

NORTH CAROLINA REGISTER

VOLUME 40 • ISSUE 21 • Pages 1653 – 1786

May 1, 2026

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PUBLISHED BY

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Raleigh, NC 27609
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Julie B. Eddins, Publications Coordinator*

Contact List for Rulemaking Questions or Concerns

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

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

Office of Administrative Hearings

Rules Division

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Rule Review and Legal Issues

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Raleigh, North Carolina 27603-8005

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osbmruleanalysis@osbm.nc.gov

984-236-0694

Fiscal Research Division

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Raleigh, NC 27603-5925

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brian.matteson@ncleg.gov

919-733-4910

NC Association of County Commissioners

919-715-2893

215 North Dawson Street

Raleigh, North Carolina 27603

contact: Amy Bason

amy.bason@ncacc.org

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919-715-2925

424 Fayetteville Street, Suite 1900

Raleigh, North Carolina 27601

contact: Baxter Wells

bwells@nclm.org

Legislative Process Concerning Rulemaking

545 Legislative Office Building

300 North Salisbury Street

Raleigh, North Carolina 27611

919-733-2578

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Jason Moran-Bates, Staff Attorney

Chris Saunders, Staff Attorney

Aaron McGlothlin, Staff Attorney

NORTH CAROLINA REGISTER
Publication Schedule for January 2026 – December 2026

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period/Latest date for public hearing	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 th day from publication in the Register
40:13	01/02/26	12/11/25	01/17/26	03/03/26	03/20/26	04/28/2026	05/01/26	09/29/26
40:14	01/15/26	12/23/25	01/30/26	03/16/26	03/20/26	04/28/2026	05/01/26	10/12/26
40:15	02/02/26	01/09/26	02/17/26	04/06/26	04/20/26	05/28/2026	06/01/26	10/30/26
40:16	02/16/26	01/26/26	03/03/26	04/17/26	04/20/26	05/28/2026	06/01/26	11/13/26
40:17	03/02/26	02/09/26	03/17/26	05/01/26	05/20/26	06/25/2026	07/01/26	11/27/26
40:18	03/16/26	02/23/26	03/31/26	05/15/26	05/20/26	06/25/2026	07/01/26	12/11/26
40:19	04/01/26	03/11/26	04/16/26	06/01/26	06/20/26	07/30/2026	08/01/26	12/27/26
40:20	04/15/26	03/24/26	04/30/26	06/15/26	06/20/26	07/30/2026	08/01/26	01/10/27
40:21	05/01/26	04/10/26	05/16/26	06/30/26	07/20/26	08/27/2026	09/01/26	01/26/27
40:22	05/15/26	04/24/26	05/30/26	07/14/26	07/20/26	08/27/2026	09/01/26	02/09/27
40:23	06/01/26	05/08/26	06/16/26	07/31/26	08/20/26	09/29/2026	10/01/26	02/26/27
40:24	06/15/26	05/22/26	06/30/26	08/14/26	08/20/26	09/29/2026	10/01/26	03/12/27
41:01	07/01/26	06/10/26	07/16/26	08/31/26	09/20/26	10/29/2026	11/01/26	03/28/27
41:02	07/15/26	06/23/26	07/30/26	09/14/26	09/20/26	10/29/2026	11/01/26	04/11/27
41:03	08/03/26	07/13/26	08/18/26	10/02/26	10/20/26	11/24/2026	12/01/26	04/30/27
41:04	08/17/26	07/27/26	09/01/26	10/16/26	10/20/26	11/24/2026	12/01/26	05/14/27
41:05	09/01/26	08/11/26	09/16/26	11/02/26	11/20/26	12/17/2026	01/01/27	05/29/27
41:06	09/15/26	08/24/26	09/30/26	11/16/26	11/20/26	12/17/2026	01/01/27	06/12/27
41:07	10/01/26	09/10/26	10/16/26	11/30/26	12/20/26	01/28/2027*	02/01/27	06/28/27
41:08	10/15/26	09/24/26	10/30/26	12/14/26	12/20/26	01/28/2027*	02/01/27	07/12/27
41:09	11/02/26	10/12/26	11/17/26	01/04/27	01/20/27	02/25/2027*	03/01/27	07/30/27
41:10	11/16/26	10/23/26	12/01/26	01/15/27	01/20/27	02/25/2027*	03/01/27	08/13/27
41:11	12/01/26	11/05/26	12/16/26	02/01/27	02/20/27	03/25/2027*	04/01/27	08/28/27
41:12	12/15/26	11/20/26	12/30/26	02/15/27	02/20/27	03/25/2027*	04/01/27	09/11/27

*Dates not approved by RRC

EXPLANATION OF THE PUBLICATION SCHEDULE

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

GENERAL

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

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

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

FILING DEADLINES

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

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

NOTICE OF TEXT

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

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

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

North Carolina License and Theft Bureau

PUBLIC NOTICE

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

Applicant's Name: DCD Vehicle Corp dba Dach Vehicle

Applicant's Address: 2001 Directors Row

Orlando, FL 32809

Application Date: 04/09/2026

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

HUO SHAO – General Manager

North Carolina License and Theft Bureau

PUBLIC NOTICE

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

Applicant's Name: DYNAMITE TRAILERS, LLC

Applicant's Address: 150 N WALTON AVE, BENSON, NC 27504

Application Date: 04/01/2026

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

North Carolina State Highway Patrol

PUBLIC NOTICE

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

Applicant's Name: KM MANUFACTURING LLC

Applicant's Address: 1590 N MAIN ST
CHINA GROVE, NC 28023

Application Date: March 26, 2026

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

KIERSTEN MECKES, OWNER



NORTH CAROLINA
STATE BOARD OF ELECTIONS

Mailing Address:
P.O. Box 27255,
Raleigh, NC 27611
(919) 814-0700 or
(866) 522-4723
Fax: (919) 715-0135

Sally Schubert Haas, Treasurer
Henderson County Democratic Party
P.O. Box 186
Hendersonville, NC 28791

April 1, 2026

Re: Request for an advisory opinion under N.C.G.S. § 163-278.23 regarding political party headquarters building funds

Dear Ms. Haas,

Thank you for your correspondence on behalf of the Henderson County Democratic Party. The following written opinion is provided in accordance with N.C.G.S. § 163-278.23. In your letter, you asked whether office security systems (such as ADT Security Services) could be paid from party headquarters building funds. You noted in your letter that “security services are directly related to the operation and safeguarding of the headquarters building.”

Building security fixtures, such as cameras and sensors that are physically fastened to the headquarters building, are permissible expenditures under N.C.G.S. § 163-278.19B(c). Monitoring and alarm services require reliance on a different provision of the authorizing statute.

Pursuant to N.C.G.S. § 163-278.19B(b)(4)b., donations to a political party headquarters building fund may be spent to pay for “monthly or bimonthly utility expenses incurred to operate the principal headquarters building.” There is no definition of “utility” in Article 22A. Black’s Law Dictionary defines a utility as “a business enterprise that performs an essential public service and that is subject to governmental regulation.” Black’s Law Dictionary (11th ed. 2019).

In reviewing the meaning of “utility” in 2024, Executive Director Brinson Bell concluded that building funds could be used for internet connection and internet services for the principal headquarters building in part “because internet connectivity is essential to commerce, community, and free expression today.” Written Opinion 2024-04-19 at p 2.

Security services have become a necessity for both current and former office holders. In 2017, the Federal Elections Commission recognized “the current threat environment facing Members of Congress due to their status as federal office holders,” when authorizing the use of candidate committee funds to pay for the installation and upgrade of residential security systems. FEC, Advisory Opinion 2017-07 at p 3.

The threat environment for North Carolina candidates and party committees is heightened as well. In recent years we have seen headquarters buildings and candidates’ homes vandalized or damaged. *See GOP headquarters firebombed in NC county*, WXII (Oct. 17, 2016), <https://www.wxii12.com/article/nc-republican-party-headquarters-vandalized-and-damaged/6479699>; *Carteret County Democratic Party Headquarters vandalized, police investigating*, WCTI 12 (July 15, 2024), <https://wcti12.com/news/local/carteret-county-democratic-headquarters-vandalized-police-investigating>; *Shot fired at family home of N. Carolina US House candidate*, WXII (Nov. 4, 2022), <https://www.wxii12.com/article/nc-shot-fired-family-home-house-candidate-pat-harrigan/41872870>; *Joe Bruno, Local candidate’s property struck several times in drive-by*, WSOC (Feb. 17, 2026), <https://www.wsoc.com/news/local/local-candidates-property-struck-several-times-drive-by/6LVE52PC2VBNJLXIDDYXMWSTIM/>.

While security systems may not qualify as a utility in all other contexts, security fixtures and services are necessary and essential to candidate and political party free expression and community participation today. Therefore, it is my conclusion that office security systems for a principal headquarters building may be paid for from party headquarters building funds.

This opinion will be filed with the Codifier of Rules for publication in the North Carolina Register.

Sincerely,



Sam M. Hayes
Executive Director
North Carolina State Board of Elections

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 14B – DEPARTMENT OF PUBLIC SAFETY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Security Systems Licensing Board intends to amend the rules cited as 14B NCAC 17 .0101, .0504, and repeal the rule cited as 14B NCAC 17 .0401.

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

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncdps.gov/about-dps/boards-and-commissions/security-systems-licensing-board>

Proposed Effective Date: September 1, 2026

Public Hearing:

Date: May 19, 2026

Time: 2:00 P.M.

Location: Conference Room, ASLB Office 3101 Industrial Drive, Suite 104 Raleigh, NC 27609

Reason for Proposed Action: A recent enactment of the General Assembly, S.L. 2025-51, changed the name of the Board from "Alarm Systems Licensing" to "Security Systems Licensing," thereby necessitating changing numerous references from "alarm" to "security."

Comments may be submitted to: Paul Sherwin, 3101 Industrial Drive, Suite 104, Raleigh, NC 27609; phone (919) 788-5320; email paul.sherwin@ncdps.gov

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

CHAPTER 17 - NORTH CAROLINA SECURITY SYSTEMS LICENSING BOARD

SECTION .0100 - ORGANIZATION AND GENERAL PROVISIONS

14B NCAC 17 .0101 PURPOSE

The Security Systems Licensing Board is established within the North Carolina Department of Public Safety for the purpose of administering the licensing of and setting the educational and training requirements for persons, firms, associations, and corporations engaged in providing alarm security systems and services to citizens of North Carolina.

Authority G.S. 74D-4.

SECTION .0400 - RECOVERY FUND

14B NCAC 17 .0401 DEFINITIONS

Authority G.S. 74D-30; 74D-31.

SECTION .0500 - CONTINUING EDUCATION FOR LICENSEES

14B NCAC 17 .0504 NON-RESIDENT LICENSEE OR REGISTRANT CONTINUING EDUCATION CREDITS

A non-resident licensee or registrant shall obtain the required continuing education credits as set forth in Rule .0502 of this Section. If a non-resident licensee or registrant resides in a state that requires continuing education for an alarm security systems business license, then the continuing education courses to be offered in the state of residence may be considered by the North Carolina Security Systems Licensing Board for sanctioning in North Carolina on an individual course basis. In determining if the course is to be sanctioned, the Board shall review the course to determine if the course is pertinent to the industry and if the course meets its stated objective.

Authority G.S. 74D-2; 74D-5.

TITLE 16 – DEPARTMENT OF PUBLIC INSTRUCTION

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Education intends to adopt the rule cited as 16 NCAC 06C .0410.

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

Proposed Effective Date: September 1, 2026

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

Reason for Proposed Action: G.S. 115C-12.2 requires the State Board of Education to adopt rules providing for a system of voluntary shared leave between employees of local boards of education, or between such employees and eligible employees of a North Carolina community college or state agency. Current State Board regulations for voluntary shared leave are part of the Public School Employee Benefits and Policy Manual (BENF-001) but have never been codified as rules. The proposed rules align with the Benefits Manual and complement the other benefits rules that the State Board proposed in February 2026.

Comments may be submitted to: Ryan Collins, 6301 Mail Service Center, Raleigh, NC 27699-6301; email ryan.collins@dpi.nc.gov

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

CHAPTER 06 - ELEMENTARY AND SECONDARY EDUCATION

SUBCHAPTER 06C - PERSONNEL

SECTION .0400 – SALARIES AND BENEFITS

16 NCAC 06C .0410 VOLUNTARY SHARED LEAVE

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

- (1) Donor means an employee donating leave.
(2) Eligible recipient means an employee receiving donated leave who meets the requirements of Paragraph (d) of this Rule.

(b) This Rule shall govern the use of voluntary shared leave by employees of local boards of education pursuant to G.S. 115C-12.2. Each local board of education (local board) may adopt additional policies to govern the use of voluntary shared leave, provided such policies are consistent with this Rule.

(c) Donors

- (1) A full-time or part-time permanent employee may donate accumulated paid leave to an eligible recipient.
(2) Each donation of leave time shall be to a designated eligible recipient, rather than a general pool. The donation shall be in writing and signed by the donor.
(3) A donor may donate sick leave, vacation leave, or bonus leave to an eligible recipient who is immediate family member and is employed by a local board, a North Carolina community college, or a State agency.
(4) A donor may donate vacation or bonus leave to an eligible recipient if the recipient is employed by the same local board as the donor, or to an eligible recipient if the recipient is an employee of a North Carolina community college or state agency and is an immediate family member of another employee of the same local board as the donor.
(5) A donor may donate sick leave to an eligible recipient who is not an immediate family member and is employed by the same local board or another local board, provided that the donor shall not donate more than five days of sick leave per year to any one eligible recipient.
(6) A donor shall not, by donating leave, reduce their balance of accumulated leave time to less than half the amount of leave time that employee would otherwise earn in a school year.
(7) A donor shall not receive any form of compensation for donated leave.
(8) The minimum donation of leave shall be four hours or one half-day.

(d) Eligible Recipients

- (1) Eligible recipients shall be limited to full-time and part-time permanent employees who:

- (A) Have a serious medical condition that renders the employee unable to perform the employee's professional duties for a prolonged period, or has an immediate family member with such a condition who requires the employee's continuous supervision and care; and
- (B) Have exhausted all other available paid leave except personal leave available under G.S. 115C-302.1(d) and extended sick leave available under 16 NCAC 06C .0402(l).
- (2) An employee cannot use donated leave for work time for which the employee is receiving disability benefits or workers' compensation benefits.
- (3) To apply for donated leave, an eligible employee must provide the local school administrative unit ("LSAU") with:
 - (A) Medical documentation of the serious medical condition, signed by the employee or family member's treating physician; and
 - (B) An authorization for the treating physician or medical provider to release to the LSAU all medical information related to the serious medical condition. The release shall be signed by the employee or immediate family member, or by that person's legal guardian or health care power of attorney.
- (4) The local superintendent or designee shall approve or deny each request for donated leave. The local superintendent or designee shall determine how many days of donated leave the recipient may use, provided that the employee may not use donated leave for the same condition for more than twelve months from the initial date that the employee used donated leave.
- (5) An eligible recipient shall not receive more than 20 days of sick leave from donors who are not immediate family members in any one fiscal year.
- (6) Donated sick leave shall be credited toward the recipient's sick leave balance but shall not count as creditable service toward retirement.
- (7) Any donated leave time that the recipient does not use before returning to work shall revert to the donor(s).

Notice is hereby given in accordance with G.S. 150B-21.2 that the Real Estate Commission intends to adopt the rules cited as 21 NCAC 58A .0205-.0207, and repeal the rule cited as 21 NCAC 58A .0104.

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

Link to agency website pursuant to G.S. 150B-19.1(c): www.ncrec.gov

Proposed Effective Date: *October 1, 2026*

Public Hearing:

Date: *May 20, 2026*

Time: *8:30 a.m.*

Location: *NC Real Estate Commission, 1313 Navaho Drive, Raleigh, NC 27609*

Reason for Proposed Action:

21 NCAC 58A .0104 - AGENCY AGREEMENTS AND DISCLOSURE

Repeal this Rule to establish a new section, 58A .0200s on Agency Relationships, that reorganizes its content into three separate rules, 21 NCAC 58A .0205, .0206, and .0207.

21 NCAC 58A .0205 - WORKING WITH REAL ESTATE AGENTS; AGENCY DISCLOSURES

Adopt this Rule to clarify existing brokerage practices on agency disclosure requirements.

21 NCAC 58A .0206 - AGENCY AGREEMENTS

Adopt this Rule to clarify existing brokerage practices on agency agreement requirements.

21 NCAC 58A .0207 - DUAL AGENCY

Adopt this Rule to clarify dual agency requirements and limitations.

Comments may be submitted to: *Melissa Vuotto, PO Box 17100, Raleigh, NC 27619; email Public.Comment@ncrec.gov*

Comment period ends: *July 3, 2026*

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via

Authority G.S. 115C-12(8); 115C-12.2.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 58 - REAL ESTATE COMMISSION

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 58A – REAL ESTATE BROKERS

SECTION .0100 - GENERAL BROKERAGE

21 NCAC 58A .0104 AGENCY AGREEMENTS AND DISCLOSURE

Authority G.S. 41A-3(1b); 41A-4(a); 93A-3(c); 93A-6(a).

SECTION .0200 - GENERAL PROVISIONS AGENCY RELATIONSHIPS

21 NCAC 58A .0205 WORKING WITH REAL ESTATE AGENTS; AGENCY DISCLOSURES

(a) In every real estate sales transaction, a broker shall, no later than first substantial contact with a consumer, provide the consumer with a copy of the "Working with Real Estate Agents" disclosure. The "Working with Real Estate Agents" disclosure may be obtained on the Commission's website or upon request to the Commission.

(b) For purposes of this Rule, "first substantial contact" shall include contacts between a broker and a consumer where the consumer or broker begins to act as though an agency relationship exists and the consumer begins to disclose to the broker personal or confidential information.

(c) At the time of providing the "Working with Real Estate Agents" disclosure to the consumer, the broker shall review the publication with the consumer and shall:

- (1) check all agency options offered to consumers by the broker's firm or sole proprietorship;
- (2) disclose to an unrepresented consumer that they represent the opposing party in the potential transaction, if applicable;
- (3) identify the broker's name and license number, consumer's name, and date the disclosure is provided to the consumer;
- (4) obtain the consumer's written signature or document on the disclosure the consumer's refusal to sign; and
- (5) provide a copy of the completed disclosure to the consumer within three days of the review.

(d) If the first substantial contact with a consumer occurs by telephone or other electronic means of communication where it is not practical to provide and review the "Working with Real Estate Agents" disclosure, the broker shall at the earliest practicable opportunity thereafter, but in no event later than three days from

the date of first substantial contact, mail or otherwise transmit a copy of the publication to the consumer and review it with the consumer at the earliest practicable opportunity thereafter.

(e) In every real estate sales transaction, a broker representing a buyer shall, at the initial contact with the seller or seller's agent, disclose to the seller or seller's agent that the broker represents the buyer's interests. In addition, in every real estate sales transaction, the broker shall, no later than the time of delivery of an offer to the seller or seller's agent, provide the seller or seller's agent with a written confirmation disclosing the broker's license number and that the broker represents the interests of the buyer. The written confirmation may be made in the buyer's offer to purchase.

(f) The provisions of Paragraphs (a) through (d) of this Rule do not apply to real estate brokers representing sellers in auction sales transactions. A broker representing a buyer in an auction sales transaction shall, no later than the time of execution of a written agreement memorializing the buyer's contract to purchase, provide the seller or the seller's agent with a written confirmation disclosing the broker's license number and that the broker represents the interests of the buyer. The written confirmation may be made in the written agreement.

Authority G.S. 93A-3(c); 93A-6(a).

21 NCAC 58A .0206 AGENCY AGREEMENTS

(a) Every agreement for brokerage services in a real estate transaction and every agreement for services connected with the management of a property owners association shall be in writing and signed by the parties thereto.

(b) The following agreements required to be in writing pursuant to Paragraph (a) of this Rule shall be signed by the parties prior to providing brokerage services:

- (1) agreements with sellers to provide brokerage services regarding the listing, marketing and sale of a property;
- (2) agreements with owners of property to provide brokerage services regarding the rental or management of a property; and
- (3) agreements for services connected with the management of a property owners association.

(c) Every agreement for brokerage services between a broker and a buyer or tenant that seeks to bind the buyer or tenant for a period of time or to restrict the buyer's or tenant's right to work with other agents or without an agent shall be in writing and signed by the parties no later than the time the broker presents an offer to purchase, sell, rent, lease, or exchange real estate to another on behalf of the buyer or tenant. However, a broker may represent a potential buyer or prospective tenant following the agency disclosure required pursuant to Rule .0205 of this Section with the establishment of an express oral agreement. Such an express oral agreement cannot seek to bind the buyer or tenant for a period of time or to restrict the buyer's or tenant's right to work with other agents or without an agent. A broker shall not continue to represent a buyer or tenant without a written, signed agreement when such agreement is required by this Rule.

(d) Every agreement subject to this Rule shall set forth any penalty for early termination in a clear and conspicuous manner that shall distinguish it from other provisions of the agreement and include:

- (1) the firm or sole proprietorship's name and license number, if any;
- (2) the individual broker's name and license number;
- (3) a definite expiration date;
- (4) termination without prior notice at expiration, except that an agency agreement with a landlord to procure tenants or receive rents for a property may allow for automatic renewal, so long as the landlord may terminate with notice at the end of any agency agreement period including any subsequent renewals; and
- (5) the provision: "The broker shall conduct all brokerage activities in regard to this agreement without respect to the race, color, religion, sex, national origin, handicap, or familial status of any party or prospective party." The provision shall be set forth in a clear and conspicuous manner that shall distinguish it from other provisions of the agreement. For the purposes of this Rule, the term, "familial status" shall be defined as it is in G.S. 41A-3(1b).

- (1) that their designated client may agree to a price, terms, or any conditions of sale other than those communicated;
- (2) their designated client's motivation for engaging in the transaction unless disclosure is otherwise required by statute or rule; and
- (3) any information about their designated client that the client has identified as confidential unless disclosure of the information is otherwise required by statute or rule.

(e) An agreement between brokers to cooperate or share compensation pursuant to Rule .1807 of this Subchapter shall be exempt from this Rule.

Authority G.S. 93A-3(c); 93A-6(a).

21 NCAC 58A .0207 DUAL AGENCY

(a) A firm or sole proprietorship that represents more than one party in the same real estate transaction is a dual agent and, through the brokers associated with the firm or sole proprietorship, shall disclose its dual agency to the parties in writing.

(b) When a firm or sole proprietorship represents both the buyer and seller in the same real estate transaction, the firm or sole proprietorship shall, with the prior express approval of its buyer and seller clients, designate one or more individual brokers associated with the firm or sole proprietorship to represent only the interests of the seller and one or more other individual brokers associated with the firm or sole proprietorship to represent only the interests of the buyer in the transaction. The authority for designated agency shall be reduced to writing not later than the time that the parties are required to reduce their dual agency agreement to writing in accordance with Rule .0206 of this Section. An individual broker shall not be so designated and shall not undertake to represent only the interests of one party if the broker has actually received confidential information concerning the other party in connection with the transaction. A broker-in-charge shall not act as a designated broker for a party in a real estate sales transaction when a provisional broker under their supervision will act as a designated broker for another party with a competing interest.

(c) When a firm or sole proprietorship acting as a dual agent designates an individual broker to represent either the seller-client or the buyer-client, the broker so designated shall represent only the interest of that client and shall not, without that client's permission, disclose to the other party or a broker designated to represent that other party:

(d) A broker designated to represent a buyer or seller in accordance with Paragraph (b) of this Rule shall disclose in writing the identity of all of the brokers so designated to both the buyer and the seller. The disclosure shall take place no later than the presentation of the first offer to purchase or sell.

(e) An individual broker shall not represent both the buyer and seller in the same real estate sales transaction.

(f) A broker, firm, or sole proprietorship selling property in which the broker, firm, or sole proprietorship has an ownership interest shall not undertake to represent a buyer of that property except that a broker selling commercial real estate as defined in Rule .1802 of this Subchapter in which the broker has less than 25 percent ownership interest may represent a buyer of that property if the buyer consents to the representation after full written disclosure of the broker's ownership interest. A firm listing a property owned by a broker affiliated with the firm may represent a buyer of that property so long as any individual broker representing the buyer on behalf of the firm does not have an ownership interest in the property and the buyer consents to the representation after full written disclosure of the broker's ownership interest.

(g) A broker or firm with an existing listing agreement for a property shall not enter into a contract to purchase that property unless, prior to entering into the contract, the listing broker or firm first discloses in writing to their seller-client that the listing broker or firm may have a conflict of interest in the transaction and that the seller-client may want to seek independent counsel of an attorney or another licensed broker. Prior to the listing broker entering into a contract to purchase the listed property, the listing broker and firm shall either terminate the listing agreement or transfer the listing to another broker affiliated with the firm. Prior to the listing firm entering into a contract to purchase the listed property, the listing broker and firm shall disclose to the seller-client in writing that the seller-client has the right to terminate the listing and the listing broker and firm shall terminate the listing upon the request of the seller-client.

Authority G.S. 93A-3(c); 93A-6(a).

**CHAPTER 64 - SPEECH AND LANGUAGE
PATHOLOGISTS AND AUDIOLOGISTS**

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Examiners for Speech and Language Pathologists and Audiologists intends to amend the rule cited as 21 NCAC 64 .1003.

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

Proposed Effective Date: September 1, 2026

Public Hearing:

Date: May 29, 2026

Time: 9:00 a.m.

Location: 1500 Pinecroft Rd, Suite 123 Greensboro, NC 27407; <https://us06web.zoom.us/j/87251958555?pwd=Jmxmm06Jy9jeajuaSa5ftfXy2gbiac.1> Meeting ID: 872 5195 8555 Passcode: 220539

Reason for Proposed Action: To update the manner in which supervision of Assistants shall be documented and provided by Supervising Licensees

Comments may be submitted to: C. Denise Brown, PO Box 16885, Greensboro, NC 27416; phone (336) 272-1828; email dbrown@ncboeslpa.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

SECTION .1000 - REQUIREMENTS FOR THE USE OF SPEECH-LANGUAGE PATHOLOGY ASSISTANTS IN DIRECT SERVICE DELIVERY IN NORTH CAROLINA

21 NCAC 64 .1003 LICENSEE REQUIREMENTS

(a) Licensees who register an Assistant must have held a current, permanent license in North Carolina for two years or equivalent qualifications from another state. Temporary license holders shall not register Assistants.

(b) Licensees who register an Assistant must demonstrate understanding of the basic elements of the registration and supervision process (scope of practice, ethics, written protocols, record keeping), and satisfactorily complete a knowledge demonstration on the registration/supervision process.

(c) Licensees must submit the application and annual fee for registration of the Assistant to the Board, Board, as required in Rule .1002(e) of this Section.

(d) Licensees must assure that patients are informed when services are being provided by an Assistant. Assistant through the following methods:

- (1) The Assistant must wear a badge that includes the job title: "SLP-Assistant."
(2) When services are to be rendered by an Assistant, the patient or family must be informed in writing. This notification form must be kept on file in the patient's chart, indicating the patient's name and date notified.

(e) Tasks that are within the scope of responsibilities for an Assistant are listed in Rules .1004 and .1005 of this Section. The standards for all patient services provided by the Assistant are the full responsibility of the Supervising Licensee as defined in Rule .1001(b) and cannot be delegated. Therefore, the assignment of tasks and the amount and type of supervision must be determined by the Supervising Licensee to ensure quality of care considering: the skills of the Assistant, needs of the patient, the service-setting, the tasks assigned, and any other relevant factors.

- (1) Before assigning a treatment tasks to an Assistant, the Primary Supervising Licensee must have first evaluated the patient, written a general treatment plan, and provided the Assistant with a written session protocol specifying the following for patient behaviors:
(A) eliciting conditions;
(B) target behavior; and
(C) contingent response.
(2) The Primary Supervising Licensee must document the Assistant's reliable and effective application of the treatment protocol with each patient. Each time a new protocol is introduced, the Supervising Licensee must assure and document that the Assistant is utilizing all three protocol elements (A, B, C) effectively.
(3) For every patient encounter (screening or treatment) in which an Assistant provides service, there must be legible signatures of the Assistant and one Supervising Licensee.
(4) These signed and dated patient encounter records must be retained as part of the patient's file for the time period specified in Rule .0209 of this Chapter and may be requested by the Board.
(5) The Board may do random audits of records to determine compliance with its rules.
(6) When patient services are being rendered by an Assistant, the Primary Supervising Licensee must be accessible to the Assistant in order to assure that direct observation and supervision can occur when necessary.

- (7) The Primary Supervising Licensee shall provide direct supervision for each patient for whom the Assistant is providing services. Every 90 days the Primary Supervising Licensee shall update and recertify the target behavior form. Every 90 days, the Primary Supervising Licensee shall provide to each full-time Assistant under his or her supervision a minimum of six (6) hours of direct supervision and six (6) hours of indirect supervision. Every 90 days, the Primary Supervising Licensee shall provide to each part-time Assistant under his or her supervision a minimum of three (3) hours of direct supervision and three (3) hours of indirect supervision. Activities that provide direct supervision include observing in-person or recorded therapy sessions by the Assistant, providing co-treatment with the Assistant, or modeling therapy techniques during a session with the Assistant. Activities that provide indirect supervision include reviewing therapy notes prepared by the Assistant, lesson planning for the Assistant, communicating with the Assistant about sessions by telephone or email, or providing written feedback to the Assistant about session. The dates and amount of supervision provided shall be documented, dated, and available upon Board request.
- (8) The Primary Supervising Licensee shall complete and maintain a Competency Rating Scale ("Form D") for each Assistant on a form prescribed by the Board that is available on the Board's website. The Primary Supervising Licensee shall record on the Form D his or her observations regarding the Assistant's skills, as set forth in this Rule. The Primary Supervising Licensee shall update the Form D through routine observation, feedback, and performance evaluation sessions. The Form D shall be available for Board review upon request. The Primary Supervising Licensee shall provide written feedback to each Assistant and provide evidence of written feedback to the Board upon annual registration of the Assistant, the discontinuation of supervision of the Assistant, or upon request by the Board. A completed Form D shall contain the following:
- (A) The name and registration number of the Assistant;
- (B) The name and license number of the Primary Supervising Licensee;
- (C) The Primary Supervising Licensee's rating of the Assistant's demonstrated competencies in the following skills:
- (i) Clerical skills;
- (ii) Interpersonal skills;
- (iii) Professional conduct in the work setting;
- (iv) Technical skills; and
- (v) Other skills decided by the Primary Supervising Licensee as necessary for the work performed by the Assistant.
- (D) The Primary Supervising Licensee's plan to encourage further growth of the Assistant's skills; and
- (E) The dated signature of the Primary Supervising Licensee and the Assistant.
- (9) The Primary Supervising Licensee shall review and approve all documentation prepared by the Assistant at least once every 30 days. This review shall be documented with the date of review and Primary Supervising Licensee's initials or signature. This review shall be maintained in the patient and Assistant supervision records.
- (f) The Primary Supervising Licensee shall assess the Assistant's competencies during the initial 60 days of employment using the performance-based competency assessment and orientation checklist provided by the Board on the Board's website. The Primary Supervising Licensee shall submit the completed checklist ~~shall be submitted~~ to the Board within 90 days of registration. ~~A Each time the Primary Supervising Licensee changes, the successor Primary Supervising Licensee shall complete and file with the Board a new competency checklist must be completed and filed within 90 days each time the primary supervising Licensee changes. following the change in Primary Supervising Licensee.~~
- (g) Any attempt to engage in those activities and responsibilities reserved solely for the Supervising Licensee shall be regarded as the unlicensed practice of speech-language pathology.
- Authority G.S. 90-298.1; 90-304(a)(3).*

Note from the Codifier: The rules published in this Section of the NC Register are temporary rules reviewed and approved by the Rules Review Commission (RRC) and have been delivered to the Codifier of Rules for entry into the North Carolina Administrative Code. A temporary rule expires on the 270th day from publication in the Register unless the agency submits the permanent rule to the Rules Review Commission by the 270th day.
This section of the Register may also include, from time to time, a listing of temporary rules that have expired. See G.S. 150B-21.1 and 26 NCAC 02C .0500 for adoption and filing requirements.

TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY

SUBCHAPTER 10C - INLAND FISHING REGULATIONS

SECTION .0300 – GAME FISH IN INLAND FISHING WATERS

Rule-making Agency: *Wildlife Resources Commission*

Rule Citation: *15A NCAC 10C .0325*

Effective Date: *April 6, 2026*

Date Approved by the Rules Review Commission: *March 26, 2026*

Reason for Action: *Explain: As a result of a cold stun event and in accordance with the North Carolina Spotted Seatrout Fishery Management Plan, the N.C. Division of Marine Fisheries (NCDMF) issued a proclamation closing the recreational and commercial harvest of Spotted Seatrout in joint and coastal fishing waters. To alleviate angler confusion, the proposed amendment will close Spotted Seatrout harvest through June 30, 2026 in waters within NCWRC's jurisdiction (Inland Fishing Waters and Joint Fishing Waters by hook-and-line) to be consistent with the NCDMF closure.*

15A NCAC 10C .0325 SEATROUT

~~(a) The daily creel limit for seatrout (spotted or speckled) is three fish.~~

~~(b) The minimum size limit is 14 inches, but no fish between 20 and 26 inches in length may be possessed and only one seatrout greater than 26 inches may be possessed.~~

~~(c) There is no closed season.~~

(a) Seatrout (spotted or speckled) shall not be taken or possessed.

(b) The temporary amendment shall expire on June 30, 2026.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;

Temporary Adoption Eff. September 1, 2022;

Eff. March 15, 2023;

Temporary Amendment Eff. July 7, 2025; May 2, 2025;

Amended Eff. January 1, ~~2026; 2026.~~

Temporary Amendment Eff. April 6, 2026.

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

APPROVED RULES

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

Rules approved by the Rules Review Commission at its meeting on March 26, 2026 Meeting.

**REGISTER CITATION TO THE
NOTICE OF TEXT**

CODE OFFICIALS QUALIFICATION BOARD

<u>Nature of Probationary Certificate</u>	11 NCAC 08 .0602*	40:11 NCR
<u>Required Qualifications</u>	11 NCAC 08 .0706	40:06 NCR
<u>Building Inspector Level I, II and III</u>	11 NCAC 08 .0737	40:06 NCR
<u>Electrical Inspector Level I, II and III</u>	11 NCAC 08 .0738	40:06 NCR
<u>Mechanical Inspector Level I, II and III</u>	11 NCAC 08 .0739	40:06 NCR
<u>Plumbing Inspector Level I, II and III</u>	11 NCAC 08 .0740	40:06 NCR
<u>Fire Inspector Level I, II and III</u>	11 NCAC 08 .0741	40:06 NCR

INSURANCE, DEPARTMENT OF

<u>Review/Audit of Third Party Administrators</u>	11 NCAC 12 .0332*	39:16 NCR
<u>General Eligibility</u>	11 NCAC 18 .0102*	39:16 NCR

PRIVATE PROTECTIVE SERVICES BOARD

<u>Concealed Weapons</u>	14B NCAC 16 .0808*	40:08 NCR
<u>Accreditation Standards</u>	14B NCAC 16 .1203	40:08 NCR

SECURITY SYSTEMS LICENSING BOARD

<u>Definitions</u>	14B NCAC 17 .0103	40:08 NCR
<u>Prohibited Acts</u>	14B NCAC 17 .0105	40:08 NCR
<u>Consumer Contract and Disclosure Requirements for Securit...</u>	14B NCAC 17 .0108	40:08 NCR
<u>Experience Requirements for License</u>	14B NCAC 17 .0202	40:08 NCR
<u>Company Business License</u>	14B NCAC 17 .0209	40:08 NCR
<u>Electrical Contracting License Requirements</u>	14B NCAC 17 .0210*	40:08 NCR
<u>Registration Identification Cards</u>	14B NCAC 17 .0305	40:08 NCR

WILDLIFE RESOURCES COMMISSION

<u>General Provisions</u>	15A NCAC 10F .0301*	40:10 NCR
<u>Beaufort County</u>	15A NCAC 10F .0303	40:10 NCR
<u>Dare County</u>	15A NCAC 10F .0310	40:10 NCR
<u>Rowan County</u>	15A NCAC 10F .0329	40:10 NCR
<u>Pitt County</u>	15A NCAC 10F .0354	40:10 NCR
<u>Town of Nags Head</u>	15A NCAC 10F .0368	40:10 NCR

CHIROPRACTIC EXAMINERS, BOARD OF

<u>Structure of Board</u>	21 NCAC 10 .0103*	40:07 NCR
<u>Seal of the Board of Chiropractic Examiners</u>	21 NCAC 10 .0104*	40:07 NCR
<u>Escrow Account</u>	21 NCAC 10 .0105	40:07 NCR
<u>Application for Licensure</u>	21 NCAC 10 .0202*	40:07 NCR
<u>North Carolina Examination</u>	21 NCAC 10 .0203*	40:07 NCR

APPROVED RULES

<u>Licensure; Renewal of License</u>	21 NCAC 10 .0204*	40:07 NCR
<u>Continuing Education Seminars</u>	21 NCAC 10 .0207*	40:07 NCR
<u>Acupuncture</u>	21 NCAC 10 .0208*	40:07 NCR
<u>Nutritional Supplements</u>	21 NCAC 10 .0209*	40:07 NCR
<u>Individual-Study Continuing Education</u>	21 NCAC 10 .0210*	40:07 NCR
<u>Agreements to Provide Financing or Management Services</u>	21 NCAC 10 .0211	40:07 NCR
<u>Medical College Transfer Credits</u>	21 NCAC 10 .0212	40:07 NCR
<u>Certified Chiropractic Assistants</u>	21 NCAC 10 .0213*	40:07 NCR
<u>Petition for Predetermination</u>	21 NCAC 10 .0215*	40:07 NCR
<u>Waiver</u>	21 NCAC 10 .0216	40:07 NCR
<u>Professional Entities</u>	21 NCAC 10 .0217*	40:07 NCR
<u>Preceptors</u>	21 NCAC 10 .0218*	40:07 NCR
<u>Ethics of Advertising and Publicity</u>	21 NCAC 10 .0302*	40:07 NCR
<u>Solicitation of Auto Accident Victims</u>	21 NCAC 10 .0303*	40:07 NCR
<u>Designation of Specialties</u>	21 NCAC 10 .0304	40:07 NCR
<u>Prepaid Treatment Plans</u>	21 NCAC 10 .0305*	40:07 NCR
<u>Publication of Non-Diplomate Credentials</u>	21 NCAC 10 .0306	40:07 NCR
<u>Petitions for Adoptions of Rules</u>	21 NCAC 10 .0401	40:07 NCR
<u>Procedure for Adoption of Rules</u>	21 NCAC 10 .0403	40:07 NCR
<u>Declaratory Rulings</u>	21 NCAC 10 .0406	40:07 NCR
<u>Filing Complaints</u>	21 NCAC 10 .0501	40:07 NCR
<u>Determination of Probable Cause</u>	21 NCAC 10 .0503*	40:07 NCR
<u>Drug Testing</u>	21 NCAC 10 .0504*	40:07 NCR
<u>Conduct of Board Hearing</u>	21 NCAC 10 .0706	40:07 NCR
<u>Continuances for Board Hearings</u>	21 NCAC 10 .0708*	40:07 NCR
<u>Subpoenas</u>	21 NCAC 10 .0709*	40:07 NCR
<u>Fee Schedule</u>	21 NCAC 10 .0803	40:07 NCR

GENERAL CONTRACTORS, LICENSING BOARD FOR

<u>Classification</u>	21 NCAC 12A .0202*	40:07 NCR
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COSMETIC ART EXAMINERS, BOARD OF

<u>Definitions</u>	21 NCAC 14A .0101*	40:06 NCR
<u>Address</u>	21 NCAC 14A .0104	40:06 NCR
<u>License Renewal Waiver for Armed Forces</u>	21 NCAC 14A .0401	40:06 NCR
<u>Duplicate Licenses</u>	21 NCAC 14A .0402	40:06 NCR
<u>Additional Salon Chairs</u>	21 NCAC 14A .0403	40:06 NCR
<u>Fees</u>	21 NCAC 14A .0404	40:06 NCR
<u>Petitions</u>	21 NCAC 14B .0101	40:06 NCR
<u>Contents of Petitions</u>	21 NCAC 14B .0102	40:06 NCR
<u>Granting or Denying Petitions</u>	21 NCAC 14B .0105	40:06 NCR
<u>Final Decision</u>	21 NCAC 14B .0107	40:06 NCR
<u>Notice to Public</u>	21 NCAC 14B .0201*	40:06 NCR
<u>Procedure for Making Oral Presentation at Hearing</u>	21 NCAC 14B .0302*	40:06 NCR
<u>Acknowledgement of a Request to Make and Oral Presentation</u>	21 NCAC 14B .0304*	40:06 NCR
<u>Written Statement</u>	21 NCAC 14B .0305*	40:06 NCR
<u>Acknowledgement</u>	21 NCAC 14B .0306*	40:06 NCR
<u>Control of Hearings</u>	21 NCAC 14B .0307*	40:06 NCR

