D	.2304
Quality of Care Readopt without Changes*	10A	NCAC	13D	.2305
Medication Administration Readopt without Changes*	10A	NCAC	13D	.2306
Dental Care and Services Readopt without Changes*	10A	NCAC	13D	.2307
Adult Care Home Personnel Requirements Readopt without Changes*	10A	NCAC	13D	.2308
Cardio-Pulmonary Resuscitation Readopt without Changes*	10A	NCAC	13D	.2309
Maintenance of Medical Records Readopt without Changes*	10A	NCAC	13D	.2401
Preservation of Medical Records Readopt without Changes*	10A	NCAC	13D	.2402
Availability of Physician's Services Readopt without Changes*	10A	NCAC	13D	.2501

Private Physician Readopt without Changes*	10A	NCAC	13D	.2502
Use of Nurse Practitioners and Physician Assistants Readopt without Changes*	10A	NCAC	13D	.2503
Laboratory and Radiology Services Readopt without Changes*	10A	NCAC	13D	.2504
Brain Injury Long-Term Care Physician Services Repeal*	10A	NCAC	13D	.2505
Availability of Pharmaceutical Services Readopt without Changes*	10A	NCAC	13D	.2601
Pharmacy Personnel Readopt without Changes*	10A	NCAC	13D	.2602
Administrative Responsibilities Readopt without Changes*	10A	NCAC	13D	.2603
Drug Procurement Readopt without Changes*	10A	NCAC	13D	.2604
Drug Storage and Disposition Readopt without Changes*	10A	NCAC	13D	.2605
Pharmaceutical Records Readopt without Changes*	10A	NCAC	13D	.2606
Emergency Drugs Readopt without Changes*	10A	NCAC	13D	.2607
Provision of Nutrition and Dietetic Services Amend*	10A	NCAC	13D	.2701
Activity Services Amend*	10A	NCAC	13D	.2801
Social Services Readopt without Changes*	10A	NCAC	13D	.2802
Report of Death Readopt without Changes*	10A	NCAC	13D	.2901
Pets Readopt without Changes*	10A	NCAC	13D	.2902
Ventilator Assisted Care Amend*	10A	NCAC	13D	.3003
Brain Injury Long-Term Care Repeal*	10A	NCAC	13D	.3004
Special Nursing Requirements for Brain Injury Long-Term Care Repeal*	10A	NCAC	13D	.3005
Additional Requirements for Spinal Cord Injury Patients Repeal*	10A	NCAC	13D	.3031
General Rules Readopt with Changes*	10A	NCAC	13D	.3101
Physician in an HIV Designated Unit Readopt without Changes*	10A	NCAC	13D	.3102
Site Readopt without Changes*	10A	NCAC	13D	.3103
Plans and Specifications Readopt without Changes*	10A	NCAC	13D	.3104
Required Spaces Readopt without Changes*	10A	NCAC	13D	.3201
Furnishings Readopt without Changes*	10A	NCAC	13D	.3202

Heating and Air Conditioning Readopt with Changes*	10A	NCAC	13D	.3401
Emergency Electrical Service Readopt with Changes*	10A	NCAC	13D	.3402
General Electric Readopt without Changes*	10A	NCAC	13D	.3403
Other Readopt with Changes*	10A	NCAC	13D	.3404

SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

The rules in Subchapter 10B govern the commission organization and procedure (.0100); enforcement rules (.0200); minimum standards for employment as a justice officer (deputy or jailer) (.0300); certification of justice officers (.0400); standards and accreditation for justice officers schools, training programs, and the instructors (.0500-.0900); certificate and awards programs for sheriffs, deputies, justice officers, jailers, reserve officers, and telecommunicators (.1000-.1700); in-service training (.2000); firearms in-service training and re-qualification (.2100); and forms (.2200).