APPROVED RULES

<u>Request for Statement on Adopted Rule</u>	21 NCAC 14B .0308*	40:06 NCR
<u>Records</u>	21 NCAC 14B .0309*	40:06 NCR
<u>Request for Declaratory Ruling</u>	21 NCAC 14B .0501*	40:06 NCR
<u>Contents of Request</u>	21 NCAC 14B .0502*	40:06 NCR
<u>Refusal to Issue Declaratory Ruling</u>	21 NCAC 14B .0503*	40:06 NCR
<u>Procedure</u>	21 NCAC 14B .0505*	40:06 NCR
<u>Circumstances</u>	21 NCAC 14B .0506*	40:06 NCR
<u>Copying Charges</u>	21 NCAC 14B .0601*	40:06 NCR
<u>Postage and Handling</u>	21 NCAC 14B .0603*	40:06 NCR
<u>Cosmetologist License Fee and Staggered License Renewal...</u>	21 NCAC 14B .0605*	40:06 NCR
<u>Waivers</u>	21 NCAC 14B .0607	40:06 NCR
<u>Complaints</u>	21 NCAC 14B .0608*	40:06 NCR
<u>Administrative Hearings</u>	21 NCAC 14C .0101*	40:06 NCR
<u>Presiding Officer</u>	21 NCAC 14C .0103*	40:06 NCR
<u>Request</u>	21 NCAC 14C .0201*	40:06 NCR
<u>Written Request</u>	21 NCAC 14C .0203*	40:06 NCR
<u>Contents of Request</u>	21 NCAC 14C .0204*	40:06 NCR
<u>Acknowledgement</u>	21 NCAC 14C .0205*	40:06 NCR
<u>Additional Information on Notices of Hearings</u>	21 NCAC 14C .0503*	40:06 NCR
<u>Hearing Panel</u>	21 NCAC 14C .0601*	40:06 NCR
<u>Intervention of Right</u>	21 NCAC 14C .0801*	40:06 NCR
<u>Permissive Intervention</u>	21 NCAC 14C .0802*	40:06 NCR
<u>Discretionary Intervention</u>	21 NCAC 14C .0803*	40:06 NCR
<u>Advisability</u>	21 NCAC 14C .0804*	40:06 NCR
<u>Written Motion</u>	21 NCAC 14C .0805*	40:06 NCR
<u>Allowance</u>	21 NCAC 14C .0807*	40:06 NCR
<u>Denial</u>	21 NCAC 14C .0808*	40:06 NCR
<u>Bias of Board Member</u>	21 NCAC 14C .0903*	40:06 NCR
<u>Bias Claimed by Party</u>	21 NCAC 14C .0904*	40:06 NCR
<u>Filing Affidavit</u>	21 NCAC 14C .0906*	40:06 NCR
<u>Disqualification</u>	21 NCAC 14C .0907*	40:06 NCR
<u>New Hearing</u>	21 NCAC 14C .0908*	40:06 NCR
<u>Proceeding Without Party</u>	21 NCAC 14D .0101*	40:06 NCR
<u>Continuances</u>	21 NCAC 14D .0103*	40:06 NCR
<u>Petition to Reopen</u>	21 NCAC 14D .0104*	40:06 NCR
<u>Criteria for Reopening a Case</u>	21 NCAC 14D .0105*	40:06 NCR
<u>Issuance</u>	21 NCAC 14D .0302*	40:06 NCR
<u>Service of Subpoenas</u>	21 NCAC 14D .0303*	40:06 NCR
<u>Objections</u>	21 NCAC 14D .0305*	40:06 NCR
<u>Statement of Reasons</u>	21 NCAC 14D .0306*	40:06 NCR
<u>Service of Objections</u>	21 NCAC 14D .0307*	40:06 NCR
<u>Responses to Objections</u>	21 NCAC 14D .0308*	40:06 NCR
<u>Hearings on Subpoena</u>	21 NCAC 14D .0309*	40:06 NCR
<u>Rulings</u>	21 NCAC 14D .0310*	40:06 NCR
<u>Space Requirements</u>	21 NCAC 14G .0103*	40:06 NCR
<u>Re-Evaluation of Schools</u>	21 NCAC 14G .0116*	40:06 NCR
<u>Application for Shop License</u>	21 NCAC 14H .0201*	40:06 NCR

APPROVED RULES

<u>Newly Established Shops</u>	21 NCAC 14H .0203*	40:06 NCR
<u>Dimensions of Cosmetic Art Shops</u>	21 NCAC 14H .0204	40:06 NCR
<u>Water</u>	21 NCAC 14H .0301	40:06 NCR
<u>Ventilation and Light</u>	21 NCAC 14H .0302*	40:06 NCR
<u>Bathroom Facilities</u>	21 NCAC 14H .0303*	40:06 NCR
<u>Equipment</u>	21 NCAC 14H .0304*	40:06 NCR
<u>Licensees and Students</u>	21 NCAC 14H .0401	40:06 NCR
<u>Cosmetic Art Shops and Schools</u>	21 NCAC 14H .0402*	40:06 NCR
<u>Disinfection Procedures</u>	21 NCAC 14H .0403*	40:06 NCR
<u>First Aid</u>	21 NCAC 14H .0404	40:06 NCR
<u>Inspection of Cosmetic Art Shops</u>	21 NCAC 14H .0501*	40:06 NCR
<u>Failure to Permit Inspection</u>	21 NCAC 14H .0502*	40:06 NCR
<u>Sanitary Ratings and Posting of Ratings</u>	21 NCAC 14H .0503*	40:06 NCR
<u>Systems of Grading Beauty Establishments</u>	21 NCAC 14H .0504	40:06 NCR
<u>Application/Licensure/Individuals Who Have Been Convicted...</u>	21 NCAC 14I .0401*	40:06 NCR
<u>Initial Application and Fees</u>	21 NCAC 14N .0102*	40:06 NCR
<u>General Examination Instructions</u>	21 NCAC 14N .0103	40:06 NCR
<u>Special Arrangements for Disabled</u>	21 NCAC 14N .0107*	40:06 NCR
<u>Passing Grades for Examination</u>	21 NCAC 14N .0110	40:06 NCR
<u>Notification of Examination Results</u>	21 NCAC 14N .0111	40:06 NCR
<u>Full Time and Part Time Equivalency</u>	21 NCAC 14N .0115	40:06 NCR
<u>Schedule of Civil Penalties</u>	21 NCAC 14P .0101	40:06 NCR
<u>Qualifications for Licensing Teachers</u>	21 NCAC 14P .0102	40:06 NCR
<u>Licensing of Cosmetic Art Shops</u>	21 NCAC 14P .0104	40:06 NCR
<u>Renewals: Expired Licenses: Licenses Required</u>	21 NCAC 14P .0105	40:06 NCR
<u>Licenses Required</u>	21 NCAC 14P .0106	40:06 NCR
<u>Licenses to be Posted</u>	21 NCAC 14P .0107	40:06 NCR
<u>Revocation of Licenses and Other Disciplinary Measures</u>	21 NCAC 14P .0108	40:06 NCR
<u>Inspections</u>	21 NCAC 14P .0109	40:06 NCR
<u>Licensing of Beauty Salons</u>	21 NCAC 14P .0110	40:06 NCR
<u>Establishment of Cosmetic Art Schools</u>	21 NCAC 14P .0111	40:06 NCR
<u>Operations of Schools of Cosmetic Art</u>	21 NCAC 14P .0113	40:06 NCR
<u>Sanitary Ratings</u>	21 NCAC 14P .0115	40:06 NCR
<u>Civil Penalty Procedures</u>	21 NCAC 14P .0116*	40:06 NCR
<u>Rule Compliance and Enforcement Measures</u>	21 NCAC 14P .0117	40:06 NCR
<u>Continuing Education</u>	21 NCAC 14R .0105*	40:06 NCR
<u>Scope and Definitions</u>	21 NCAC 14T .0101*	40:06 NCR
<u>New School Applications</u>	21 NCAC 14T .0102*	40:06 NCR
<u>All Cosmetic Art Schools</u>	21 NCAC 14T .0201*	40:06 NCR
<u>Equipment for All Cosmetic Art Schools</u>	21 NCAC 14T .0301*	40:06 NCR
<u>Equipment for Cosmetology Schools</u>	21 NCAC 14T .0302*	40:06 NCR
<u>Equipment for Esthetics Schools</u>	21 NCAC 14T .0303*	40:06 NCR
<u>Equipment for Manicuring Schools</u>	21 NCAC 14T .0304*	40:06 NCR
<u>Equipment for Natural Hair Care Styling Schools</u>	21 NCAC 14T .0305*	40:06 NCR
<u>Cosmetology and Apprentice Student Equipment</u>	21 NCAC 14T .0401*	40:06 NCR
<u>Esthetics Student Equipment</u>	21 NCAC 14T .0402*	40:06 NCR
<u>Manicuring Student Equipment</u>	21 NCAC 14T .0403*	40:06 NCR

APPROVED RULES

<u>Natural Hair Care Styling Student Equipment</u>	21 NCAC	14T	.0404*	40:06 NCR
<u>Submission of Records</u>	21 NCAC	14T	.0501*	40:06 NCR
<u>Permanent Records, Forms and Documentation</u>	21 NCAC	14T	.0502*	40:06 NCR
<u>Cosmetic Art Curricula</u>	21 NCAC	14T	.0601*	40:06 NCR
<u>Cosmetology Curriculum</u>	21 NCAC	14T	.0602*	40:06 NCR
<u>Apprentice Cosmetology Curriculum</u>	21 NCAC	14T	.0603*	40:06 NCR
<u>Esthetics Curriculum</u>	21 NCAC	14T	.0604*	40:06 NCR
<u>Manicuring Curriculum</u>	21 NCAC	14T	.0605*	40:06 NCR
<u>Natural Hair Care Curriculum</u>	21 NCAC	14T	.0606*	40:06 NCR
<u>Cosmetology Teacher Trainee Curriculum</u>	21 NCAC	14T	.0607*	40:06 NCR
<u>Esthetic Teacher Trainee Curriculum</u>	21 NCAC	14T	.0608*	40:06 NCR
<u>Manicurist Teacher Trainee Curriculum</u>	21 NCAC	14T	.0609*	40:06 NCR
<u>Natural Hair Care Teacher Curriculum</u>	21 NCAC	14T	.0610*	40:06 NCR
<u>Online Instruction</u>	21 NCAC	14T	.0611*	40:06 NCR
<u>Instruction Guidelines</u>	21 NCAC	14T	.0612*	40:06 NCR
<u>Uniforms and Identification</u>	21 NCAC	14T	.0613*	40:06 NCR
<u>Internships</u>	21 NCAC	14T	.0614*	40:06 NCR
<u>Field Trips</u>	21 NCAC	14T	.0615*	40:06 NCR
<u>Additional Hours</u>	21 NCAC	14T	.0616*	40:06 NCR
<u>Teacher Trainees</u>	21 NCAC	14T	.0617*	40:06 NCR
<u>School Operations/Licensure Maintenance</u>	21 NCAC	14T	.0701*	40:06 NCR
<u>Transfer of Credit</u>	21 NCAC	14T	.0702*	40:06 NCR
<u>Expiration of Student Credit</u>	21 NCAC	14T	.0703*	40:06 NCR
<u>School Performance Requirements</u>	21 NCAC	14T	.0705*	40:06 NCR
<u>School Approval Changes and School Closing</u>	21 NCAC	14T	.0706*	40:06 NCR
<u>School Infection Control Grades</u>	21 NCAC	14T	.0802*	40:06 NCR
<u>School Inspections</u>	21 NCAC	14T	.0803*	40:06 NCR
<u>School Probation</u>	21 NCAC	14T	.0901*	40:06 NCR

FUNERAL SERVICE, BOARD OF

<u>Character Affidavit Form</u>	21 NCAC	34A	.0122*	40:08 NCR
<u>Fees and Other Payments</u>	21 NCAC	34A	.0201*	40:08 NCR
<u>Authorized Practice: Supervision</u>	21 NCAC	34B	.0103*	40:08 NCR
<u>Funeral Director Trainee Application Form</u>	21 NCAC	34B	.0105*	40:08 NCR
<u>Embalmer Trainee Application Form</u>	21 NCAC	34B	.0106*	40:08 NCR
<u>Funeral Service Trainee Application Form</u>	21 NCAC	34B	.0107	40:08 NCR
<u>Trainee Final Affidavit Form</u>	21 NCAC	34B	.0120*	40:08 NCR
<u>National Board Certificate</u>	21 NCAC	34B	.0211*	40:08 NCR
<u>Practice of Funeral Service or Funeral Directing Not as a...</u>	21 NCAC	34B	.0310*	40:08 NCR
<u>Procedures for Provisional Licensure</u>	21 NCAC	34B	.0313*	40:08 NCR
<u>Continuing Education Program</u>	21 NCAC	34B	.0408*	40:08 NCR
<u>Application Form and Equivalent Examinations for...</u>	21 NCAC	34B	.0502*	40:08 NCR
<u>Application Form for Funeral Establishment Permit</u>	21 NCAC	34B	.0608*	40:08 NCR
<u>Funeral Establishment Permit Renewal Form</u>	21 NCAC	34B	.0610*	40:08 NCR
<u>Body Identification Tags</u>	21 NCAC	34B	.0616*	40:08 NCR
<u>Practicing During Disasters</u>	21 NCAC	34B	.0617*	40:08 NCR
<u>Practicing During Emergencies</u>	21 NCAC	34B	.0618*	40:08 NCR
<u>Definitions</u>	21 NCAC	34B	.0801*	40:08 NCR

<u>Initial Permit Application Form</u>	21 NCAC 34B .0802*	40:08 NCR
<u>Permit Renewal Application Form</u>	21 NCAC 34B .0803*	40:08 NCR
<u>Initial Transportation Service Permit Application Form</u>	21 NCAC 34B .0807*	40:08 NCR
<u>Transportation Service Permit Renewal Application Form</u>	21 NCAC 34B .0808*	40:08 NCR
<u>Election to Crematory Authority</u>	21 NCAC 34C .0101*	40:08 NCR
<u>Transfer of Trust Funds to Insurance Funded Product</u>	21 NCAC 34D .0305*	40:08 NCR

REAL ESTATE COMMISSION

<u>License Application and Fee</u>	21 NCAC 58A .0302	40:10 NCR
<u>License Renewal</u>	21 NCAC 58A .0503	40:10 NCR
<u>License Cancellation</u>	21 NCAC 58A .0513	40:10 NCR
<u>Requirements for Licensure Application and Fee</u>	21 NCAC 58A .1803	40:10 NCR
<u>Definitions</u>	21 NCAC 58G .0103	40:10 NCR
<u>Definitions</u>	21 NCAC 58H .0101	40:10 NCR
<u>Limitation, Denial, Withdrawal, or Termination of Education...</u>	21 NCAC 58H .0210*	40:10 NCR

TITLE 11 - DEPARTMENT OF INSURANCE

11 NCAC 08 .0602 NATURE OF PROBATIONARY CERTIFICATE

(a) A probationary certificate may be issued as a building inspector, electrical inspector, mechanical inspector, plumbing inspector, or fire inspector, as set forth in the rule in this Chapter specific to the type of probationary certificate being sought, to any newly employed or newly promoted code-enforcement official who lacks a standard certificate that covers the new position. A probationary certificate shall be issued for three years and shall not be renewed. During the three-year period, the official shall complete the requirements set forth in the rule in this Chapter specific to the type of probationary certificate being sought to qualify for the appropriate standard certificate. A probationary certificate shall authorize the official, during the effective period of the certificate, to hold the position of the type, level, and jurisdiction specified. A probationary certificate may be placed on inactive status upon written request by the code-enforcement official. While on inactive status, the code-enforcement official shall not administer nor enforce the State Building Code for the probationary certificate held. Once a probationary certificate is placed on inactive status, the three-year effective period is tolled. The certificate shall be conditioned on the applicant's completion of a high school diploma, or a high school equivalency certificate, and meeting one of the following:

- (1) working under supervision sufficient, as determined by a supporting letter provided for in 11 NCAC 08 .0706(b), to protect the public health and safety;
- (2) possessing a minimum of one year of design, construction, or inspection experience working under a certified inspector or under a licensed professional engineer, licensed architect, licensed contractor, or registered interior designer; or
- (3) possessing one of the education or experience qualifications listed in the rule in this Chapter

specific to the area of code enforcement for which the probationary certificate is issued.

(b) A probationary certificate as a residential changeout inspector set forth in 11 NCAC 08 .0734 may be issued to any employed code-enforcement official, whose employment can be verified pursuant to 11 NCAC 08 .0734(d)(2), who lacks a standard certificate as a residential changeout inspector and who successfully completes a residential changeout inspections course set forth in 11 NCAC 08 .0734(c)(3). A probationary certificate shall be issued for three years and shall not be renewed. During the three-year period, the official shall complete the requirements set forth in the rules in this Chapter, specific to an area of code enforcement, to qualify for the corresponding standard certificate. A probationary certificate as a residential changeout inspector shall authorize the inspector, during the effective period of the certificate, to hold the position set forth in 11 NCAC 08 .0734(a). A probationary certificate may be placed on inactive status upon written request by the code-enforcement official. While on inactive status, the code-enforcement official shall not administer nor enforce the State Building Code. Once a probationary certificate is placed on inactive status, the three-year effective period is tolled. The probationary certificate shall be conditioned on the applicant's completion of a high school diploma, or a high school equivalency certificate, and working under the direct supervision of a person who possesses, or persons who collectively possess, standard certificates as an electrical inspector III, mechanical inspector III, and plumbing inspector III, or an individual holding a residential changeout inspector certificate and five years of code enforcement experience.

History Note: Authority G.S. 143-151.12(1); 143-151.12(2); 143-151.13; Eff. June 28, 1979; Amended Eff. December 1, 1982; Temporary Amendment Eff. January 1, 1983; For a Period of 120 Days to Expire on April 30, 1983; Amended Eff. December 1, 2017; July 18, 2002; October 1, 1992; February 1, 1991; May 1, 1983; Readopted Eff. July 1, 2019;

*Amended Eff. February 1, 2025; August 1, 2020;
Temporary Amendment Eff. March 6, 2026;
Amended Eff. April 1, 2026.*

**11 NCAC 08 .0706 REQUIRED QUALIFICATIONS:
TYPES AND LEVELS**

(a) Qualification Levels: With respect to all types of code-enforcement officials certified by the Board prior to January 1, 2027, those with Level I, Level II, or Level III certificates shall be qualified to inspect and approve only those buildings limited by the occupancy classification for Fire inspectors and by the occupancy classification, number of stories, and square feet (sf) per floor area of buildings for Building, Electrical, Mechanical, and Plumbing inspectors, as shown in Subparagraphs (a)(1) and (a)(2) of this Rule. Code-enforcement officials certified for Level I and II shall be authorized to inspect and approve these buildings until December 31, 2032. Any code-enforcement official with a probationary Level I or Level II certificate, who earns a Standard Level I or Level II certificate between January 1, 2027 and December 31, 2032, shall be qualified to inspect and approve only those buildings shown in Subparagraphs (a)(1) and (a)(2) of this Rule until December 31, 2032. As of January 1, 2033, code-enforcement officials certified for Level I and Level II shall continue to be certified at those same levels but shall be qualified to inspect and approve only those types of buildings shown in Subparagraph (a)(3) of this Rule. Standard Level III certificates shall be authorized to inspect and approve the types of buildings shown in Subparagraph (a)(3) of this Rule indefinitely.

- (1) Fire inspectors shall be limited to occupancy classifications, Highrise, and plan review as follows, except all Levels include Business, Mercantile, Residential, and Utility and Miscellaneous:
 - (A) Level I. Assembly (limited to 1 story/20,000 sf), Factory Industrial F-2, and Storage S-2. No Highrise or plan review.
 - (B) Level II. Assembly, Educational, Factory Industrial F-1 and F-2, and Storage S-1 and S-2. Plan review.
 - (C) Level III. Assembly, Educational, Factory Industrial F-1 and F-2, Hazardous, Institutional, and Storage S-1 and S-2. Highrise and plan review.
- (2) Building, Mechanical, Electrical and Plumbing inspectors shall be limited to occupancy classifications, number of stories, and square feet (sf) per floor as follows, except for any Level, there shall be no number of stories or square footage limit for one and two family dwellings and townhouses or Utility and Miscellaneous.
 - (A) Level I. Single (1) story/7,500 sf, for Assembly, Education, Institutional, and Residential Multi-unit. Single (1) story/20,000 sf, for Business, Factory Industrial, Mercantile, and Storage. Single (1) story/3,000 sf, for Hazardous.

- (B) Level II. Single (1) story/10,000 sf, for Institutional; 20,000 sf, for Assembly, Education, and Hazardous; and, 60,000 sf, for Business, Factory Industrial, and Mercantile. Multi-story: 2 stories, maximum 20,000 sf per floor for Education and Hazardous. Multi-story: 3 stories, maximum 10,000 sf per floor Institutional; and, unlimited sf Residential Multi-unit. Multi-story: 4 stories, maximum 20,000 sf per floor for Business, Factory Industrial, and Mercantile.
 - (C) Level III. Unlimited stories and sf per floor.
- (3) With respect to all types of code-enforcement officials, except fire inspectors, newly certified by the Board on or after January 1, 2027, those with Level I, Level II, or Level III certificates are qualified to inspect and approve buildings as follows except for any Level there shall be no number of stories or square footage limit for one and two family dwellings and townhouses or Utility and Miscellaneous:
- (A) Level I inspectors shall be qualified to perform code-enforcement official duties for residential buildings up to three stories in height with no more than four dwelling units subject to the limitations for the type of inspector.
 - (B) Level II inspectors shall be qualified to perform code-enforcement official duties for commercial buildings subject to the limitations for the type of inspector.
 - (C) Level III inspectors shall be qualified to perform code-enforcement official duties for any residential or commercial building or structure subject to the limitations for the type of inspector.
- (4) With respect to fire inspectors newly certified by the Board on or after January 1, 2027, those with Level I, Level II, or Level III certificates are qualified to inspect and approve buildings as provided in Rule .0741 of this Section.
- (b) Whenever a provision of the rules in this Section requires a supporting letter (maximum of two per level) from a supervisor, the letter(s) shall be notarized, shall state the supervisor's qualifications (i.e., what type and level of certificate or license the supervisor holds), shall state that the applicant has worked under the supervisor's direct supervision for a specified period of time, and shall recommend certification of the applicant as a specified type and level of inspector upon satisfaction of other required qualifications. The supervisor shall describe the name, floor area, and number of stories of the buildings worked on by the applicant and shall describe the work performed by the applicant.

(c) References in the rules in this Section to professional engineer or licensed engineer means engineers licensed by the North Carolina State Board of Examiners for Engineers and Surveyors pursuant to Chapter 89C of the North Carolina General Statutes. References in the rules in this Section to registered architect means architects licensed by the Board of Architecture pursuant to Chapter 83A of the North Carolina General Statutes. References to licensed building, residential, electrical, heating, plumbing, and fire sprinkler contractors means contractors licensed by the State Licensing Board for General Contractors, the North Carolina State Board of Examiners of Electrical Contractors, or the North Carolina State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors, pursuant to Chapter 87 of the North Carolina General Statutes. References to licensed "building" contractors do not include licensed "residential" contractors. Specialty licenses issued by these occupational licensing boards are applicable as prescribed by the inspector type and level contained in this Section. Applicants with licenses from other states or countries must provide a copy of their license and documentation to prove that the requirements of the other state or country are at least equivalent to the statewide licensing requirements of North Carolina occupational licensing boards.

(d) Whenever a provision of the rules in this Section requires the possession of an occupational license other than those certificates that are issued by the Board, if that license is inactive, the applicant must provide documentation from the appropriate occupational licensing board to prove that the applicant previously held the license and that the license is currently inactive.

(e) Whenever a provision of the rules in this Section requires inspector experience on a minimum number of buildings or systems, the experience must include all the inspections typically performed by an inspector during construction of the building or system. Inspections do not have to be performed on the same building.

(f) Whenever a provision of the rules in this Section requires a high school education or other education and experience qualifications, the Board may approve equivalent qualifications. Whenever a provision of the rules in this Section requires the possession of a diploma or degree from an accredited college, university, or trade school, accredited shall mean accreditation from a regional accrediting association. Note: as an example, Southern Association of Colleges and Schools.

(g) Every applicant for a standard certificate shall:

- (1) provide documentation that the applicant possesses a minimum of a high school education or a high school equivalency certificate; and
- (2) provide notarized certification by a city or county manager, clerk, or director of inspection department that the applicant will be performing "code enforcement", as defined in G.S. 143-151.8(a)(3), as an employee of or under contract with that city or county jurisdiction; or provide certification by the head of the Engineering and Building Codes Division of the North Carolina Office of State Fire Marshal that the applicant will be

performing "code enforcement", as defined in G.S. 143-151.8(a)(3), for a state department or agency; and

- (3) make a passing grade of at least 70 percent on a law and administration course administered and taught by a Board-approved sponsor; and
- (4) make a passing grade of at least 70 percent on courses for certification in building, electrical, fire prevention, mechanical, or plumbing inspection at Levels I, II, or III, unless exempted by 11 NCAC 08 .0707. For the purpose of entry into the state examination, courses must be completed within five years of the exam in Subparagraph (g)(5) of this Rule. These courses shall be administered and taught by the North Carolina Office of State Fire Marshal and the North Carolina Community College System or other educational agencies accredited by a regional accrediting association; for example, Southern Association of Colleges and Schools; and
- (5) make a passing grade of 70 percent on the state examination administered by the Board for each inspector type and level of certification, unless exempted by 11 NCAC 08.0707.

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

Eff. January 15, 1980;

Amended Eff. August 1, 2004; July 18, 2002; February 1, 1991; August 1, 1990; July 1, 1983; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;

Amended Eff. February 1, 2025;

Temporary Amendment Eff. November 7, 2025;

Amended Eff. April 1, 2026.

11 NCAC 08 .0737 BUILDING INSPECTOR LEVEL I, II AND III

(a) A Building Inspector, Level I (Residential), certified on or after January 1, 2027 shall be qualified to perform code-enforcement official duties for residential buildings up to three stories in height with no more than four dwelling units, in accordance with the provisions of the North Carolina Residential Code.

(b) A Building Inspector, Level II (Commercial), certified on or after January 1, 2027 shall be qualified to perform code-enforcement official duties for commercial buildings up to four stories in height, except for hazardous and institutional occupancy classifications.

(c) A Building Inspector, Level III, shall be qualified to perform code-enforcement official duties for any residential or commercial building or structure occupancy classification.

(d) Building Inspectors, Levels I, II, or III certified on or before December 31, 2026 shall be qualified to perform code-enforcement official duties for the types of structures described in Rule .0706(a)(2) of this Section until December 31, 2032.

(e) Building Inspector, Level I. A standard certificate, Building Inspector, Level I, shall be issued to any applicant who complies

with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer, architect, residential or building contractor or a registered interior designer;
- (2) A one-year diploma in building construction from an accredited college or an equivalent apprenticeship or trade school program in building construction;
- (3) A two-year degree from an accredited college or university in building construction, electrical, mechanical, or plumbing contracting, construction management or engineering technology;
- (4) A four-year degree from an accredited college or university;
- (5) At least six months of residential inspection experience, with a probationary Level I building inspection certificate, on a minimum of two Level I buildings while working under the direct supervision of a standard certified building inspector I, II, or III, with a supporting letter from the applicant's supervisor which complies with of Rule .0706(b) of this Section;
- (6) At least one year of residential design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer, architect, or residential or building contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (7) At least two years of residential design, construction, or inspection experience while working under a licensed residential contractor;
- (8) At least two years of experience as an owner, manager, supervisor, or qualifier, as that term is defined in G.S. 87-10(b), of a residential construction company, who has a license as a residential contractor, and who has construction experience on a minimum of two Level I buildings (this does not include a business partner providing monetary backing for the company);
- (9) At least two years of construction experience as a subcontractor or employee of a residential contractor in the building trades, or work in building construction, on a minimum of two Level I buildings and under the direct supervision of a licensed residential contractor who at that time had at least three years of experience;
- (10) At least one year of experience with a probationary Level I building inspection certificate inspecting residential construction on a minimum of two Level I buildings.

(f) Building Inspector, Level II. A standard certificate, building inspector, Level II, shall be issued to any applicant who complies

with Rule .0706(b) through (g) and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer, architect, building contractor or registered interior designer;
- (2) A one-year diploma in building construction from an accredited college or an equivalent apprenticeship or trade school program in building construction;
- (3) A two-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, or construction management and at least one year of building design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III, licensed engineer, architect, or building contractor;
- (4) A four-year degree from an accredited college or university and at least one year of design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III, licensed professional engineer, architect, or building contractor;
- (5) At least six months of commercial inspection experience with a probationary Level II building inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a standard certified building inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (6) At least one year of commercial design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer, architect, or building contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (7) At least two years of commercial building inspection experience including one year of inspection experience with a probationary Level II building inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (8) At least two years of commercial building design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed engineer, registered architect, or licensed intermediate or unlimited building

contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or

- (9) At least one year of experience with a probationary Level II building inspection certificate inspecting construction of a minimum of two Level II buildings.

(g) Building Inspector, Level III. A standard certificate, building inspector, Level III, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) A license as a professional engineer, architect, or unlimited building contractor with design, construction, or inspection experience on a minimum of two Level III buildings and specialization in architecture, civil or architectural engineering, or fire protection engineering;
- (2) A four-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction or construction management and at least one year of building design, construction, or inspection experience while working under the direct supervision of a certified building inspector III, licensed professional engineer, architect, or unlimited building contractor, at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (3) A two-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, or construction management and at least three years of building design, construction, or inspection experience while working under the direct supervision of a certified building inspector III, licensed professional engineer, architect, or unlimited building contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (4) At least four years of inspection experience including one year of building inspection experience with a probationary Level III building inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified building inspector III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (5) At least four years of building design, construction, or inspection experience while working under the direct supervision of a licensed engineer, architect, or unlimited building contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level

III buildings with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or

- (6) At least one year of experience with a probationary Level III building inspection certificate inspecting the construction of a minimum of two Level III buildings.

*History Note: Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13;
Eff. February 1, 2025;
Temporary Amendment Eff. November 7, 2025;
Amended Eff. April 1, 2026.*

**11 NCAC 08 .0738 ELECTRICAL INSPECTOR
LEVEL I, II AND III**

(a) An Electrical Inspector, Level I (Residential), certified on or after January 1, 2027, shall be qualified to perform code-enforcement official duties for electrical systems that serve individual residential dwelling units and equipment including its accessory structures and equipment, except for those systems described in Paragraph (b) or (c) of this Rule.

(b) An Electrical Inspector, Level II (Commercial), certified on or after January 1, 2027, shall be qualified to perform code-enforcement official duties for electrical systems that serve non-residential structures and equipment including common areas of multi-family residential structures, except for those systems described in Paragraph (a) or (c) of this Rule.

(c) An Electrical Inspector, Level III, (Special Systems) shall be qualified to perform code-enforcement official duties for any residential or commercial building or structure and the following special systems:

- (1) Photovoltaic systems
- (2) Electrical power production facilities and equipment with a generating capacity of 5,000 kW or greater.

(d) Electrical Inspectors, Levels I, II, or III certified on or before December 31, 2026 shall be qualified to perform code-enforcement official duties for electrical systems that serve the types of structures described in Rule .0706(a)(2) of this Section until December 31, 2032.

(e) Electrical Inspector, Level I. A standard certificate, electrical inspector, Level I, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A one-year diploma in electrical construction from an accredited college or an equivalent apprenticeship or trade school program in electrical construction;
- (2) A four-year degree from an accredited college or university;
- (3) At least six months of electrical inspection experience with a probationary Level I electrical inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified electrical inspector I or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;

- (4) At least one year of electrical design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer or licensed electrical contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
 - (5) A restricted (one family dwelling) license or license as an electrical contractor;
 - (6) At least two years of electrical installation or inspection experience while working under a licensed electrical contractor; or
 - (7) At least one year of experience with a probationary Level I electrical inspection certificate inspecting electrical installations on a minimum of two Level I buildings.
- (f) Electrical Inspector, Level II. A standard certificate, electrical inspector, Level II, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:
- (1) A license as a professional engineer;
 - (2) A four-year degree from an accredited college or university in electrical engineering or electrical construction;
 - (3) A four-year degree from an accredited college or university and at least two years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III, licensed engineer, or intermediate or unlimited licensed electrical contractor;
 - (4) A two-year degree from an accredited college or university in electrical engineering or electrical construction and at least two years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III, licensed engineer, or intermediate or unlimited licensed electrical contractor;
 - (5) An intermediate or unlimited license as an electrical contractor with experience on a minimum of two Level II buildings;
 - (6) At least three years of electrical inspection experience including one year of inspection experience with a probationary Level II electrical inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section
 - (7) At least three years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer or licensed intermediate or unlimited electrical contractor, with a supporting letter from the applicant's supervisor which complies Rule .0706(b) of this Section; or
 - (8) At least one year of experience with a probationary Level II electrical inspection certificate inspecting electrical installations on a minimum of two Level II buildings.
- (g) Electrical Inspector, Level III. A standard certificate, electrical inspector, Level III, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:
- (1) A license as a professional engineer with design, construction, or inspection experience on Level III buildings and specialization in electrical engineering;
 - (2) A four-year degree from an accredited university in electrical engineering or electrical construction and at least one year of electrical design, installation, or inspection experience while working under the direct supervision of a certified electrical inspector III, licensed professional engineer, or licensed unlimited electrical contractor at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;
 - (3) A two-year degree from an accredited college or university in electrical engineering or electrical construction and at least three years of electrical design, installation, or inspection experience while working under the direct supervision of a certified electrical inspector III, licensed professional engineer, or licensed unlimited electrical contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;
 - (4) An unlimited license as an electrical contractor with experience on a minimum of two Level III buildings;
 - (5) At least four years of electrical inspection experience including one year of inspection experience with a probationary Level III electrical inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified electrical inspector III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
 - (6) At least four years of electrical design, construction, or inspection experience while working under the direct supervision of a licensed professional engineer or licensed unlimited electrical contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings, with a supporting

- (7) letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or At least one year of experience with a probationary Level III electrical inspection certificate inspecting the electrical installations of a minimum of two Level III buildings.

History Note: Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13; Eff. February 1, 2025; Temporary Amendment Eff. November 7, 2025; Amended Eff. April 1, 2026.

11 NCAC 08 .0739 MECHANICAL INSPECTOR LEVEL I, II AND III

- (a) A Mechanical Inspector, Level I (Residential), certified on or after January 1, 2027, shall be qualified to perform code-enforcement official duties in accordance with the provisions of the North Carolina Residential Code.
- (b) A Mechanical Inspector, Level II (Commercial), certified on or after January 1, 2027, shall be qualified to perform code-enforcement official duties in accordance with the provisions of the North Carolina Mechanical Code, North Carolina Fuel Gas Code, and the North Carolina Energy Conservation Code.
- (c) A Mechanical Inspector, Level III, shall be qualified to perform code-enforcement official duties in accordance with the provisions of the North Carolina Residential Code, North Carolina Mechanical Code, North Carolina Fuel Gas Code, and the North Carolina Energy Conservation Code for any residential or commercial building or structure.
- (d) Mechanical Inspectors, Levels I, II, or III certified on or before December 31, 2026 shall be qualified to perform code-enforcement official duties for the types of structures described in Rule .0706(a)(2) of this Section until December 31, 2032.
- (e) Mechanical Inspector, Level I. A standard certificate, mechanical inspector, Level I, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:
- (1) A one-year diploma in mechanical construction from an accredited college or an equivalent apprenticeship or trade school program in mechanical construction;
 - (2) A four-year degree from an accredited college or university;
 - (3) At least six months of mechanical inspection experience with a probationary Level I mechanical inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified mechanical inspector I or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
 - (4) At least one year of mechanical design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer or licensed Class

- (5) I mechanical contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
 - (6) An H-1, H-2, or H-3 Class I license as a mechanical contractor;
 - (7) At least two years of mechanical installation or inspection experience while working under a Class I H-1, H-2, or H-3 licensed mechanical contractor; or
 - (8) At least one year of experience with a probationary Level I mechanical inspection certificate inspecting mechanical installations on a minimum of two Level I buildings.
- (f) Mechanical Inspector, Level II. A standard certificate, mechanical inspector, Level II, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:
- (1) A license as a professional engineer;
 - (2) A four-year degree from an accredited college or university in mechanical engineering or mechanical construction;
 - (3) A four-year degree from an accredited college or university and at least two years of mechanical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified mechanical inspector II or III, licensed professional engineer, or licensed Class I mechanical contractor;
 - (4) A two-year degree from an accredited college or university in mechanical engineering or mechanical construction and at least two years of mechanical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified mechanical inspector II or III, licensed professional engineer, or licensed Class I mechanical contractor;
 - (5) An H-1, H-2, or H-3 Class I license as a mechanical contractor with experience on a minimum of two Level II buildings;
 - (6) At least three years of mechanical inspection experience including one year of inspection experience with a probationary Level II mechanical inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified mechanical inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
 - (7) At least three years of mechanical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer or licensed Class I H-1, H-2, or H-3 mechanical contractor, with

a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or

- (8) At least one year of experience with a probationary Level II mechanical inspection certificate inspecting mechanical installations on a minimum of two Level II buildings.

(g) Mechanical Inspector, Level III. A standard certificate, mechanical inspector, Level III shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer, with design, construction, or inspection experience on Level III buildings and specialization in mechanical engineering;
- (2) A four-year degree from an accredited university in mechanical engineering or mechanical construction and at least one year of mechanical design, installation, or inspection experience while working under the direct supervision of a certified mechanical inspector III, licensed professional engineer, or licensed Class I H-1, H-2, and H-3 mechanical contractor at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (3) A two-year degree from an accredited college or university in mechanical engineering or mechanical construction and at least three years of mechanical design, installation, or inspection experience while working under the direct supervision of a certified mechanical inspector III, licensed professional engineer, or licensed Class I H-1, H-2, and H-3 mechanical contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (4) H-1, H-2, and H-3 Class I licenses as a mechanical contractor with experience on a minimum of two Level III buildings;
- (5) At least four years of mechanical inspection experience including one year of inspection experience with a probationary Level III mechanical inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified mechanical inspector III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (6) At least four years of mechanical design, construction, or inspection experience while working under the direct supervision of a licensed professional engineer or licensed Class I H-1, H-2, and H-3 mechanical contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings, with a

supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or

- (7) At least one year of experience with a probationary Level III mechanical inspection certificate inspecting the mechanical installations of a minimum of two Level III buildings.

*History Note: Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13;
Eff. February 1, 2025;
Temporary Amendment Eff. November 7, 2025;
Amended Eff. April 1, 2026.*

11 NCAC 08 .0740 PLUMBING INSPECTOR LEVEL I, II AND III

- (a) A Plumbing Inspector, Level I (Residential), certified on or after January 1, 2027 shall be qualified to perform code-enforcement official duties for residential buildings up to three stories in height with no more than four dwelling units in accordance with the provisions of the North Carolina Residential Code, including NFPA 13D residential sprinkler systems.
- (b) A Plumbing Inspector, Level II (Commercial), certified on or after January 1, 2027 shall be qualified to perform code-enforcement official duties for commercial buildings up to four stories in height.
- (c) A Plumbing Inspector, Level III, shall be qualified to perform code-enforcement official duties for any residential or commercial building or structure.
- (d) Plumbing Inspectors, Levels I, II, or III certified on or before December 31, 2026 shall be qualified to perform code-enforcement official duties for the types of structures described in Rule .0706(a)(2) of this Section until December 31, 2032.
- (e) Plumbing Inspector, Level I. A standard certificate, plumbing inspector, Level I, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:
 - (1) A one-year diploma in plumbing construction from an accredited college or an equivalent apprenticeship or trade school program in plumbing construction;
 - (2) A four-year degree from an accredited college or university;
 - (3) At least six months of plumbing inspection experience with a probationary Level I plumbing inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified plumbing inspector I or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
 - (4) At least one year of plumbing design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer or licensed Class I plumbing contractor with a supporting letter

from the applicant's supervisor which complies with Rule .0706(b) of this Section;

- (5) A Class I license as a plumbing contractor;
- (6) At least two years of plumbing installation or inspection experience while working under a licensed Class I plumbing contractor; or
- (7) At least one year of experience with a probationary Level I plumbing inspection certificate inspecting plumbing installations a minimum of two Level I buildings.

(f) Plumbing Inspector, Level II. A standard certificate, plumbing inspector, Level II, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer;
- (2) A four-year degree from an accredited college or university in mechanical engineering or mechanical or plumbing construction;
- (3) A four-year degree from an accredited college or university and at least two years of plumbing design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified plumbing inspector II or III, licensed professional engineer, or licensed Class I plumbing contractor;
- (4) A two-year degree from an accredited college or university in mechanical engineering or mechanical or plumbing construction and at least two years of plumbing design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified plumbing inspector II or III, licensed professional engineer, or licensed Class I plumbing contractor;
- (5) A Class I license as a plumbing contractor with experience on a minimum of two Level II buildings;
- (6) At least three years of plumbing inspection experience including one year of inspection experience with a probationary Level II plumbing inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified plumbing inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (7) At least three years of plumbing design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer or licensed Class I plumbing contractor with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
- (8) At least one year of experience with a probationary Level II plumbing inspection

certificate inspecting plumbing installations on a minimum of two Level II buildings.