Location Amend*	12	NCAC	10B	.0101
Sheriffs' Standards Division Repeal*	12	NCAC	10B	.0104
Administrative Hearing Procedures Repeal*	12	NCAC	10B	.0105
Procedures for Petitions for Rulemaking Amend*	12	NCAC	10B	.0106
Procedures for Petitions for Declaratory Rulings Amend*	12	NCAC	10B	.0107

ALCOHOLIC BEVERAGE CONTROL COMMISSION

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

Beer Franchise Law; "Brand" Defined Readopt with Changes*	14B	NCAC	15C	.0103
Definitions Readopt with Changes*	14B	NCAC	15C	.0701
Malt Beverages: Allowances for Damage Readopt with Changes*	14B	NCAC	15C	.0702
Removal or Disturbance of Other Brands Prohibited Readopt with Changes*	14B	NCAC	15C	.0703
Quantity Discounts Prohibited Readopt with Changes*	14B	NCAC	15C	.0704
Exclusive Outlets Readopt with Changes*	14B	NCAC	15C	.0705
Inducements (Tied House) Readopt with Changes*	14B	NCAC	15C	.0706
Commercial Bribery	14B	NCAC	15C	.0707

Readopt with Changes*

Prohibited Trade Practices 14B NCAC 15C .0709
Readopt with Changes*

Accepted Trade Practices; Services 14B NCAC 15C .0710
Readopt with Changes*

Accepted Trade Practices; Things of Value; Retail Permittees 14B NCAC 15C .0711
Readopt with Changes*

Transactions with Government and Special One-Time Permittees 14B NCAC 15C .0712
Readopt with Changes*

Tournaments 14B NCAC 15C .0713
Readopt with Changes*

Consumer Contests: Sweepstakes 14B NCAC 15C .0714
Readopt with Changes*

ENVIRONMENTAL MANAGEMENT COMMISSION

The rules in Subchapter 2B pertain to surface water standards and monitoring including procedures for assignment of water quality standards (.0100); the standards used to classify the waters of the state (.0200); stream classifications (.0300); effluent limitations (.0400); monitoring and reporting requirements (.0500); and water quality management plans (.0600).

Flow Design Criteria for Effluent Limitations 15A NCAC 02B .0206
Amend*

The rules in Subchapter 2H concern procedures for permits: approvals including point source discharges to the surface waters (.0100); waste not discharged to surface waters (.0200); coastal waste treatment disposal (.0400); water quality certification (.0500); laboratory certification (.0800); local pretreatment programs (.0900); stormwater management (.1000); biological laboratory certification (.1100); special orders (.1200); discharges to isolated wetlands and isolated waters (.1300); and discharges to federally non-jurisdictional wetlands and federally non-jurisdictional classified surface waters (.1400).

Staff Review and Evaluation 15A NCAC 02H .0107
Amend*

The rules in Subchapter 2Q are from the EMC and relate to applying for and obtaining air quality permits and include general information (.0100); fees (.0200); application requirements (.0300); acid rain program requirements (.0400); establishment of an air quality permitting program (.0500); transportation facility requirements (.0600); toxic air pollutant procedures (.0700); exempt categories (.0800); and permit exemptions (.0900).

Activities Allowed Prior to Permit Issuance 15A NCAC 02Q .0114
Adopt*

Purpose of Section and Requirement for a Permit 15A NCAC 02Q .0501
Amend*

Application 15A NCAC 02Q .0507
Amend*

COASTAL RESOURCES COMMISSION

The rules in Subchapter 7H are the state guidelines for areas of environmental concern (AECs) including introduction and general comments (.0100); the estuarine system (.0200); ocean hazard areas (.0300); public water supplies (.0400); natural and cultural resource areas (.0500); development standards (.0600); general permits for construction or maintenance of bulkheads and the placement of riprap for shoreline protection in estuarine and public trust waters (.1100); piers, docks and boat houses in estuarine and public trust waters (.1200); general permit to construct boat ramps along estuarine and public trust shorelines and into estuarine and public trust waters (.1300); groins in estuarine and public trust waters (.1400); excavation within or connecting to existing canals, channels, basins, or ditches in estuarine waters, public trust waters, and estuarine shoreline AECs (.1500); aerial and