(g) Plumbing Inspector, Level III. A standard certificate, plumbing inspector, Level III shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer with design, construction, or inspection experience on Level III buildings and specialization in mechanical engineering;
- (2) A four-year degree from an accredited university in mechanical engineering or mechanical or plumbing construction and at least one year of plumbing design, installation, or inspection experience while working under the direct supervision of a certified plumbing inspector III, licensed professional engineer, or licensed Class I plumbing contractor at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (3) A two-year degree from an accredited college or university in mechanical engineering or plumbing construction and at least three years of plumbing design, installation, or inspection experience while working under the direct supervision of a certified plumbing inspector III, licensed professional engineer, or licensed Class I plumbing contractor, with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (4) A Class I license as a plumbing contractor with experience on a minimum of two Level III buildings;
- (5) At least four years of plumbing inspection experience including one year of inspection experience with a probationary Level III plumbing inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified plumbing inspector III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (6) At least four years of plumbing design, construction, or inspection experience while working under the direct supervision of a licensed professional engineer or licensed Class I plumbing contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
- (7) At least one year of experience with a probationary Level III plumbing inspection certificate inspecting the plumbing installations of a minimum of two Level III buildings.

History Note: Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13; Eff. February 1, 2025; Temporary Amendment Eff. November 7, 2025; Amended Eff. April 1, 2026.

11 NCAC 08 .0741 FIRE INSPECTOR LEVEL I, II AND III

(a) A Fire Inspector, Level I, certified on or after January 1, 2027 shall be qualified to perform code-enforcement official duties of operational permit issuance, field inspection, and related code enforcement activities for existing Assembly (limited to 1 story, 20,000 sf), Business, Mercantile, Residential, Utility and Miscellaneous occupancies, and other existing facilities, premises, and structures within those occupancies as required. A Fire Inspector Level I is not authorized to conduct inspections on high-rise buildings, inspections on new construction, or plan review for any occupancy.

(b) A Fire Inspector, Level II, certified on or after January 1, 2027 shall be qualified to perform code-enforcement official duties of plan review, permit issuance, field inspection, certificate of compliance and occupancy, change of occupancy and code-enforcement activities for existing building occupancies and new construction. A Fire Inspector, Level II, is limited to Assembly, Business, Educational, Factory-Industrial, Mercantile, Residential, Storage, Utility and Miscellaneous, and other facilities, premises, and structures within those occupancies as required. A Fire Inspector, Level II, is not authorized to conduct plan review or inspections of high-rise buildings, institutional, or hazardous occupancies.

(c) A Fire Inspector, Level III, shall be qualified to perform code-enforcement official duties of plan review, permit issuance, field inspection, certificate of compliance and occupancy, change of occupancy, and related code-enforcement activities for any existing or new occupancy classification and other facilities, premises, and structures within those occupancies as required.

(d) Fire Inspectors, Levels I, II, or III certified on or before December 31, 2026 shall be qualified to perform code-enforcement official duties for the types of structures described in Rule .0706(a)(1) of this Section until December 31, 2032.

(e) The level of certification required for buildings with multiple occupancy classifications shall be assigned based on the highest level required as indicated in Paragraphs (a) through (c) of this Rule.

(f) Fire Inspector, Level I. A standard certificate, fire inspector, Level I, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) A one-year diploma in fire science from an accredited college or an equivalent certificate of completion from an apprenticeship or trade school program in fire science;
- (2) A four-year degree from an accredited college or university;
- (3) At least six months of fire inspection experience with a probationary Level I fire inspection certificate on a minimum of two Level I buildings while working under the

direct supervision of a standard certified fire inspector Level I, II, or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;

- (4) At least one year of fire protection design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer, licensed architect, or licensed building, electrical, or fire sprinkler contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (5) A license as a fire sprinkler contractor;
- (6) At least two years of construction or inspection experience in fire protection systems while working under a licensed building, electrical, or fire sprinkler contractor;
- (7) At least one year of experience with a probationary Level I fire inspection certificate conducting fire inspections on a minimum of two Level I buildings;
- (8) At least four years of experience in fire suppression activities for a city, county, volunteer, or other governmental fire department; or
- (9) Firefighter Level II certification under the North Carolina State Fire and Rescue Commission with at least one year of fire inspection experience in Level I buildings.

(g) Fire Inspector, Level II. A standard certificate, fire inspector, Level II, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) A license as a professional engineer or architect;
- (2) A four-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, or fire science;
- (3) A four-year degree from an accredited college or university and at least two years of fire protection design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified fire inspector Level II or III, licensed professional engineer, architect, intermediate or unlimited licensed building contractor, or licensed fire sprinkler contractor;
- (4) A two-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, construction management or fire science and at least two years of fire protection design, construction, or inspection experience on a minimum of two Level II building fire protection systems while working under the direct supervision of a certified fire inspector

Level II or III, licensed professional engineer, architect, intermediate or unlimited licensed building contractor, or licensed fire sprinkler contractor;

- (5) A license as a fire sprinkler contractor with experience on a minimum of two Level II buildings;
- (6) At least three years of fire inspection experience including at least one year of inspection experience with a probationary Level II fire inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified fire inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (7) At least three years of fire protection system design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer, architect, licensed intermediate or unlimited building contractor, or licensed fire sprinkler contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (8) At least one year of experience with a probationary Level II fire inspection certificate conducting fire inspections on a minimum of two Level II buildings; or
- (9) Completion of the basic, intermediate, and advanced classes of the North Carolina Fire Prevention School with at least three years of fire inspection experience in Level II buildings.

(h) Fire Inspector, Level III. A standard certificate, fire inspector, Level III, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) A license as a professional engineer or architect with design, construction, or inspection experience on Level III buildings and specialization in architecture, civil or architectural engineering, or fire protection engineering;
- (2) A four-year degree from an accredited college or university in civil, architectural, construction management or fire protection engineering and at least one year of fire inspection experience while working under a certified fire inspector III, licensed professional engineer, architect, or licensed fire sprinkler contractor on a minimum of two Level III buildings;
- (3) A two-year degree from an accredited college or university in civil, architectural, or fire protection engineering and at least three years of fire protection design, installation, or inspection experience while working under the

direct supervision of a certified fire inspector Level III, licensed professional engineer, architect, licensed unlimited building contractor, or licensed fire sprinkler contractor with at least one year in responsible charge of a minimum of two Level III buildings;

- (4) A license as a fire sprinkler contractor with experience on a minimum of two Level III buildings;
- (5) At least four years of fire inspection experience in fire protection systems including one year of inspection experience with a probationary Level III fire inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified fire inspector Level III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (6) At least four years of fire protection system design, construction, or inspection experience while working under the direct supervision of a licensed professional engineer, architect, licensed intermediate or unlimited building contractor, or licensed fire sprinkler contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
- (7) At least one year of experience with a probationary Level III fire inspection certificate conducting fire inspections on a minimum of two Level III buildings.

History Note: Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13; Eff. February 1, 2025; Temporary Amendment Eff. November 7, 2025; Amended Eff. April 1, 2026.

11 NCAC 12 .0332 REVIEW/AUDIT OF THIRD PARTY ADMINISTRATORS

(a) Definitions. As used in this rule:

- (1) "Certification" means the certification required by G.S. 58-56-26(c).
- (2) "Insurer" has the same meaning as in G.S. 58-56-2(4).
- (3) "Third party administrator" or "TPA" has the same meaning as in G.S. 58-56-2(5).

(b) The insurer shall submit a certification signed by an officer of the insurer, and the certification shall contain the following language:

"I, (name and title of the officer of the insurer), am familiar with the requirements of G.S. 58-56-26(c), and hereby certify that (insurance company full licensed name and federal tax

identification number) performed a review and an audit in accordance with G.S. 58-56-26(c) for every third party administrator identified in or attached to this certification for the reporting calendar year."

(c) For all certifications submitted on or after July 1, 2011 and each subsequent year, each insurer shall certify that the insurer's review and audit include:

- (1) An assessment of the TPA's business practices and procedures and evaluations of all of the following:
 - (A) The TPA's compliance with provisions of the written agreement with the insurer;
 - (B) The TPA's compliance and adherence to the TPA's internal policies and procedures for contract management, claims administration, and general administration, if applicable;
 - (C) The TPA's performance of claims adjudication and payment, if applicable;
 - (D) The TPA's performance of underwriting services, if applicable; and
 - (E) The TPA's performance of collecting premiums or other monies; and
- (2) A written summary of the objectives and scope of the review or audit and the results of the review or audit, including a corrective action plan addressing any deficiencies found during the review or audit.

(d) An audit may be conducted either on-site or virtually and shall verify the accuracy, integrity, and completeness of the information received during a review conducted by the insurer under G.S. 58-56-26(c). An on-site audit shall also include an inspection of the TPA's place of business.

(e) In addition to a statement certifying compliance with the requirements of Paragraphs (c) and (d) of this Rule, a certification submitted on or after July 1, 2011 and each subsequent year shall be dated and include:

- (1) The insurer's name as it appears on the insurer's license or certificate of authority and the insurer's federal tax identification number;
- (2) The name and federal tax identification number of every TPA with which the insurer has a written administrative agreement under G.S. 58-56-6;
- (3) Any exceptions to the certification identifying each excepted TPA by name and federal tax identification number and an explanation for the exception of the TPA;
- (4) The year for which the certification is made; and
- (5) The name, title and signature of an officer of the insurer making the certification.

(f) A sample format for the certification is available free of charge from the Life and Health Division at the Department of Insurance Web site at www.ncdoi.com.

(g) An insurer that did not have any written administrative agreements with TPAs during the reporting year for which the certification is required shall submit a report instead of a certification. This report shall include the information required under Paragraph (e) of this Rule; except the information required by Subparagraphs (e)(2) and (e)(3) of this Rule need not be included.

(h) A review may be conducted on the premises of the insurer or at another location designated by the insurer and may be conducted by electronic means. A review or audit may be performed by either the insurer or the insurer's designated representative. The insurer's designated representative shall not be an employee of or independent contractor with the TPA and shall be an independent, disinterested person or entity.

(i) The certification shall be submitted annually to the Life and Health Division through the NAIC system for electronic rate and form filings ("SERFF" or its successor system or program). If an insurer is unable to use the NAIC system or program, the insurer shall submit the certification by way of the U.S. Postal Service or other mail delivery service or by way of electronic mail, compressed in Adobe Acrobat (PDF).

History Note: Authority G.S. 58-2-40; 58-56-26; Eff. July 1, 2010; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018; Amended Eff. April 1, 2026.

11 NCAC 18 .0102 GENERAL ELIGIBILITY

(a) Each MEWA shall provide to the Commissioner documentation from the Internal Revenue Service confirming that the exemption under Section 501(c) of the Internal Revenue Code has been granted, or that the MEWA will operate solely for the benefit of the members of the MEWA. Any profits from the operation of the MEWA shall be invested in securities as allowed by G.S. 58-7-160 through G.S. 58-7-200, and the interest or other profits accrued or received thereon shall be contributed to surplus for the stability of rates or provide other such benefits for the members to which the trustees and the Commissioner agree; and the trust agreement required by G.S. 58-50A-70(a)(3) shall so state.

(b) Each MEWA shall be established by a trade association, industry association, professional association, or chamber association.

(c) As used in this Rule:

(1) "Industry association" means member employers who are in the same major group code, as defined by the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget; unless restricted by Subparagraph (c)(2) or (3) of this Rule.

(2) "Professional association" means member employers who are of the same type of profession, such as physicians, dentists, accountants, lawyers, or architects; but is not limited to those professions. However, the

profession must be one that is recognized by the required licensing agency.

(3) "Trade association" means member employers who are in the same type of trade, such as plumbers or electricians; and any others that are trade designations as recognized by the required licensing agency.

(4) "Chamber association" means a statewide chamber of commerce or business league that meets all of the criteria listed in G.S. 58-50A-70(a)(2)c.

(d) The feasibility study required by G.S. 58-50A-80(7) shall disclose all material assumptions.

History Note: Authority G.S. 58-2-40(1); 58-50A-70; 58-50A-80; Eff. August 3, 1992; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014; Temporary Amendment Eff. April 7, 2025; Amended Eff. April 1, 2026.

TITLE 14B - DEPARTMENT OF PUBLIC SAFETY

14B NCAC 16 .0808 CONCEALED HANDGUN

(a) The Board does not have the authority to issue a Concealed Handgun Carry Permit. However, a licensee, trainee, registrant, or firearms trainer who has complied with all provisions of G.S. 14, Article 54B and applicable rules adopted by the N.C. Criminal Justice Education and Training Standards Commission pursuant thereto and has been issued a current concealed handgun permit by a Sheriff may carry a concealed handgun after complying with the concealed handgun provisions for training and qualifications set forth in Paragraph (b) of this Rule.

(b) A licensee, trainee, or registrant shall comply with each of the following requirements to carry a concealed handgun while engaged in a private protective services business:

- (1) Hold a current Armed Licensee Registration or Armed Guard Registration Permit by complying with all requirements for armed registration as prescribed in this Section.
- (2) Complete standards as required by G.S. 14-415.12 to include knowledge of North Carolina firearms laws including the limitation on concealed handgun possession on specified property and within certain buildings.

(c) Upon application to the Board, a licensee, trainee, or registrant meeting the requirements of this Section shall be issued a concealed handgun endorsement to the current Armed Licensee Registration or Armed Guard Registration Permit without additional permit fees, but any additional training costs necessary to comply with this Section shall be borne directly by the applicant. The endorsement shall be renewed at the time of the Armed Licensee Registration or Armed Guard Registration Permit renewal pursuant to this Rule on payment of the renewal fee and proof of possession of a current Concealed Handgun Permit. A licensee, but not a registrant, who is authorized pursuant to Section 926B or 926C of Title 18 of the United States Code to

carry a concealed handgun and is in compliance with the requirements of those Code sections is exempt from the Concealed Handgun Carry Permit requirements of this Rule, but must still obtain the endorsement. There shall be no additional fee for the concealed handgun endorsement renewal.

History Note: Authority G.S. 74C-5; 74C-13; Eff. June 1, 1984; Temporary Amendment Eff. December 1, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Amended Eff. June 1, 1996; Transferred and Recodified from 12 NCAC 07D .0808 Eff. July 1, 2015; Readopted Eff. November 1, 2019; Amended Eff. April 1, 2026; July 1, 2021.

14B NCAC 16 .1203 CONTINUING EDUCATION COURSE ACCREDITATION STANDARDS

(a) Continuing education course instructors may obtain Board accreditation of their course by submitting the following information to the Board for consideration:

- (1) the nature and purpose of the course;
- (2) the course objectives or goals;
- (3) the outline of the course, including the number of training hours for each segment; and
- (4) the name of the instructor; and
- (5) a one hundred dollar (\$100.00) continuing education course evaluation fee, paid online by credit card or electronic funds transfer.

(b) The Board shall complete the following review:

- (1) The matter shall be referred to a committee appointed by the Board for review.
- (2) The appointed committee shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objectives or goals.
- (3) The appointed committee shall report its findings with a recommendation of approval or denial to the Board.
- (4) Upon receipt of the appointed committee's report, the Board shall determine by majority vote if the course will be approved for continuing education credits. In making its determination, the Board shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objectives or goals.

(c) Each approved course shall remain an approved course for two years from the date of approval by the Board, unless the course content changes or the course instructor changes.

(d) Trainers and instructors shall receive continuing education credit of four hours for every actual teaching hour with an eight hour cap of continuing education credit every two years.

(e) Colleges, universities, trade schools, and other degree granting institutions shall be granted standing approval when the institutions are accredited, certified, or approved by the Department of Public Instruction or by a similar agency in another state and the course is related to law, criminal justice, security

profession, finance, ethics, forensics, crime prevention, and investigation. Approval is one credit hour per contact hour up to the maximum 12 credit hours.

History Note: Authority G.S. 74C-5; 74C-22; Eff. February 1, 2010; Amended Eff. October 1, 2011; Transferred and Recodified from 12 NCAC 07D .1303 Eff. July 1, 2015; Emergency Amendment Eff. May 6, 2020; Readopted Eff. July 1, 2020; Temporary Amendment Eff. July 24, 2020; Temporary Amendment Expired Eff. May 14, 2021; Amended Eff. April 1, 2026; September 1, 2025; February 1, 2022; January 1, 2022; July 1, 2021.

14B NCAC 17 .0103 DEFINITIONS

In addition to the definitions under G.S. Chapter 74D, the following definitions shall apply throughout this Chapter:

- (1) "Agency Head" means the Chair of the Security Systems Licensing Board.
(2) "Applicant" means any person, firm, or corporation applying to the Board for a license or registration.
(3) "Board" means the Security Systems Licensing Board established by G.S. Chapter 74D.
(4) "Branch Manager or Operator" means the licensee endowed with the responsibility and liability for a branch office.
(5) "Branch Office" means a separate but dependent part of a central organization. The establishment of a telephone number or mailing address in the company name constitutes prima facie evidence of a branch office.
(6) "Chairman" or "Chair" means the Chair of the Security Systems Licensing Board.
(7) "Employee" means:
(a) a person who has an agreement with a licensee to perform security systems business activities under the direct supervision and control of the licensee, for whose services any charges are determined imposed and collected by the licensee, and for whose security systems business activities the licensee is legally liable; or
(b) a person who solicits customers at a residential or commercial location whose services are compensated by payment of a referral fee or commission by a licensee.
(8) "Installs" means placing a security device in a residential or commercial location and includes demonstrating the use of a security system device for a specific location and function within the protected premises and, with such

- (9) "Knowledge of Specific Applications" means obtaining specific information about the premises which is protected or is to be protected, gained during an on-site visit. Conducting a survey shall be prima facie evidence of knowledge of specific applications.
(10) "Licensee" means any person licensed pursuant to G.S. Chapter 74D.
(11) "Monitors" means receiving a signal from a protected premises or contracting with a person, firm or corporation to provide accessible equipment and personnel to receive a signal from a security device in a protected premises and take action in response.
(12) "Qualifying Agent" means any person who meets the requirements of G.S. 74D-2(c), provided that no licensee may act as qualifying agent for more than one security systems business without prior authorization of the Board.
(13) "Responds" means receiving a monitored security signal that indicates the existence of an unauthorized intrusion or taking from a protected premises of a customer and being required by contract to take action upon receipt of that security system signal.
(14) "Services" means inspecting, testing, repairing or replacing a security system device within protected premises.

History Note: Authority G.S. 74D-2; 74D-5; Temporary Rule Eff. January 9, 1984, for a Period of 120 Days to Expire on May 7, 1984; Eff. May 1, 1984; Amended Eff. August 1, 1988; February 1, 1988; July 1, 1987; January 1, 1986; Transferred and Recodified from 12 NCAC 11 .0103 Eff. July 1, 2015; Readopted Eff. June 1, 2018; Amended Eff. April 1, 2026.

14B NCAC 17 .0105 PROHIBITED ACTS

In addition to the prohibited acts set forth elsewhere in this Subchapter and in Chapter 74D of the General Statutes, an applicant, licensee, or registrant who does any of the following shall have his or her application denied or his or her license or registration revoked or suspended:

- (1) displays, causes or permits to be displayed, or has in his or her possession any cancelled, revoked, suspended, fictitious, fraudulently-altered license or registration identification card, or any document simulating a license or registration identification card or purporting to be or to have been issued as a license or registration identification card;

- (2) lends his or her license or registration identification card to another person or allows the use thereof by another;
- (3) displays or represents any license or registration identification card not issued to him or her as being his or her license or registration identification card;
- (4) includes in any advertisement a statement that implies an official State-authorized certification or approval other than this statement: "Licensed by the Security Systems Licensing Board of the State of North Carolina." Licensees may include their license number;
- (5) includes in the company name the word "police" or other law enforcement designation that implies that the security system company is affiliated with a local, state, or federal law enforcement agency; or
- (6) makes any false statement or gives any false information to a third party provider in connection with any criminal history record check provided to the Board.

History Note: Authority G.S. 74D-5; 74D-6; 74D-10; Temporary Rule Eff. January 9, 1984, for a Period of 120 Days to Expire on May 7, 1984; Eff. May 1, 1984; Amended Eff. June 1, 2014; August 1, 2007; Transferred and Recodified from 12 NCAC 11 .0105 Eff. July 1, 2015; Readopted Eff. June 1, 2018; Amended Eff. April 1, 2026.

14B NCAC 17 .0108 CONSUMER CONTRACT AND DISCLOSURE REQUIREMENTS FOR SECURITY SERVICES

(a) Every person, firm, association or corporation licensed to engage in the security systems business in North Carolina who sells, installs, services, responds to or monitors electrical, electronic or mechanical alarm systems shall execute with the consumer a written contract in all transactions that consists of the following:

- (1) A description of the sales and services in brief, simple terminology; and
- (2) The company's name, address and telephone number, the North Carolina Security Systems License Number, and the North Carolina Security Systems Licensing Board's address and telephone number.

(b) Any person, firm, association or corporation licensed to engage in the security systems business in North Carolina by providing sales, installation, service, response, or monitoring to a consumer and who unilaterally terminates, causes to be terminated, or reasonably knows of the termination of the monitoring, response or service to that consumer shall provide notification to that consumer by verified personal service or certified mail at least 10 days prior to cessation of the services.

This provision shall not apply to consumer-initiated action to terminate or upon consumer relocation.

(c) Any person, firm, association or corporation licensed to engage in the security systems business in North Carolina by providing sales, installation, service, response, or monitoring to a consumer and who changes or causes to be changed the monitoring, response or service to that consumer shall provide written notification to that consumer of the change, the effective date, and the name, address and telephone number of the new provider.

History Note: Authority G.S. 74D-2(a); 74D-5; Eff. July 1, 1995; Transferred and Recodified from 12 NCAC 11 .0123 Eff. July 1, 2015; Readopted Eff. June 1, 2018; Amended Eff. April 1, 2026.

14B NCAC 17 .0202 EXPERIENCE OR TRAINING REQUIREMENTS FOR LICENSE

(a) Applicants for a security systems business license shall meet the following requirements, which are in addition to those specified in G.S. 74D:

- (1) establish two year's experience within the past five years in alarm or security systems installation or service, or alarm or security systems business management; or
- (2) no longer than one year prior to the application date, successfully complete the Certified Alarm Technician Level I Course offered by the Electronic Security Association (ESA) or equivalent. Equivalency shall be determined by the Board's Training and Education Committee by comparing each segment of the training to ensure that the alternative course encompasses all segments of the ESA course.

(b) Applicants for a remote monitoring license pursuant to G.S. 74D-2(h) shall meet the following requirements:

- (1) hold a security guard and patrol business license issued pursuant to G.S. 74C-2; and
- (2) the Qualifying Agent for the license shall have completed a central station monitoring operator course offered by The Monitoring Association (TMA) or equivalent. Equivalency shall be determined by the Board's Training and Education Committee by comparing each segment of the training to ensure that the alternative course encompasses all segments of the TMA course.

History Note: Authority G.S. 74D-5; Temporary Rule Eff. January 9, 1984, for a period of 120 days to expire on May 7, 1984; Eff. May 1, 1984; Amended Eff. January 1, 2007; August 1, 1998; January 1, 1995; March 1, 1993; August 3, 1992; June 1, 1990; Transferred and Recodified from 12 NCAC 11 .0202 Eff. July 1, 2015; Amended Eff. December. 1, 2017;

Readopted Eff. June 1, 2018;

Amended Eff. April 1, 2026; February 1, 2024; April 1, 2021.

14B NCAC 17 .0209 COMPANY BUSINESS LICENSE

(a) Any firm, association, or corporation required to be licensed pursuant to G.S. 74D-2(a) shall upload an application for a company business license on a form on the website provided by the Board. A sole proprietorship that is owned and operated by an individual holding a current security systems business license shall be exempt from this Rule. This application form shall include such information as the firm, association, or corporation name; the address of its principal office within the State; all past convictions for criminal offenses of any company director or officer; information concerning the past revocation, suspension, or denial of a business or professional license to any director or officer; a list of all directors and officers of the firm, association, or corporation; a list of all persons, firms, associations, corporations, or other entities owning 10 percent or more of the outstanding shares of any class of stock; and the name and address of the qualifying agent.

(b) In addition to the items required in Paragraph (a) of this Rule, an out-of-state company shall file with its license application form a copy of its certificate of authority to transact business in this state issued by the North Carolina Secretary of State, in accordance with G.S. 55-15-01, and a consent to service of process and pleadings that is authenticated by its company seal and accompanied by a duly-certified copy of the resolution of the board of directors authorizing the proper officer or officers to execute this consent.

(c) After filing a completed online application with the Board, the Board shall conduct a background investigation to ascertain if the qualifying agent is in a management position. The Board shall also determine if the directors or officers have the requisite good moral character as defined in G.S. 74D-6(3). It shall be prima facie evidence of good moral character if a director or officer has not been convicted by any local, State, federal, or military court of any crime involving the use, carrying, or possession of a firearm; conviction of any crime involving the use, possession, sale, manufacture, distribution, or transportation of a controlled substance, drug, narcotic, or alcoholic beverage; conviction of a crime involving assault or an act of violence; conviction of a crime involving breaking or entering, burglary, larceny, or any offense involving moral turpitude; or does not have a history of addiction to alcohol or a narcotic drug. For the purposes of this Section, "conviction" means and includes the entry of a plea of guilty, no contest, prayer for judgment continued, adjudication withheld, or a verdict rendered in open court by a judge or jury.

(d) Upon completion of the background investigation, a company business license shall be issued if all requirements of this Rule are met. A company business license issued by the Board shall be displayed at the principal place of business within North Carolina.

(e) The company business license shall be issued only to a corporation and shall not be construed to extend to a licensing of its directors, officers, or employees.

(f) The issuance of the company business license is issued to the firm, association, or corporation in addition to the license issued to the qualifying agent. The qualifying agent for the firm, association, or corporation that has been issued the company

business license shall be responsible for assuring compliance with G.S. 74D.

(g) Within 90 days of the death of a licensee, the existing qualifying agent or a newly designated replacement qualifying agent for the company may submit a written request to the Board, asking that the deceased licensee's license number remain on company advertisements. The Board shall permit the use of the deceased licensee's license number only if the current qualifying agent's license number is printed adjacent to and in the same size print as the deceased licensee's license number.

History Note: Authority G.S. 74D-2(a); 74D-5;

Eff. November 1, 1993;

Amended Eff. July 1, 2005; March 1, 1995;

Transferred and Recodified from 12 NCAC 11 .0209 Eff. July 1, 2015;

Readopted Eff. June 1, 2018;

Amended Eff. April 1, 2026; September 1, 2019.

14B NCAC 17 .0210 ELECTRICAL CONTRACTING LICENSE REQUIREMENTS

(a) Each firm, association, corporation, department, division, or branch office required to be licensed pursuant to G.S. 74D-2(a) shall employ on a full-time basis a licensee or registered employee who holds a license for either a SP-FA/LV limited, intermediate or unlimited examination as administered by the North Carolina Board of Examiners of Electrical Contractors. Pursuant to Rule .0206 of this Section, each firm, association, corporation, department, division, or branch office shall maintain in its records a copy of the licensee's or registered employee's Electrical Contractors License.

(b) In the event the licensee holding the electrical contractor's license ceases to perform his duties, the business entity shall notify the Board in writing within 10 working days. The business entity shall employ a substitute electrical contractor licensee within 30 days after the original electrical licensee ceases to serve.

(c) If a company provides only security systems monitoring services and submits a written request to the Board certifying that they provide only monitoring services and do not sell, install, service, or respond to security alarms, the Board shall exempt the company from compliance with this rule. If the company later elects to sell, install, service, or respond to security alarms, then the company shall be required to fulfill the requirements of this rule.

History Note: Authority G.S. 74D-2(a); 74D-5;

Eff. January 1, 1995;

Temporary Adoption Eff. May 18, 1995;

Amended Eff. September 1, 2008; May 1, 1999; October 1, 1995;

Transferred and Recodified from 12 NCAC 11 .0210 Eff. July 1, 2015;

Readopted Eff. June 1, 2018;

Amended Eff. April 1, 2026.

14B NCAC 17 .0305 REGISTRATION IDENTIFICATION CARDS

(a) The registration identification card shall be carried by the registrant when performing the duties of a security systems employee.

(b) The registration identification card shall be exhibited upon the request of any law enforcement officer or any other authorized representative of the Board.

(c) Registration identification card holders shall immediately notify the Board upon receipt of information relating to the holder's ineligibility to continue holding such a card.

(d) Upon revocation or suspension by the Board, a holder shall return the registration identification card to the Director within 10 days of the date of the revocation or suspension.

*History Note: Authority G.S. 74D-8;
Temporary Rule Eff. January 9, 1984, for a Period of 120 Days to Expire on May 7, 1984;
Eff. May 1, 1984;
Transferred and Recodified from 12 NCAC 11 .0305 Eff. July 1, 2015;
Readopted Eff. June 1, 2018;
Amended Eff. April 1, 2026.*

TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY

15A NCAC 10F .0301 GENERAL PROVISIONS

(a) Definitions. The definitions used in G.S. 75A-2 shall apply in this Subchapter. In addition, the following definitions shall apply to all rules in this Section:

- (1) "Designated agency" means a subdivision of the State that the Commission designates for the purchase and placement of markers that conform to USATONS standards;
- (2) "Executive Director" means the Executive Director of the Commission;
- (3) "Mooring area" means an area on the water delineated by speed zone markers where vessels may be tied to objects anchored on the seabed;
- (4) "Placement of markers" means putting regulatory and information markers in areas specified by the Rules of this Section and includes the re-placement of dislocated markers and the replacement of missing markers.
- (5) "Regulatory Marker" and "Information Marker" means markers with an orange geometric shape against a white background, used to alert a mariner to warnings or regulatory matters, as defined in 33 CFR 62.33;
- (6) "Restricted area" means an area on the water that is marked to limit recreational activity and vessel speed;
- (7) "Safety Zone" means a water area or shore area where, for safety or environmental purposes, access is limited to authorized persons and vessels, as defined in 33 CFR 165.20, which is hereby incorporated by reference, including subsequent amendments and editions and can be found free of charge online at <https://www.ecfr.gov/current/title-33/section-165.20>.

(8) "Swimming area" means an enclosed area on the water for swimming that is marked against entry by vessels; and

(9) "USATONS" means the U. S. Aids to Navigation System, which prescribes regulatory markers and aids to navigation that mark navigable waters of the United States. The rules governing USATONS in 33 CFR 62, are hereby incorporated by reference including all subsequent amendments and editions and can be found free of charge online at <https://www.ecfr.gov/current/title-33/part-62>.

(b) Formal application for water safety rulemaking. Any subdivision of the State may, after public notice, apply to the Commission for rules on waters within the subdivision's territorial limits on an application provided by the Commission at www.ncwildlife.gov. The completed application and supporting documents shall be mailed to the No Wake Zone Coordinator at North Carolina Wildlife Resources Commission, 1701 Mail Service Center, Raleigh, North Carolina 27699-1701 or submitted via email to nowakezonecoordinator@ncwildlife.gov. The application shall contain the following information:

- (1) the name of the subdivision of the State applying for water safety rulemaking;
- (2) the date of the application;
- (3) the contact person's name, telephone number, and mailing address;
- (4) descriptive information for the body of water;
- (5) location of the proposed no wake zone, marked swimming area, or other regulated area;
- (6) a statement that the subdivision of the State has given public notice of its intention to apply for rulemaking on waters within its territorial limits;
- (7) a resolution from the subdivision of the State requesting water safety rulemaking; and
- (8) an affirmation that the subdivision of the State or its designee will bear the cost for purchase and placement of markers that conform to USATONS standards.

(c) Swimming Areas. No vessel entry shall be permitted in the waters of marked swimming areas. Marked swimming areas shall meet the following requirements:

- (1) the enclosed swimming area in the water shall not exceed 5,000 square feet;
- (2) the enclosed area shall be marked with float lines that, in conjunction with the shoreline, form an enclosed area;
- (3) the swimming area shall not extend into a navigational channel or interfere with navigation of vessels;
- (4) float lines shall have white, international orange, or alternating white and international orange floats along their length at intervals of not less than one every 10 feet;
- (5) floats shall be buoyant enough to float at the surface of the water while attached to the float line, and no float shall exceed a size of 18 inches in length or diameter;

- (6) buoys or floating signs bearing the USATONS "boat exclusion area" symbol shall be attached to float lines to give warning to vessels approaching the swimming area from all directions; and
- (7) float lines and warning markers shall be anchored.

(d) Safety Zones. Markers prohibiting entry or use by vessels and swimmers in waters surrounding impoundment structures and powerhouses associated with hydroelectric generating facilities shall be buoys or floating signs placed in the water. Markers shall meet USATONS standards in number and size to give warning of the restriction to vessels approaching from all directions.

(e) Enforcement. If an agent of the Commission discovers markers and navigational aids that do not conform to USATONS standards, that are placed without lawful authority or permission, or that fail to mark the defined regulated area, written notice shall be served upon the individuals responsible for the improper placement of the markers or navigational aids. Individuals served a written notice of violation shall have 10 days to correct any deficiency before the Commission issues a citation.

(f) Restrictions.

- (1) Except for mooring buoys or markers that are specifically permitted by State or federal law, it shall be unlawful to tie a vessel to any waterway marker, as specified in 33 CFR 70.05.
- (2) It shall be unlawful for any unauthorized person to move, remove, damage, block, paint over, or tamper with any marker lawfully placed in the waters of North Carolina in conformity with these rules or USATONS standards.
- (3) Except where done by supervening federal authority, it shall be unlawful for anyone to place regulatory markers or navigational aids without authorization from the Commission; or to place information markers without permission from the Executive Director or his or her designee.

History Note: Authority G.S. 75A-15; Eff. February 1, 1976; Amended Eff. November 1, 1993; March 25, 1978; Temporary Amendment Eff. July 1, 1998; Amended Eff. April 1, 1999; Readopted Eff. November 1, 2018; Amended Eff. April 1, 2026; February 1, 2023.

15A NCAC 10F .0303 BEAUFORT COUNTY

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

- (1) Aurora.
 - (A) the waters within 50 yards of Smith Creek Boating Access Area on Smith Creek, 3484 NC Highway 33 E; and
 - (B) the waters within 50 yards of Aurora Boating Access Area on South Creek, 1 Main Street.
- (2) Belhaven.

- (A) the waters within 50 yards of Belhaven Boating Access Area on Pantego Creek, 135 West Water Street; and
- (B) the waters within 50 yards of Wrights Creek Boating Access Area on Pungo Creek, 1922 Wilkins Road.
- (3) Chocowinity.
 - (A) the portion of Blounts Creek north of a line 35 yards south-southeast of the Mouth of the Creek Bridge from a point on the east shore at 35.43333 N, 76.96985 W to a point on the west shore at 35.43267 N, 76.97196 W and south of a line 350 yards north-northeast of the Mouth of the Creek Bridge from a point on the east shore at 35.43553 N, 76.96962 W to a point on the west shore at 35.43679 N, 76.97011 W;
 - (B) the canals at the eastern end of the peninsula between Chocowinity Bay and the Pamlico River at Fork Point and Whichard Beach, beginning at the canal entrance off Chocowinity Bay at a point a 35.50296 N, 77.03043 W and beginning at the canal entrance off the Pamlico River at a point at 35.50340 N, 77.02364 W; and
 - (C) Blounts Creek south of a line 100 yards north of the Blounts Creek Boating Access Area at 350 Crisp Landing Road, from a point on the east shore at 35.40846 N, 76.96091 W to a point on the west shore at 35.40834 N, 76.96355 W, and north of a line 100 yards south of Cotton Patch Landing, from a point on the east shore at 35.40211 N, 76.96573 W to a point on the west shore at 35.40231 N, 76.96702 W.
- (4) Washington.
 - (A) the portion of Broad Creek south of a line from a point on the east shore at 35.49472 N, 76.95693 W to a point on the west shore at 35.49477 N, 76.96014 W and north of a line from a point on the east shore at 35.48894 N, 76.95052 W to a point on the west shore at 35.48660 N, 76.95879 W;
 - (B) the waters within 50 yards of Masons Landing Boating Access Area on Tranter's Creek, 625 Clarks Neck Road; and
 - (C) the waters within 50 yards of Havens Garden Boating Access Area on Runyon Creek, 1053 East Main Street.
- (5) the navigable portion of Nevil Creek extending upstream from its mouth at the Pamlico River;

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

(c) Placement of Markers.

- (1) the Board of Commissioners of Beaufort County shall be the designated agency implementing the portion of Parts (a)(3)(C) south of the Blounts Creek Boating Access Area; and Parts (a)(2)(A) and (B), (a)(3)(A) and (B), and (a)(5) of this Rule;
- (2) the City of Washington shall be the designated agency implementing Parts (a)(4)(A) through (a)(4)(C) of this Rule; and
- (3) the North Carolina Wildlife Resources Commission shall be the designated agency implementing the portion of Part (a)(3)(C), the waters of Blounts Creek shore to shore from 100 yards north of the Blounts Creek Boating Access Area to 100 yards south of the Boating Access Area; and Parts (a)(1)(A) and (B) of this Rule.

History Note: Authority G.S. 75A-3; 75A-15; Eff. February 1, 1976; Amended Eff. September 1, 2013; September 1, 2010; June 1, 1998; April 1, 1997; June 1, 1989; March 1, 1987; April 1, 1986; March 4, 1979; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. April 1, 2026; May 1, 2019; October 1, 2018; November 1, 2017.

15A NCAC 10F .0310 DARE COUNTY

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

- (1) Manteo:
 - (A) the waters of Doughs Creek off Shallowbag Bay and the canals off Shallowbag Bay; and
 - (B) within 50 yards of the Bowsertown Boating Access Area on Croatan Sound at 35.89810 N, 75.67710 W.
- (2) Hatteras:
 - (A) the waters of Pamlico Sound otherwise known as Hatteras Harbor and Muddy Creek bounded on the north and south by the high-water mark, on the west by a straight line between channel markers number 20 and 17 at the entrance to Hatteras Harbor, and on the east by the mouth of Muddy Creek at Sandy Bay at a point at 35.22801 N, 75.68050 W; and
 - (B) Hatteras Ferry Terminal and United States Coast Guard basins ending at Coast Guard Beacon Number One in the Hatteras Channel.
- (3) Manns Harbor:

- (A) Old Ferry Dock Road Canal, beginning at a point at 35.90654 N, 75.76916 W;
- (B) within 50 yards of the Manns Harbor Boating Access Area on Croatan Sound at 35.91020 N, 75.77150 W; and
- (C) within 50 yards of the Mashoes Boating Access Area on East Lake at 35.92820 N, 75.81470 W.
- (4) Nags Head:
 - (A) the canals of Old Nags Head Cove where the canal entrance meets Roanoke Sound beginning at a point at 35.94192 N, 75.62571 W; and
 - (B) the Roanoke Sound inlets at Pond Island on either side of W. Marina Drive extending north from U.S. Highway 64-264.
- (5) Wanchese:
 - (A) Wanchese Harbor otherwise known as Mill Landing Creek, beginning at its entrance from Roanoke Sound at a point at 35.84006 N, 75.61726 W; and
 - (B) the canal from its beginning where it connects with Roanoke Sound south of the dead-end road S.R. 1141 otherwise known as Thicket Lump Drive, extending northwest roughly parallel to S.R. 1141, S.R. 1142 otherwise known as The Lane, and S.R. 1143 otherwise known as Tink Tillet Road, then westward roughly parallel to N.C. Highway 345, and finally curving to the southwest roughly parallel to S.R. 1289 otherwise known as C B Daniels S.R. Road to its end.
- (6) Stumpy Point:
 - (A) Stumpy Point Canal shore to shore on Pamlico Sound, beginning 50 yards east of the Stumpy Point Boating Access Area, 321 Bayview Drive;
 - (B) the waters within 50 yards of the Stumpy Point Boating Access Area, 321 Bay View Drive, Stumpy Point; and
 - (C) Stumpy Point Basin off Stumpy Point Bay, east of U.S. Highway 264 where it intersects Stumpy Point Bay at a point at 35.69591 N, 75.77264 W.
- (7) Rodanthe. Within 50 yards of the Rodanthe Boating Access Area in Roanoke Sound, 23170 Myrna Peters Road;
- (8) Town of Southern Shores. The canals and lagoons within the Town of Southern Shores north of U.S. Highway 158;

- (9) Colington Harbour. The waters in the canals of Colington Harbour Subdivision on Albemarle Sound;
- (10) Kitty Hawk. The waters in the canals of Kitty Hawk Landing Subdivision;
- (11) Washington Baum Bridge Boating Access Area. The waters within 150 yards north and south and 300 yards east of the Washington Baum Boating Access Area in Roanoke Sound, at 35.89380 N, 75.63710 W;
- (12) Kill Devil Hills:
 - (A) Baum Bay Harbor, beginning at a point at 36.00572 N, 75.68105 W; and
 - (B) the waters within 50 yards of the Avalon Beach Boating Access Area in Kitty Hawk Bay, 2025 Bay Drive.
- (13) Avon. The waters of Pamlico Sound shore to shore beginning at a line from a point on the east shore of Big Island at 35.36653 N, 75.50770 W westward to a point on the mainland at 35.36653 N, 75.50556 W, south to include the waters of the cove between North Albacore Lane and South Albacore Lane and the waters of Mill Creek, and ending east of a line from a point on the south shore of Big Island at 35.36500 N, 75.50820 W southward to a point on the mainland at 35.36358 N, 75.50826 W;
- (14) Jean Guite Creek. The waters of Jean Guite Creek from where it meets Kitty Hawk Bay at 36.04887 N, 75.72754 W, north to a line from a point on the east shore in Southern Shores at 36.10460 N, 75.74192 W to a point on the west shore in Martin's Point Subdivision at 36.10452 N, 75.73948 W;
- (15) Frisco. The waters of the marina canal and boat basin at Palmetto Shores Subdivision, shore to shore beginning at the canal's entrance at Pamlico Sound at a point at 35.25427 N, 75.60301 W; and
- (16) Cape Hatteras National Seashore. The waters of Motts Creek in Roanoke Sound, shore to shore at a line from a point on the north shore where the Oregon Inlet U.S. Coast Guard Station is located, to a point near the south shore of Motts Creek at 35.79270 N, 75.54903 W, then northward to include the waters at the Oregon Inlet Fishing Center and Marina, Oregon Inlet Public Boat Ramp, kayak launch area, and U. S. Coast Guard Station and Launch Area.