subaqueous utility lines with attendant structures in coastal wetlands, estuarine waters, public trust waters and estuarine shorelines (.1600); emergency work requiring a CAMA or a dredge and fill permit (.1700); beach bulldozing landward of the mean high-water mark in the ocean hazard AEC (.1800); general permit to allow for temporary structures within the estuarine and ocean AECs (.1900); authorizing minor modifications and repair to existing pier/mooring facilities in estuarine and public trust waters and ocean hazard areas (.2000); construction of sheetpile sill for shoreline protection in estuarine and public trust waters (.2100); construction of freestanding moorings in established waters and public trust areas (.2200); replacement of existing bridges and culverts in estuarine waters, estuarine shorelines, public trust areas and coastal wetlands (.2300); placement of riprap for wetland protection in estuarine and public trust waters (.2400); emergency general permit, to be initiated at the discretion of the Secretary of the Department of Environment and Natural Resources for replacement of structures; the reconstruction of primary or frontal dune systems; and the maintenance excavation of existing canals, basins, channels, or ditches, damaged, destroyed, or filled in by hurricanes or tropical storms, provided all replacement, reconstruction and maintenance excavation activities conform to all current standards (.2500); construction of wetland, stream and buffer mitigation sites by the North Carolina Ecosystem Enhancement Program or the North Carolina Wetlands Restoration Program (.2600); and the construction of riprap sills for wetland enhancement in estuarine and public trust waters (.2700).

Approval Procedures	15A	NCAC	07H	.2302
Amend*				

EDUCATION, STATE BOARD OF

The rules in Chapter 6 concern elementary and secondary education. The rules in Subchapter 6C concern personnel including general provisions (.0100); teacher education (.0200); licensure and educator Preparation Programs (EPPS) (.0300); annuities and pensions (.0400); performance appraisal system (.0500); standards of professional conduct and educator discipline (.0600); and educator employment (.0700).

Nature Of Licensure	16	NCAC	06C	.0102
Readopt with Changes*				
Application For Approval; Criteria	16	NCAC	06C	.0202
Readopt with Changes*				
General Information	16	NCAC	06C	.0301
Readopt with Changes*				
Credit	16	NCAC	06C	.0302
Readopt with Changes*				
License Patterns	16	NCAC	06C	.0304
Readopt with Changes*				
Licenses For Non-Teacher Education Graduates	16	NCAC	06C	.0305
Readopt with Changes*				
License Endorsement	16	NCAC	06C	.0306
Readopt with Changes*				
License Renewal	16	NCAC	06C	.0307
Readopt with Changes*				
Expired Licenses	16	NCAC	06C	.0308
Readopt with Changes*				
Criminal History Checks	16	NCAC	06C	.0313
Readopt with Changes*				
Definitions	16	NCAC	06C	.0334
Amend*				
License Levels for a NC Educator License	16	NCAC	06C	.0336
Amend*				
Basic Entity Data to Apply for a NC Educator License	16	NCAC	06C	.0337
Amend*				
Licensure Transaction Checklist to Apply for a NC...	16	NCAC	06C	.0338

Amend*

Requirements to be Issued a Continuing Professional Licen...	16	NCAC	06C	.0339
Amend*				
Requirements to be Issued an Initial Professional License...	16	NCAC	06C	.0340
Amend*				
Requirements to be Issued a Residency License	16	NCAC	06C	.0341
Amend*				
Requirements to Add a Provisional Teaching Area to a Nort...	16	NCAC	06C	.0342
Amend*				
Requirements to be Issued a Provisional Student Services ...	16	NCAC	06C	.0344
Amend*				
Requirements to be Issued a Permit to Teach	16	NCAC	06C	.0346
Amend*				
Comparability for Out-of-State Licensure Exams	16	NCAC	06C	.0349
Amend*				
Duration of an Initial Professional License	16	NCAC	06C	.0350
Amend*				
Effectiveness Data Requirements to Qualify for a...	16	NCAC	06C	.0354
Repeal*				
Teaching Experience Requirements to be Issued a NC...	16	NCAC	06C	.0355
Repeal*				
Requirements to be Issued an International Faculty License	16	NCAC	06C	.0357
Repeal*				
Application Eligibility to be Issued a Lifetime License	16	NCAC	06C	.0360
Amend*				
Requirements for an Educator to be Placed on a Mandatory ...	16	NCAC	06C	.0361
Amend*				
Renewal Credit Requirements to Renew a Continuing Profess...	16	NCAC	06C	.0362
Amend*				
Renewal Credit Requirements to Renew a Continuing Profess...	16	NCAC	06C	.0363
Amend*				
Criminal History Checks	16	NCAC	06C	.0610
Adopt*				

CERTIFIED PUBLIC ACCOUNTANT EXAMINERS, BOARD OF

The rules in Chapter 8 are from the N C State Board of Certified Public Accountant Examiners. The rules in Subchapter 8A are departmental rules including organizational rules (.0100), board procedures (.0200), and definitions (.0300).

Formal Name	21	NCAC	08A	.0101
Readopt without Changes*				
Address and Phone Number	21	NCAC	08A	.0102
Readopt with Changes*				
Office Hours	21	NCAC	08A	.0103
Readopt without Changes*				
Election of Officers	21	NCAC	08A	.0201
Readopt/Repeal*				
Quorum	21	NCAC	08A	.0203
Readopt without Changes*				
Definitions	21	NCAC	08A	.0301
Readopt with Changes*				
Public Practice of Accountancy or Accounting	21	NCAC	08A	.0307

Readopt with Changes*

Holding Out to the Public 21 NCAC 08A .0308
Readopt without Changes*

Concentration in Accounting 21 NCAC 08A .0309
Readopt without Changes*

Direct Supervision Defined 21 NCAC 08A .0310
Readopt without Changes*

The rules in Subchapter 8B are rules concerning rule-making procedures including petitions for rule-making (.0100), notice (.0200), hearings (.0300), emergency rules (.0400), declaratory rulings (.0500) and fees (.0600).

Petitions 21 NCAC 08B .0101
Readopt with Changes*

Contents of Petition for New Rule 21 NCAC 08B .0102
Readopt without Changes*

Contents of Petitions for Rule Amendment or Repeal 21 NCAC 08B .0104
Readopt with Changes*

Granting or Denying Petitions 21 NCAC 08B .0105
Readopt without Changes*

Mailing List 21 NCAC 08B .0202
Readopt with Changes*

Oral Presentation 21 NCAC 08B .0304
Readopt without Changes*

Control of Rule-Making Hearings 21 NCAC 08B .0307
Readopt without Changes*

Request for Declaratory Ruling 21 NCAC 08B .0501
Readopt with Changes*

Contents of Request 21 NCAC 08B .0502
Readopt with Changes*

Refusal to Issue Declaratory Ruling 21 NCAC 08B .0503
Readopt without Changes*

Circumstances 21 NCAC 08B .0507
Readopt with Changes*

Requests for Informal Opinions 21 NCAC 08B .0508
Readopt without Changes*

The rules in Subchapter 8C concern contested cases including procedure in contested cases (.0100).

Additional Information on Notices of Hearings 21 NCAC 08C .0103
Readopt without Changes*

Written Petition for Intervention 21 NCAC 08C .0104
Readopt with Changes*

Notice of Allowance or Denial of Petition to Intervene 21 NCAC 08C .0105
Readopt without Changes*

Disqualification of Board Member 21 NCAC 08C .0107
Readopt without Changes*

Affidavit of Disqualification 21 NCAC 08C .0108
Readopt without Changes*

Filing Affidavit of Disqualification 21 NCAC 08C .0109
Readopt without Changes*

Determination of Disqualification 21 NCAC 08C .0110
Readopt without Changes*

New Hearing After Disqualification 21 NCAC 08C .0111
Readopt without Changes*

Pre-Hearing Conference 21 NCAC 08C .0114
Readopt without Changes*

Purposes of a Pre-Hearing Conference 21 NCAC 08C .0115
Readopt without Changes*

Notice of Pre-Hearing Conference 21 NCAC 08C .0116
Readopt without Changes*

Continuances 21 NCAC 08C .0118
Readopt without Changes*

Service of Subpoenas 21 NCAC 08C .0121
Readopt with Changes*

Objections to Subpoenas 21 NCAC 08C .0122
Readopt without Changes*

Responses to Objections to Subpoenas 21 NCAC 08C .0123
Readopt without Changes*

Hearings on Subpoena Challenges 21 NCAC 08C .0124
Readopt without Changes*

Records of Contested Cases 21 NCAC 08C .0125
Readopt without Changes*

Hearing Exhibits 21 NCAC 08C .0126
Readopt with Changes*

The rules in Subchapter 8F are the requirements for CPA examination and certificate applicants including general provisions (.0100), fees and refunds (.0200), educational requirements (.0300), experience (.0400), and applications (.0500).