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

(c) Swimming Area. No person operating or responsible for the operation of a vessel shall permit it to enter the marked swimming area at Colington Island on the west shore, from a point where the canal enters the harbor at 36.01797 N, 75.72681 W, north 600 feet to a point at 36.01964 N, 75.72683 W and extending 300 feet west into Albemarle Sound.

(d) Placement of Markers.

- (1) the Board of Commissioners of the Town of Manteo shall be the designated agency implementing Part (a)(1)(A) of this Rule;
- (2) the Board of Commissioners of Dare County shall be the designated agency implementing Paragraph (c), Subparagraphs (a)(2); Parts (a)(4)(A) and (B); Subparagraph (a)(5); (a)(9); (a)(13) through (15); and Parts (a)(3)(A); (a)(6)(A) and (C); and (a)(12)(A) of this Rule;
- (3) the Board of Commissioners of the Town of Southern Shores shall be the designated agency implementing Subparagraph (a)(8) of this Rule;
- (4) the Board of Commissioners of the Town of Kitty Hawk shall be the designated agency implementing Subparagraph (a)(10) of this Rule;
- (5) the National Park Service shall be the designated agency implementing Subparagraph (a)(16) of this Rule; and
- (6) the North Carolina Wildlife Resources Commission shall be the designated agency implementing Subparagraphs (a)(7) and (a)(11); and Parts (a)(1)(B); (a)(3)(B) and (C); (a)(6)(B) and (a)(12)(B) of this Rule.

History Note: Authority G.S. 75A-3; 75A-15; Eff. February 1, 1976; Amended Eff. April 1, 1997; December 1, 1994; May 1, 1994; March 1, 1993; May 1, 1988; Temporary Amendment Eff. February 1, 1999; July 1, 1998; Amended Eff. July 1, 2000; April 1, 1999; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. April 1, 2026; June 1, 2024; September 1, 2023; October 1, 2022; October 1, 2018.

15A NCAC 10F .0329 ROWAN COUNTY

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

- (1) High Rock Lake:
 - (A) the waters within 50 yards of Tamarac Marina on Second Creek in Salisbury, extending northeast of the marina 50 yards from the shore northward, including the cove west of a point on the shore at 35.61116 N, 80.30701 W;
 - (B) the waters 50 yards southeast and 50 yards northwest of the SR 2168 bridge, otherwise known as the Goodman Lake Road Bridge at Crane Creek in Salisbury, from a point southeast of the bridge at 35.66349 N, 80.35347 W to a point northeast of the bridge 35.66411 N, 80.35431 W;
 - (C) the waters 50 yards northeast and 50 yards southwest of the SR 1002 bridge, otherwise known as the Bringle Ferry Road Bridge at Second

Creek in Salisbury, from a point northeast of the bridge at 35.60917 N, 80.30626 W, to a point southwest of the bridge at 35.60840 N, 80.30701 W; and

- (D) the waters within 50 yards of the Rowan Shrine Club dock in Salisbury, at 6480 Long Ferry Road, Salisbury.
- (2) Tuckertown Reservoir:
 - (A) the waters 50 yards north and 50 yards and 50 yards south of SR 1004 bridge otherwise known as the Stokes Ferry Road Bridge at Riles Creek, from a point north of the bridge at 35.50535 N, 80.21680 W, to a point south of the bridge at 35.50452 N, 80.21720 W;
 - (B) the waters 50 yards north and 50 yards south of the N.C. Highway 8-49 bridge, from a point north of the bridge at 35.50617 N, 80.18466 W, to a point south of the bridge at 35.50501 N, 80.18433 W; and
 - (C) the waters within 50 yards of the Flat Creek Boating Access Area, 450 Wildlife Access Road, Richfield.
- (3) Yadkin River. The waters 50 yards southeast and 50 yards northwest of the I-85 bridge over Yadkin River, from a point southeast of the bridge at 35.71930 N, 80.38873 W, to a point northwest of the bridge at 35.72015 N, 80.39001 W; and
- (4) South Yadkin River. The waters within 50 yards of the Crowther Boating Access Area, 965 Hannah Ferry Road, Salisbury.

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

(c) Placement of Markers.

- (1) the Board of Commissioners of Rowan County shall be the designated agency implementing Parts (a)(1)(A) and (D) of this Rule.
- (2) Cube Hydro Carolinas shall be the designated agency implementing Parts (a)(1)(B) and (C), (a)(2)(A) and (B), and Subparagraph (a)(3) of this Rule.
- (3) the North Carolina Wildlife Resources Commission shall be the designated agency implementing Part (a)(2)(C) and Subparagraph (a)(4) of this Rule.

History Note: Authority G.S. 75A-3; 75A-15; Eff. June 18, 1978; Amended Eff. December 1, 2010; December 1, 1985; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. April 1, 2026; October 1, 2021; October 1, 2018.

15A NCAC 10F .0354 PITT COUNTY

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

- (1) the waters of Hardee Creek in the City of Greenville, surrounding the waters within 50 yards of the Greenville Boating Access Area at 940 Port Terminal Road, shore to shore, west of a line at its confluence with the main course of Tar River from a point on the north shore at 35.59878 N, 77.31168 W to a point on the south shore at 35.59813 N, 77.31157 W;
- (2) the waters of Barber Creek at Wildwood Park in the City of Greenville shore to shore, north of its confluence with Tar River at a point at 35.60719 N, 77.32890 W;
- (3) the waters within 50 yards of the Falkland Boating Access Area on Tar River, 3013 NC Highway 222, Falkland; and
- (4) the waters within 50 yards of the Contentnea Creek Boating Access Area on Contentnea Creek, 510 Water Street, Grifton.

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

(c) Placement of Markers.

- (1) the City Council of the City of Greenville shall be the designated agency implementing the portion of Subparagraph (a)(1) of this Rule excluding the Greenville Boating Access Area, and Subparagraph (a)(2) of this Rule; and
- (2) the North Carolina Wildlife Resources Commission shall be the designated agency implementing the portion of Subparagraph (a)(1) of this Rule the waters of Hardee Creek surrounding the Greenville Boating Access Area, and Subparagraphs (a)(3) and (4) of this Rule.

History Note: Authority G.S. 75A-3; 75A-15; Eff. May 1, 1988; Amended Eff. May 1, 2014; September 1, 2010; July 1, 1995; April 1, 1992; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. April 1, 2026; June 1, 2022; October 1, 2018.

15A NCAC 10F .0368 TOWN OF NAGS HEAD

History Note: Authority G.S. 71A-15; 72A-3; Temporary Adoption Eff. July 1, 2002; Eff. April 1, 2003; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. October 1, 2018; Repealed Eff. April 1, 2026.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 10 - CHIROPRACTIC EXAMINERS

21 NCAC 10 .0103 STRUCTURE OF BOARD

(a) As necessary to meet the requirements of G.S. 90-140, the State Board of Chiropractic Examiners ("Board") shall hold an election for chiropractic candidates for appointment. Notice of the election shall be published on the Board's website at <https://ncchiroboard.com> at least 30 days in advance of the election.

(b) The election shall be administered by the Board of Chiropractic Examiners. Any member of the Board who is nominated to succeed himself or herself shall be disqualified from conducting the vote in which he or she is a nominee.

(c) Each candidate shall provide two letters of endorsement from chiropractors licensed by the Board. The letters shall be submitted to the Board no less than 21 days before the election.

(d) If less than three candidates are elected, the Board shall provide additional names at the direction of the President of the Board to the Governor, President Pro Tempore of the Senate, and Speaker of the House in order to comply with G.S. 90-140.

History Note: Authority G.S. 90-139; 90-140; 90-142; Eff. February 1, 1976; Readopted Eff. January 27, 1978; Amended Eff. January 1, 1983; May 8, 1979; Legislative Objection Lodged Eff. January 31, 1983; Curative Amended Eff. February 18, 1983; Amended Eff. June 1, 1994; December 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Amended Eff. July 1, 2021; January 1, 2020; Readopted Eff. April 1, 2026.

21 NCAC 10 .0104 SEAL OF THE BOARD OF CHIROPRACTIC EXAMINERS

(a) The official seal of the Board consists of two concentric circles, with the Seal of the State of North Carolina, as set forth in G.S. 147-26, comprising the inner circle surrounded by the phrase "North Carolina Board of Chiropractic Examiners, Organized May 5, 1917" in the area between the circles.

(b) The Seal of the State of North Carolina, as set forth in G.S. 147-26, without alteration, has also been adopted for use by the Board.

History Note: Authority G.S. 90-142; Eff. February 1, 1976; Readopted Eff. January 27, 1978; Amended Eff. December 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Readopted Eff. April 1, 2026.

21 NCAC 10 .0105 ESCROW ACCOUNT

(a) The Board shall maintain an escrow account at a federally insured bank for the temporary deposit of any fees received by the Board during a period in which the Board's authority to expend funds is suspended by operation of law.

(b) At such time as the authority of the Board to expend funds is restored, the fees deposited in the escrow account shall be transferred to the Board's general account.

History Note: Authority G.S. 90-142; 93B-2(d); Eff. July 1, 2011; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Readopted Eff. April 1, 2026.

21 NCAC 10 .0202 APPLICATION FOR LICENSURE

(a) General. Application for licensure to practice chiropractic pursuant to G.S. 90-143 shall be made in writing upon forms provide by the Board. Application forms and instructions may be found on the Board's website, www.ncchiroboard.com. Applications not completed within 12 months following submission to the Board shall be denied. Applications shall contain the following:

- (1) the applicant's name, residential address, phone number, email address, and date of birth;
- (2) the social security number of the applicant;
- (3) the applicant's educational history and degree attainment;
- (4) character reference statements on forms prescribed by the Board of three persons not related to the applicant, two of which must be submitted by Board-licensed chiropractic physicians in good standing with the Board;
- (5) the applicant's employment history;
- (6) whether the applicant now has or has ever had an addiction to, or dependency on, alcohol or other controlled substances and, if so, an explanation of the same;
- (7) whether the applicant has ever been under clinical treatment for addiction to, or dependency on, alcohol or other controlled substances and, if so, an explanation of the same;
- (8) whether the applicant has any physical, mental, or emotional infirmities that impair his or her ability to practice chiropractic safely and, if so, an explanation of the same;
- (9) whether the applicant has ever been certified, licensed, or registered to practice chiropractic by the Board, by another occupational Board, or in another state or jurisdiction and, if so:
 - (A) whether the credential is in good standing;
 - (B) in what state or jurisdiction was the credential issued; and
 - (C) the issuance date and expiration date of the credential.
- (10) whether the applicant has ever had a chiropractic credential denied, limited, reprimanded, suspended, or revoked and, if so, an explanation of the same;

- (11) whether the applicant has ever been convicted of a felony or misdemeanor and, if so, the nature, date, and jurisdiction of the conviction;
- (12) whether any criminal charges or criminal investigations, if known, are pending against the applicant and if so, the details of said charges or investigations;
- (13) whether any court, board, agency, or professional organization regulating chiropractic has disciplined the applicant and, if so, an explanation of the same;
- (14) whether any disciplinary charges are pending against the applicant before any court, board, agency, or professional organization regulating chiropractic and, if so, an explanation of the same;
- (15) whether the applicant has ever voluntarily given up any licensure privileges in order to avoid disciplinary sanctions;
- (16) whether the applicant has ever been sanctioned or suspended from participation in Medicare or Medicaid and, if so, an explanation of the same;
- (17) whether the applicant has ever been denied membership in a professional association or, if admitted, ever been suspended or had membership not renewed due to a breach of ethics and, if so, an explanation of the same;
- (18) whether the applicant has had a malpractice judgment entered against him or her and, if so, an explanation for the same;
- (19) whether the applicant is certified by the Board or the National Board of Chiropractic Examiners to practice Acupuncture, as defined in Rule .0208 of this Section;
- (20) A copy of the applicant's government-issued identification document, such as a driver's license or passport;
- (21) A certified self-query response from the National Practitioner Data Bank ("NPDB") sent directly to the Board regarding the applicant's record with NPDB;
- (22) the applicant's affirmation that:
 - (A) the applicant has read and will comply with Article 8 of Chapter 90 of the North Carolina General Statutes and the administrative rules promulgated by the Board;
 - (B) the information provided by the applicant in the application is true;
 - (C) the applicant consents to a criminal history record check as required by G.S. 90-143.3; and
 - (D) 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 12-month period, as prescribed by G.S. 143-789; and
- (23) the application fee, as prescribed in Paragraph (c) of this Rule.
 - (b) Deadlines for Filing Applications. Applications shall be received at the Board office no later than 15 days before the date on which the applicant wishes to sit for examination, as provided in Rule .0203(b) of this Section.
 - (c) Application Fee. A non-refundable application fee of three hundred dollars (\$300.00) shall accompany each application. This fee shall be paid by credit card through the Board's website, www.ncchiroboard.com.

History Note: Authority G.S. 90-142; 90-143; 90-143.1; 90-143.3; 90-145; 90-146; 90-149; Eff. February 1, 1976; Readopted Eff. January 27, 1978; Amended Eff. October 17, 1980; Legislative Objection Lodged Eff. December 17, 1982; Curative Amendment Eff. December 30, 1982; Amended Eff. January 1, 1983; Legislative Objection Lodged Eff. January 31, 1983; Curative Amendment Eff. February 28, 1983; Amended Eff. January 1, 1989; Temporary Amendment Eff. January 1, 2003; Temporary Amendment Expired October 31, 2003; Amended Eff. April 1, 2018; August 1, 2004; February 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Readopted Eff. April 1, 2026.

21 NCAC 10 .0203 NORTH CAROLINA EXAMINATION

- (a) Eligibility. Only those applicants who meet the requirements of this Rule and G.S. 90-143 or, in the case of reciprocity applicants, G.S. 90-143.1, and who have submitted a written application and paid the non-refundable application fee pursuant to Rule 21 NCAC 10 .0202 shall be allowed to take the North Carolina examination set forth in G.S. 90-143(b).
- (b) Reciprocity Applicants. Reciprocity applicants shall complete the following:
 - (1) submit the application set forth in 21 NCAC 10 .0202(a);
 - (2) pay the application fee set forth in 21 NCAC 10 .0202(c);
 - (3) pass the jurisprudence exam set forth in Paragraph (h) of this Rule;
 - (4) comply with the requirements of G.S. 90-143.1; and
 - (5) provide an attestation that the applicant meets the requirements of G.S. 90-143.1.
- (c) Dates of Examination. The North Carolina jurisprudence examination shall be given at least four times during the calendar year. The Board shall announce an examination date not less than 30 days in advance and shall publish the date of upcoming examinations on the Board's website, www.ncchiroboard.com. The Board shall also individually notify each eligible applicant of the date of the next examination after the applicant's non-refundable application fee has been paid and the written

application pursuant to Rule .0202 of this Section has been submitted to the Board.

(d) National Boards. Except as provided in Paragraph (f) of this Rule, in order to take the North Carolina examination, an applicant who has never been licensed in this State or who is not a reciprocity applicant shall first achieve a score of 375 or higher on Parts I-IV and the Physiotherapy examination given by the National Board of Chiropractic Examiners.

(e) Report of Scores. The applicant shall arrange for his or her test results from any National Board examination to be reported to the Board. The Board shall not issue a license to an applicant for whom the Board has not received official score reports from the examination testing provider showing passage of the examination set forth in Paragraph (d) of this Rule.

(f) Waiver of National Boards. Notwithstanding the requirements of Paragraph (d) of this Rule, an applicant who submits National Board examinations in conformity with the following schedule shall not be disqualified from licensure in North Carolina:

- (1) An applicant who graduated from chiropractic college between July 1, 1966 and June 30, 1986 shall be required to submit scores of 375 or higher on National Board Part I, Part II, and the elective examination termed "Physiotherapy," but shall not be required to submit a score on Part III or Part IV.
- (2) An applicant who graduated from chiropractic college between July 1, 1986 and June 30, 1997 shall be required to submit scores of 375 or higher on National Board Part I, Part II, the elective examination termed "Physiotherapy," and Part III, but shall not be required to submit a score on Part IV.

In order to receive a license, an applicant who qualifies for a waiver of any National Board score pursuant to this Paragraph shall take and pass the Special Purpose Examination for Chiropractic ("SPEC") and the North Carolina Examination. An applicant who qualifies for a waiver of any National Board score must submit an application to the Board pursuant to Rule .0202 of this Section.

(g) SPEC Examination. The SPEC is administered by the National Board of Chiropractic Examiners. The passing score shall be 375 or higher. In order to take the North Carolina examination, the following individuals must first take and pass the SPEC:

- (1) a reciprocity applicant;
- (2) a waiver applicant pursuant to Paragraph (f) of this Rule; and
- (3) an applicant previously licensed in this State whose active license has been lapsed pursuant to G.S. 90-155 for more than 180 days, unless the applicant has been engaged in continuous licensed chiropractic practice in another state within the United States for the three years preceding the applicant's application to the Board and has not been subject to any disciplinary action impacting the applicant's ability to engage in chiropractic practice.

Reciprocity applicants and waiver applicants pursuant to Paragraph (f) of this Rule who have achieved a score of 375 or

higher on Part IV of the National Board examination shall not be required to take and pass the SPEC prior to licensure. The term "lapsed" in this Rule shall mean "inactive" as used in G.S. 90-155.

(h) Nature of Examination. The North Carolina jurisprudence examination shall be a test of an applicant's knowledge of North Carolina chiropractic law and regulations. The passing grade shall be 75 percent.

History Note: Authority G.S. 90-142; 90-143; 90-143.1; 90-143.3; 90-144; 90-145; 90-146; Eff. February 1, 1976; Readopted Eff. January 27, 1978; Amended Eff. January 1, 1983; October 17, 1980; Legislative Objection Lodged Eff. January 31, 1983; Curative Amendment Eff. February 18, 1983; Temporary Amendment Eff. May 1, 1998; Amended Eff. October 1, 2018; April 1, 2018; February 1, 2009; July 1, 2004; August 1, 2000; August 1, 1995; December 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Amended Eff. October 1, 2022; July 1, 2021; Readopted Eff. April 1, 2026.

21 NCAC 10 .0204 LICENSURE; RENEWAL OF LICENSE

(a) Initial Licensure. The initial license awarded to an applicant who passed the examination shall be mailed to the address appearing on the application form.

(b) Change of Contact Information. The licentiate shall inform the Board of any change in his or her contact information. Updated contact information shall be forwarded to the Board office email at ncboce@ncchiroboard.com within 30 days after any such change.

(c) General. The renewal, inactivation, and restoration of a license are governed by G.S. 90-155 and this Rule. A current license that is not renewed shall be placed on inactive status on January 30th of the following year. A licentiate desiring license renewal shall submit to the Board, on or before the date of inactivation, a completed license renewal form accompanied by the renewal fee as provided in Paragraph (i) of this Rule. The renewal fee shall be paid through the Board's website, www.ncchiroboard.com.

(d) License Renewal Notification and Form. On or before December 1 of each year, the Board shall email to each licentiate, at the licentiate's current email address on file with the Board, license renewal instructions. The license renewal form with instructions shall also be available at the Board's website, www.ncchiroboard.com, or upon request at the Board's office. A licentiate desiring license renewal shall note on the form changes in name, address, specialty, employment circumstances, and criminal convictions since the last renewal form was submitted to the Board. The licentiate shall also note on the form any professional development continuing education for which the licentiate seeks credit pursuant to Rule .0210(d) of this Chapter. All renewal applications shall contain the following:

- (1) the applicant's name, residential address, phone number, email address, and date of birth;
- (2) the social security number of the applicant;

- (3) whether the applicant now has or has ever had an addiction to, or dependency on, alcohol or other controlled substances and, if so, an explanation of the same;
- (4) whether the applicant has ever been under clinical treatment for addiction to, or dependency on, alcohol or other controlled substances and, if so, an explanation of the same;
- (5) whether the applicant has any physical, mental, or emotional infirmities that impair his or her ability to practice chiropractic safely and, if so, an explanation of the same;
- (6) whether the applicant has ever been certified, licensed, or registered to practice chiropractic by the Board, by another occupational Board, or in another state or jurisdiction; and if so:
 - (A) whether the credential is in good standing;
 - (B) in what state or jurisdiction was the credential issued; and
 - (C) the issuance date and expiration date of the credential.
- (7) whether the applicant has ever had a chiropractic credential denied, limited, reprimanded, suspended, or revoked and, if so, an explanation of the same;
- (8) whether the applicant has ever been convicted of a felony or misdemeanor since the last renewal and, if so, the nature, date, and jurisdiction of the conviction;
- (9) whether any criminal charges or criminal investigations, if known, are pending against the applicant and if so, the details of said charges or investigations;
- (10) whether any court, board, agency, or professional organization regulating chiropractic has disciplined the applicant and, if so, an explanation of the same;
- (11) whether any disciplinary charges are pending against the applicant before any court, board, agency, or professional organization regulating chiropractic and, if so, an explanation of the same;
- (12) whether the applicant has ever voluntarily given up any licensure privileges in order to avoid disciplinary sanctions;
- (13) whether the applicant has ever been sanctioned or suspended from participation in Medicare or Medicaid and, if so, an explanation of the same;
- (14) whether the applicant has ever been denied membership in a professional association or, if admitted, ever been suspended or had membership not renewed due to a breach of ethics and, if so, an explanation of the same;
- (15) whether the applicant has had a malpractice judgment entered against him or her since his or her last renewal and, if so, an explanation for the same;
- (16) whether the applicant is certified by the Board or the National Board of Chiropractic Examiners to practice Acupuncture, as defined in Rule .0208 of this Section.
- (17) the applicant's affirmation that:
 - (A) the applicant has read and will comply with Article 8 of Chapter 90 of the North Carolina General Statutes and the administrative rules promulgated by the Board;
 - (B) the information provided by the applicant in the application is true;
 - (C) the applicant consents to a criminal history record check as required by G.S. 90-143.3; and
 - (D) 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 12-month period, as prescribed by G.S. 143-789; and
- (18) the renewal fee, as prescribed in Paragraph (i) of this Rule.
 - (e) Continuing Education. As used in G.S. 90-155, one "day" of continuing education shall mean nine hours. Except as provided in Paragraphs (f), (g) and (h) of this Rule, a licentiate seeking license renewal shall obtain 18 hours (2 days) of Board-approved continuing education each calendar year. At least 10 hours shall be obtained by attending in-person or live online educational sessions. Live online hours include the opportunity to interact with the instructor in real-time. As many as eight hours may be obtained in the manner set forth in Rule .0210 of this Section. The Board shall not award credit for any continuing education hours until the sponsor or licentiate submits to the Board the sponsor's certificate of attendance or course completion.
 - (f) First-Year Continuing Education Exemptions. A licentiate who was enrolled in chiropractic college at any time during the year of initial licensure or a licentiate initially licensed after September 1st of the current year shall be permitted to renew his or her license for the ensuing year without obtaining continuing education but shall be required to submit a license renewal form and pay the renewal fee. In subsequent years, a licentiate shall not be permitted to renew his or her license until the continuing education requirements set forth in Paragraph (e) of this Rule are satisfied.
 - (g) Hardship Waivers. A licentiate seeking a hardship waiver of the continuing education requirement shall make written application to the Board no later than December 15th of the current year explaining the nature and circumstances of the hardship. Upon the applicant's showing that compliance with the continuing education requirement poses an undue hardship, the Board shall waive the requirement in whole or part or grant an extension of time within which to comply. "Undue hardship" shall include protracted medical illness, natural disaster, or extended absence from the United States.

(h) Military Hardship. A licentiate who is serving in the Armed Forces of the United States and to whom G.S. 93B-15(a) grants an extension of time to pay a renewal fee shall also be granted an identical extension of time to complete the continuing education required for license renewal.

(i) Renewal Fee. A renewal fee in the maximum amount allowed by G.S. 90-155 shall be paid by each licentiate applying for renewal.

(j) Restoration of Inactive License and Evidence of Proficiency. In order to provide evidence of proficiency, a former licentiate whose license has lapsed shall comply with Rule .0203(g) of this Section when seeking restoration of active licensure and shall pay the non-refundable application fee prescribed in Rule .0202(c) of this Section and shall demonstrate compliance with continuing education requirements. Payment of the application fee shall not constitute payment of the reinstatement fee of twenty-five dollars (\$25.00) mandated by G.S. 90-155.

History Note: Authority G.S. 90-142; 90-145; 90-148; 90-155; 93B-15; Eff. February 1, 1976; Readopted Eff. January 27, 1978; Amended Eff. January 1, 1983; Legislative Objection Lodged Eff. January 31, 1983; Curative Amended Eff. February 28, 1983; Amended Eff. July 1, 2014; December 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Amended Eff. July 1, 2025; January 1, 2024; January 1, 2022; January 1, 2020; Readopted Eff. April 1, 2026.

21 NCAC 10 .0207 CONTINUING EDUCATION SEMINARS

(a) Approval of Seminars. Only continuing education seminars approved by the Board shall count towards satisfying the requirements for license renewal. The sponsor and co-sponsors of any proposed seminar shall be responsible for submitting all the information outlined on the Board's Course Application ("Application") to enable the Board to evaluate the seminar in accordance with this Rule. The Application can be found on and must be submitted pursuant to instructions on the Board's website at <https://ncchiroboard.com>. All applications must reflect that the seminar for which approval is being sought has been previously approved no more than 12 months prior to the date of the seminar by one of the following organizations:

- (1) Any chiropractic college recognized by the Council on Chiropractic Education (CCE);
- (2) Federation of Chiropractic Licensing Boards, PACE program; or
- (3) Any other chiropractic association that can demonstrate an active membership base of at least 200 members.

(b) Applications. In addition to the information set forth in Paragraph (a) of this Rule, all Applications must also contain the following information:

- (1) Whether the course's target audience is doctors of chiropractic, certified chiropractic assistants, or x-ray technicians;

- (2) The course title;
- (3) The beginning and end dates on which the course will be offered;
- (4) Whether the course will be offered online or in a physical location;
- (5) If the course is offered in a physical location, the cities and states in which the course will be offered;
- (6) The manner in which the sponsor or co-sponsor will verify the attendance of licentiates;
- (7) The name and contact information of the sponsor and co-sponsor;
- (8) The website at which information on the course offering will be available;
- (9) The number of continuing education credits that the licentiates can obtain by attending the course; and
- (10) Whether the course will provide doctors of chiropractic, certified chiropractic assistants, or x-ray technicians with continuing education credit toward eligibility for licensure renewal, certification, or recertification.

The Application shall be submitted at least 30 days prior to the date of the proposed seminar. Incomplete applications will not be processed.

(c) Duration of Approval. A seminar approval issued by the Board shall expire at the end of the calendar year for which approved. If the sponsor or co-sponsors of an approved seminar wish to repeat the seminar on a date beyond the approval period, a new application shall be submitted to the Board.

(d) Criteria for Approval. The Board's criteria for approving continuing education seminars is as follows:

- (1) No practice-building or motivational seminars shall be approved;
- (2) No seminar shall be approved that requires attendees, in order to be able to utilize the information presented at the seminar, to purchase equipment or clinical supplies available only through the seminar's instructors, sponsors, or co-sponsors;
- (3) Each seminar subject shall pertain to chiropractic licensure in this State; and
- (4) Each instructor shall submit a curriculum vitae or the equivalent demonstrating that he or she has an educational background in, or professional experience with, the subject or subjects he or she is scheduled to teach.

(e) Duties of Seminar Sponsor. Sponsors and co-sponsors of any approved continuing education seminar shall:

- (1) Disclose on all brochures and advertising materials the name and address of each sponsor and co-sponsor and whether each sponsor and co-sponsor is a for-profit or not-for-profit entity;
- (2) Be liable for all expenses incurred in holding the seminar;
- (3) Give notice to the Board of any material changes in the seminar, including date, location, subject matter, or instructors; and

- (4) Provide an agent at the seminar site who shall:
 - (A) Monitor and report the attendance of each person attending the seminar, in accordance with the method identified in the Course Application submitted for the course;
 - (B) Supervise the agenda and prohibit the presentation of any subject matter not approved by the Board; and
 - (C) Complete and submit to the Board a post-seminar review summarizing any problems experienced and any variance between the application for approval and the seminar as presented.

(f) Sanction for Non-Compliance. By applying for seminar approval, each sponsor and co-sponsor agrees to admit to the seminar at no charge a representative of the Board for the purpose of observing compliance with this Rule. If the Board determines that a sponsor or co-sponsor has falsified the application for approval, has failed to keep attendance, has allowed the seminar as presented to vary from the agenda as set forth in the application, or has failed to adhere to any other provision of this Rule, the Board shall refuse to approve future seminar applications from the offending sponsor or co-sponsor or from any principal who is a partner or shareholder in the offending sponsor or co-sponsor.

History Note: Authority G.S. 90-142; 90-143.2; 90-143.4; 90-155; Eff. January 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Amended Eff. July 1, 2021; January 1, . 2020; Readopted Eff. April 1, 2026.

21 NCAC 10 .0208 ACUPUNCTURE

(a) Acupuncture is defined as a form of health care developed from traditional and modern Chinese medical concepts that employ acupuncture diagnosis and treatment, and adjunctive therapies and diagnostic techniques, for the promotion, maintenance, and restoration of health and the prevention of disease. To perform acupuncture, a licentiate shall take the National Board of Chiropractic Examiners Acupuncture Examination, receive a passing score of 375 or greater, and certify to the Board that he or she has met the instruction prerequisites for the National Board of Chiropractic Examiners Acupuncture Examination, as set forth by the National Board of Chiropractic Examiners on its website at <https://www.mynbce.org/acupuncture/>.

(b) Prior to performing acupuncture, a licentiate or applicant for licensure must provide the Board with the following:

- (1) An official transcript from an acupuncture program accredited by an accrediting body recognized by the U.S. Department of Education demonstrating eligibility to sit for the National Board of Chiropractic Examiners Acupuncture Examination; and
- (2) Proof of successful completion of the acupuncture examination described in this Rule.

(c) Licentiates holding an active license as of December 31, 2022 and who have received prior approval from the Board to perform acupuncture are not required to meet the requirements of this Rule. However, if a licentiate grandfathered under this rule subsequently allows his or her license to lapse or if the license is subsequently subject to active suspension or placed in a status other than active, the licentiate shall be required to comply with this Rule before being permitted to perform acupuncture.

History Note: Authority G.S. 90-142; 90-143; 90-151; Eff. February 1, 2004; Amended Eff. July 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Amended Eff. July 1, 2022; Readopted Eff. April 1, 2026.

21 NCAC 10 .0209 NUTRITIONAL SUPPLEMENTS

For the purpose of enforcing G.S. 90-151.1, the term "nutritional supplements" includes vitamins, minerals, enzymes, dietary supplements, herbs, homeopathic and naturopathic preparations, glandular extracts, food concentrates, and other natural agents. The term "nutritional supplements" does not include controlled substances as defined by G.S. 90-87(5).

History Note: Authority G.S. 90-142; 90-151; 90-151.1; 90-154; Eff. May 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Readopted Eff. April 1, 2026.

21 NCAC 10 .0210 INDIVIDUAL-STUDY CONTINUING EDUCATION

(a) Hours permitted. A doctor of chiropractic may obtain as many as eight credit hours of continuing education each year by successfully completing one or more individual-study courses approved by the Board.

(b) Course approval. The criteria for Board approval of any individual-study course are as follows:

- (1) no practice-building or motivational courses shall be approved;
- (2) no course shall be approved that requires participants, in order to utilize the information presented, to purchase equipment or clinical supplies available only through the course's instructors, sponsors, or co-sponsors;
- (3) each subject taught shall fall within the extent and limitation of chiropractic licensure in this State as provided in G.S. 90-151;
- (4) the subject matter shall be presented in a manner comparable to instruction at chiropractic colleges accredited by the Council on Chiropractic Education;
- (5) the sponsor shall have a method for recording and verifying a doctor's participation expressed in credit hours and fractions thereof, and the sponsor shall assume responsibility for submitting a certificate of participation to the

Board within 60 days after a doctor completes the course; and

- (6) the course shall include one or more examinations or other means of verifying that a participating doctor has mastered the material presented in the course.

(c) Sponsor's obligation. The sponsor shall provide the following information to the Board so that the Board can evaluate the course according to the criteria set forth in Paragraph (b) of this Rule:

- (1) the course syllabus;
(2) a curriculum vitae for each instructor;
(3) the method for verifying attendance; and
(4) the length of the course.

Failure to provide information required by the Board shall be a basis for denying the course. The application process for obtaining course approval is set forth in Rule .0207 of this Section.

(d) Professional development continuing education. A doctor of chiropractic may obtain continuing education credit for undertaking the professional development activities described in this Paragraph. Credit shall be awarded based on the actual time spent and shall not exceed two hours annually for all activities combined. To apply for credit, the doctor shall report such activities on his or her annual license renewal form as provided in Rule .0204(d) of this Section. Approved professional development activities shall include:

- (1) reading scientific, peer-reviewed professional journals; or
(2) visiting vendor displays at professional association conventions to become familiar with trends in treatment technologies and new products.

(e) Attendance at interstate regulatory meetings. A doctor of chiropractic may obtain as many as 12 hours of continuing education credit annually by attending a national meeting of the Federation of Chiropractic Licensing Boards or a meeting of the National Board of Chiropractic Examiners.

History Note: Authority G.S. 90-142; 90-151; 90-155; Eff. July 1, 2004; Amended Eff. June 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Readopted Eff. April 1, 2026.

21 NCAC 10 .0211 AGREEMENTS TO PROVIDE FINANCE OR MANAGEMENT SERVICES

History Note: Authority G.S. 90-142; 90-147; 90-157.3; Eff. September 1, 2011; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Repealed Eff. April 1, 2026.

21 NCAC 10 .0212 MEDICAL COLLEGE TRANSFER CREDITS

(a) Declaration of Equivalency. The Board deems a medical college approved by the Liaison Commission on Medical Education or the Committee for the Accreditation of Canadian Medical Schools or an osteopathic college approved by the

American Osteopathic Association to be the equivalent of a chiropractic college accredited by the Council on Chiropractic Education.

(b) Counting Transfer Credits. For purposes of North Carolina licensure, the Board shall count any and all hours earned by an applicant at a medical college as set forth in Paragraph (a) of this Rule that have been accepted as transfer credits by the applicant's chiropractic college.

History Note: Authority G.S. 90-142; 90-143; Eff. July 1, 2011; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Readopted Eff. April 1, 2026.

21 NCAC 10 .0213 CERTIFIED CHIROPRACTIC ASSISTANTS

(a) Designation. The Board shall classify Certified Chiropractic Assistants as follows:

- (1) Level 1 – Clinical
(2) Level 2 – X-ray

For purposes of this Rule, a Certified Chiropractic Assistant – Level 1 is the same as a "chiropractic clinical assistant" as defined in G.S. 90-143.4(a). For purposes of this Rule, a Certified Chiropractic Assistant – Level 2 is the same as a "diagnostic imaging technician" as defined in G.S. 90-143.2 and may be referred to as a "radiologic technologist", "X-ray tech", and "X-ray technician."

(b) Application Procedure. Anyone seeking to be certified as a Chiropractic Assistant shall submit an application found on the Board's website at https://ncchiroboard.com. All applicants shall:

- (1) Be at least 18 years of age;
(2) Demonstrate that he or she graduated from high school or the equivalent;
(3) Submit an application fee of thirty-five dollars (\$35.00); and
(4) Submit an application containing the following information:
(A) the applicant's name, residential address, phone number, email address, and date of birth;
(B) the applicant's educational history and degree attainment;
(C) the applicant's employment history;
(D) whether the applicant now has or has ever had an addiction to, or dependency on, alcohol or other controlled substances;
(E) whether the applicant has ever been convicted of a felony;
(F) whether any criminal charges or criminal investigations, if known, are pending against the applicant;
(G) the email address of a person, known by but not related to the applicant, to complete character reference statements on forms prescribed by the Board; and

(H) a copy of the applicant's government-issued identification document, such as a driver's license or passport.

(c) New Applicants – Level 1.

- (1) Education. In addition to the requirements set forth in Paragraph (b) of this Rule, new applicants shall submit evidence of completion of a clinical assistant education program at least 24 hours in length, of which at least 6 hours shall be in-person didactic training with an instructor or instructors who, based on education and experience, are competent to teach the portion of the curriculum they have been assigned. Credit for online coursework shall not exceed 18 hours, and all online coursework shall precede didactic training. The education program shall provide instruction in the five subjects set forth in G.S. 90-143.4(c) to enable its graduates to satisfy all applicable standards of care. To obtain approval of an education program, the program sponsor shall submit to the Board, at least 60 days prior to the proposed starting date, all instructional materials to be used in the program, including a syllabus of the didactic training, and a curriculum vitae for each instructor.
- (2) Examination. The proficiency examination for new applicants shall assess both academic knowledge and practical skills acquired through education programs and shall be administered at least four times per year on dates and at locations to be announced by the Board at least 30 days in advance and published on the Board's website at <https://ncchiroboard.com>. The minimum passing score on the examination is 75 percent.

(d) New Applicants – Level 2.

- (1) Education. In addition to the requirements set forth in Paragraphs (b) and (c) of this Rule, new applicants shall complete a radiological technologist education program at least 50 hours in length, of which at least 6 hours shall be in-person didactic training with an instructor or instructors who, based on education and experience, are competent to teach the portion of the curriculum they have been assigned, and completion of the practical requirement as set forth in Subparagraph (d)(2) of this Rule. The education program shall provide instruction in the five subjects set forth in G.S. 90-143.2 to enable its graduates to satisfy all applicable standards of care governing the production of X-rays. To obtain approval of an education program, the program sponsor shall submit to the Board, at least 60 days prior to the proposed starting date, all instructional materials to be used in the program, including a syllabus of the didactic training and a curriculum vitae for each instructor. Any person registered as "active"

with the American Chiropractic Registry of Radiologic Technologists shall be deemed to have satisfied the educational requirements of this Paragraph.

- (2) Practical Requirement. Upon completion of the training set forth in Subparagraph (d)(1) of this Rule, a person desiring certification as a Certified Chiropractic Assistant – Level 2 shall undergo a Practical Examination within six months of completing the written examination required in Paragraph (c)(2) of this Rule, whereby the person is evaluated by his or her program sponsor on the following competencies while performing x-ray examinations under the in-person observation of a sponsor for four different patients:
 - (A) Image quality;
 - (B) Marking sides of the body;
 - (C) Technique input to controller;
 - (D) Tube/focal film distance;
 - (E) Bucky/tube alignment;
 - (F) Patient positioning;
 - (G) Gonad shielding;
 - (H) Ability to name additional views in the series;
 - (I) Collimation;
 - (J) Anatomy viewed; and
 - (K) Technique calculated for measurement of patient.
- (3) The person must complete and score at least 64 total points on each of the Thoracic Spine, Lumbar Spine, and Cervical Spine Practical Examinations. The person shall submit written documentation of the Practical evaluation on a form prescribed by the Board that is available on the Board's website at <https://ncchiroboard.com/certified-chiropractic-assistant-level-2-xray/>. The person completing the Practical evaluation shall provide on the form the following information:
 - (A) The name and Certified Chiropractic Assistant number of the candidate;
 - (B) The date of the evaluation;
 - (C) The sponsoring doctor's name;
 - (D) The name and address of the sponsoring doctor's office;
 - (E) The signatures of the sponsoring doctor and the candidate; and
 - (F) Scoring of the candidate's competencies for the criteria set forth in Subparagraph (d)(2)(A) through (K) of this Rule.
- (4) Examination. The competency examination shall be administered at least three times per year. The Board shall publish on its website, <https://ncchiroboard.com>, the date, time, and location of the examination at least 30 days in advance. The minimum passing score is 75 percent.

(e) Reciprocity Applicants. A "reciprocity applicant" means an applicant who is currently certified or registered as a clinical assistant or X-ray technician in another state whose requirements for certification or registration are substantially similar to or more stringent than the requirements for certification in North Carolina. A reciprocity applicant shall submit a copy of the applicant's current certification or registration as a clinical assistant in a state with which North Carolina reciprocates and shall also submit written confirmation from the state's certifying authority or registrar that the applicant is in good standing in that state. Applicants for reciprocity shall pay the application fee set forth in Rule .0803(a)(1) of this Chapter.

(f) Certification Expiration and Renewal. Starting with certifications issued or renewed on or after July 1, 2022, a certificate of competency shall expire on June 30th of the second year following the year in which it was issued unless otherwise renewed. A Level 1 certificate holder seeking to renew shall submit evidence that the applicant has completed six hours of Board-approved continuing education. A Level 2 certificate holder shall complete six hours of education applicable to a Level 1 renewal plus six hours in radiologic technology. A certificate of attendance or completion issued by the course sponsor and filed with the Board shall constitute prima facie evidence that the applicant has completed the number of hours recited in the certificate. The applicant shall pay to the Board a renewal fee in the amount of fifty dollars (\$50.00).

(g) Lapsed Certificates. If a certificate of competency has lapsed due to non-renewal and the lapse does not exceed 60 days, the certificate holder may obtain reinstatement by making up the accrued deficiency in continuing education. If the lapse is greater than 60 days, no make-up continuing education shall be required, but the certificate holder shall re-take and pass the proficiency examination for new applicants. Regardless of the length of lapse, a certificate holder seeking reinstatement shall pay the renewal fee set forth in Paragraph (f) of this Rule.

(h) Exemptions. Graduates of accredited chiropractic colleges and students enrolled in accredited chiropractic colleges who are serving college-sponsored preceptorships in North Carolina are deemed by the Board to have satisfied all requirements imposed by this Rule and shall be deemed competent to perform the duties of a clinical assistant. Any person who qualifies for exemption and who works as a clinical assistant in this state for more than 180 days shall submit the application pursuant to this Rule and note the claim of exempt status. Exempt persons shall not be required to pay a certification fee. For the purposes of this Rule, "accredited" shall mean colleges accredited by the Council on Chiropractic Education.

(i) Displaying Certificate. The holder of a Level 1 certificate issued pursuant to this Rule shall display the certificate in the chiropractic clinic in which the holder is employed in a location where the certificate may be viewed by patients. The holder of a Level 2 certificate issued pursuant to this Rule shall display the certificate in the x-ray room of the chiropractic clinic in which the holder is employed in a location where the certificate may be viewed by patients.

History Note: Authority G.S. 90-142; 90-143.2; 90-143.4; 90-154.3; Eff. July 1, 2014;

*Amended Eff. April 1, 2018;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Amended Eff. January 1, 2022; January 1, 2020;
Readopted Eff. April 1, 2026.*

**21 NCAC 10 .0215 PETITION FOR
PREDETERMINATION**

(a) General. Pursuant to G.S. 93B-8.1(b6), any person with a criminal history may petition the Board at any time for a predetermination of whether the individual's criminal history will likely disqualify the individual from obtaining a license, in accordance with this Rule. The Petition form may be found on the Board's website at <https://ncchiroboard.com>.

(b) Petition Procedure. To petition the Board under this Rule, a person must submit to the Board's office a petition for predetermination that contains all of the following information:

- (1) The person's name;
- (2) The last four digits of the person's social security number;
- (3) The person's current residential address;
- (4) The person's current mailing address;
- (5) A nationwide criminal history record report from the criminal records reporting service currently under contract with the Board;
- (6) For each crime identified in the criminal history record report, the following information:
 - (A) Whether the crime was a felony or misdemeanor;
 - (B) The date that the crime occurred;
 - (C) The date the person was convicted of, or plead guilty or nolo contendere to, the crime;
 - (D) The age of the person at the time of the crime;
 - (E) The circumstances surrounding the commission of the crime;
 - (F) The sentence imposed for the crime;
 - (G) The period of time during which the person was incarcerated for the crime;
 - (H) The period of time during which the person was on probation or parole for the crime;
 - (I) Any documentation related to the person's rehabilitation or employment since the date of the crime;
 - (J) Whether the person has undergone any rehabilitative drug or alcohol treatment since the date of the crime;
 - (K) Whether a Certificate of Relief has been granted regarding the crime, pursuant to G.S. 15A 173.2; and
 - (L) Any affidavits or other written documents, including character references, for the person.
- (7) An affirmation under oath that the person has read the Instructions for Submitting a Petition for Predetermination and the statutes and rules governing the practice of chiropractic and that

the information contained in the petition is true and accurate.

Incomplete petitions shall not be considered by the Board. If incomplete petitions received by the Board are not made complete within 30 days of receipt, the incomplete petitions will be returned to the person from whom the request was made.

(c) **Petition Fee.** A non-refundable petition fee of forty-five dollars (\$45.00) shall accompany each petition. This fee shall be paid by credit card through the Board's website at <https://ncchiroboard.com>. Cash shall not be accepted.

(d) **Delegation of Authority for Predetermination.** The Board delegates authority for rendering predeterminations under this Rule to the Disciplinary Review Committee, as set forth in Rule .0503 of this Chapter.

History Note: Authority G.S. 90-142; 90-143.3; 90-154; 93B-8.1;

Eff. January 1, 2020;

Readopted Eff. April 1, 2026.

21 NCAC 10 .0216 WAIVER

The Board may waive any rule in this Chapter that is not statutorily required if a licensee, or applicant for license or certification, submits a written request. Factors the Board shall use in determining whether to grant the waiver are:

- (1) degree of disruption to the Board;
- (2) cost to the Board;
- (3) degree of benefit to the public;
- (4) whether the requesting party had control over the circumstances that required the requested waiver;
- (5) notice to and opposition by the public;
- (6) need for the waiver; and
- (7) previous requests for waivers submitted from the requesting party.

History Note: Authority G.S. 90-142; 150B-19(6);

Emergency Adoption Eff. April 28, 2020;

Temporary Adoption Eff. July 24, 2020;

Eff. July 1, 2021;

Readopted Eff. April 1, 2026.

21 NCAC 10 .0217 PROFESSIONAL ENTITIES

(a) A chiropractor who seeks to deliver chiropractic services through a professional corporation or professional limited liability company shall first obtain Board approval. Prior to approval, the entity shall submit its Articles of Incorporation or Articles of Organization to the Board for the purpose of verifying the legal name of the entity.

(b) No proper names of persons other than licensees may be included in the name and all professional entities must include the word "Chiropractor," "Chiropractic," or the name of a licensed chiropractor who is an owner of the professional entity. The name of a professional entity shall not be false or misleading. For the purposes of this rule, "misleading" is defined as possessing the capacity or tendency to create a mistaken understanding or impression including a name that implies services beyond the scope of practice set forth in Art. 8, Chapter 90 of the NC General

Statutes, or a name that is identical or similar in name to an existing registered business entity.

(c) Business entities organized for the purpose of providing professional chiropractic services shall not contain the name of an individual unless:

- (1) The named individual is licensed under this statute; or
- (2) The named individual is either a deceased or retired owner of the business, provided that the professional entity has permission to use the name of the deceased or retired owner. Permission shall be obtained from any person or legal entity who has authority to act on behalf of the deceased or retired owner.

(d) The professional entity shall specify its business structure in all printed material and social media by use of the designation "P.C.," "P.A.," or "P.L.L.C."

(e) If a living owner of a professional entity whose surname appears in the entity name becomes a "disqualified person" as defined in G.S. 55B-2, the name of the professional entity shall be changed to comply with G.S. 55B.

(f) A professional entity shall not change its name or operate under an assumed name without first applying to the Board for a determination that the proposed name meets the requirements of this Rule. Requests for name changes and requests to operate under an assumed name shall be submitted in writing to the Board. Requests shall contain the following:

- (1) Name, email address, and phone number of the requesting person;
- (2) Name, email address, and phone number of the incorporating licensee;
- (3) Requested name of the professional corporation; and
- (4) Mailing address of the professional corporation.

Use of an assumed name that has not been registered pursuant to Art. 14A of G.S. 66 shall be prima facie evidence of using a misleading name.

History Note: Authority G.S. 55B-5; 55B-12; 90-142(2); 90-154(b)(9); 90-154.2; 90-157.3;

Eff. July 1, 2022;

Readopted Eff. April 1, 2026.

21 NCAC 10 .0218 PRECEPTORS

(a) Chiropractic physicians who supervise students pursuant to G.S. 90-142.1 ("preceptors") shall provide the Board with the following information prior to commencing student supervision on a form available on the Board's website:

- (1) Full name and license number of the preceptor;
- (2) Full name of student;
- (3) Chiropractic college in which student is enrolled;
- (4) Expected date of graduation;
- (5) Contact phone number and email for student;
- (6) Start and end dates of preceptorship;
- (7) Address where preceptorship will take place; and

- (8) Acknowledgement by the preceptor that he or she has read the statutes, rules, and guidelines regarding the preceptor role.
- (b) The requirements for a preceptor are as follows:
 - (1) Active license issued by the Board;
 - (2) Licensure by the Board for at least five years prior to submission of request to serve as a preceptor;
 - (3) No prior suspension of the preceptor's license, active or stayed; and
 - (4) No prior Board discipline of any kind within 10 years of commencing the preceptor-student relationship.
- (c) Preceptors shall supervise only one student at a time. Preceptors shall obtain verbal consent from every patient who is treated by the student prior to the student commencing treatment. Preceptors shall document consent in the patient's record.

History Note: Authority G.S. 90-142(2); 90-142.1; Eff. April 1, 2024; Amended Eff. April 1, 2026.

21 NCAC 10 .0302 ETHICS OF ADVERTISING AND PUBLICITY

Prohibited Advertising. The following shall constitute false or misleading advertising, which constitutes unethical conduct pursuant to G.S. 90-154.2:

- (1) Advertising that purports to guarantee a beneficial result from chiropractic treatment.
- (2) Advertising that promotes a treatment, therapy, or service that constitutes unethical conduct as defined by G.S. 90-154.2 or any rule promulgated by the Board pursuant to G.S. 90-154.3(b).
- (3) Advertising in which the licentiate is identified as a specialist, unless the licentiate has complied with the requirements of 21 NCAC 10 .0304 and any reference to the specialty is immediately preceded by the term "chiropractic." Illustrations are as follows:
 - (a) "Pediatrics" standing alone is deemed false or misleading; "chiropractic pediatrics" conforms to this Rule; and
 - (b) "Neurologist" standing alone is deemed false or misleading; "chiropractic neurologist" conforms to this Rule.
- (4) Advertising which would lead a reasonable person to believe the licensee holds any other licenses authorized under Chapter 90 of the North Carolina General Statutes when the licensee does not hold such license, including but not limited to a medical physician, physical therapist, massage therapist, or acupuncturist.

History Note: Authority G.S. 90-142; 90-154.2; Eff. February 1, 1976; Readopted Eff. January 27, 1978; Amended Eff. January 1, 1983; May 8, 1979;

Legislative Objection Lodged Eff. January 31, 1983; Curative Amended Eff. February 28, 1983; Curative Amended Eff. March 2, 1983; Amended Eff. November 1, 2007; December 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Amended Eff. April 1, 2025; January 1, 2020; Readopted Eff. April 1, 2026.

21 NCAC 10 .0303 SOLICITATION OF AUTO ACCIDENT VICTIMS

(a) In-Person and Telephone Solicitation of Auto Accident Victims. In order to protect the public from misrepresentation, coercion, or undue influence, it shall be unlawful for a doctor of chiropractic, or the doctor's employee, to initiate direct personal contact or telephone contact with any person who has been injured in a motor vehicle collision, or with any person residing in the injured person's household, for a period of 90 days following the collision, if the purpose of initiating contact is, in whole or part, to solicit the injured person to become a patient of the doctor.

(b) Acceptance of Referrals From Runners. It shall be unlawful for a doctor of chiropractic to accept as a patient any person injured in an automobile accident who was referred by a runner. As used in this Rule, the term "runner" means any person, firm, or corporation that obtains the names of injured persons from motor vehicle accident reports or other public records and then contacts those persons to induce them to seek medical or chiropractic treatment or pursue legal claims.

(c) Solicitation of Auto Accident Victims by Mail. A doctor of chiropractic may solicit persons injured in motor vehicle collisions at any time through the use of posted communications such as letters, brochures, information packages, and sound or video recordings. The words, "This is an advertisement for chiropractic services" must appear on the communication's envelope or mailing container in print large enough to be easily read.

(d) Nonconforming Solicitation Deemed Unethical Conduct. Any solicitation of automobile accident victims which does not conform to the requirements of this Rule shall be considered a violation of the Rules of Ethics of Advertising and Publicity pursuant to G.S. 90-154.2(5).

History Note: Authority G.S. 90-142, 90-154, 90-154.2; Eff. September 1, 1994; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Readopted Eff. April 1, 2026.

21 NCAC 10 .0304 DESIGNATION OF SPECIALTIES

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

- (1) Claim of Specialization: any use of the designations listed in this Rule or any representation stating or implying that, by virtue of additional training, a licentiate possesses greater expertise in any aspect of health care than is possessed by chiropractic physicians who have not had additional

training. The recitation of academic degrees awarded to a licentiate does not constitute a claim of specialization.

- (2) Publication: representations regarding any claim of specialization made by a licentiate which may include representations made in advertising, whether printed or broadcast; written representations appearing on professional stationery, business cards, curriculum vitae, or office signage.

(b) **Recognized Specialties.** The Board of Examiners recognizes the specialties in the following fields of practice:

- (1) Chiropractic Orthopedics;
- (2) Chiropractic Radiology;
- (3) Chiropractic Neurology;
- (4) Chiropractic Internal Disorders;
- (5) Chiropractic Pediatrics;
- (6) Chiropractic Sports Injuries;
- (7) Chiropractic Nutrition;
- (8) Chiropractic Rehabilitation; and
- (9) Chiropractic Acupuncture.

(c) Any licentiate wishing to request a specialty designation not listed in Paragraph (b) of this Rule shall first submit a written request to the Board and provide evidence that the designation meets the criteria set forth in Paragraph (d) of this Rule. A licentiate shall not publish the specialty designation until the Board has approved, in writing, the specialty designation requested.

(d) **Criteria for approval.** In order to publish a claim of specialization as set forth in Paragraph (b) of this Rule or upon request of a specialty pursuant to Paragraph (c) of this Rule, a licentiate shall demonstrate the following:

- (1) Evidence of completion of a post-graduate course of study in the specialty requested at least 300 hours in length and offered by a college approved by the Council on Chiropractic Education, provided that the specialty of chiropractic acupuncture only shall require evidence of successful passage of the National Board of Chiropractic Examiners Acupuncture Examination; and
- (2) Evidence that the licentiate has passed an examination offered by a 501(c)(3) organization whose testing for specialization is recognized by the House of Delegates of the American Chiropractic Association or an exam deemed by the Board to be an equivalent.

(e) **Claim of Specialty.** Any published claim of specialization outside the recognized specialties or any published claim of specialization made by or at the behest of a licentiate who has not satisfied all applicable provisions of this Rule constitutes false or misleading advertising.

History Note: Authority G.S. 90-142; 90-154; 90-154.2(5); Eff. November 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Amended Eff. January 1, 2022;
Readopted Eff. April 1, 2026.

21 NCAC 10 .0305 PREPAID TREATMENT PLANS

(a) **Prepaid Treatment Plan Defined.** A "prepaid treatment plan" is a contract between a patient and a physician under which the patient, instead of paying for services as they are delivered, agrees in advance to pay a pre-determined total amount to the physician for a series of specified treatments and services to be performed by the physician or the physician's staff in the future and that are not covered by insurance. The patient's financial obligation may be payable in a lump sum or in periodic installments.

(b) **Non-Conforming Plans Unlawful.** A physician who offers to a patient a prepaid treatment plan that does not conform to this Rule shall be subject to disciplinary action pursuant to G.S. 90-154(b)(9), committing or attempting to commit fraud, deception, or misrepresentation.

(c) **Required Contractual Provisions.** A prepaid treatment plan shall be in writing and signed by the patient. The physician shall provide an accurate and complete copy of the plan document to the patient. In addition to any permissive provisions not in conflict with this Rule, the plan document shall contain the following mandatory provisions:

- (1) The duration of the plan, measured either by number of office visits or calendar days;
- (2) The therapeutic objectives of the plan, based on a physical examination and assessment of the patient performed by the physician prior to the plan's start date;
- (3) The patient's cost to purchase the plan;
- (4) A description of the services and products that are included within the plan and for which there will be no additional charges;
- (5) A disclaimer, in bold-faced type, that the patient could incur additional charges if services and products not included within the plan are delivered to the patient during the course of treatment;
- (6) A description of the physician's office policy regarding charges for cancelled office visits and office visits not kept; and
- (7) A declaration of the patient's right to terminate the plan early and receive a refund in conformity with Paragraphs (d) and (e) of this Rule.

(d) **Refund Calculation.** The patient shall have the right to terminate a prepaid treatment plan at any point prior to the stated expiration without incurring any financial penalty. The physician may charge the patient the full amount for dispensed products that cannot be re-stocked, including opened nutritional supplements and used cervical pillows, orthotic and neurological appliances, and similar durable medical equipment. In all other respects, the amount of the refund payable to the patient shall be calculated strictly pro-rata, based on the measure of duration recited in the plan document (office visits or calendar days). No other method of refund calculation shall be permitted, and any provision in the plan that specifies another method of calculation shall be void.

(e) **Notice of Plan Termination; Prompt Refund.** The physician may require that a patient give notice of plan termination by delivery of a paper writing dated and signed by the patient or a person authorized to sign on the patient's behalf. The physician

shall not impose any other procedural impediments to obtaining a refund. The physician shall issue the appropriate pro-rata refund within ten business days after receiving notice of plan termination.
 (f) Administrative Fees. The physician shall not collect from a patient any fees for administering a plan other than pass-through fees for which the physician is liable, such as credit card processing fees.

History Note: Authority G.S. 90-142; 90-154; Eff. April 1, 2017; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Readopted Eff. April 1, 2026.

21 NCAC 10 .0306 PUBLICATION OF NON-DIPLOMATE CREDENTIALS

(a) Scope of Rule. Any credential awarded to a licensee of the Board upon completion of a healthcare-related educational program shall be subject to this Rule except a credential recognized pursuant to Rule .0304 of this Section.

(b) Publication of Unrecognized Credentials Unlawful. It shall constitute a violation of the Rules of Ethics of Advertising and Publicity pursuant to G.S. 90-154.2(5) for a licensee to publish a credential that is not recognized by the Board. For purposes of this Rule, "publication" includes representations made in a licensee's print, broadcast or online advertisement, professional stationery, business cards, and office signage.

(c) Criteria for Recognition. The criteria for recognition by the Board of a credential subject to this Rule shall be as follows:

- (1) the educational program leading to the awarding of the credential is offered at the post-doctor of chiropractic level;
- (2) for a chiropractic discipline, the educational program is offered or sponsored by a chiropractic college accredited by the Council on Chiropractic Education;
- (3) for a discipline not unique to chiropractic, the educational program is offered or sponsored by a professional school or college accredited by an agency that is the equivalent of the Council on Chiropractic Education; and
- (4) the educational program culminates in a final examination that the candidate must pass to earn the credential.

(d) Recognized Credentials. The following credentials are recognized by the Board and may be published upon the credentialed licensee's compliance with Paragraph (e) of this Rule.

- (1) Certified Chiropractic Extremity Practitioner (CCEP);
- (2) Certified Chiropractic Rehabilitation Doctor (CCRD);
- (3) Certified Chiropractic Sports Physician (CCSP);
- (4) Chiropractic Certification in Spinal Trauma (CCST);
- (5) International Chiropractic Sports Physician (ICSP);

- (6) Certificate in Acupuncture-Meridian Therapy; and
- (7) Certification by the Academy Council of Chiropractic Pediatrics (CACCP).

Any licensee wishing to publish a credential not listed in this Paragraph shall first make written application to the Board and provide evidence that the credential meets the criteria set forth in Paragraph (c) of this Rule. The licensee shall not publish the credential until receipt of Board recognition.

(e) Filing Certificates. A licensee shall not publish any recognized credential until he or she files with the Board a copy of the dated certificate or similar document signifying that the licensee successfully completed all program requirements and that the credential was awarded.

History Note: Authority G.S. 90-142; 90-154; Eff. October 1, 2017; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Readopted Eff. April 1, 2026.

21 NCAC 10 .0401 PETITIONS FOR ADOPTION OF RULES

Submission. Rule-making petitions shall be sent to the president of the Board and shall state the petitioner's name and address, and shall contain the information required in G.S. 150B-20(a). The petitioner also may submit the following additional information:

- (1) the reason for its proposal;
- (2) data supporting the proposed rule;
- (3) practices likely to be affected by the proposed rule;
- (4) persons likely to be affected by the proposed rule.

History Note: Authority G.S. 90-142; 150B-20; Eff. February 1, 1976; Readopted Eff. January 27, 1978; Amended Eff. December 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Amended Eff. January 1, 2020; Readopted Eff. April 1, 2026.

21 NCAC 10 .0403 ORAL PRESENTATIONS AT PUBLIC RULE-MAKING HEARINGS

Oral Presentations at Public Hearing. Any public rule-making hearing required by Article 2A of Chapter 150 of the North Carolina General Statutes shall be conducted by the President of the Board or by any person he or she may delegate. Oral presentations shall not exceed 15 minutes.

History Note: Authority G.S. 90-142; 150B-21.1A; 150B-21.2; Eff. February 1, 1976; Readopted Eff. January 27, 1978; Amended Eff. December 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Amended Eff. January 1, 2020;

Readopted Eff. April 1, 2026.

21 NCAC 10 .0406 DECLARATORY RULINGS

(a) General. The Board shall respond to requests for declaratory rulings in accordance with G.S. 150B-4.

(b) Request for Declaratory Ruling: Contents. A request for a declaratory ruling shall be in writing and addressed to the president. The request shall contain the following information:

- (1) The name and address of the person making the request;
- (2) The statute or rule to which the request relates;
- (3) A statement of the manner in which the person has been aggrieved by the statute or rule; and
- (4) A statement as to whether a hearing is desired, and if desired, the reason therefor.

(c) Refusal to Issue Ruling. The Board shall refuse to issue a declaratory ruling under the following circumstances:

- (1) When the Board has already made a controlling decision on similar facts in a contested case;
- (2) When the facts underlying the request for a ruling were considered at the time of the adoption of the rule in question; or
- (3) When the subject matter of the request is involved in pending litigation in North Carolina.

History Note: Authority G.S. 150B-4; Eff. February 1, 1976; Readopted Eff. January 27, 1978; Amended Eff. January 1, 1983; Legislative Objection Lodged Eff. January 31, 1983; Curative Amended Eff. February 28, 1983; Amended Eff. December 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Amended Eff. January 1, 2020; Readopted Eff. April 1, 2026.

21 NCAC 10 .0501 FILING COMPLAINTS

Any person who has reason to believe that a Doctor of Chiropractic has violated the laws governing chiropractic may file a complaint with the Board. Anyone wishing to file a complaint shall file a form with the Board office that contains the following information:

- (1) the complainant's name and contact information;
- (2) the name and contact information of the person about which the complainant wishes to file the complaint;
- (3) a narrative of the facts about which the complainant wishes to complain; and
- (4) the complainant's signature and the date on which the complaint is made.

The complaint form can be found on the Board's website at <https://ncchiroboard.com/complaint-filing-process>.

History Note: Authority G.S. 90-142; 90-154; Eff. February 1, 1976; Readopted Eff. January 27, 1978;

Amended Eff. December 1, 1988; January 1, 1983; December 20, 1979; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Amended Eff. January 1, 2020; Readopted Eff. April 1, 2026.

21 NCAC 10 .0503 DETERMINATION OF PROBABLE CAUSE

(a) General. Complaint allegations that, if taken as true, would be considered violations of the Board's Practice Act shall be referred to the Disciplinary Review Committee (DRC), along with any investigative report prepared by Board staff. The DRC shall conduct an informal conference with the licensee identified in the complaint in order to consider the possibility of resolving the complaint.

(b) Composition of the DRC. The DRC shall be composed of:

- (1) The Board Secretary; and
- (2) Either a former Board member or a licensee from among those who, at any election held pursuant to Rule .0103 of this Chapter, have been elected nominees for Board membership but not appointed to the Board. The Board Secretary shall select the second DRC member.

(c) The Board Secretary shall preside over the conference.

(d) Action by the DRC. The DRC shall dispose of each complaint charge as follows:

- (1) Dismissal of the complaint with no action;
- (2) Non-Disciplinary Letter of Caution;
- (3) Resolution by settlement; or
- (4) Scheduling for contested case hearing and whether the case shall be set before either the Board or an Administrative Law Judge in accordance with G.S. 150B-40(e).

History Note: Authority G.S. 90-141; 90-142; 90-154; Eff. December 1, 1988; Amended Eff. October 1, 2016; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Amended Eff. October 1, 2022; January 1, 2020; Readopted Eff. April 1, 2026.

21 NCAC 10 .0504 DRUG TESTING

(a) Reasonable Suspicion. The Secretary of the Board may require a licentiate to submit to drug or blood alcohol testing if there is reasonable suspicion that the licentiate is consuming drugs or alcohol to such an extent or with such frequency as to impair the ability to treat patients. For purposes of this Rule, reasonable suspicion exists when:

- (1) The licentiate is cited or arrested on drug-related criminal charges;
- (2) The licentiate admits to the Board or to a judicial tribunal that the licentiate has abused alcohol or prescription drugs or consumed illicit drugs; or
- (3) The Secretary receives the sworn affidavit of a credible witness stating that the witness personally observed the licentiate in the

licentiate's chiropractic office during business hours and the licentiate's behavior was erratic, unprofessional, and apparently influenced by drug or alcohol consumption.

(b) **Approved Laboratory.** Any drug test required by the Secretary shall be conducted by an approved laboratory in accordance with the protocol set forth in Article 20, Chapter 95 of the General Statutes, Controlled Substance Examination Regulation.

(c) **Reporting Results.** The results of a licentiate's drug test shall be reported directly to the Secretary by the laboratory conducting the test and shall not be disclosed to any person other than the licentiate except for use as evidence in Board disciplinary actions or when disclosure is mandated by law.

(d) **Right to Dispute Results.** In any Board disciplinary proceeding in which a licentiate's drug test results are introduced into evidence, including a preliminary hearing before the Chiropractic Review Committee, the licentiate may dispute the accuracy of the test results.

(e) **Effect of Refusal.** A licentiate's refusal to submit to a drug test required by the Secretary pursuant to this Rule shall be considered the concealment of information about a matter affecting licensure, in violation of G.S. 90-154(b)(19).

History Note: Authority G.S. 90-142; 90-154; Eff. October 1, 2009; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Readopted Eff. April 1, 2026.

21 NCAC 10 .0706 CONDUCT OF BOARD HEARING

(a) **General.** Hearings in contested cases shall be conducted by a majority of the Board, unless a majority of the Board votes to designate an administrative law judge to preside at the hearing in the Office of Administrative Hearings. The president shall serve as presiding officer at Board Hearings unless he or she is absent or disqualified, in which case the vice-president shall preside. Board Hearings shall be conducted as prescribed by G.S. 150B-40.

(b) **Disqualification.** An affidavit seeking disqualification of any Board member, if filed in good faith and in a timely manner, shall be ruled on by the remaining members of the Board. An affidavit is considered timely if it is filed:

- (1) Prior to the hearing; or
- (2) As soon after the commencement of the hearing as the affiant becomes aware of facts that give rise to his or her belief that a Board member should be disqualified.

(c) **Evidence.** The admission of evidence in a Board Hearing on a contested case shall be as prescribed in G.S. 150B-41.

History Note: Authority G.S. 150B-40; 150B-41; Eff. February 1, 1976; Readopted Eff. January 27, 1978; Amended Eff. January 1, 1989; Expired Eff. May 1, 2019 pursuant to G.S. 150B-21.3.A; Readopted Eff. January 1, 2020; Readopted Eff. April 1, 2026.

21 NCAC 10 .0708 CONTINUANCES FOR BOARD HEARINGS

(a) Consistent with G.S. 150B-40, all motions for continuance shall be addressed to the secretary, or the designated presiding officer of the contested case hearing. All motions for continuance shall be in writing and received in the office of the Board no less than seven calendar days before the hearing date.

(b) Motions for a continuance of a hearing may be granted upon a showing of good cause. In determining whether good cause exists, the presiding officer shall consider the ability of the party requesting a continuance to proceed without a continuance.

(c) A motion for a continuance filed less than seven calendar days from the date of the hearing shall be denied if a continuance has been previously granted unless the reason for the motion could not have been ascertained earlier.

History Note: Authority G.S. 150B-38(h); Eff. January 1, 2020; Readopted Eff. April 1, 2026.

21 NCAC 10 .0709 SUBPOENAS

(a) Requests for subpoenas for the attendance and testimony of witnesses or for the production of documents, either at a Board Hearing or for the purposes of discovery, shall:

- (1) be made in writing to the Board;
- (2) identify any document sought;
- (3) include the full name and home or business address of all persons to be subpoenaed; and
- (4) if known, include the date, time, and place for responding to the subpoena.

The Board shall issue the requested subpoenas within three days of receipt of the request.

(b) Subpoenas shall contain the following:

- (1) the caption of the case;
- (2) the name and address of the person subpoenaed;
- (3) the date, hour, and location of the hearing in which the witness is commanded to appear;
- (4) a particularized description of the books, papers, records, or objects the witness is directed to bring with him to the hearing, if any;
- (5) the identity of the party on whose application the subpoena was issued;
- (6) the date of issue;
- (7) the signature of the presiding officer or his designee; and
- (8) a "return of service." The "return of service" form as filled out, shall show:
 - (A) the name and capacity of the person serving the subpoena;
 - (B) the date on which the subpoena was delivered to the person directed to make service;
 - (C) the date on which service was made;
 - (D) the person on whom service was made;
 - (E) the manner in which service was made; and
 - (F) the signature of the person making service.

- (c) Subpoenas shall be served in a manner set forth in Rule 45 of the N.C. Rules of Civil Procedure.
- (d) Any person receiving a subpoena from the Board may object thereto by filing a written objection to the subpoena with the Board's office. Written objections shall comply with Rule 45 of the N.C. Rules of Civil Procedure.
- (e) The party who requested the subpoena may file a written response to the objection. The written response shall be served by the requesting party on the objecting witness with the filing of the response with the Board.
- (f) After receipt of the objection and response thereto, if any, the Board shall issue a notice of a Hearing on the motion to the party who requested the subpoena and the party challenging the subpoena to be scheduled as soon as practicable, at which time evidence and testimony may be presented, limited to the narrow questions raised by the objection and response.
- (g) After the close of such Board Hearing, a majority of the Board members hearing the contested case shall rule on the challenge and issue a written decision. A copy of the decision will be issued to all parties and made a part of the record.

History Note: Authority G.S. 150B-38; 150B-39; 150B-40; Eff. January 1, 2020; Readopted Eff. April 1, 2026.

21 NCAC 10 .0803 FEE SCHEDULE

- (a) The Board shall charge the following fees:
 - (1) License application: \$300.00;
 - (2) License renewal: \$300.00;
 - (3) Certification of Competence: \$35.00;
 - (4) Renewal of Certification of Competence: \$50.00;
 - (5) Corporate registration: \$50.00;
 - (6) Corporate registration renewal: \$25.00; and
 - (7) Predetermination request: \$45.00.
- (b) All fees charged by the Board are non-refundable.

History Note: Authority G.S. 55B-10; 55B-11; 90-142; 90-143.2; 90-143.4; 90-149; 90-155; 93B-8.1; Eff. October 1, 2022; Readopted Eff. April 1, 2026.

CHAPTER 12 - GENERAL CONTRACTORS

21 NCAC 12A .0202 CLASSIFICATION

- (a) A general contractor shall be certified in one of the following five classifications:
 - (1) Building Contractor. This classification covers all building construction and demolition activity including: commercial, industrial, institutional, and all residential building construction. It includes installation of solar panels; parking decks; all site work, grading and paving of parking lots, driveways, sidewalks, and gutters; storm drainage, retaining or screen walls, and hardware and accessory structures; and indoor and outdoor

recreational facilities including natural and artificial surface athletic fields, running tracks, bleachers, and seating. It also covers work done under the specialty classifications of S(Concrete Construction), S(Insulation), S(Interior Construction), S(Marine and Freshwater Construction), S(Masonry Construction), S(Roofing), S(Metal Erection), S(Swimming Pools), S(Asbestos), S(Wind Turbine), and S(Sign/Billboard).

- (A) For the purposes of providing disaster relief assistance pursuant to a declaration of a state of an emergency, this classification also includes construction of non-publicly maintained bridges for contractors holding an unlimited license, as defined in G.S. 87-10(a1), and has been pre-qualified by the North Carolina Public Safety, Emergency Management Division. The pre-qualification process can be found at: <https://connect.ncdot.gov/business/Pr equal/Pages/default.aspx>.
 - (B) For the purposes of this Rule, a "declaration of a state of an emergency" shall be defined as in Chapter 166A, Article 1A, Part 4 of the N.C. General Statutes.
 - (C) For the purposes of this Rule, a "non-publicly maintained bridge" shall be defined as a bridge that is not maintained by the State, Federal government, a municipality, or a county.
- (2) Residential Contractor. This classification covers all construction and demolition activity pertaining to the construction of residential units that are required to conform to the Residential Building Code adopted by the Building Code Council pursuant to G.S. 143-138; all site work, driveways, sidewalks, and water and wastewater systems ancillary to the aforementioned structures and improvements; and the work done as part of such residential units under the specialty classifications of S(Insulation), S(Interior Construction), S(Masonry Construction), S(Roofing), S(Swimming Pools), and S(Asbestos). This classification also covers the installation of solar panels on residential units that are required to conform to the residential building code.
 - (3) Highway Contractor. This classification covers all highway construction activity including: demolition, grading, paving of all types, installation of exterior artificial athletic surfaces, relocation of public and private utility lines ancillary to a principal project, bridge

- construction and repair, culvert construction and repair, parking decks, sidewalks, curbs, gutters and storm drainage. It also includes installation and erection of guard rails, fencing, signage, and ancillary highway hardware; covers paving and grading of airport and airfield runways, taxiways, and aprons, including the installation of fencing, signage, runway lighting and marking; and work done under the specialty classifications of S(Boring and Tunneling), S(Concrete Construction), S(Marine and Freshwater Construction), S(Railroad Construction), H(Grading and Excavating), S(Metal Erection), and S(Sign/Billboard).
- (4) Public Utilities Contractor. This classification includes demolition and operations that are the performance of construction work on water and wastewater systems and on the subclassifications of facilities set forth in G.S. 87-10(b)(3). The Board shall issue a license to a public utilities contractor that is limited to any of the subclassifications set forth in G.S. 87-10(b)(3) for which the contractor qualifies. A public utilities contractor license covers work done under the specialty classifications of S(Boring and Tunneling), PU(Communications), PU(Fuel Distribution), PU(Electrical-Ahead of Point of Delivery), PU(Water Lines and Sewer Lines), PU(Water Purification and Sewage Disposal), and S(Swimming Pools).
- (5) Specialty Contractor. This classification covers all construction operation and performance of contract work outlined as follows:
- (A) H(Grading and Excavating). This classification covers the digging, moving, and placing of materials forming the surface of the earth, excluding air and water, in such a manner that the cut, fill, excavation, grade, trench, backfill, or any similar operation may be executed with the use of hand and power tools and machines used for these types of digging, moving, and material placing. It covers work on earthen dams and the use of explosives used in connection with all or any part of the activities described in this Subparagraph. It also includes clearing and grubbing, and erosion control activities.
- (B) S(Boring and Tunneling). This classification covers the construction of underground or underwater passageways by digging or boring through and under the earth's surface, including the bracing and compacting of such passageways to make them safe for the purpose intended. It includes preparation of the ground surfaces at points of ingress and egress.
- (C) PU (Communications). This classification covers the demolition and installation of the following:
- (i) all types of pole lines, and aerial and underground distribution cable for telephone systems;
 - (ii) aerial and underground distribution cable for cable TV and master antenna TV systems capable of transmitting R.F. signals;
 - (iii) underground conduit and communication cable, including fiber optic cable; and
 - (iv) microwave systems and towers, including foundations and excavations where required, when the microwave systems are being used for the purpose of transmitting R.F. signals; and installation of PCS or cellular telephone towers and sites.
- (D) S(Concrete Construction). This classification covers the construction, demolition, and installation of foundations, pre-cast silos, and other concrete tanks or receptacles, prestressed components, and gunite applications, but excludes bridges, streets, sidewalks, curbs, gutters, driveways, parking lots, and highways.
- (E) PU(Electrical-Ahead of Point of Delivery). This classification covers the construction, installation, alteration, maintenance, or repair of an electrical wiring system, including sub-stations or components thereof, which is or is intended to be owned, operated, and maintained by an electric power supplier, such as a public or private utility, a utility cooperative, or any other properly franchised electric power supplier, for the purpose of furnishing electrical services to one or more customers. This classification includes the construction of solar arrays.
- (F) PU(Fuel Distribution). This classification covers the construction, installation, alteration, maintenance,

- or repair of systems for distribution of petroleum fuels, petroleum distillates, natural gas, chemicals, and slurries through pipeline from one station to another. It includes all excavating, trenching, and backfilling in connection therewith. It covers the installation, replacement, and removal of above ground and below ground fuel storage tanks.
- (G) PU(Water Lines and Sewer Lines). This classification covers demolition and construction work on water and sewer mains, water service lines, and house and building sewer lines, as defined in the North Carolina State Building Code, and covers water storage tanks, lift stations, pumping stations, and appurtenances to water storage tanks, lift stations, and pumping stations. It includes pavement patching, backfill, and erosion control as part of construction.
- (H) PU(Water Purification and Sewage Disposal). This classification covers the demolition and performance of construction work on water and wastewater systems; water and wastewater treatment facilities; and all site work, grading, and paving of parking lots, driveways, sidewalks, curbs, and gutters that are ancillary to such construction of water and wastewater treatment facilities. It covers the work done under the specialty classifications of S(Concrete Construction), S(Insulation), S(Interior Construction), S(Masonry Construction), S(Roofing), and S(Metal Erection) as part of the work on water and wastewater treatment facilities.
- (I) S(Insulation). This classification covers the installation, alteration, or repair of materials classified as insulating media used for the non-mechanical control of temperatures in the construction of residential and commercial buildings. It does not include the insulation of mechanical equipment, and lines and piping that are ancillary to the building.
- (J) S(Interior Construction). This classification covers the installation and demolition of acoustical ceiling systems and panels, load bearing and non-load bearing partitions, lathing and plastering, flooring and finishing, interior recreational surfaces, window and door installation, and installation of fixtures, cabinets, and millwork. It includes the removal of asbestos and replacement with non-toxic substances.
- (K) S(Marine and Freshwater Construction). This classification covers all marine and freshwater demolition and construction and repair activities and all types of marine and freshwater construction and demolition in deep-water installations and in harbors, inlets, sounds, bays, channels, canals, rivers, lakes, ponds, or any navigable waterway; it covers dredging, construction, and installation of pilings, piers, decks, slips, docks, and bulkheads. It does not include other structures that may be constructed on docks, slips, and piers.
- (L) S(Masonry Construction). This classification covers the demolition and installation, with or without the use of mortar or adhesives, of the following:
- (i) brick, concrete block, gypsum partition tile, pumice block, or other lightweight and facsimile units and products common to the masonry industry;
 - (ii) installation of fire clay products and refractory construction; and
 - (iii) installation of rough cut and dressed stone, marble panels and slate units, and installation of structural glazed tile or block, glass brick or block, and solar screen tile or block.
- (M) S(Railroad Construction). This classification covers the demolition, building, construction, and repair of railroad lines including:
- (i) the clearing and filling of rights-of-way;
 - (ii) shaping, compacting, setting, and stabilizing of road beds;
 - (iii) setting ties, tie plates, rails, rail connectors, frogs, switch plates, switches, signal markers, retaining walls, dikes, fences, and gates; and
 - (iv) construction and repair of tool sheds and platforms.
- (N) S(Roofing). This classification covers the installation, demolition, and repair of roofs and decks on residential,

commercial, industrial, and institutional structures requiring materials that form a water-tight and weather-resistant surface. The term "materials" for purposes of this Subparagraph includes cedar, cement, asbestos, clay tile and composition shingles, all types of metal coverings, wood shakes, single ply and built-up roofing, protective and reflective roof and deck coatings, sheet metal valleys, flashings, gravel stops, gutters and downspouts, and bituminous waterproofing, including torch down roof systems. Any insulation material installed as a component of a torch down roofing system shall be included as work covered under this classification.

(O) S(Metal Erection). This classification covers:

(i) the field fabrication, demolition, erection, repair, and alteration of architectural and structural shapes, plates, tubing, pipe and bars, not limited to steel or aluminum, that are or may be used as structural members for buildings, equipment, and structure; and

(ii) the layout, assembly and erection by welding, bolting, riveting, or fastening in any manner metal products as curtain walls, tanks of all types, hoppers, structural members for buildings, towers, stairs, conveyor frames, cranes and crane runways, canopies, carports, guard rails, signs, steel scaffolding as a permanent structure, rigging, flagpoles, fences, steel and aluminum siding, bleachers, fire escapes, and seating for stadiums, arenas, and auditoriums.

(P) S(Swimming Pools). This classification covers the construction, demolition, service, and repair of all swimming pools. It includes:

(i) excavation and grading;
 (ii) construction of concrete, gunite, fiberglass, metal-walled with liner, steel-walled with liner, and plastic-type pools, pool decks, and

walkways, and tiling and coping; and
 (iii) installation of all equipment including pumps, filters, and chemical feeders. It does not include direct connections to a sanitary sewer system or to portable water lines, nor the grounding and bonding of any metal surfaces or the making of any electrical connections.

(Q) S(Asbestos). This classification covers renovation or demolition activities involving the repair, maintenance, removal, isolation, encapsulation, or enclosure of Regulated Asbestos Containing Materials (RACM) for any commercial, industrial, or institutional building, whether public or private. It also covers all types of residential building construction involving RACM during renovation or demolition activities. This specialty is required only when the cost of asbestos activities as described herein are equal to or exceed forty thousand dollars (\$40,000).