Time and Place of CPA Examinations 21 NCAC 08F .0101
Readopt with Changes*

Type of CPA Examination 21 NCAC 08F .0102
Readopt without Changes*

Filing of Examination Applications and Fees 21 NCAC 08F .0103
Readopt with Changes*

Conditioning Requirements 21 NCAC 08F .0105
Readopt without Changes*

Granting Examination Credit from other Jurisdictions 21 NCAC 08F .0106
Readopt without Changes*

Communication of Results of CPA Examinations 21 NCAC 08F .0107
Readopt with Changes*

Ineligibility Due to Violation of Accountancy Act 21 NCAC 08F .0111
Readopt without Changes*

Candidate's Request to Review CPA Examination 21 NCAC 08F .0113
Readopt with Changes*

Education and Work Experience Required Prior to CPA Exam 21 NCAC 08F .0302
Readopt with Changes*

Semester Hour Equivalent 21 NCAC 08F .0303
Readopt without Changes*

Work Experience Required of Candidates for CPA Certification 21 NCAC 08F .0401
Readopt with Changes*

Satisfaction of Experience Requirement by Teaching 21 NCAC 08F .0409
Readopt with Changes*

Education Required of Candidates for CPA Certification 21 NCAC 08F .0410
Readopt with Changes*

Work Experience Forms 21 NCAC 08F .0411
Adopt*

Application for CPA Certificate Readopt with Changes*	21	NCAC	08F	.0502
Candidates' Accountancy Law Course Requirement Readopt with Changes*	21	NCAC	08F	.0504
Moral Character Form Adopt*	21	NCAC	08F	.0505

The rules in Subchapter 8G are the continuing professional education requirements including general provisions (.0100); responsibilities to clients and colleagues (.0200); and other responsibilities and requirements (.0300 and .0400).

CPE Requirements for CPAS Readopt with Changes*	21	NCAC	08G	.0401
Qualification of CPE Sponsors Readopt with Changes*	21	NCAC	08G	.0403
Requirements for CPE Credit Readopt without Changes*	21	NCAC	08G	.0404
Compliance with CPE Requirements Readopt with Changes*	21	NCAC	08G	.0406
Computation of CPE Credits Readopt with Changes*	21	NCAC	08G	.0409

The rules in Subchapter 8H concern reciprocity.

Reciprocal Certificates Readopt with Changes*	21	NCAC	08H	.0101
Temporary Permit Readopt with Changes*	21	NCAC	08H	.0102
Notice to Board of Discipline by Other Agency Readopt with Changes*	21	NCAC	08H	.0104

The rules in Subchapter 8I concern revocation of certificates and other disciplinary action.

Disciplinary Action Readopt with Changes*	21	NCAC	08I	.0101
Procedure when Petition Against Board Member or Employee Readopt without Changes*	21	NCAC	08I	.0102
Modification of Discipline Readopt without Changes*	21	NCAC	08I	.0104
Revocation of Certificates Readopt with Changes*	21	NCAC	08I	.0105

The rules in Subchapter 8J concern renewals and registrations.

Annual Renewal of Certificate, Forfeiture, and Reapplication Readopt with Changes*	21	NCAC	08J	.0101
Inactive Status; Change of Status Readopt with Changes*	21	NCAC	08J	.0105
Forfeiture of Certificate and Reissuance Readopt with Changes*	21	NCAC	08J	.0106
Mailing Addresses of Certificate Holders and CPA Firms Readopt with Changes*	21	NCAC	08J	.0107
CPA Firm Registration Readopt with Changes*	21	NCAC	08J	.0108
CPA Firm Practice Privilege Notification Readopt with Changes*	21	NCAC	08J	.0109

Registration Fees 21 NCAC 08J .0110
Readopt with Changes*

Compliance with CPA Firm Registration 21 NCAC 08J .0111
Readopt with Changes*

Retired Status - Change of Status 21 NCAC 08J .0112
Readopt with Changes*

License Renewal Form 21 NCAC 08J .0113
Adopt*

The rules in Subchapter 8K concern professional corporations and professional limited liability companies including general provisions (.0100); and practice procedures of professional corporations and professional limited liability companies (.0200) and registered limited liability partnerships (.0300).

Registration and Renewal 21 NCAC 08K .0104
Readopt with Changes*

Supplemental Reports 21 NCAC 08K .0105
Readopt without Changes*

Corporate and Professional Limited Liability Company Names 21 NCAC 08K .0201
Readopt with Changes*

Registered Limited Liability Partnerships 21 NCAC 08K .0301
Readopt with Changes*

The rules in Subchapter 8M relate to the State Quality Review program including general requirements (.0100), duties of the reviewed firm (.0200), review team qualifications and duties (.0300), and advisory committee (.0400).