(R) S(Wind Turbine). This classification covers the construction, demolition, installation, and repair of wind turbines, wind generators, and wind power units. It includes assembly of blades, generator, turbine structures, and towers. It also includes ancillary foundation work, field fabrication of metal equipment, and structural support components.

(S) S(Sign/Billboard). This classification covers the construction, renovation, installation, repair, erection, or demolition of any structural signs or billboards, as used in G.S. 136-128(3), that are permanently annexed to real property and as defined in Article 11 of Chapter 136 of the N.C. General Statutes.

(b) An applicant may be licensed in more than one classification of general contracting provided the applicant meets the qualifications for the classifications, which includes passing the examinations for the classification requested by the applicant. The license granted to an applicant who meets the qualifications for all of the classifications set forth in the rules of this Section shall be designated "unclassified."

*History Note: Authority G.S. 87-1; 87-4; 87-10;
 Eff. February 1, 1976;
 Readopted Eff. September 26, 1977;*

Amended Eff. June 1, 1994; June 1, 1992; May 1, 1989; January 1, 1983;
Temporary Amendment Eff. February 18, 1997;
Amended Eff. April 1, 2014; June 1, 2011; September 1, 2009;
April 1, 2004; April 1, 2003; August 1, 2002; April 1, 2001;
August 1, 2000; August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. July 23, 2016;
Amended Eff. September 1, 2019; April 1, 2018;
Recodified from 21 NCAC 12 .0202 Eff. January 2, 2020;
Temporary Amendment Eff. December 2, 2025;
Amended Eff. April 1, 2026; September 1, 2025; December 1,
2023; January 1, 2023; January 1, 2022.

CHAPTER 14 - COSMETIC ART EXAMINERS

21 NCAC 14A .0101 DEFINITIONS

In addition to the definitions set forth in G.S. 88B-2, the following
definitions apply in this Chapter:

- (1) "Beauty Establishment" refers to both cosmetic
art schools and cosmetic art shops.
(2) "Clean" is the removal of visible and surface
debris, then washing with soap and water, using
a detergent or chemical cleaner that prepares
non-porous items for disinfection and reduces
the number and slows the growth of pathogens
on both porous and non-porous surfaces.
(3) "Cosmetology School" is any cosmetic art
school that teaches cosmetic art as defined by
G.S. 88B-2(5), but is not solely a manicurist or
an esthetics school.
(4) "Cosmetology Student" is a student in any
cosmetic art school whose study is the full
curriculum.
(5) "Esthetician School" is any cosmetic art school
that teaches only the cosmetic art of skin care.
(6) "Esthetician Student" is a student in any
cosmetic art school whose study is limited to
the esthetician curriculum set forth in 21 NCAC
14T .0604.
(7) "Licensing cycle" shall be as follows:
(a) for cosmetologists, the licensing cycle
is a three-year period beginning on the
first day of October and ending the
first day of October of the third year in
the period and continuing thereafter in
three year intervals;
(b) for estheticians, natural hair care
specialists and manicurists, the
licensing cycle is one year in length
beginning on the first day of October
and ending on the next first day of
October;
(c) for teachers, the licensing cycle is a
two-year period beginning on the first
day of October of an even-numbered
year and ending on the next first day

- of October of the next even-numbered
year.
(8) "Manicurist School" is a cosmetic art school
that teaches only the cosmetic art of
manicuring.
(9) "Manicurist Student" is a student in any
cosmetic art school whose study is limited to
the manicurist curriculum set forth in 21 NCAC
14T .0605.
(10) "Natural hair care school" is a cosmetic art
school that teaches only the cosmetic art of
natural hair care.
(11) "Natural hair care student" is a student in any
cosmetic art school whose study is limited to
the natural hair care curriculum set forth in 21
NCAC 14T .0606.
(12) "Porous" is a material that has minute spaces or
holes through which liquid or air may pass such
as paper, foam, and wood. Porous may also be
called permeable, penetrable, or cellular.

History Note: Authority G.S. 88B-2; 88B-4;
Eff. February 1, 1976;
Amended Eff. June 1, 1993; October 1, 1991; May 1, 1991;
January 1, 1989;
Temporary Amendment Eff. January 1, 1999;
Amended Eff. October 1, 2012; July 1, 2010; December 1, 2008;
May 1, 2005; December 1, 2004; May 1, 2004; February 1, 2004;
April 1, 2001; August 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. January 13, 2015;
Amended Eff. April 1, 2023; March 1, 2022; September 1, 2018;
March 1, 2018;
Readopted Eff. April 1, 2026.

21 NCAC 14A .0104 ADDRESS

- (a) The address for the Board is 121 Edinburgh South Drive, Suite
209, Cary, NC 27511.
(b) The Board website shall be located at
www.ncccosmeticarts.com.

History Note: Authority G.S. 88B-6;
Eff. February 1, 1976;
Amended Eff. January 1, 2015; August 1, 1998; December 6,
1991; January 1, 1989; April 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. January 13, 2015;
Amended Eff. September 1, 2021;
Readopted Eff. April 1, 2026.

21 NCAC 14A .0401 LICENSE WAIVER FOR ARMED
FORCES

- (a) Licensees in good standing and serving in the Armed Forces
of the United States, or the spouse of an individual in good
standing and serving in the Armed Forces of the United States, are
allowed an extension on the license renewal payment and required
continuing education hours as permitted G.S. 93B-15.
(b) Individuals holding current and valid licensure as determined
by G.S. 93B-15.1 may apply for licensure with the Board by

providing a copy of the current and valid license along with a the license application, fees, and documentation of military experience or training.

History Note: Authority G.S. 93B-15; 93B-15.1; Eff. June 1, 2010; Amended Eff. August 1, 2014; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14A .0402 DUPLICATE LICENSES

- (a) A licensee may request a duplicate license by submitting a written application and a duplicate license fee to the Board.
- (b) All overpayments will be returned to the submitting applicant or licensee.

History Note: Authority G.S. 88B-20; Eff. October 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14A .0403 ADDITIONAL SALON CHAIRS

Salon owners may request an additional salon booth licensure by submitting written application including name, license number, and additional booth fees to the Board.

History Note: Authority G.S. 88B-14; 88B-20; Eff. October 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14A .0404 FEES

- (a) Fees and civil penalties paid by personal checks that are returned for any reason shall be treated in the same manner as though no fee had been tendered and the bank's returned check fee, not to exceed thirty-five dollars (\$35.00), shall be assessed to the account holder. All subsequent payments must be submitted via credit card, money order, or certified check.
- (b) All moneys tendered in payment of fees shall be in the exact amount required for said fees. No part of a fee submitted to the Board per G.S. 88B-20 shall be refundable.
- (c) Licenses, certifications, duplicates, inactivations, or reactivations shall not be processed until all fees and assessed civil penalties are paid in full.

History Note: Authority G.S. 25-3-506; 88B-4; 88B-20; Eff. September 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. September 1, 2021; Readopted Eff. April 1, 2026.

21 NCAC 14B .0101 PETITIONS

Any person wishing to submit a petition requesting the adoption of a rule by the Board shall address a petition to the chairman of the Board at the Board's address listed in 21 NCAC 14A .0104.

History Note: Authority G.S. 88B-4; 150B-20; Eff. February 1, 1976; Amended Eff. January 1, 1989; April 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14B .0102 CONTENTS OF PETITIONS

The petition shall contain the following information:

- (1) a draft of the proposed rule or amendment,
- (2) a summary of the contents of the proposed rule or amendment,
- (3) reason for the proposal,
- (4) effect of the new rule or amendment on existing rules,
- (5) data supporting the rule proposal,
- (6) effect of the proposed rule or amendment on existing practices in the area involved, including cost factors, and
- (7) name and address of each petitioner.

History Note: Authority G.S. 88B-4; 150B-20; Eff. February 1, 1976; Amended Eff. January 1, 1989; April 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April, 1, 2026.

21 NCAC 14B .0105 GRANTING OR DENYING PETITIONS

The Board shall determine, based on a study of the facts stated in the petition, whether the public interest will be better served by granting or denying the petition. The Board shall consider the contents of the submitted petitions plus any additional information deemed relevant.

History Note: Authority G.S. 88B-4; 150B-20; Eff. February 1, 1976; Amended Eff. January 1, 1989; April 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14B .0107 FINAL DECISION

Within 30 days of submission of the petition or at its next regularly scheduled meeting, whichever is later, the Board will render a final decision. If the decision is to deny the petition, the chairman of the Board will notify the petitioner in writing stating the reasons therefore. If the decision is to grant the petition, the Board will initiate a rule-making proceeding.

History Note: Authority G.S. 88B-4; 150B-20; Eff. February 1, 1976; Amended Eff. January 1, 1989; April 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14B .0201 NOTICE TO PUBLIC

Upon a determination to hold rule-making proceedings, either in response to a petition or otherwise, the Board will give 30 days notice of rule-making intent by publication in the North Carolina Register.

History Note: Authority G.S. 88B-4; 150B-21.2; Eff. February 1, 1976; Amended Eff. January 1, 1989; April 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14B .0302 PROCEDURE FOR MAKING ORAL PRESENTATION AT HEARING

- (a) A person desiring to make an oral presentation on a proposed rule or amendment to a rule at a rule-making hearing shall submit a request to make a presentation with the chairman of the Board, at the Board's address, at least 15 days before the hearing. The presiding officer at the hearing may, however, waive or excuse a person's failure to give this notice for good cause.
- (b) A request to make an oral presentation shall contain a brief summary of the subject on which the individual desires to speak and an estimation of the length of time needed. An oral presentation shall not exceed five minutes unless the presiding officer, either before or at the hearing, grants an extension of time for good cause.
- (c) A person who makes an oral presentation at a rule-making hearing may submit a written copy of the presentation to the Board either before or at the hearing.

History Note: Authority G.S. 88B-4; 150B-21.2; Eff. February 1, 1976; Amended Eff. January 1, 1989; April 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readoption Eff. April 1, 2026.

21 NCAC 14B .0304 ACKNOWLEDGEMENT OF A REQUEST TO MAKE AN ORAL PRESENTATION

Upon receipt of a request to make an oral presentation at a rule-making hearing, the chairman of the Board shall acknowledge receipt of the request and inform the person requesting time for an oral presentation of any limitations deemed necessary to conduct a full and effective public hearing on the proposed rule or amendment.

History Note: Authority G.S. 88B-4; 150B-21.2; Eff. February 1, 1976; Amended Eff. January 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readoption Eff. April 1, 2026.

21 NCAC 14B .0305 WRITTEN STATEMENT

- (a) Any person may file a written statement containing data, comments, or arguments in support of or in opposition to a proposed rule or rule change. Such statements may be filed before, during, or up to five days after the hearing by delivering the

- statement by mail or in person to the chairman of the Board, at the Board's mailing address.
- (b) An extension of time for filing written statements may be granted either in the notice of the particular rule-making hearing or by the presiding officer of the hearing.
- (c) All such submitted statements shall clearly state the rule or proposed rule to which the comments are addressed.

History Note: Authority G.S. 88B-4; 150B-21.2; Eff. February 1, 1976; Amended Eff. January 1, 1989; April 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14B .0306 ACKNOWLEDGEMENT

Acknowledgement of all written comments received by the Board will be issued by the Chairman of the Board during the Board's meeting in which the rule is reviewed prior to voting for submission to RRC.

History Note: Authority G.S. 88B-4; 150B-21.2; Eff. February 1, 1976; Amended Eff. April 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14B .0307 CONTROL OF HEARINGS

- (a) The purpose of this Rule is to provide uniform procedures for the conduct of public comment hearings.
- (b) The presiding officer at the hearings shall have control of the proceedings including the following:
 - (1) extension of any time requirements;
 - (2) recognition of speakers;
 - (3) time allotment for presentations; and
 - (4) direction of the flow of discussion and the management of the hearing.
- (c) The presiding officer shall ensure that each person participating in the hearing is given an opportunity to present views, data, and comments.
- (d) Public comment hearings shall be open to the public, and members of the public shall be entitled to testify, subject to the provisions of this Rule.
- (e) Public comment hearings shall be open to print and electronic media, by the Board, or the person designated by the Board to preside over the hearing, when such pooling are necessary due to room occupancy restrictions to allow the hearing to go forward subject to the following limitations:
 - (1) Pooling of the number of media representatives when their number and equipment, together with the number of members of the public present, exceeds the capacity of the hearing room;
 - (2) Limitation on the placement of cameras to specific locations within the hearing room; or
 - (3) Prohibition of interviews conducted within the hearing room during the hearing.

(f) Public comment hearings shall be presided over by the Board or an individual knowledgeable in the subject area of the proposed rules who has been designated by the chairman to preside over the hearing.

(g) The person presiding over the hearing shall:

- (1) Call the hearing to order;
- (2) Identify the proposed rules which are the subject matter of the hearing, and provide copies of them upon request;
- (3) Cause a recording of the hearing to be made;
- (4) Establish speaker time limits;
- (5) Recognize those who wish to be heard;
- (6) If necessary, refuse to recognize people for speaking, or revoke recognition of speakers;
- (7) If necessary, limit the activity of the media;
- (8) If necessary, continue or move the hearing; and
- (9) Adjourn or continue the hearing.

(h) The hearing shall be continued when:

- (1) The weather is so inclement that the chairman or the individual designated by the chairman to preside over the hearing is unable to do so;
- (2) The chairman or the individual designated by the chairman to preside over the hearing is ill or unavoidably absent; or
- (3) Continuing the hearing will facilitate greater participation by the public.

(i) The hearing may be moved to another location when the original location is not able to accommodate the number of people who wish to attend the hearing.

(j) The hearing shall be continued past the scheduled time or to another date when:

- (1) The time available is not sufficient to give each person who wishes to speak a reasonable opportunity to do so; or
- (2) The capacity of the room in which the hearing is to be held does not accommodate the number of people who wish to attend the hearing and it is not possible to move the hearing to another location.

(k) People who wish to speak about the rules which are the subject matter of the hearing shall be asked to write on the speaker's list their full names and if they represent other persons, the identity of the persons represented.

(l) People who wish to speak shall be asked to provide the information called for by Paragraph (k) of this Rule no later than before the last speaker on the list has finished speaking.

(m) People whose names appear on the speaker's list shall be afforded an opportunity to speak at the hearing within the limits on public participation.

(n) Written comments must be submitted by the deadline listed in the rule making notice.

(o) The person presiding over the hearing shall:

- (1) Refuse to recognize for speaking or revoke the recognition of any person who:
 - (A) Speaks or acts in an abusive or disruptive manner; or
 - (B) Refuses to keep comments relevant to the proposed rules which are the subject matter of the hearing;

(2) Limit the duration of the hearing and limit the amount of time each speaker may speak to a time which allocates approximately equal speaking time to each person shown on the speaker's list as wishing to speak; and

(3) Limit presentations on behalf of the same organization or entity to no more than three, provided that all those representing such organization or entity may enter their names and addresses into the record as supporting the position of the organization or entity.

History Note: Authority G.S. 88B-4; Eff. February 1, 1976; Amended Eff. April 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14B .0308 REQUEST FOR STATEMENT ON ADOPTED RULE

Any person or agency desiring a concise statement of the principal reasons for and against the adoption of a rule by the Board and the factors that led to sustaining or overruling the considerations urged for or against its adoption may submit a request in writing to the chairman of the Board at the Board's address. Such requests may be submitted either prior to the rule-making hearing or within 30 days thereafter.

History Note: Authority G.S. 88B-4; 150B-21.2; Eff. February 1, 1976; Amended Eff. January 1, 1989; April 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14B .0309 RECORDS

(a) A record of all rule-making proceedings will be maintained as long as the rule is in effect and for five years thereafter. This record will contain the following:

- (1) the original petition, if any;
- (2) the notice of text;
- (3) all written memoranda and information submitted by the rule-making coordinator;
- (4) a record or summary of oral presentations, if any; and
- (5) any statement of reasons for and against adoption of a rule issued by the Board.

(b) The record will be maintained in paper or an electronic file at the Board's address.

History Note: Authority G.S. 88B-4; 150B-21.2(i); Eff. February 1, 1976; Amended Eff. January 1, 1989; April 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14B .0501 REQUEST FOR DECLARATORY RULING

Any person affected by a statute administered or rule promulgated by the Board may request a declaratory ruling as to how the statute or rule applies to a given factual situation or whether a particular Board rule is valid. All requests for declaratory rulings must be in writing and mailed to the chairman of the Board at the Board's address.

History Note: Authority G.S. 150B-4; Eff. February 1, 1976; Amended Eff. January 1, 1989; April 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14B .0502 CONTENTS OF REQUEST

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

- (1) name and address of petitioner;
- (2) statute or rule to which the petition relates;
- (3) concise statement of the manner in which the petitioner is aggrieved, or thinks that he or she is aggrieved by the rule or statute, and its application to him or her; and
- (4) statement of whether an oral hearing is being requested and, if so, the reasons therefore.

History Note: Authority G.S. 150B-4; Eff. February 1, 1976; Amended Eff. January 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14B .0503 REFUSAL TO ISSUE DECLARATORY RULING

Whenever the Board believes, for just cause as listed in 21 NCAC 14B .0506, that the issuance of a declaratory ruling is inappropriate, it may refuse to do so. When just cause is deemed to exist, the Board will notify the petitioner of its decision in writing stating the reasons for the denial of a declaratory ruling.

History Note: Authority G.S. 150B-4; Eff. February 1, 1976; Amended Eff. January 1, 1989; April 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14B .0505 PROCEDURE

A declaratory ruling procedure shall consist of written statements and oral hearings.

History Note: Authority G.S. 150B-4; Eff. February 1, 1976; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14B .0506 CIRCUMSTANCES

The Board may refuse to issue a declaratory ruling on the validity of a rule for just cause for any of the following reasons:

- (1) The Board has already made a declaratory ruling on substantially similar facts in a contested case; or
- (2) The facts underlying the request for a ruling were specifically considered at the time of the adoption of the rule in question; or
- (3) The subject matter of the request is involved in pending litigation in North Carolina.

History Note: Authority G.S. 150B-4; Eff. February 1, 1976; Amended Eff. January 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14B .0601 COPYING CHARGES

The Board may charge a fee of fifteen dollars (\$15.00) for providing copies of its rules, Chapter 88 of the North Carolina General Statutes, and other public documents in its possession.

History Note: Authority G.S. 12-3.1; 150B-19(5); Eff. February 1, 1976; Amended Eff. January 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14B .0603 POSTAGE AND HANDLING

There will be a five dollar (\$5.00) charge for postage and handling for all mailings.

History Note: Authority G.S. 12-3.1; 88B-4; 150B-19(5); Eff. December 1, 1990; Temporary Amendment Eff. December 1, 2001; Amended Eff. August 1, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14B .0605 COSMETOLOGIST LICENSE FEE AND STAGGERED LICENSE RENEWAL SCHEDULE

- (a) All cosmetology licenses expiring on and after October 1, 2013 shall pay the renewal fee of thirty-nine dollars (\$39.00) as required by G.S. 88B-20 and complete 24 hours of continuing education as required by G.S. 88B-21 to be eligible for license renewal.
- (b) Upon renewal of a license expiring October 1, 2010, the Board shall issue a new license with staggered expiration dates. Licensees shall be divided into renewal groups by first digit of license number and shall pay prorated fees for renewal as follows:

License Number (first digit in number)	Staggered Expiration Date	Fees/CE Due	Hours
3, 4 or 5	October 1, 2011	\$13/0	hours
6 or 7	October 1, 2012	\$26/12	hours
0, 1, 2, 8 or 9	October 1, 2013	\$39/24	hours

History Note: Authority G.S. 88B-20; 88B-21; Eff. August 1, 1998; Amended Eff. August 1, 2010; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14B .0607 WAIVERS

- (a) Individuals who wish to request a waiver of a rule shall submit to the Board a written request which includes:
- (1) The rule for which a waiver is requested;
 - (2) The reason for requesting the waiver along with supporting documents;
 - (3) Evidence of how the waiver will provide for the health and safety of the consumer or licensee; and
 - (4) The signature of applicant.
- (b) The Board shall approve a waiver request only if:
- (1) The administrative rule for which the waiver is being requested is not mandated by law; and
 - (2) The Board finds that approval of the requested waiver shall not jeopardize the health and safety of employees or the public.

History Note: Authority G.S. 88B-4; Eff. April 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14B .0608 COMPLAINTS

- (a) The Board shall accept any complaint alleging violation of the Cosmetic Art Act or this Chapter for investigation and disciplinary action per G.S. 88B-24.
- (b) The complaint shall be filed in writing with the Board. Complaints will be accepted through the Board's online complaint portal at www.nccosmeticarts.com. Upon receipt of a complaint, Board staff shall review the content for jurisdiction and when finding authority under G.S. 88B assign the complaint for investigation. Complaints received alleging violation outside the jurisdictional authority of the Board shall be forwarded to the appropriate agency and the complainant notified, if contact information is provided by the complainant.
- (c) The Board shall notify the complainant and the respondent in any complaint filed with the Board of the disposition of the case.

History Note: Authority G.S. 88B-4; Eff. December 1, 2016; Readopted Eff. April 1, 2026.

21 NCAC 14C .0101 ADMINISTRATIVE HEARINGS

Whenever the Board proposes to deny, revoke, or suspend a license, permit, certificate of registration, or letter of approval issued by it, or at any other time when it deems a hearing legally required, it shall give notice to the person affected of the Board's proposed action and the person's right to a hearing. The person may request a hearing by mailing or delivering to the Board a written request for a hearing. The Board will take the proposed action described in the notice unless it receives a request for a hearing prior to the date on which the Board proposes to act or the date specified in the notice. A request mailed to the Board is deemed timely if postmarked prior to the date on which the Board proposes to act or the date specified in the notice.

History Note: Authority G.S. 150B-38(h); 150B-40; Eff. February 1, 1976; Amended Eff. January 1, 1989; April 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14C .0103 PRESIDING OFFICER

If no other presiding officer has been designated by the Board, or if the designated presiding officer is unavailable or disqualifies themselves, the chairman of the Board shall act as presiding officer for purposes of issuing subpoenas, ordering the production of records, responding to motions for continuances or extensions of time, controlling and ruling on issues surrounding discovery, and otherwise acting on matters arising in connection with a pending hearing and shall have all powers granted to the presiding officer under G.S. 150B-40.

History Note: Authority G.S. 150B-38(h); 150B-40(b); Eff. April 1, 1988; Amended Eff. January 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14C .0201 REQUEST

When any person believes their rights, duties, or privileges have been affected by administrative action of the Board, they may request an administrative hearing.

History Note: Authority G.S. 150B-22(b) 150B-38(h); Eff. February 1, 1976; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14C .0203 WRITTEN REQUEST

Any person may file a written request for an administrative hearing with the chairman of the Board at its address.

History Note: Authority G.S. 88B-4; 93B-1(2); 150B-38; Eff. February 1, 1976; Amended Eff. January 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;

Readopted Eff. April 1, 2026.

21 NCAC 14C .0204 CONTENTS OF REQUEST

A written request for an administrative hearing shall contain the following information:

- (1) name and address of petitioner,
- (2) a concise statement of the Board action being challenged,
- (3) a concise statement of the way in which the petitioner has been aggrieved, and
- (4) a clear and specific demand for a hearing.

History Note: Authority G.S. 88B-4; 150B-38; Eff. February 1, 1976; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14C .0205 ACKNOWLEDGEMENT

Requests for administrative hearings must be acknowledged in writing by the Board within 30 days and, if the person making the request is a person aggrieved, a hearing must be scheduled within a reasonable amount of time.

History Note: Authority G.S. 88B-4; 150B-38; Eff. February 1, 1976; Amended Eff. January 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14C .0503 ADDITIONAL INFORMATION ON NOTICES OF HEARINGS

In addition to the items specified in G.S. 150B-38(b) to be included in the notice, notices of administrative hearings shall include the following information:

- (1) the name, position, address and phone number of a member, employee, or agent of the Board to contact for further information or discussion;
- (2) the date and place for any prehearing conference;
- (3) the right to file a written response to the allegations in the notice of hearing no later than ten days prior to the scheduled hearing date; and
- (4) other information deemed relevant to informing the party or parties as to the procedure for the hearing.

History Note: Authority G.S. 88B-4; 150B-38; Eff. February 1, 1976; Amended Eff. January 1, 1989; September 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14C .0601 HEARING PANEL

Administrative hearings before the Board will be heard by a majority of the Board.

History Note: Authority G.S. 150B-38; 150B-40; Eff. February 1, 1976; Amended Eff. January 1, 1989; April 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14C .0801 INTERVENTION OF RIGHT

A motion to intervene of right as provided for in the G.S. 1A-1 Rule 24, shall be granted if timely and the petitioner meets the criteria of Rule 24. Moving to intervene any time prior to the designated hearing's termination must be considered timely unless a grant of the right to intervene would cause substantial prejudice to the rights of a party, substantial added expense, or compellingly serious inconvenience to the parties.

History Note: Authority G.S. 150B-38(f); Eff. February 1, 1976; Amended Eff. January 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14C .0802 PERMISSIVE INTERVENTION

A motion to intervene permissively as provided for in G.S. 1A-1 Rule 24, shall be granted if the petitioner meets the criteria of Rule 24 and the Board determines that:

- (1) There is sufficient legal or factual similarity between the petitioner's rights, privileges, or duties and those of the other parties to the hearing; and
- (2) Permitting intervention by the petitioner as a party would aid the purposes of the hearing.

History Note: Authority G.S. 150B-38(f); Eff. February 1, 1976; Amended Eff. January 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14C .0803 DISCRETIONARY INTERVENTION

Discretionary intervention shall be allowed by the Board upon a motion made before the termination of the hearing itself when the Board finds intervention would be helpful to a determination of the issues in the hearing.

History Note: Authority G.S. 150B-38(f); Eff. February 1, 1976; Amended Eff. January 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14C .0804 INTERVENTION

Discretionary intervention will be allowed when:

- (1) The information the petitioner desires to present is relevant and not repetitious or merely cumulative; and
- (2) The petitioner would lend added facts to arguments of the parties.

History Note: Authority G.S. 150B-38(f); Eff. February 1, 1976; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14C .0805 WRITTEN MOTION

A person desiring to intervene in a contested case shall file a written motion with the chairman of the Board at the Board's address.

History Note: Authority G.S. 150B-38(f); Eff. February 1, 1976; Amended Eff. January 1, 1989; April 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14C .0807 ALLOWANCE

If the Board decides to allow intervention, notification of that decision will be issued in writing within 30 days to all parties including the movant. In cases of discretionary intervention, such notification must include a statement of the limitations, if any, of time, subject matter, evidence, or any other matters deemed necessary by the Board which are imposed upon the intervenor.

History Note: Authority G.S. 150B-38(f); Eff. February 1, 1976; Amended Eff. January 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14C .0808 DENIAL

If the Board decides to deny intervention, the movant shall be notified in writing within 30 days. The notification must state the reasons for the decision and must be issued to the movant and to all parties.

History Note: Authority G.S. 150B-38; Eff. February 1, 1976; Amended Eff. January 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14C .0903 BIAS OF BOARD MEMBER

If for any reason a board member determines that personal bias or other factors would keep that member from being able to hear a contested case and perform all duties concerning the hearing in an impartial manner, that member shall submit in writing to the Board his or her disqualifications and the reasons therefore.

History Note: Authority G.S. 150B-38(h); 150B-40; Eff. February 1, 1976; Amended Eff. January 1, 1989; April 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14C .0904 BIAS CLAIMED BY PARTY

If any party in a contested case believes that a board member is personally biased or otherwise unable to conduct the hearing and perform all duties in an impartial manner, the party may file with the Board a sworn notarized affidavit stating the reasons for such belief and all relevant facts.

History Note: Authority G.S. 150B-38(h); 150B-40; Eff. February 1, 1976; Amended Eff. April 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14C .0906 FILING AFFIDAVIT

An affidavit to disqualify a board member shall be considered timely if it was filed at least ten days prior to the scheduled hearing date. Any other affidavit may be found timely provided it is filed at the first opportunity after the party becomes aware of the facts which give rise to a reasonable belief that any board member may be disqualified.

History Note: Authority G.S. 150B-38(h); 150B-40; Eff. February 1, 1976; Amended Eff. April 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14C .0907 DISQUALIFICATION

The remainder of the members of the Board shall decide whether to disqualify the board member being challenged by the following procedural rules:

- (1) The board member whose disqualification is to be determined will not participate in the decision but may be called upon to furnish information to the remaining members of the Board conducting the hearing.
- (2) The Board shall appoint a member of the Board, the executive director, or any other appropriate person to investigate the allegations of the affidavit, if necessary, and report his or her findings or recommendations.
- (3) The Board shall decide by majority vote, or Board Chair in case of a tie vote, whether to disqualify the challenged individual on the basis of all relevant and appropriate information available to it.

History Note: Authority G.S. 150B-38(h); 150B-40; Eff. February 1, 1976; Amended Eff. January 1, 1989; April 1, 1988;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14C .0908 NEW HEARING

When a board member is disqualified after a hearing has begun, a new hearing shall be initiated upon request.

History Note: Authority G.S. 150B-38(h); 150B-40; Eff. February 1, 1976; Amended Eff. January 1, 1989; April 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14D .0101 PROCEEDING WITHOUT PARTY

Should a party who has been served with notice fail to appear at a scheduled hearing without having previously been granted a continuance, the Board may either proceed with the hearing in the party's absence, or continue the hearing.

History Note: Authority G.S. 150B-38(c); 150B-38(h); 150B-40; Eff. February 1, 1976; Amended Eff. January 1, 1989; April 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14D .0103 CONTINUANCES

A continuance shall be granted to all parties only upon showing of good cause. In determining whether to grant such motions, the Board shall consider the Guidelines for Resolving Scheduling Conflicts adopted by the State-Federal Judicial Council of North Carolina accessible at https://www.ca4.uscourts.gov/docs/pdfs/north-carolina-scheduling-conflict-guidelines.pdf?sfvrsn=d9baf07_0. Motions for a continuance must be in writing and received in the office of the Board no less than 14 calendar days before the hearing date. A motion for a continuance filed less than 14 calendar days from the date of the hearing shall be denied unless the reason for the motion could not have been ascertained earlier. Motions for continuance shall be ruled on by the Board chair or designated presiding officer.

History Note: Authority G.S. 150B-38(h); 150B-40; Eff. February 1, 1976; Amended Eff. January 1, 1989; April 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14D .0104 PETITION TO REOPEN

(a) If a hearing is conducted and a decision is reached in the absence of a party, the party may petition the Board to reopen the case. Petitions will not be granted except when the petitioners show that the reason for failure to appear was unavoidable and that fairness and justice require reopening the case.

(b) All petitions to reopen the case shall be in writing and addressed to the chairman of the Board at their address, and shall contain the following information:

- (1) the name and address of the petitioner,
- (2) a full identification of the hearing which the petitioner is seeking to reopen, and
- (3) a detailed explanation of the reasons for the petitioner's desire to reopen the hearing.

History Note: Authority G.S. 150B-38; Eff. February 1, 1976; Amended Eff. January 1, 1989; April 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14D .0105 CRITERIA FOR REOPENING A CASE

The Board shall make a decision on whether to reopen the petitioner's case based upon the merits of the petition or other pertinent information in the Board's possession. In determining whether to grant such motions, the Board shall consider the Guidelines for Resolving Scheduling Conflicts adopted by the State-Federal Judicial Council of North Carolina accessible at https://www.ca4.uscourts.gov/docs/pdfs/north-carolina-scheduling-conflict-guidelines.pdf?sfvrsn=d9baf07_0. Motions to reopen must be in writing and received in the office of the Board no less than 14 calendar days before the hearing date. A motion to reopen filed less than 14 calendar days from the date of the hearing shall be denied unless the reason for the motion could not have been ascertained earlier. Motions for continuance shall be ruled on by the Board chair or designated presiding officer. A copy of the decision will be sent to the petitioner and made a part of the permanent record of the contested case.

History Note: Authority G.S. 150B-38; Eff. February 1, 1976; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14D .0302 ISSUANCE

Subpoenas requiring the attendance of witnesses or to produce documents, evidence or things must be issued by the chairman of the Board or their agent within three business days of the receipt of a request from a party to a contested case.

History Note: Authority G.S. 150B-38(h); 150B-39; Eff. February 1, 1976; Amended Eff. January 1, 1989; August 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14D .0303 SERVICE OF SUBPOENAS

- (a) Subpoenas shall be served in any manner provided by G.S. 1A-1, Rule 45.
- (b) Subpoenas shall be issued in duplicate with a "Return of Service" form attached to each copy. The person serving the

subpoena shall fill out the "Return of Service" form for each copy and upon service return one copy of the subpoena with the attached "Return of Service" form completed to the Board.

History Note: Authority G.S. 150B-27; Eff. February 1, 1976; Amended Eff. January 1, 1989; April 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14D .0305 OBJECTIONS

Any person receiving a subpoena may object by filing a written objection with the Board.

History Note: Authority G.S. 150B-38(h); 150B-39(c); Eff. February 1, 1976; Amended Eff. January 1, 1989; April 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14D .0306 STATEMENT OF REASONS

An objection to a subpoena shall include a complete statement of reasons why the subpoena should be quashed. These reasons may include lack of relevancy of the evidence requested, lack of particularity in the description of the evidence sought, or any other legal reason for declaring the subpoena invalid, such as that the evidence is privileged or that appearance or production would be so disruptive as to be unreasonable in light of the significance of the evidence sought or would produce some other undue hardship to the party.

History Note: Authority G.S. 150B-38(h); 150B-39(c); Eff. February 1, 1976; Amended Eff. January 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14D .0307 SERVICE OF OBJECTIONS

Any objections to a subpoena filed with the Board shall be simultaneously served on the party requesting the subpoena.

History Note: Authority G.S. 150B-38(h); 150B-39(c); Eff. February 1, 1976; Amended Eff. January 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14D .0308 RESPONSES TO OBJECTIONS

The party requesting the subpoena, within 10 days of service of the subpoena may file a written response to the objection. The response shall be served in like manner as the objection.

History Note: Authority G.S. 150B-38(h); 150B-39(c); Eff. February 1, 1976;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14D .0309 HEARINGS ON SUBPOENA CHALLENGES

After receipt of the objection and a response thereto, if any, the hearing board panel or the presiding officer shall issue a notice of hearing to the party who requested the subpoena and the party challenging it, and may notify all other parties of a hearing before the Board to be scheduled within one year at which hearing evidence and testimony may be presented by all parties limited to the questions raised by the subpoena, the objection, and subsequent responses thereto.

History Note: Authority G.S. 150B-25; 150B-39; Eff. February 1, 1976; Amended Eff. April 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted April 1, 2026.

21 NCAC 14D .0310 RULINGS

Within 30 days after the close of any hearing on an objection to a subpoena, the Board will issue a written decision. Based on the evidence presented and the record, the Board may revoke or modify the subpoena for good cause, based on such issues as oppressiveness, relevancy, and other appropriate factors, or may overrule the objection to the subpoena. A written copy of the decision will be served on the person objecting to the subpoena and all parties to the hearing.

History Note: Authority G.S. 150B-38(h); 150B-39; Eff. February 1, 1976; Amended Eff. January 1, 1989; April 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14G .0103 SPACE REQUIREMENTS

- (a) The Cosmetic Art Board shall issue letters of approval only to cosmetic art schools that have at least 2,800 square feet of inside floor space for 20 stations or 4,200 square feet of inside floor space for 30 stations located within the same building. An additional 140 square feet of floor space is required for each station above 20 stations, up to and including a total of 30 stations. Thereafter, an additional 40 square feet is required for each station in excess of 30 stations. For purpose of this Rule, the day and night classes are counted as separate enrollments. A school may have a recitation room located in an adjacent building or another building within 500 feet of the main cosmetology building.
- (b) Each cosmetic art school shall have no less than 20 hairdressing stations, arranged to accommodate not less than 20 students and arranged so that the course of study and training cosmetology, as prescribed in 21 NCAC 14J .0306, may be given. All stations shall be numbered numerically.
- (c) Cosmetic art schools shall have a beginner department containing sufficient space to comfortably accommodate at least 10 students and having at least 40 inches between mannequins.

(d) The Board shall issue a letter of approval only to manicurist schools that have at least 1,000 square feet of inside floor space located within the same building.

(e) Manicurist schools with 1,000 square feet of inside floor space shall enroll no more than 20 students at one time, and for each student enrolled in addition to 20 students, 40 square feet of inside floor space shall be provided.

(f) Manicurist schools shall have 10 manicurist tables and chairs a minimum of two feet apart, side to side, arranged to comfortably accommodate ten students.

(g) The Board shall issue a letter of approval only to esthetician schools that have at least 1,500 square feet of inside floor space located within the same building.

(h) Esthetician schools with 1,500 square feet of inside floor space shall enroll no more than 20 students at one time, and for each student enrolled in addition to 20 students, 50 square feet of inside floor space shall be provided.

(i) The Board shall issue a letter of approval only to natural hair care schools that have at least 2000 square feet of inside floor space located within the same building.

(j) Natural hair care schools with 2000 square feet of inside floor space shall enroll no more than 20 students at one time, and for each student enrolled in addition to 20 students, 50 square feet of inside floor space shall be provided.

(k) Schools combining manicuring, esthetics and natural hair care training programs with 2000 feet of inside floor space shall enroll no more than a total of 20 students at one time and for each student enrolled in addition to 20 students, 50 square feet of inside floor space shall be provided. Equipment requirements for manicuring, esthetics and natural hair care schools shall be followed.

History Note: Authority G.S. 88B-4; Eff. February 1, 1976; Amended Eff. April 1, 1995; January 1, 1992; May 1, 1991; January 1, 1989; May 1, 1998; Temporary Amendment Eff. January 1, 1999; Amended Eff. July 1, 2010; August 1, 2002; April 1, 2001; August 1, 2000; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14G .0116 RE-EVALUATION OF SCHOOLS

The Board reserves the authority to re-evaluate any cosmetic art school to determine compliance with the provisions of G.S. 88B and Board rules at any time.

History Note: Authority G.S. 88B-4; 88B-23; 88B-30; Eff. April 1, 1988; Amended Eff. April 1, 1991; January 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14H .0201 APPLICATION FOR SHOP LICENSE

(a) Rules in this Subchapter apply to all cosmetic art shops making initial application to operate a cosmetic art shop.

(b) Shops licensed prior to March 1, 2012 are not required to comply with Rules .0202, .0203(c), .0204 and .0301 of this Subchapter.

(c) Shops licensed prior to March 1, 2012 shall comply with Rules .0201, .0203(a)-(b), .0302-.0304 and Sections .0400 and .0500 of this Subchapter.

(d) Shops licensed prior to March 1, 2012 that make any structural changes that change the physical layout or square footage shall comply with all rules in this Subchapter notwithstanding Paragraph (b) of this Rule.

(e) Persons desiring to open a cosmetic art shop, to change ownership of a cosmetic art shop, relocate or reopen a shop shall make application to the North Carolina State Board of Cosmetic Art Examiner on the Board's application form.

History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-22; Eff. April 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. April 1, 2023; Readopted Eff. April 1, 2026.

21 NCAC 14H .0203 NEWLY ESTABLISHED SHOPS

(a) All cosmetic art shops shall be separate and apart from any building or room used for any other business or purpose, separated by a solid wall of at least seven feet in height and shall have a separate outside entrance.

(b) A newly established cosmetic art shop, shall be separate and apart from any building or room used for living, dining or sleeping and shall be separate and apart from any other room used for any other purpose by a solid wall of ceiling height, making separate and apart rooms used for a cosmetic art shop. All entrances to the cosmetic art shop shall be through solid, full length doors installed in solid walls of ceiling height.

(c) A residential cosmetic art shop shall furnish bathroom facilities separate and apart from the residence.

(d) An entrance to a cosmetic art shop from a passageway, walkway, or mall area used only for access to the shop, or to the shop and other businesses, may be open.

History Note: Authority G.S. 88B-2; 88B-4; 88B-14; Eff. April 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. April 1, 2023; Readopted Eff. April 1, 2026.

21 NCAC 14H .0204 DIMENSIONS WITHIN COSMETIC ART SHOPS

Within the clinic area each shop shall maintain no less than the following working distances:

- (1) 48 inches of space from the center to the center of each styling chair, esthetics table or manicuring table;
- (2) 24 inches from the center of the chair forward;
- (3) 48 inches from the backrest behind the chair to any other styling chair, esthetics table or manicuring table; and

- (4) at least 30 inches of space from the back of each styling chair, esthetics table or manicuring table to the wall of the shop.

History Note: Authority G.S. 88B-2; 88B-4; 88B-14; Eff. April 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14H .0301 WATER

Cosmetic art shops shall have a sink with hot and cold running water in the shop, separate from restrooms.

History Note: Authority G.S. 88B-2; 88B-4; 88B-14; Eff. April 1, 2012; Amended Eff. June 1, 2013; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. September 1, 2018; March 1, 2018; Readopted Eff. April 1, 2026.

21 NCAC 14H .0302 VENTILATION AND LIGHT

- (a) Ventilation shall be provided at all times in the clinic areas when patrons are serviced in all cosmetic art shops and there shall be a continuous exchange of air.
- (b) Light shall be provided in the service area of a cosmetic art shop.
- (c) All cosmetic art shops shall adhere to any federal, State and local government regulation or ordinance regarding fire safety codes, plumbing and electrical work.

History Note: Authority G.S. 88B-2; 88B-4; 88B-14; Eff. April 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. October 1, 2019; March 1, 2018; Readopted Eff. April 1, 2026.

21 NCAC 14H .0303 BATHROOM FACILITIES

- (a) Toilet and hand washing facilities consisting of at least one toilet and one hand washing sink with running water, liquid soap and individual clean towels or hand air dryer shall be accessible to each cosmetic art shop.
- (b) Shops with an initial licensure date prior to March 1, 2012, are not required to comply with Paragraph (a) of this Rule.

History Note: Authority G.S. 88B-2; 88B-4; 88B-14; Eff. April 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. September 1, 2018; March 1, 2018; Readopted Eff. April 1, 2026.

21 NCAC 14H .0304 EQUIPMENT

Cosmetic art shops shall maintain equipment and supplies to safely perform any cosmetic art service offered in the shop. Safely is the safe and effective completion of the systematic steps for a

cosmetic art service following infection control regulations, manufacturer's instructions, and equipment handling.

History Note: Authority G.S. 88B-2; 88B-4; 88B-14; Eff. April 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14H .0401 LICENSEES AND STUDENTS

- (a) For purposes of this Section, sanitation, as described in G.S. 88B, is defined as "infection control."
- (b) Notwithstanding Rule .0201 in this Subchapter, this Rule applies to licensees and students in practice in cosmetic art schools and shops.
- (c) Each licensee and student shall wash his or her hands with soap and water immediately after using the restroom. Each licensee and student shall wash his or her hands with soap and water or use of a 62 percent to 70 percent alcohol-based hand sanitizer immediately before and after serving each client and at any point that the student or licensees hands become contaminated.
- (d) Each licensee and student shall wear clean garments and shoes while serving patrons.
- (e) Licensees or students shall not use or possess in a cosmetic art school or shop any of the following:
 - (1) Methyl Methacrylate Liquid Monomer, a.k.a. MMA;
 - (2) razor-type callus shavers, hollow needles, or blades;
 - (3) carbolic acid (phenol) over two percent strength;
 - (4) animals including insects, fish, amphibians, reptiles, birds, or non-human mammals to perform any service; or
 - (5) a variable speed electrical nail file unless it has been designed for use on a natural nail.
- (f) A licensee or student shall not:
 - (1) use any product, implement, or piece of equipment in any manner other than the product's, implement's, or equipment's intended use as described or detailed by the manufacturer;
 - (2) treat any medical condition unless referred by a physician;
 - (3) provide any service unless it falls within the license definition listed in G.S. 88B-2 and unless trained prior to performing the service;
 - (4) perform services on a client if the licensee has reason to believe the client has any of the following:
 - (A) fungus, lice, or nits;
 - (B) an inflamed, infected, broken, raised, or swollen skin or nail tissue in the area to be worked on; or
 - (C) an open wound or sore in the area to be worked on;
 - (5) alter or duplicate a license issued by the Board;

- (6) advertise or solicit clients in any form of communication in a manner that is false or misleading. A violation of this prohibition is considered practicing or attempting to practice by fraudulent misrepresentation is set forth in 21 NCAC 14P .0108;
- (7) cut or remove growths of skin including freckles, moles, warts, skin tags, corns, and calluses;
- (8) use any product or device that will penetrate the dermis;
- (9) make any statement to a member of the public, either verbally or in writing, stating or implying any action is required or forbidden by Board rules when such action is not required or forbidden by Board rules. A violation of this prohibition is considered practicing or attempting to practice by fraudulent misrepresentation is set forth in 21 NCAC 14P .0108;
- (10) Make any statement to a member of the public either verbally or in writing, stating or implying the licensee or student has completed training, licensure, or certification that the licensee/student does not hold or has not completed or not recognized by the Board or NC General Statutes. A violation of this prohibition is considered practicing or attempting to practice by fraudulent misrepresentation as set forth in 21 NCAC 14P .0108;
- (11) use or possess any product banned by the FDA. A list of banned products is available at www.fda.gov; or
- (12) use or possess any machine for a cosmetic art service that is not classified by the FDA. Machines that do not require classification by the FDA are exempt from this regulation.

(g) In using a disinfectant, the user shall wear any personal protective equipment, such as gloves, recommended by the manufacturer in the Safety Data Sheet.

(h) Licensees may only perform services specifically designated within their licensure field as defined by G.S. 88B-2.

History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-24; Eff. April 1, 2012; Amended Eff. August 1, 2014; March 1, 2013; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. April 1, 2023; September 1, 2020; October 1, 2019; March 1, 2019; March 1, 2018; Readopted Eff. April 1, 2026.

21 NCAC 14H .0402 COSMETIC ART SHOPS AND SCHOOLS

- (a) A cosmetic art school or shop shall be kept clean.
- (b) Waste material shall be kept in receptacles with a disposable liner. The area surrounding the waste receptacles shall be maintained in a sanitary manner.

- (c) All doors and windows shall be kept clean.
- (d) Furniture, equipment, floors, walls, ceilings, and fixtures must be clean and in good repair.
- (e) Work surfaces used for resting dirty implements during service performances must be disinfected, before and after each service or be protected by a discardable or disinfectable barrier. Any barrier used for this purpose must be discarded, disinfected or laundered before and after each service.
- (f) Animals or birds shall not be in a cosmetic art shop or school. Fish in an enclosure and animals trained for the purpose of accompanying disabled persons are exempt from the prohibition in this Paragraph.
- (g) Cosmetic art shops and schools shall display the name of the shop or school and the suite number at the entrance by a sign or lettering.
- (h) The owner of a cosmetic art shop or school shall not post any sign that states or implies that some action is required or forbidden by Board rules when such action is not required or forbidden by Board rules. A violation of this prohibition is considered practicing or attempting to practice by fraudulent misrepresentation.

History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-24; Eff. April 1, 2012; Amended Eff. March 1, 2013; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. April 1, 2023; Readopted Eff. April 1, 2026.

21 NCAC 14H .0403 DISINFECTION PROCEDURES

(a) Disinfectant, as applicable in this Subchapter, is defined as a disinfectant that is EPA registered as effective against:

- (1) bacteria including *Staphylococcus aureus*, MRSA, and *pseudomonas aeruginosa*;
- (2) viruses including HIV, Hepatitis B and C;
- (3) fungi including *Trichophyton mentagrophytes*; and
- (4) human Coronavirus or SARS-CoV-2.

(b) Infection Control rules that apply to towels and cloths are as follows:

- (1) clean protective capes, drapes, linens, and towels shall be used for each patron;
- (2) after a protective cape has been in contact with a patron's neck it shall be placed in a clean, closed container until laundered with soap and hot water and dried in a heated dryer. Capes that cannot be laundered and dried in a heater dryer may be disinfected in accordance with the manufacturer directions; and
- (3) after a drape, linen, or towel has been in contact with a patron's skin it shall be placed in a clean, container until laundered with soap and hot water and dried in a heated dryer.

(c) Any paper or nonwoven protective drape or covering shall be discarded after one use.

(d) There shall be a supply of clean protective drapes, linens, and towels at all times. Wet towels used in services shall be prepared

fresh each day. Unused, prepared wet towels shall be laundered daily.

(e) Clean drapes, capes, linens, towels and all other supplies shall be stored in a clean area.

(f) Bathroom facilities shall be kept clean.

(g) All implements shall be cleaned and disinfected after each use in the following manner:

- (1) They shall be washed with warm water and a cleaning solution and scrubbed to remove debris and dried.
- (2) They shall be disinfected with disinfectant that is mixed and used according to the manufacturer's directions and manufacturer's contact time. They shall be rinsed with hot tap water and dried with a clean towel before their next use. They shall be stored in a clean, closed cabinet or container until they are needed.
- (3) If the implement is shears, a razor, or not immersible, it shall be cleaned by wiping it with a clean cloth moistened or sprayed with a disinfectant used in accordance with the manufacturer's directions.

(h) All disinfected non-electrical implements shall be stored in a clean, closed cabinet or clean, closed container.

(i) All disinfected electrical implements shall be stored in a clean area separate from other clean implements.

(j) Disposable and porous implements and supplies shall be discarded after use or upon completion of the service.

(k) Product that comes into contact with the patron shall be discarded upon completion of the service.

(l) Containers with open faces may be covered or closed with plastic wrapping. Disinfected implements shall not be stored with any implement or item that has not been disinfected. Implements that have not been disinfected shall be stored in a container and labeled as soiled.

(m) Lancets, disposable razors, and other sharp objects shall be disposed in puncture-resistant containers.

(n) All creams, lotions, wax, cosmetics, and other products dispensed to come in contact with patron's skin shall be kept in clean, closed containers and shall conform in all respects to the requirements of the Federal Food, Drug, and Cosmetic Act as set forth in 21 U.S.C. 9 accessible at <https://uscode.house.gov/view.xhtml?path=/prelim@title21/chapter9/subchapter6&edition=prelim>. Any product apportioned for use and removed from original containers shall be distributed in a sanitary manner that prevents contamination of product or container. Any product dispensed in portions into another container shall be dispensed into a clean container and applied to patrons by means of a disinfected or disposable implement or other clean methods. Any product dispensed in portions not dispensed into another container shall be used immediately and applied to patrons by means of a disinfected or disposable implement or other clean methods. No product dispensed in portions may be returned to the original container.

(o) As used in this Rule, "whirlpool" or "footspa" means any basin using circulating water.

(p) After use by each patron each whirlpool or footspa shall be cleaned and disinfected as follows:

- (1) all water shall be drained and all debris removed from the basin;
- (2) the basin shall be disinfected by filling the basin with water and circulating a surfactant or enzymatic soap with a disinfectant used according to manufacturer's instructions through the unit for 10 minutes;
- (3) the basin shall be drained and rinsed with clean water; and
- (4) the basin shall be wiped dry with a clean towel.

(q) At the end of the day each whirlpool or footspa shall be cleaned and disinfected as follows:

- (1) the screen shall be removed and all debris trapped behind the screen removed;
- (2) the screen and the inlet must be washed with surfactant, enzymatic soap, or detergent and rinsed with clean water;
- (3) before replacing the screen it shall be totally immersed in disinfectant in accordance to the manufacturer's instructions;
- (4) the inlet and area behind the screen shall be cleaned with a brush and surfactant soap and water to remove all visible debris and residue; and
- (5) the spa system shall be flushed with low sudsing surfactant, enzymatic soap, and warm water for at least 10 minutes and then rinsed and drained.

(r) A record shall be made of the date and time of each cleaning and disinfecting as required by this Rule including the date, time, reason, and name of the staff member who performed the cleaning. This record shall be made for each whirlpool or footspa and shall be kept and made available for at least 90 days upon request by either a patron or inspector.

(s) The water in a vaporizer machine shall be emptied daily and the unit disinfected daily after emptying.

(t) The area where services are performed that come in contact with the patron's skin including treatment chairs, treatment tables, and beds shall be disinfected between patrons.

(u) A manufacturers label for all products, cleaners, and disinfectant concentrate shall be available at all times. If a concentrate bottle is emptied, it shall remain available until a new bottle is available.

(v) When mixed disinfectant concentrate is placed in a secondary container such as a spray bottle, tub, or jar, that container shall be labeled to indicate what chemical is in the container. SDS sheets shall be available for all disinfectants in use at all times.

(w) Disinfectants shall be stored and disposed of in accordance with all local, State, and federal requirements.

(x) The cabinet and supplies of a towel warmer machine shall be emptied daily and the unit dried daily after emptying.

History Note: Authority G.S. 88B-2; 88B-4; 88B-14; Eff. April 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. April 1, 2023; September 1, 2021; September 1, 2020; October 1, 2019; March 1, 2018; Readopted April 1, 2026.

21 NCAC 14H .0404 FIRST AID

(a) Each cosmetic art shop and school shall have individually packaged antibiotic ointment, gloves or finger guards, sterile adhesive bandages, and other necessary supplies available to provide first aid.

(b) If the skin of the licensee or student is punctured, the licensee or student shall upon knowledge of the injury do the following in this order:

- (1) wash and dry the punctured area with soap and running water and a disposable towel;
- (2) if the cut is still bleeding apply pressure over the wound with a disposable towel;
- (3) remove materials from first aid kit;
- (4) apply antibiotic ointment or a sterile adhesive bandage;
- (5) disinfect any implement or work area exposed to blood per Rule .0403 in this Section;
- (6) dispose of all contaminated supplies in the trash;
- (7) wash hands with soap and running water; and
- (8) if the injured area is on the hands, fingers, or thumb apply disposable, protective glove(s) or a finger guard.

(c) If the skin of the patron is punctured, the licensee or student shall upon knowledge of the injury do the following in this order:

- (1) wash and dry hands with soap and running water and a disposable towel and remove materials from first aid kit;
- (2) make first aid supplies available to the patron or assist the patron with:
 - (A) cleansing injured area with soap and water; and
 - (B) applying antibiotic ointment or a sterile adhesive bandage;
- (3) disinfect any implement or work area exposed to blood per Rule .0403 in this Section;
- (4) dispose of all contaminated supplies in the trash;
- (5) wash hands with soap and running water; and
- (6) put on disposable, protective gloves.

History Note: Authority G.S. 88B-2; 88B-4; 88B-14; Eff. April 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. September 1, 2020; March 1, 2018; January 1, 2016; Readopted Eff. April 1, 2026.

21 NCAC 14H .0501 INSPECTION OF COSMETIC ART SHOPS

(a) A newly established cosmetic art shop, or a shop which has changed ownership must file an application for licensure with the Board prior to opening. A newly established cosmetic art shop, a shop which has changed ownership or a shop which has been operating without a license shall be inspected before a license will be issued. A new shop license application shall include the following:

- (1) Shop name;

- (2) Owner name and social security number or tax id number;
- (3) Shop location and mailing addresses;
- (4) Number of booths;
- (5) Date of opening or ownership change;
- (6) Shop phone number and email address; and
- (7) Work days and hours.

(b) Each cosmetic art shop must pass inspection by an agent of the Board pursuant to this Subchapter. Inspections shall be conducted annually and may be conducted without notice.

(c) Mobile cosmetic art shops and schools are prohibited.

History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-27; Eff. April 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. April 1, 2023; Readopted Eff. April 1, 2026.

21 NCAC 14H .0502 FAILURE TO PERMIT INSPECTION

A salon shall allow an inspector access to inspect a salon after the inspector makes an appointment. If a salon fails to meet this requirement twice, the Board may initiate proceedings to revoke or suspend the salon license or may refuse to renew the shop license.

History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-27; Eff. April 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14H .0503 SANITARY RATINGS AND POSTING OF RATINGS

(a) The sanitary rating of a beauty establishment shall be based on a system of grading outlined in this Subchapter. The Board's agent or inspector shall rate all beauty establishments based on the following grading scale:

- (1) all establishments receiving a rating of at least 90 percent or more shall be awarded a grade A;
- (2) all establishments receiving a rating of at least 80 percent, and less than 90 percent, shall be awarded grade B;
- (3) all establishments receiving a rating of at least 70 percent and less than 80 percent shall be awarded grade C; and
- (4) any cosmetic art shop or school with a sanitation grade of below 70 percent shall be awarded a failed inspection notice.

(b) Every beauty establishment shall be inspected and graded by the Board's agent or inspector and given a sanitary rating. A cosmetic art school shall be graded no less than three times a year, and a cosmetic art shop shall be graded once a year.

(c) The sanitary rating or failed inspection notice given to a beauty establishment by the Board's agent or inspector shall be posted by the owner in plain sight near the front entryway at all times.

APPROVED RULES

- (d) All new establishments shall be graded by the Board's agent or inspector and receive a rating of at least 90 percent before a license will be issued.
- (e) The operation of a cosmetic art shop or school which fails to receive a sanitary rating of at least 70 percent (grade C) shall be sufficient cause for revoking or suspending the license.
- (f) A re-inspection by the Board's agent or inspector for the purpose of raising the sanitary rating of a beauty establishment shall not be given within 30 days of the last inspection unless the rating at the last inspection was less than 80 percent.
- (g) All cosmetic art shops and schools with a failed inspection report shall be sufficient cause for the immediate suspension of licensure. All cosmetic art shops and schools with a failed inspection report shall close until the Board's agent or inspector

has reinspected and the sanitation conditions have improved to be awarded a passing grade.
 (h) A copy of the itemized and graded inspection report shall be provided to the operator at the time of the inspection.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-26; 88B-27;
 Eff. April 1, 2012;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
 Amended Eff. April 1, 2023;
 Readopted Eff. April 1, 2026.*

21 NCAC 14H .0504 SYSTEMS OF GRADING BEAUTY ESTABLISHMENTS

The system of grading the sanitary rating of cosmetic art schools and shops based on the rules set out in this Subchapter shall be as follows, setting out areas to be inspected and considered, and the maximum points given for compliance:

Sanitation	Point Value
Each licensee and student shall wash his or her hands with soap and water or hand sanitizer with the active ingredient of 70 percent alcohol or higher before and after serving each client.	2
Each licensee and student shall wear clean garments and shoes while serving patrons.	2
The cosmetic art facility shall be kept clean.	3
Waste material shall be kept in receptacles with a disposable liner.	4
All doors and windows shall be kept clean.	2
Furniture, equipment, floors, walls, ceilings and fixtures shall be clean and in good repair.	3
Clean protective capes, drapes, linens, and towels shall be used for each patron.	3
After a cape, drape, linen, or towel has been in contact with a patron's skin, it shall be placed in a clean container until laundered with soap and hot water and dried in a heated dryer.	5
Any paper or nonwoven protective drape or covering shall be discarded after one use.	2
There shall be a supply of clean protective drapes, linens and towels at all times.	2
Clean drapes, capes, linens, and towels shall be stored in a clean area.	5
Bathroom facilities shall be kept clean.	3
All implements shall be washed with warm water and a cleaning solution and scrubbed to remove debris and dried.	2
All implements shall be disinfected per Rule .0403 of this Subchapter.	10
All disinfected electrical implements shall be stored in a clean area.	2
Disposable and porous implements and supplies shall be discarded after use or upon completion of the service.	10
Any product that comes into contact with the patron shall be discarded upon completion of the service.	3
Disinfected implements shall be kept in a clean closed cabinet or clean closed container and shall not be stored with any implement or item that has not been disinfected.	10
Lancets, disposable razors, and other sharp objects shall be disposed in puncture-resistant containers.	1
The presence of animals or birds shall be prohibited as set forth in Rule .0402 of this Subchapter. Fish in an enclosure and animals trained for the purpose of accompanying disabled persons are exempt.	1
All creams, lotions, wax, cosmetics, and other products dispensed to come in contact with patron's skin shall be kept in clean, closed containers and dispensed with a clean implement. No product dispensed in portions shall be returned to the container.	10
After each patron's use each whirlpool or footspa shall be cleaned and disinfected.	10
The water in a vaporizer machine shall be emptied daily and the unit disinfected daily.	2
The area where services are performed that come in contact with the patron's skin including chairs, tables, and beds shall be disinfected between patrons.	3

History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-23; 88B-26;
Eff. April 1, 2012;
Amended Eff. August 1, 2014;
Readopted Eff. January 1, 2016; April 1, 2026;
Amended Eff. April 1, 2023; September 1, 2018;
Readopted Eff. April 1, 2026.

**21 NCAC 14I .0401 APPLICATION/
LICENSURE/INDIVIDUALS WHO HAVE BEEN
CONVICTED OF FELONY**

- (a) Any applicant convicted of a felony or charged with a felony that is still pending may apply for Board licensure approval. All documentation submitted shall have no effect on an individual's ability to attend a cosmetic art school, take an examination administered by the Board, or apply for a license.
- (b) The applicant shall supply the following:
- (1) a statement of facts of the crime, accompanied by a certified copy of the indictment (or, in the absence of an indictment, a copy of the "information" that initiated the formal judicial process), the judgment and any commitment order for each felony for which there has been a conviction;
 - (2) at least three letters attesting to the applicant's character from individuals unrelated by blood or marriage;
 - (3) a summary of the applicant's personal history since conviction including, if applicable, date of release, parole or probation status, employment, and military service; and
 - (4) any other information that in the opinion of the applicant would be useful or pertinent to the consideration by the Board of the applicant's request for licensure.

History Note: Authority G.S. 88B-4; 88B-24(1);
Eff. June 1, 1995;
Amended Eff. August 1, 2014; September 1, 2010; December 1, 2008; April 1, 2001; August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. March 1, 2018;
Readopted Eff. April 1, 2026.

**21 NCAC 14N .0102 INITIAL APPLICATIONS AND
FEES**

Cosmetologist candidates having completed a minimum of 1000 hours in a cosmetology curriculum from an approved cosmetic art school are authorized to receive the written examination. All cosmetic art licensee candidates shall have successfully completed the appropriate cosmetic art curriculum in an approved cosmetic art school before receiving the practical examination.

History Note: Authority G.S. 88B-4; 88B-7(1); 88B-8(1);
88B-18; 88B-20(a);
Eff. June 1, 1992;
Amended Eff. December 1, 2008; May 1, 2007; December 1, 2005; August 1, 2000; August 1, 1998;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Readopted Eff. April 1, 2026.

**21 NCAC 14N .0103 GENERAL EXAMINATION
INSTRUCTIONS**

- (a) Examinations conducted by the Board shall be administered by a testing agency contracted by the Board.
- (b) Once a candidate has scheduled an examination the testing company shall provide:
- (1) the date, time and place of examination;
 - (2) information on how to obtain a Candidate Information Bulletin (CIB). The CIB contains the admission requirements, exam requirements and supplies needed for the examination; and
 - (3) a name and telephone number for further assistance.

History Note: Authority G.S. 88B-4; 88B-7; 88B-9; 88B-10;
88B-11; 88B-18;
Eff. June 1, 1992;
Temporary Amendment Eff. April 1, 1999; January 1, 1999;
Amended Eff. January 1, 2011; January 1, 2006; August 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Readopted Eff. April 1, 2026.

**21 NCAC 14N .0107 SPECIAL ARRANGEMENTS
FOR DISABLED**

- (a) If a candidate has a disability which will require special arrangements to take an examination, the candidate shall request such arrangements with his or her application for examination. The request for special arrangements shall be in writing and shall set out in sufficient detail what special arrangements are needed. The Board shall make reasonable accommodations for candidates requesting assistance under this Section, including any assistance required by applicable provisions of the Federal Americans with Disabilities Act.
- (b) If reading assistance, or a reader is required, the application for special arrangements shall also be accompanied by a letter from the candidate's cosmetic art school which documents the assistance the candidate required during classes there. In addition, the candidate shall submit a letter from a professional qualified to diagnose and document the disability.
- (c) The application, accompanied by a letter from a professional qualified to diagnose shall document the disability.
- (d) The candidate shall provide any special equipment or readers. A reader shall be 18 years of age or older.
- (e) A reader shall not be:
- (1) currently or formerly licensed by this state or any state, nor have received or is currently

receiving any training, in any branch of cosmetic art;

- (2) a current or former owner or employee of any beauty establishment;
- (3) simultaneously a model for any candidate taking the examination.

(f) The application for permission to use a reader shall be made on a form provided by the Board. The form shall include the applicant name, date of birth, and signature.

History Note: Authority G.S. 88-10(2); 88-12(2); 88-16; 88-17; 88-21(a)(16); 88-23; 88-30(4); Eff. June 1, 1992; Amended Eff. August 1, 1998; January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14N .0110 PASSING GRADES FOR EXAMINATION

Candidates shall make the following grades on both the practical and theory sections of the examination:

- (1) For licensure as a cosmetologist, 75 percent;
- (2) For licensure as an apprentice cosmetologist, 70 percent;
- (3) for licensure as a cosmetology teacher, 85 percent;
- (4) For licensure as a manicurist teacher, 85 percent;
- (5) For licensure as a manicurist, 75 percent;
- (6) For licensure as an esthetician, 75 percent;
- (7) For licensure as an esthetician teacher, 85 percent; and
- (8) For licensure as a natural hair care specialist, 75 percent.

History Note: Authority G.S. 88B-4; 88B-7(2); 88B-8(2); 88B-9(2); 88B-10(2); 88B-10.1; 88B-11(b)(3); 88B-11(c)(3); 88B-11(d)(3); Eff. June 1, 1992; Temporary Amendment Eff. January 1, 1999; Amended Eff. July 1, 2010; August 1, 2000; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14N .0111 NOTIFICATION OF EXAMINATION RESULTS

Any cosmetology student who completed a 1500-hour course and failed to make the required 75 percent on both parts of the cosmetology examination, but scored at least 70 percent on both parts, may send a written request for an apprentice cosmetologist license, along with the required fee, instead of taking the exam again. In this case, the candidate shall not be given credit toward apprentice time until the date the written request and appropriate fee are received in the office. Notice shall be sent, with the license, advising the applicant of the starting date of the apprenticeship.

History Note: Authority G.S. 88B-10(2); 88B-12(2); 88B-16; 88B-17; 88B-21(a)(16); 88B-23; 88B-30(4); Eff. June 1, 1992; Amended Eff. January 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14N .0115 FULL TIME AND PART TIME EQUIVALENCY

This Rule applies to teacher candidates who have not completed a teacher training course but submit proof of practice in the cosmetic arts industry. Candidates shall be approved for cosmetology teacher exams upon providing a signed affidavit documenting a minimum of 10,400 hours in the cosmetic arts industry to be eligible for Board examination. Candidates shall be approved for manicurist upon providing a signed affidavit documenting a minimum of 4,160 hours in the cosmetic arts industry to be eligible for Board examination. Candidates shall be approved for esthetician teacher exams upon providing a signed affidavit documenting a minimum of 6,240 hours in the cosmetic art industry. Applicants shall not receive credit for more than 2,080 hours per year for full-time work or less than 1,040 per year for part-time work.

History Note: Authority G.S. 88B-11; Eff. June 1, 2007; Amended Eff. July 1, 2010; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14P .0101 SCHEDULE OF CIVIL PENALTIES

The rules in this Subchapter establish the schedule of civil penalties required by G.S. 88B-29(c). The amounts stated are the presumptive amounts which may be modified in accordance with G.S. 88B-29(b). Those violations that are 1st offense correctable are identified with the word "warning" appended to it. If the offense is not corrected within the 30 day time allotted, the presumptive civil penalty in parenthesis shall apply.

History Note: Authority G.S. 88B-4; 88B-29; Temporary Adoption Eff. January 1, 1999; Eff. August 1, 2000; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14P .0102 QUALIFICATIONS FOR LICENSING TEACHERS

The presumptive civil penalty for submitting false or fraudulent documentation on the application for licensure as a teacher is:

- (1) 1st offense \$1,000
- (2) subsequent offense revocation of license and \$1,000 penalty

History Note: Authority G.S. 88B-4; 88B-24; 88B-29; Temporary Adoption Eff. January 1, 1999;

Eff. August 1, 2000;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;

Readopted Eff. April 1, 2026.

21 NCAC 14P .0104 LICENSING OF COSMETIC ART SHOPS

(a) The presumptive civil penalty for operating a cosmetic art shop without first filing an application for a cosmetic art shop license:

(1)	1 st offense	\$100.00
(2)	2 nd offense	\$200.00
(3)	3 rd offense	\$300.00

(b) The presumptive civil penalty for moving or changing location or ownership of an existing cosmetic art shop without first submitting the appropriate form and fee to the Board:

(1)	1 st offense	\$100.00
(2)	2 nd offense	\$200.00
(3)	3 rd offense	\$300.00

History Note: Authority G.S. 88B-4; Temporary Adoption Eff. January 1, 1999; Eff. August 1, 2000;

Amended Eff. April 1, 2001;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;

Readopted Eff. April 1, 2026.

21 NCAC 14P .0105 RENEWALS; EXPIRED LICENSES; LICENSES REQUIRED

(a) The presumptive civil penalty for operating a cosmetic art shop/school with an expired license or temporary permit is:

(1)	1st offense	\$100.00
(2)	2nd offense	\$250.00
(3)	3rd offense	\$500.00

(b) The presumptive civil penalty for practicing cosmetology, manicuring, esthetics, or natural hair care with an expired license is:

(1)	1st offense	\$ 50.00
(2)	2nd offense	\$100.00
(3)	3rd offense	\$250.00

(c) The presumptive civil penalty for allowing an apprentice or someone with a temporary permit to practice cosmetic art without direct supervision is:

(1)	1st offense	\$100.00
(2)	2nd offense	\$300.00
(3)	3rd offense	\$500.00

(d) The presumptive civil penalty for practicing in a cosmetic art shop with an apprentice license or a temporary permit without direct supervision is:

(1)	1st offense	\$100.00
(2)	2nd offense	\$300.00
(3)	3rd offense	\$500.00

(e) The presumptive civil penalty for teaching with an expired license is:

(1)	1st offense	\$100.00
(2)	2nd offense	\$250.00
(3)	3rd offense	\$500.00

(f) The presumptive civil penalty for allowing a North Carolina cosmetic art graduate without a temporary permit to practice cosmetic art without direct supervision is:

(1)	1st offense	\$100.00
(2)	2nd offense	\$300.00
(3)	3rd offense	\$500.00

(g) The presumptive civil penalty for practicing in a cosmetic art shop with as a North Carolina cosmetic art graduate without a temporary permit is:

(1)	1st offense	\$100.00
(2)	2nd offense	\$300.00
(3)	3rd offense	\$500.00

History Note: Authority G.S. 88B-4; 88B-7; 88B-11; 88B-12; 88B-14; 88B-21; 88B-22; 88B-23(a); 88B-24; 88B-29; Temporary Adoption Eff. January 1, 1999;

Eff. August 1, 2000;

Amended Eff. September 1, 2011; December 1, 2008; September 1, 2006; February 1, 2004; August 1, 2002; April 1, 2001;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;

Amended Eff. April 1, 2023; December 1, 2016;

Readopted Eff. April 1, 2026.

21 NCAC 14P .0106 LICENSES REQUIRED

(a) The presumptive civil penalty for practicing cosmetic art without a license is:

(1)	1st offense	\$200.00
(2)	2nd offense	\$250.00
(3)	3rd offense	\$500.00

(b) The presumptive civil penalty for performing services which the practitioner is not licensed to perform is:

(1)	1st offense	\$100.00
(2)	2nd offense	\$250.00
(3)	3rd offense	\$500.00

(c) The presumptive civil penalty for practicing cosmetic art teaching without a license is:

(1)	1st offense	\$250.00
(2)	2nd offense	\$350.00
(3)	3rd offense	\$500.00

(d) The presumptive civil penalty for allowing an individual to perform services which the practitioner is not licensed to perform is:

(1)	1st offense	\$100.00
(2)	2nd offense	\$250.00
(3)	3rd offense	\$500.00

History Note: Authority G.S. 88B-4; 88B-29;

Temporary Adoption Eff. January 1, 1999;

Eff. August 1, 2000;

Amended Eff. April 1, 2011; July 1, 2010; December 1, 2008; August 1, 2002;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;

Amended Eff. April 1, 2023;

Readopted Eff. April 1, 2026.

21 NCAC 14P .0107 LICENSES TO BE POSTED

(a) The presumptive civil penalty for failure to display a current cosmetic art shop/school license is:

- | | | |
|-----|-------------------------|----------|
| (1) | 1 st offense | \$50.00 |
| (2) | 2 nd offense | \$100.00 |
| (3) | 3 rd offense | \$200.00 |

(b) The presumptive civil penalty for failure to display a current individual license is:

- | | | |
|-----|-------------------------|----------|
| (1) | 1 st offense | \$50.00 |
| (2) | 2 nd offense | \$100.00 |
| (3) | 3 rd offense | \$200.00 |

(c) The presumptive civil penalty for a school/shop for allowing practice or instruction of cosmetic art without displaying a current license is:

- | | | |
|-----|-------------------------|----------|
| (1) | 1 st offense | \$50.00 |
| (2) | 2 nd offense | \$100.00 |
| (3) | 3 rd offense | \$200.00 |

(d) The presumptive civil penalty for displaying a copied license is:

- | | | |
|-----|-------------------------|----------|
| (1) | 1st offense | \$50.00 |
| (2) | 2nd offense | \$100.00 |
| (3) | 3 rd offense | \$200.00 |

History Note: Authority G.S. 88B-4; 88B-23; 88B-29; Temporary Adoption Eff. January 1, 1999; Eff. August 1, 2000; Amended Eff. December 1, 2008; February 1, 2004; April 1, 2001; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. December 1, 2016; Readopted Eff. April 1, 2026.

21 NCAC 14P .0108 REVOCATION OF LICENSES AND OTHER DISCIPLINARY MEASURES

(a) The presumptive civil penalty for allowing unlicensed practitioners to practice in a licensed cosmetic art shop is:

- | | | | | |
|-----|-------------|-----------|-----|-------------------------|
| (1) | 1st offense | \$500.00 | per | unlicensed practitioner |
| (2) | 2nd offense | \$750.00 | per | unlicensed practitioner |
| (3) | 3rd offense | \$1000.00 | per | unlicensed practitioner |

(b) The presumptive civil penalty for practicing cosmetology, natural hair care, manicuring or esthetics with a license issued to another person is:

- | | | |
|-----|-------------|------------|
| (1) | 1st offense | \$500.00 |
| (2) | 2nd offense | \$800.00 |
| (3) | 3rd offense | \$1,000.00 |

(c) The presumptive civil penalty for altering a license, permit or authorization issued by the Board is:

- | | | |
|-----|-------------|-----------|
| (1) | 1st offense | \$500.00 |
| (2) | 2nd offense | \$800.00 |
| (3) | 3rd offense | \$1000.00 |

(d) The presumptive civil penalty for submitting false or fraudulent documents is:

- | | | |
|-----|-------------|------------|
| (1) | 1st offense | \$500.00 |
| (2) | 2nd offense | \$800.00 |
| (3) | 3rd offense | \$1,000.00 |

(e) The presumptive civil penalty for refusing to present photographic identification is:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$100.00 |
| (2) | 2nd offense | \$250.00 |
| (3) | 3rd offense | \$500.00 |

(f) The presumptive civil penalty for permitting an individual to practice cosmetic art with an expired license is:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$ 50.00 |
| (2) | 2nd offense | \$100.00 |
| (3) | 3rd offense | \$250.00 |

(g) The presumptive civil penalty for practicing or attempting to practice by fraudulent misrepresentation is:

- | | | |
|-----|-------------|-----------|
| (1) | 1st offense | \$500.00 |
| (2) | 2nd offense | \$800.00 |
| (3) | 3rd offense | \$1000.00 |

(h) The presumptive civil penalty for the illegal use or possession of equipment in a cosmetic art shop or school is:

- | | | |
|-----|-------------|-----------|
| (1) | 1st offense | \$300.00 |
| (2) | 2nd offense | \$500.00 |
| (3) | 3rd offense | \$1000.00 |

History Note: Authority G.S. 88B-4; 88B-24; 88B-29; Temporary Adoption Eff. January 1, 1999; Eff. August 1, 2000; Amended Eff. June 1, 2013; September 1, 2012; September 1, 2011; July 1, 2010; December 1, 2008; January 1, 2006; April 1, 2004; August 1, 2002; April 1, 2001; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. April 1, 2023; Readopted Eff. April 1, 2026.

21 NCAC 14P .0109 INSPECTIONS

The presumptive civil penalty for refusal to permit or interference with an inspection:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$100.00 |
| (2) | 2nd offense | \$250.00 |
| (3) | 3rd offense | \$500.00 |

History Note: Authority G.S. 88B-4; 88B-27; 88B-29; Temporary Adoption Eff. January 1, 1999; Eff. August 1, 2000; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14P .0110 LICENSING OF BEAUTY SALONS

(a) The presumptive civil penalty for use of a cosmetic art shop as living, dining, or sleeping quarters is:

- | | | |
|-----|-------------------------|-------------------|
| (1) | 1 st offense | warning (\$50.00) |
| (2) | 2 nd offense | \$100.00 |
| (3) | 3 rd offense | \$200.00 |

(b) The presumptive civil penalty for failure to provide a separate entrance into the cosmetic art shop is:

- | | | |
|-----|-------------------------|--------------------|
| (1) | 1 st offense | warning (\$100.00) |
| (2) | 2 nd offense | \$200.00 |
| (3) | 3 rd offense | \$400.00 |

(c) The presumptive civil penalty for re-opening a cosmetic art shop which has been closed for more than 90 days without making application to the Board for a new license:

- | | | |
|-----|-------------------------|----------|
| (1) | 1 st offense | \$100.00 |
| (2) | 2 nd offense | \$200.00 |
| (3) | 3 rd offense | \$300.00 |

History Note: Authority G.S. 88B-4; 88B-14; 88B-29; Temporary Adoption Eff. January 1, 1999; Eff. August 1, 2000; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. April 1, 2026.

21 NCAC 14P .0111 ESTABLISHMENT OF COSMETIC ART SCHOOLS

(a) The presumptive civil penalty for failure to provide minimum floor space or equipment and supplies as required by Subchapter 14T is:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$200.00 |
| (2) | 2nd offense | \$350.00 |
| (3) | 3rd offense | \$500.00 |

(b) The presumptive civil penalty for failure to provide instruction at a ratio required in 21 NCAC 14T .0701 is:

- | | | |
|-----|-------------|--------------------|
| (1) | 1st offense | warning (\$100.00) |
| (2) | 2nd offense | \$250.00 |
| (3) | 3rd offense | \$500.00 |

(c) The presumptive civil penalty for failure to report a change in the teaching staff as required in 21 NCAC 14T .0701 is:

- | | | |
|-----|-------------|-------------------|
| (1) | 1st offense | warning (\$50.00) |
| (2) | 2nd offense | \$100.00 |
| (3) | 3rd offense | \$200.00 |

(d) The presumptive civil penalty for failure to submit an application for the approval of a school in the case of a change of location or ownership as required in in 21 NCAC 14T .0706 is:

- | | | |
|-----|-------------|-----------|
| (1) | 1st offense | \$500.00 |
| (2) | 2nd offense | \$750.00 |
| (3) | 3rd offense | \$1000.00 |

History Note: Authority G.S. 88B-4(2); 88B-16; 88B-29; Temporary Adoption Eff. January 1, 1999; Eff. August 1, 2000; Amended Eff. September 1, 2012; July 1, 2010; February 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. April 1, 2023; December 1, 2016; Readopted Eff. April 1, 2026.

21 NCAC 14P .0113 OPERATIONS OF SCHOOLS OF COSMETIC ART

(a) The presumptive civil penalty for failure to record student's hours of daily attendance per 21 NCAC 14T .0502 is:

- | | | |
|-----|-------------------------|--------------------|
| (1) | 1 st offense | warning (\$100.00) |
| (2) | 2 nd offense | \$200.00 |
| (3) | 3 rd offense | \$300.00 |

(b) The presumptive civil penalty for failure to report withdrawal or graduation of a student per 21 NCAC 14T .0502 is:

- | | | |
|-----|-------------|-------------------|
| (1) | 1st offense | warning (\$50.00) |
| (2) | 2nd offense | \$100.00 |

- | | | |
|-----|-------------|----------|
| (3) | 3rd offense | \$200.00 |
|-----|-------------|----------|

(c) The presumptive civil penalty for failure to submit student enrollments per 21 NCAC 14T .0502 is:

- | | | |
|-----|-------------|-------------------|
| (1) | 1st offense | warning (\$50.00) |
| (2) | 2nd offense | \$100.00 |
| (3) | 3rd offense | \$200.00 |

(d) The presumptive civil penalty for failure to display a copy of the Infection Control rules is:

- | | | |
|-----|-------------------------|-------------------|
| (1) | 1 st offense | warning (\$50.00) |
| (2) | 2 nd offense | \$100.00 |
| (3) | 3 rd offense | \$200.00 |

(e) The presumptive civil penalty for failure to post consumer sign "Cosmetic Art School - Work Done Exclusively by Students" per 21 NCAC 14T .0201 is:

- | | | |
|-----|-------------------------|-------------------|
| (1) | 1 st offense | warning (\$50.00) |
| (2) | 2 nd offense | \$100.00 |
| (3) | 3 rd offense | \$200.00 |

(f) The presumptive civil penalty for allowing a cosmetic art shop to operate within a cosmetic art school per 21 NCAC 14T .0201 is:

- | | | |
|-----|-------------------------|----------|
| (1) | 1 st offense | \$200.00 |
| (2) | 2 nd offense | \$400.00 |
| (3) | 3 rd offense | \$600.00 |

(g) The presumptive civil penalty for a cosmetic art school that is not separated from a cosmetic art shop or other business by a solid wall, floor to ceiling, with a separate entrance and a door that stays closed at all times per 21 NCAC 14T .0201 is:

- | | | |
|-----|-------------------------|----------|
| (1) | 1 st offense | \$200.00 |
| (2) | 2 nd offense | \$400.00 |
| (3) | 3 rd offense | \$600.00 |

(h) The presumptive civil penalty for failure to have any student wear the required school uniform or identification per 21 NCAC 14T .0613 is:

- | | | |
|-----|-------------|-------------------|
| (1) | 1st offense | warning (\$50.00) |
| (2) | 2nd offense | \$100.00 |
| (3) | 3rd offense | \$200.00 |

(i) The presumptive civil penalty for failure to renew or file school bond or bond alternative per G.S. 88B-17 is:

- | | | |
|-----|-------------------------|----------|
| (1) | 1 st offense | \$200.00 |
| (2) | 2 nd offense | \$400.00 |
| (3) | 3 rd offense | \$600.00 |

(j) The presumptive civil penalty for failure to maintain the student permanent file with required documents per 21 NCAC 14T .0502 is:

- | | | |
|-----|-------------|-------------------|
| (1) | 1st offense | warning (\$50.00) |
| (2) | 2nd offense | \$100.00 |
| (3) | 3rd offense | \$200.00 |

(k) The presumptive civil penalty for failure to maintain records of daily hours of attendance documents per 21 NCAC 14T .0502 is:

- | | | |
|-----|-------------|-------------------|
| (1) | 1st offense | warning (\$50.00) |
| (2) | 2nd offense | \$100.00 |
| (3) | 3rd offense | \$200.00 |

(l) The presumptive civil penalty for failure to maintain records of performances documents per 21 NCAC 14T .0502 is:

- | | | |
|-----|-------------|-------------------|
| (1) | 1st offense | warning (\$50.00) |
| (2) | 2nd offense | \$100.00 |
| (3) | 3rd offense | \$200.00 |

(m) The presumptive civil penalty for allowing an unlicensed individual to instruct cosmetic art per 21 NCAC 14T .0701 is:

- (1) 1st offense \$500.00
- (2) 2nd offense \$750.00
- (3) 3rd offense \$1000.00

(n) The presumptive civil penalty for failure to track and record the student progression in an online education course per 21 NCAC 14T .0502 is:

- (1) 1st offense warning (\$50.00)
- (2) 2nd offense \$100.00
- (3) 3rd offense \$200.00

(o) The presumptive civil penalty for allowing more than 50 percent for teachers and 30 percent of all other courses to be done through online education per 21 NCAC 14T .0502 is:

- (1) 1st offense warning (\$50.00)
- (2) 2nd offense \$100.00
- (3) 3rd offense \$200.00

(p) The presumptive civil penalty for failure to administer education as required in 21 NCAC 14T .0612(c) is:

- (1) 1st offense warning (\$50.00)
- (2) 2nd offense \$100.00
- (3) 3rd offense \$200.00

(q) The presumptive civil penalty altering the format, school name or school code on a Board form per 21 NCAC 14T .0502 is:

- (1) 1st offense warning (\$50.00)
- (2) 2nd offense \$100.00
- (3) 3rd offense \$200.00

History Note: Authority G.S. 88B-4; 88B-16; 88B-17; 88B-29;

Temporary Adoption Eff. January 1, 1999; Eff. August 1, 2000;

Amended Eff. August 1, 2014; September 1, 2012; July 1, 2010; December 1, 2008; April 1, 2004;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;

Amended Eff. April 1, 2023; October 1, 2019; December 1, 2016; Readopted Eff. April 1, 2026.