Peer Review Requirements 21 NCAC 08M .0105
Readopt with Changes*

Compliance 21 NCAC 08M .0106
Readopt with Changes*

Ethical Duties of Reviewer 21 NCAC 08M .0107
Readopt without Changes*

The rules in Chapter 8 are from the N C State Board of Certified Public Accountant Examiners. The rules in Subchapter 8N are professional ethics and conduct rules including scope and applicability (.0100); rules applicable to all CPAs (.0200); rules applicable to CPAs who use the CPA title in offering or rendering products or services to clients (.0300); and rules applicable to CPAs performing attest services (.0400).

Scope of These Rules 21 NCAC 08N .0101
Readopt without Changes*

Applicability and Organization of Rules 21 NCAC 08N .0102
Readopt without Changes*

Responsibility for Compliance by Others 21 NCAC 08N .0103
Readopt without Changes*

Integrity 21 NCAC 08N .0201
Readopt without Changes*

Deceptive Conduct Prohibited 21 NCAC 08N .0202
Readopt without Changes*

Discreditable Conduct Prohibited 21 NCAC 08N .0203
Readopt with Changes*

Discipline by Federal and State Authorities 21 NCAC 08N .0204
Readopt without Changes*

Confidentiality 21 NCAC 08N .0205
Readopt without Changes*

Cooperation with Board Inquiry 21 NCAC 08N .0206
Readopt without Changes*

Violation of Tax Laws Readopt without Changes*	21	NCAC	08N	.0207
Reporting Convictions, Judgements, and Disciplinary Actions Readopt without Changes*	21	NCAC	08N	.0208
Accounting Principles Readopt without Changes*	21	NCAC	08N	.0209
Responsibilities in Tax Practice Readopt without Changes*	21	NCAC	08N	.0211
Competence Readopt without Changes*	21	NCAC	08N	.0212
Other Rules Readopt without Changes*	21	NCAC	08N	.0213
Outsourcing to Third-Party Service Providers Readopt without Changes*	21	NCAC	08N	.0214
International Financial Accounting Standards Readopt without Changes*	21	NCAC	08N	.0215
Professional Judgment Adopt*	21	NCAC	08N	.0216
Professional Judgement Readopt/Repeal*	21	NCAC	08N	.0301
Forms of Practice Readopt with Changes*	21	NCAC	08N	.0302
Objectivity and Conflicts of Interest Readopt without Changes*	21	NCAC	08N	.0303
Consulting Services Standards Readopt without Changes*	21	NCAC	08N	.0304
Retention of Client Records Readopt with Changes*	21	NCAC	08N	.0305
Advertising or Other Forms of Solicitation Readopt with Changes*	21	NCAC	08N	.0306
CPA Firm Names Readopt with Changes*	21	NCAC	08N	.0307
Valuation Services Standards Readopt without Changes*	21	NCAC	08N	.0308
Personal Financial Planning Services Readopt without Changes*	21	NCAC	08N	.0309
Forensic Services Adopt*	21	NCAC	08N	.0310
Public Reliance Readopt with Changes*	21	NCAC	08N	.0401
Independence Readopt with Changes*	21	NCAC	08N	.0402
Auditing Standards Readopt without Changes*	21	NCAC	08N	.0403
Accounting and Review Services Standards Readopt without Changes*	21	NCAC	08N	.0404
Governmental Accounting Standards Readopt without Changes*	21	NCAC	08N	.0405
Attestation Standards Readopt without Changes*	21	NCAC	08N	.0406
Peer Review Standards Readopt without Changes*	21	NCAC	08N	.0408

Government Auditing Standards 21 NCAC 08N .0409
Readopt without Changes*

International Standards on Auditing 21 NCAC 08N .0410
Readopt without Changes*

Audits Subject to the Single Audit Act 21 NCAC 08N .0411
Readopt with Changes*

Forensic Services 21 NCAC 08N .0412
Readopt/Repeal*

OPTOMETRY, BOARD OF EXAMINERS IN

The rules in Subchapter 42B concern license to practice optometry including license by examination (.0100); responsibility to supply information (.0200); and professional corporations and limited liability companies (.0300).

National Board Examinations 21 NCAC 42B .0107
Readopt with Changes*

ENGINEERS AND SURVEYORS, BOARD OF EXAMINERS FOR

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

Surveying Procedures 21 NCAC 56 .1602
Amend*