21 NCAC 14P .0115 SANITARY RATINGS

The presumptive civil penalty for failure to display a current inspection grade card is:

- (1) 1st offense \$50.00
- (2) 2nd offense \$100.00
- (3) 3rd offense \$200.00

History Note: Authority G.S. 88B-4; 88B-29;

Temporary Adoption Eff. January 1, 1999; Eff. August 1, 2000;

Amended Eff. December 1, 2008; February 1, 2004; April 1, 2001;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;

Readopted Eff. April 1, 2026.

21 NCAC 14P .0116 CIVIL PENALTY PROCEDURES

(a) Citations. The Board, through its duly authorized representatives, shall issue a citation with respect to any violation for which a civil penalty may be assessed. Each citation shall be

in writing and shall describe the nature of the violation, including a reference to the specific provision alleged to have been violated. The civil penalty, if any, shall attach at the time the citation is written. The citation shall include an order to correct any condition or violation which lends itself to corrections, as determined by the Board.

(b) Correction of Violation. Any licensee who has been issued a warning citation shall present written proof satisfactory to the Board, or its executive director, that the violation has been corrected. This provision applies only to a licensee's first violation in any one year period for a violation with a first offense warning penalty. Proof of correction shall be presented to the Board, through its executive director, within 30 days of the date the warning citation was issued. The Board may extend for a reasonable period, the time within which to correct the warning citation in case of a death or hospitalization. Notices of correction filed after the prescribed date shall not be acceptable and the civil penalty shall be paid.

(c) Contested Case. Persons to whom a notice of violation or a citation is issued and a civil penalty assessed, may contest the civil penalty by filing written notice with the Board. The Board shall institute a contested case by sending a notice of hearing pursuant to G.S. 150B, Article 3A. The issuance of notice of hearing shall stay the civil penalty until the Board renders a final agency decision in the contested case.

(d) Final Agency Decision. The Board, after the hearing has been concluded, may affirm, reduce, or dismiss the charges filed in the notice of hearing or any penalties assessed. In no event shall the civil penalty be increased.

(e) Failure to File. If no written notice contesting the civil penalty is filed as set forth in Paragraph (c), the civil penalty becomes a final agency decision.

(f) Any offender who has not committed a previously cited offense for which a civil penalty has been assessed for a three year period after the last penalty payment is complete shall have his record of the specific offense cleared. The next subsequent violation shall be treated as a first offense.

History Note: Authority G.S. 88B-4; 88B-29;

Temporary Adoption Eff. January 1, 1999;

Eff. August 1, 2000;

Amended Eff. August 1, 2002;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;

Amended Eff. April 1, 2023;

Readopted Eff. April 1, 2026.

21 NCAC 14P .0117 RULE COMPLIANCE AND ENFORCEMENT MEASURES

(a) The use of or possession of the following products or equipment in a school or shop shall result in civil penalty in the amount of three hundred dollars (\$300.00) per container of product or piece of equipment:

- (1) Methyl Methacrylate Liquid Monomer a.k.a. MMA; or
- (2) razor-type callus shavers, hollow needles or blades.

(b) The use of or possession of the following in a school or shop shall result in civil penalty in the amount of one hundred dollars (\$100.00) per use or possession:

- (1) animals including insects, fish, amphibians, reptiles, birds, or non-human mammals to perform any service; or
- (2) variable speed electrical nail file unless it has been designed for use on the natural nail.

(c) The action of any student or licensee to violate the Board rules in the following manner shall result in civil penalty in the amount of one hundred dollars (\$100.00) per instance of each action:

- (1) use of any product, implement, or piece of equipment in any manner other than the product's, implement's, or equipment's intended use as described or detailed by the manufacturer;
- (2) treatment of any medical condition unless referred by a physician;
- (3) use of any product or device that will penetrate the dermis;
- (4) provision of any service unless trained prior to performing the service;
- (5) performance of services on a client if the licensee has reason to believe the client has any of the following:
 - (A) fungus, lice, or nits;
 - (B) inflamed infected, broken, raised, or swollen skin or nail tissue in the area to be worked on; or
 - (C) an open wound or sore in the area to be worked on;
- (6) alteration of or duplication of a license issued by the Board;
- (7) advertisement or solicitation of clients in any form of communication in a manner that is false or misleading; or
- (8) cut growths of skin including skin tags, corns, and calluses.

(d) The failure to record the date and time of each cleaning and disinfecting of a footspa in a cosmetic art school or shop as required by this Subchapter including the date, time, reason, and name of the staff member who performed the cleaning or the failure to keep or make such record available for at least 90 days upon request by either a patron or inspector shall result in civil penalty in the amount of twenty-five dollars (\$25.00) per footspa.

(e) The failure to clean and disinfect a footspa in a cosmetic art shop or school as required by this Subchapter shall result in civil penalty in the amount of one hundred dollars (\$100.00) per footspa.

(f) The failure to maintain in a cosmetic art shop and school antiseptics, gloves or finger guards, and sterile bandages available to provide first aid shall result in civil penalty in the amount of twenty-five dollars (\$25.00) per item.

(g) The failure to maintain in a cosmetic art shop or school a sink with hot and cold running water separate from restrooms shall result in civil penalty in the amount of one hundred dollars (\$100.00).

(h) The failure to provide ventilation at all times in the areas where patrons are serviced in cosmetic art shops and schools shall

result in civil penalty in the amount of twenty-five dollars (\$25.00).

(i) The failure to maintain equipment and supplies necessary to perform any cosmetic art service offered in the shop or school shall result in civil penalty in the amount of one hundred dollars (\$100.00).

(j) The failure to maintain a sanitation grade of 80 percent or higher shall result in a civil penalty in the amount of two hundred dollars (\$200.00).

(k) Repeated violations of the rules in this Rule exceeding three written notifications of any one rule documented to any one individual, shop, or school shall result in a mandatory disciplinary hearing in accordance with 21 NCAC 14C.

History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-23; 88B-24; 88B-26; 88B-27; 88B-29;

Eff. April 1, 2023;

Readopted Eff. April 1, 2026.

21 NCAC 14R .0105 CONTINUING EDUCATION

(a) This Rule pertains to all cosmetic art licensees. Each licensee wishing to maintain his or her license shall obtain continuing education during each licensing period. The licensee shall maintain records of attendance at a continuing education course including the following information:

- (1) course title and description;
- (2) date conducted;
- (3) address of location where the course was conducted; and
- (4) continuing education hours earned.

(b) At least one-half of the required continuing education hours for each licensee shall be in the cosmetic arts profession in which he or she is licensed.

(c) Each cosmetic art teacher shall ensure at least 50 percent of the subject matter in a course taken for the purpose of license renewal relates to teacher training techniques such as the ability to communicate.

(d) Continuing education courses shall be approved by the Board providing the courses meet the requirements in Paragraphs (b) and (c) of this Rule.

(e) The Board or an agent of the Board may conduct audits of the licensee's continuing education at any time. Upon the Board's request, each licensee shall provide records to the Board to support the last affirmation of records of attendance at a continuing education course given pursuant to Paragraph (a) of this Rule. Records shall be maintained until the end of the next renewal cycle after the affirmation for audit purposes.

(f) Continuing education courses completed prior to an individual's being licensed by the Board shall not qualify for continuing education credit.

(g) Apprentices do not need to earn continuing education for license renewal.

(h) Licensees are exempt from the eight hours of continuing education requirement until the licensing period commencing after their initial licensure.

(i) After completion of the continuing education requirements for any licensing cycle, the licensee shall forward to the Board the following:

- (1) the license renewal application including name, address, and license number;
- (2) the license renewal fees per G.S. 88B-20 and 21 NCAC 14B .0603; and
- (3) affirmation of the following pledge: "I hereby certify that I have obtained all continuing education hours required in accordance with the G.S. 88B-21 and Board rules. I am aware that 1) false or dishonest misleading information may be grounds for disciplinary action against my license; and further that 2) false statements are punishable by law."

(j) Failure to produce documents or file a response to a request for audit from the Board within 30 days of the request shall result in a civil penalty to the licensee in the amount of one hundred dollars (\$100.00).

(k) The presentation of fraudulent continuing education documentation to the Board by a licensee shall result in a civil penalty of five hundred dollars (\$500.00).

(l) Licensees in inactive status may reactivate licensure by taking no fewer than eight hours of continuing education per year of inactivity up to 24 total hours.

History Note: Authority G.S. 88B-2; 88B-4; 88B-21; 88B-24; 88B-29;

Eff. April 1, 2012;

Amended Eff. August 1, 2014; March 1, 2013;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;

Amended Eff. October 1, 2019;

Readopted Eff. April 1, 2026.

21 NCAC 14T .0101 SCOPE AND DEFINITIONS

(a) These Rules apply to existing and new schools as follows:

- (1) Rules in this Subchapter apply to all cosmetic art schools making initial application to operate a cosmetic art school after the effective date of these Rules.
- (2) Schools with a letter of approval dated prior to the effective date of the rules in this Subchapter may choose to comply with Section .0100 and .0200, Rules .0302-.0305 of this Subchapter.
- (3) Schools with a letter of approval dated prior to the effective date of the rules in this Subchapter shall comply with Rule .0301, Section .0400, Rules .0602-.0610, .0614, and .0615 of this Subchapter upon the enrollment of students after the effective date of these Rules.
- (4) Schools with a letter of approval dated prior to the effective date of the rules in this Subchapter shall comply with Rules .0501, .0502, .0601, .0611-.0613, .0616, and .0901 upon the effective date of the rules in this Subchapter.

(b) The following definitions apply to this Subchapter:

- (1) "Client consultation" is the review and discussion of client needs and preferences, assessment of client skin, hair, and nails, and assessment of product reactions.

- (2) "Clinic" is the area for performance of all cosmetic art services. The clinic may also be used for practice.
- (3) "Conceptual Education" consists of lectures, research, reading, online learning, videos, instructional clips, and other non-tactile forms of instruction.
- (4) "Demonstration" is when a teacher shows the hands-on systematic completion of the steps for a safe and effective cosmetic art service.
- (5) "Evaluation" is the assessment of a student's independent completion of a practice or performance evaluation plan by a teacher.
- (6) "Evaluation plan" is a document that outlines the infection control, tool safety, draping, safe application, and steps for systematic completion of a cosmetic art service.
- (7) "Guided practice" is when a teacher and student work together on systematic completion of the steps for a safe and effective cosmetic art service.
- (8) "Guided theory" is when a teacher lectures, instructs, and coaches the factual basis for mechanical operations performed in cosmetic art services.
- (9) "Hands-on Education" is the repeated physical completion of practice and performances, to provide students with the tactile interaction of different hair, skin, nail types and shapes for the purpose of providing experience to safe and effective cosmetic art services despite variable circumstances.
- (10) "Independent Theory" is the student study of the factual basis for mechanical operations performed in cosmetic art services.
- (11) "Online instruction" is off-site conceptual education.
- (12) "Performance" is the hands-on execution of the systematic completion of the steps for a safe and effective cosmetic art service on a live individual by a student. Performance is monitored during the execution and checked by a teacher upon completion for the purpose of pointing out errors in order that the errors may be corrected.
- (13) "Performance station" for each cosmetic art discipline consists of:
 - (A) cosmetology – hydraulic styling chair, mirror, and work space for supplies;
 - (B) manicuring – manicuring table, client chair, and student chair;
 - (C) esthetics – reclining facial treatment table with leg support and student stool, work space for supplies; and
 - (D) natural hair care - hydraulic styling chair, mirror, and work space for supplies.
- (14) "Practice" is the independent hands-on execution of the systematic completion of the

steps for a safe and effective cosmetic art service on a mannequin by a student. Practice is monitored during the execution and checked by a teacher upon completion for the purpose of pointing out errors in order that the errors may be corrected.

- (15) "Practice station" is a minimum of 24 inches deep by 36 inches wide of workspace surface in an area with hot and cold running water.
- (16) "Required Evaluations" are mannequin practice evaluations that shall be passed prior to student performances on a live individual. The list of required evaluations is specific to each discipline and established in rules 21 NCAC 14T .0602-.0606.
- (17) "Safe and effective" is the completion of the systematic steps for a cosmetic art service following infection control regulations, manufacturer's instructions, and equipment handling.
- (18) "Service" is the action of hands-on systematic steps for the safe and effective completion of a cosmetic art procedure that alters the hair, skin, or nails.
- (19) "Theory" is the factual basis for mechanical operations performed in cosmetic art services.
- (20) "Tool safety" is the factual basis for the safe handling and operation of any tool or device used in a cosmetic art service.

- (3) Course curriculum and required evaluation plans for each cosmetic art discipline and teacher trainee program to be taught in the school;
- (4) Plans for record keeping for compliance with 21 NCAC 14T .0502;
- (5) The qualifications for passing required evaluations and techniques for grading of performances;
- (6) Handbook for students containing student policies on attendance, leave of absence policy, performance assignment, and a plan for instruction of students to achieve the required minimum hours, practice, and performances per 21 NCAC 14T .0602 through .0610 and any additional academic requirements established by the school;
- (7) A raised seal identifying the school name and physical location to be used on all Board forms, reports, and other official papers;
- (8) Documentation of local municipality fire, mechanical code, occupancy, electrical and plumbing approval;
- (9) School operation schedule including days, hours, and observed holidays; and
- (10) Signed statement that the school owner has read and understands the Board's rules in this Subchapter.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; Eff. January 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. April 1, 2023; Readopted Eff. April 1, 2026.

21 NCAC 14T .0102 NEW SCHOOL APPLICATIONS

(a) Persons desiring to operate a cosmetic art school in the state of North Carolina shall make application for licensure by submitting to the Board the Board's School Application. The Board's School Application shall include:

- (1) School name;
- (2) Cosmetic Art disciplines to be taught;
- (3) Physical address and mailing address;
- (4) Phone number;
- (5) Email address;
- (6) Ownership type;
- (7) Reason for application;
- (8) Owner name;
- (9) School contact person with phone number and email address; and
- (10) List of teachers with cosmetic art license number.

(b) School application forms shall be submitted along with supporting documents as follows:

- (1) Proof of bond as required by G.S. 88B-17;
- (2) Diagram with location of equipment placement and marking square footage of all areas

(c) The Board shall not approve an application for a license until all plans, furniture, supplies, and equipment as prescribed by the rules in this Subchapter have been installed and all fees have been paid to the Board.

(d) The Board shall issue a license to any cosmetic art school that meets the requirements of this Subchapter and G.S. 88-B as determined by inspection.

History Note: Authority G.S. 88B-4; 88B-16; 88B-17; 88B-20; Eff. January 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. April 1, 2023; March 1, 2022; October 1, 2019; December 1, 2016; Readopted April 1, 2026.

21 NCAC 14T .0201 ALL COSMETIC ART SCHOOLS

(a) Cosmetology schools shall have the following physical departments:

- (1) Practice Department – a minimum of 200 square feet with practice stations to accommodate at least 10 students.
- (2) Clinic Department – a minimum of 1200 square feet of clinic floor with performance stations for performance of all cosmetic art services. Within the clinic area each school shall have:

- (A) 48 inches of space between the centers of each styling chair, esthetics table, or manicuring table;
 - (B) 24 inches from the center of the chair forward;
 - (C) 48 inches from the backrest behind the chair to any other styling chair, reclining or flat facial treatment table with leg support, or manicuring table; and
 - (D) at least 30 inches of space from the back of each styling chair, reclining or flat facial treatment table to the wall of the school.
- (3) Dispensary – a room or area to organize and maintain supplies, equipment for disinfection of all implements, and a plumbed sink with hot and cold running water. All cosmetic art schools shall have the required equipment to carry out disinfection procedures per 21 NCAC 14H .0403 and .0404;
- (4) Theory classroom – classroom with a minimum of 300 square feet including desks and chairs for each student.
- (5) Office – administrative office with a locking door for the secure and locked facilitation of student records and files. This office shall be outfitted with a locking cabinet, electronic office equipment suitable for scanning, printing, and secure document storage, and a minimum of one desk and one chair;
- (6) Reception area – a reception area for clients to wait prior to receiving services;
- (7) Break room for student use;
- (8) Restrooms for student, school personnel, and school customer use;
- (9) Locker or room for students to secure and lock personal belongings throughout the day; and
- (10) All stations as defined in Rule .0302 of this Subchapter shall be numbered numerically.
- (b) Manicuring, esthetics, and natural hair care schools shall have the following physical departments:
- (1) Clinic Department – the clinic floor with performance stations for performance of all cosmetic art services. Within the clinic area each school shall have:
 - (A) 48 inches of space between the centers of each styling chair, esthetics table, or manicuring table;
 - (B) 24 inches from the center of the chair forward;
 - (C) 48 inches from the backrest behind the chair to any other styling chair, reclining or flat facial treatment table with leg support, or manicuring table; and
 - (D) at least 30 inches of space from the back of each styling chair or reclining or flat facial treatment table with leg support to the wall of the school.
 - (2) Dispensary – a room or area to organize and maintain supplies, equipment for disinfection of all implements, and a plumbed sink with hot and cold running water. All cosmetic art schools shall have the required equipment to carry out disinfection procedures per 21 NCAC 14H .0403 and .0404;
 - (3) Theory/practice classroom – a room or area with equipment for theory training appropriate to both practical and theory learning including practice stations and chairs.
 - (4) Office – administrative office with a locking door for the secure and locked facilitation of student records and files. This office shall be outfitted with a locking cabinet, electronic office equipment suitable for scanning, printing, and secure document storage, and a minimum of one desk and one chair;
 - (5) Reception area – a reception area for clients to wait prior to receiving services;
 - (6) Break room for student use;
 - (7) Restrooms for student, school personnel, and school customer use;
 - (8) Locker or room for students to secure and lock personal belongings throughout the day; and
 - (9) All stations as defined in Rule .0304 of this Subchapter shall be numbered numerically.
- (c) Each cosmetic art school shall display a sign in the reception area meeting the requirements of this Paragraph. The sign cannot be smaller than 12 inches by 18 inches, with lettering at least one and one half inches in size and shall read as follows: "Cosmetic Art School Work Done Exclusively by Students."
- (d) Each of the required physical departments and equipment listed within this Rule shall be located within the same building with the exception of the theory classroom, which may be located in an adjacent building or another building within 500 feet of the main cosmetic art building, and a proctored examination center, which may be located on the school campus. Theory classrooms located in an adjacent building or another building within 500 feet of the main cosmetic art building shall not be used for student practice.
- (e) All Cosmetic Art schools shall post hours of operation per cosmetic art discipline and submit this information to the Board. Any changes to the hours of operation shall be posted and submitted to the Board. A school shall be considered open by the Board when cosmetic art instruction, services, or performances are provided.
- (f) Cosmetic art schools may not offer student hours, practice, or performances unless they are in compliance with Paragraph (a) or (b) of this Rule.
- (g) All cosmetic art schools shall adhere to any federal, state, and local government regulation or ordinance regarding fire safety codes, mechanical codes, plumbing, and electrical work.
- (h) All cosmetic art schools shall maintain a ventilation system with temperature control. During school operating hours the temperature shall be maintained between 60 and 85 degrees Fahrenheit.

- (i) All equipment in cosmetic art schools shall be in working order; kept in repair; and installed in such a manner as to facilitate usage.
- (j) All cosmetic art school buildings shall be maintained. Maintenance includes the safe and working condition of the physical building, furniture, equipment, and supplies.
- (k) All cosmetic art schools shall maintain a bulletin board in sight of the clinic floor. The bulletin board shall be used to display at all times the Board rules in 21 NCAC 14H .0200, .0300, .0400, and .0500 and the sanitation grade card issued to the school.
- (l) All cosmetic art schools shall post together the school letter of approval, the school license, and all cosmetic art licenses issued to the teachers on staff.
- (m) Each room in a cosmetic art school shall be labeled according to its assigned purpose.
- (n) If a school and shop are located in the same building, they shall be separated by a solid wall of at least seven feet in height; separate restrooms, separate entrances and visitor reception areas shall be maintained. If a school and another business are located in the same building, they shall be separated by a solid wall of at least seven feet in height; separate entrances and visitor reception areas shall be maintained. If the restroom is in a common area of the building a separate restroom need not be provided.
- (o) All schools and shops shall have separate public information releases, advertisements, names, and advertising signs.
- (p) A cosmetic art school shall maintain space and equipment appropriate to both practical and theory learning, including desks, chairs, and station requirements so that each student in attendance has a location within which to complete assigned tasks. Each station or desk space shall be designated for only one student at a time.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17; Eff. January 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. April 1, 2023; March 1, 2022; September 1, 2021; October 1, 2019; January 1, 2016;
Readopted Eff. April 1, 2026.

21 NCAC 14T .0301 EQUIPMENT FOR ALL COSMETIC ART SCHOOLS

- (a) All cosmetic art schools shall maintain for student use, in a dispensary, supplies for all cosmetic art services in the school. Simulated products may be used for demonstrations and practice. Simulated products may not be used for required evaluation plan assessments with the exception of sodium hydroxide relaxers.
- (b) All cosmetic art schools shall maintain equipment for student use for all cosmetic art services offered and for all required evaluations in the school.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17; Eff. January 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. April 1, 2023; March 1, 2022;
Readopted Eff. April 1, 2026.

21 NCAC 14T .0302 EQUIPMENT FOR COSMETOLOGY SCHOOLS

- (a) The practice department in a cosmetology school shall be equipped with the following equipment:
 - (1) One shampoo bowl with hot and cold running water and chair;
 - (2) Visual aids for the purpose of demonstrating cosmetic art services; and
 - (3) One practice station to accommodate each student.
- (b) The clinic department in a cosmetology school shall be equipped with the following for up to 40 students:
 - (1) 20 stations. Each station shall include one mirror, one electrical outlet, and one hydraulic chair;
 - (2) Four hooded floor type dryers and chairs;
 - (3) Four shampoo bowls with hot and cold running water and chairs.
 - (A) Each side approach shampoo bowl shall be at least 40 inches apart, center of bowl to center of bowl;
 - (B) Each free standing shampoo bowl shall be at least 31 inches apart, center of bowl to center of bowl;
 - (C) All other types of shampoo bowls shall be at least 31 inches apart, center of bowl to center of bowl;
 - (4) Two manicure tables and stools;
 - (5) One pedicure station that shall include a chair, a foot bath, and a stool;
 - (6) One reclining or flat facial treatment table with leg support and a stool; and
 - (7) One facial vaporizer.
- (c) The clinic department in a cosmetology school shall be equipped with the following equipment if there are more than 40 enrolled students:
 - (1) One station for each additional two students;
 - (2) One shampoo bowl with hot and cold running water for each additional 20 students; and
 - (3) One reclining or flat facial treatment table with leg support or chair for each additional 60 students.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17; Eff. January 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. April 1, 2023; January 1, 2016;
Readopted Eff. April 1, 2026.

21 NCAC 14T .0303 EQUIPMENT FOR ESTHETICS SCHOOLS

- (a) The practice classroom in an esthetics school shall be equipped with one mannequin practice table or stand to accommodate each student in the practice classroom. If the

practice classroom is separate from the clinic, in another room with a door, the practice classroom shall also have one hand washing sink with hot and cold running water, separate from restrooms.

(b) The clinic department in an esthetics school shall be equipped with the following for up to 20 students:

- (1) Ten stations: a station shall include a reclining facial treatment table with leg support and one stool;
- (2) a waste container at each station;
- (3) One facial vaporizer;
- (4) One galvanic current apparatus;
- (5) One infra-red lamp;
- (6) One woods lamp or skin scope;
- (7) One magnifying lamp;
- (8) One hard wax hair removal system;
- (9) One soft wax system;
- (10) One pore vacuum machine;
- (11) Two of the required stations with electrical outlet;
- (12) One exfoliation machine with brushes; and
- (13) One plumbed hand washing sink with hot and cold running water, separate from restrooms.

(c) The clinic department in an esthetics school shall be equipped with the following if there are more than 20 enrolled students:

- (1) One station for each additional two students: a station shall include one reclining facial treatment table with leg support and one stool; and
- (2) A minimum of two plumbed hand washing sinks with hot and cold running water, separate from restrooms.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17; Eff. January 1, 2012; Amended Eff. October 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. April 1, 2023; January 1, 2016; Readopted Eff. April 1, 2026.

21 NCAC 14T .0304 EQUIPMENT FOR MANICURING SCHOOLS

(a) The practice classroom in a manicuring school shall be equipped with one mannequin practice table or stand to accommodate each student enrolled in the practice classroom. If the practice classroom is separate from the clinic, in another room with a door, the practice classroom must also have one hand washing sink with hot and cold running water, separate from restrooms.

(b) The clinic department in a manicuring school shall be equipped with the following for up to 20 students:

- (1) One plumbed hand washing sinks with hot and cold running water, separate from restrooms, located in or adjacent to the clinic area;
- (2) Ten manicuring tables with two chairs per table;
- (3) Ten pedicure chairs and basins;

- (4) Two of the required stations with electrical outlet;
- (5) A waste container at each station; and
- (6) A covered container for soiled or disposable towels located in the clinic area.

(c) The clinic department in a manicuring school shall be equipped with the following if there are more than 20 enrolled students:

- (1) One station for each additional two students, a station shall include one manicuring table and two chairs; and
- (2) A minimum of two plumbed hand washing sinks with hot and cold running water, separate from restrooms.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; Eff. January 1, 2012; Amended Eff. October 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. April 1, 2023; January 1, 2016; Readopted Eff. April 1, 2026.

21 NCAC 14T .0305 EQUIPMENT FOR NATURAL HAIR CARE STYLING SCHOOLS

(a) The practice classroom in a natural hair care styling school shall be equipped with the following:

- (1) Styling equipment for the purpose of natural hair care;
- (2) Visual aids for the purpose of demonstrating natural hair care services;
- (3) Practice stations to accommodate each student; and
- (4) If the practice classroom is separate from the clinic, in another room with a door, the practice classroom must also have one hand washing sink with hot and cold running water, separate from restrooms.

(b) The clinic department in a natural hair care styling school shall be equipped with the following for up to 16 students:

- (1) Two shampoo bowls and chairs as follows:
 - (A) each side approach shampoo bowl shall be 40 inches apart center of bowl to center of bowl; and
 - (B) each free standing shampoo bowl shall be 31 inches apart center of bowl to center of bowl;
- (2) Eight stations. A station shall include one mirror and one hydraulic chair;
- (3) One of the required stations with electrical outlet;
- (4) One hooded floor type dryer; and
- (5) Styling equipment for the purpose of natural hair care.

(c) The clinic department in a natural hair care styling school shall be equipped with an additional station for every two students if there are more than 16 enrolled students.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16;

Eff. January 1, 2012;
Amended Eff. October 1, 2012;
Readopted Eff. January 1, 2016;
Amended Eff. April 1, 2023;
Readopted Eff. April 1, 2026.

21 NCAC 14T .0401 COSMETOLOGY AND APPRENTICE STUDENT EQUIPMENT

Each cosmetology and apprentice cosmetology student shall be supplied by the school with following equipment:

- (1) 12 combs;
- (2) two capes;
- (3) six brushes;
- (4) assorted clips;
- (5) hard rubber or nonflammable comb for heat protection used in thermal styling;
- (6) one electric marcel iron;
- (7) one razor and one clipper;
- (8) one thinning shears;
- (9) one shaping shears;
- (10) one mannequin with hair; and
- (11) one blow dryer.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16;
Eff. January 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. September 1, 2020;
Readopted Eff. April 1, 2026.

21 NCAC 14T .0402 ESTHETICS STUDENT EQUIPMENT

Each esthetics school shall make available to students the use of the following items while the students are in class:

- (1) Draping;
- (2) Spatulas;
- (3) Tweezers;
- (4) Makeup supplies; and
- (5) One mannequin with head, neck and shoulders.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16;
Eff. January 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. January 1, 2024;
Readopted Eff. April 1, 2026.

21 NCAC 14T .0403 MANICURING STUDENT EQUIPMENT

Each manicuring school shall provide each manicurist student with the following:

- (1) A manicurist bowl;
- (2) Nail brushes;
- (3) A tray for manicuring supplies;
- (4) One mannequin hand;
- (5) A manicuring kit containing implements for manicuring and pedicuring; and
- (6) Implements for artificial nails, nail wraps, and tipping.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16;
Eff. January 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Readopted Eff. April 1, 2026.

21 NCAC 14T .0404 NATURAL HAIR CARE STYLING STUDENT EQUIPMENT

Each natural hair care school shall make available to students the use of the following items while the students are in class:

- (1) Six combs;
- (2) Six brushes;
- (3) Ten clips;
- (4) Mannequin with hair;
- (5) One electric flat iron;
- (6) One blowdryer;
- (7) One hard rubber or nonflammable comb for heat protection used in thermal styling; and
- (8) Two capes.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16;
Eff. January 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. January 1, 2024;
Readopted Eff. April 1, 2026.

21 NCAC 14T .0501 SUBMISSION OF RECORDS

All cosmetic art schools shall submit to the Board the completed, original Board form as defined in Rule .0502(a), (t), and (v) of this Subchapter for each student including enrollment, transfer, withdrawal and graduation. Cosmetic art student forms shall be submitted to the Board within the required time frame established in the following table.

15 Days	30 Days
Esthetics, Manicuring, Natural Hair Care and Teacher trainee enrollee and transfer forms	Cosmetology forms including: enrollments, withdrawals, transfers and graduations
	Esthetics, Manicuring, Natural Hair care and Teacher trainee withdrawal and graduation forms

History Note: Authority G.S. 88B-2; 88B-4; 88B-16;
Eff. January 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. December 1, 2023;
Readopted Eff. April 1, 2026.

21 NCAC 14T .0502 PERMANENT RECORDS, FORMS, AND DOCUMENTATION

(a) Cosmetic art schools shall maintain locked storage for the permanent files of all enrolled students and students who have withdrawn or graduated together in one room within the approved square footage of the cosmetic art school. Withdrawal and

graduation forms reviewed by the Board or an agent of the Board may be removed and stored in accordance with Paragraph (i) of this Rule. The permanent file shall include a copy of:

- (1) All Board Enrollment Forms including student name; date of birth; school code; course type; enrollment date; school owner name or on-site official and signature; and school seal, with student original signature;
 - (2) Documentation of student receipt of evaluation plans, school policies, school handbook, school and student contract; the Board rules as set forth in 21 NCAC 14H .0200, .0300, .0400, and .0500 and 21 NCAC 14I .0401, and 21 NCAC 14T .0612 and .0703;
 - (3) Social security card for any individual who has a social security number or tax ID card or Department of Homeland Security ID;
 - (4) Government issued photo ID and proof of date of birth;
 - (5) Documentation of field trip hours, grades for all required evaluation plans with date of completion and teacher signature;
 - (6) Documentation for any leave of absence over 30 days. Documentation shall include an anticipated return date and updated notes every 30 days if the return date exceeds the anticipated return date;
 - (7) Transfer of hours form documenting hours earned in other schools for hours accepted by current school;
 - (8) All Board Withdrawal Forms including student name and date of birth; school code; course type; enrollment date and last date of attendance; number of hours and minutes completed; and school owner name or on-site official and signature; and school seal;
 - (9) Internship Form; and
 - (10) Graduation Form.
- (b) The school shall keep onsite, records for all enrolled students:
- (1) daily attendance in school;
 - (2) daily online hours;
 - (3) daily field trip hours;
 - (4) weekly guided theory and demonstration;
 - (5) weekly subtotal of attendance in school;
 - (6) weekly subtotal of online hours;
 - (7) running grand total of all earned hours through the prior week; and
 - (8) performances.
- (c) Upon withdrawal or graduation the daily records, weekly subtotals, and grand total shall be placed in the student's permanent file.
- (d) When a student enrolled in a cosmetic art school withdraws from the school, the cosmetic art school shall report the withdrawal to the Board.
- (e) If a student withdraws from a cosmetic art discipline within the first five days, the school need not submit the enrollment to the Board. The unsubmitted enrollment shall be maintained in the student file until reviewed by the Board or an agent of the Board after which, it may be removed.

- (f) The graduation form documentation shall be signed by on site school staff or on-site school administrators and shall have the seal of the school affixed. The original graduation form documentation shall be prepared on the Board form and shall indicate that the applicable requirements of this Chapter have been met. The cosmetic art school shall submit the graduation form to the Board at the Board's address set forth in Rule 14A .0104 of this Subchapter or submit the graduation form via the Board's school documents portal at www.nccosmeticarts.com within 30 days of the student's graduation date.
- (g) All forms submitted to the Board shall be sealed originals or a digital scan of sealed originals and a copy shall be maintained in the school permanent file storage. Except for student signatures, all forms submitted to the Board shall be completed by on-site school staff or on-site school administrators. Board forms shall be used for the sole purpose of documenting to the Board student records and shall not be used to notify students of enrollment, transfer of hours, withdrawal, or graduation.
- (h) Changes or corrections made by the school to any Board form shall be submitted to the Board with supporting documentation.
- (i) All cosmetic art schools shall maintain on file at the school an original daily record of enrolled students' hours and performances. This record shall be kept in a secured location under lock and key but made available for review by the Board or its agent at any time.
- (j) All records kept by a cosmetic art school on a student who has withdrawn or graduated shall be kept in the school's locked files for future reference until the date the student is accepted for the Board examination or five years after the date the student first enrolled in the school, whichever occurs earlier. Forms reviewed by the Board or an agent of the Board may be removed from this room.
- (k) The record of all hours and performance evaluation plans shall be documented in writing. Credit issued to students that cannot be verified shall be eliminated from the student record by an agent of the Board.
- (l) Access to student records shall be limited to agents of the Board, teachers, and administrators of the school. Electronic versions of student records shall be kept secure and may only be accessed through school authorized equipment. Personal devices may not be used to access student records. Records shall not be altered offsite. Records that are altered shall be altered onsite and shall have documentation supporting the change attached. The format, school name, and school code on Board forms cannot be altered.
- (m) All individuals in a cosmetic art school receiving cosmetic art education, earning hours, or performing or practicing cosmetic art services shall be enrolled in the school.
- (n) Only teachers reported to the Board as employees of a cosmetic art school may grade evaluation plans. Only on-site teachers, on site school administrators, or on-site school staff shall record student hours, grade examinations, and determine completion and record credit.
- (o) Minimum scores required for examinations and the successful completion of practice or performances as determined through the school's evaluation plan that is approved by the Board at the time of application shall be disclosed to students at the time of enrollment. Teachers shall use the evaluation plan approved by the Board to assess student competency. Passing grades and

performances shall not be credited to students who fail to meet the requirements of the evaluation plan.

(p) The names of students with unsatisfied academic obligations shall not be submitted to the Board as graduates but may be submitted as withdrawn.

(q) Cosmetic art schools shall not prevent the graduation of students who have met the Board minimum requirements and passed all school academic requirements.

(r) Records of hours shall be rounded to no more than the nearest quarter hour. Cosmetic art schools shall not give or deduct hours or performances as rewards or penalties.

(s) An applicant shall receive credit for instruction taken in another state if the applicant's record is certified by the state agency or department that issues licenses to practice in the cosmetic arts. If this agency or department does not maintain any student records or if the state does not give license to practice in the cosmetic arts, then the records may be certified by any state department or state agency that does maintain such records and is willing to certify their accuracy. If no state department or board will certify the accuracy of the student's records, then the Board shall review the student's records for validity on a case-by-case basis using the documentation provided by the out-of-state school and submitted to the Board by the accepting North Carolina school.

(t) Hours transferred between open North Carolina schools shall be obtained by the submission of the Board transfer form mailed directly from the school in which the hours are earned with the school seal affixed, with grades for examinations and performances to the new school in which a student enrolls. Such original documentation shall be submitted to the Board with enrollment. Schools shall submit transfer forms for any student that requests a transfer and has no outstanding financial obligations. Transfer forms shall include the following:

- (1) Student name and date of birth;
- (2) School code;
- (3) Course type and required evaluations;
- (4) Enrollment date and last date of attendance;
- (5) Number of hours and minutes completed;
- (6) School owner name or on-site official and signature; and
- (7) School seal.

(u) A student shall pass an entrance examination including required evaluations given by the school to which the student is transferring for the hours to be transferred from one cosmetic art school to another.

(v) Certification of completion of a curriculum established in 21 NCAC 14T .0602 through .0610 shall be required on the graduation form and application for the Board examination. Graduation forms shall include the following:

- (1) Student name and date of birth;
- (2) School code;
- (3) Course type completed;
- (4) Date of course completion;
- (5) Number of hours and minutes completed;
- (6) School owner or on-site official name and signature; and
- (7) School seal.

(w) Internship forms shall include the following:

- (1) Student name and date of birth;

- (2) School code;
- (3) Shop name and license number;
- (4) Dates of internship;
- (5) Number of hours and minutes completed;
- (6) School owner or on-site official name and signature; and
- (7) School seal.

History Note: Authority G.S. 88B-4; 88B-16; Eff. January 1, 2012; Amended Eff. January 1, 2014; June 1, 2013; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. April 1, 2023; September 1, 2021; September 1, 2020; October 1, 2019; December 1, 2016; Readopted Eff. April 1, 2026.

21 NCAC 14T .0601 COSMETIC ART CURRICULA

(a) Cosmetic art schools shall develop and submit to the Board a curriculum of each discipline to be taught at the school. The curriculum, once approved by the Board's standards listed in Rules .0602-.0610 of this Section, shall be adhered to and lessons developed from the approved curriculum.

(b) Blood exposure and infection control evaluations shall be passed with a score of 100 percent before a student may practice or execute a performance for a cosmetic art service. Before a student may execute a performance the student shall pass the respective mannequin practice evaluation plan.

(c) All cosmetic art students shall receive conceptual education training on Board laws, Board rules, Board website, licensure scope of practice, and Safety Data Sheets prepared by the manufacturer on all products used by the school's students in performances.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; Eff. January 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. April 1, 2023; October 1, 2019; January 1, 2016; Readopted Eff. April 1, 2026.

21 NCAC 14T .0602 COSMETOLOGY CURRICULUM

(a) A cosmetologist training course shall begin with infection control and blood exposure procedures as defined in 21 NCAC 14H .0403 and .0404 and consist of 1500 hours of instruction as defined in 21 NCAC 14T .0612(c).

(b) Students shall pass the infection control and blood exposure procedures evaluation plan with a score of 100 percent.

(c) Each school shall develop and use required evaluations for each of the Board required services listed in this Paragraph. Evaluation plans shall include a minimum of infection control, tool safety, client consultation, draping, and safe application and be recorded in the student's permanent file. Teachers shall ensure students follow infection control, tool safety, draping, and safe application of products for all service performances. Students shall receive guided theory, demonstration, guided practice, independent theory, and practice, and pass the evaluation plan, prior to performing services on a live model:

- (1) Blow drying and hot iron;
- (2) Hair cut with shears, a razor, and clipper;
- (3) Color application including virgin and retouch;
- (4) Relaxer application including virgin and retouch;
- (5) Permanent waving;
- (6) Basic manicure;
- (7) Basic pedicure;
- (8) Basic facial including steam; and
- (9) Waxing.

(d) Each school shall develop and use evaluation plans for each of the cosmetic art services listed in this Paragraph. Evaluation plans shall include a minimum of infection control, tool safety, client consultation, draping, and safe application services to a client. In addition to the requirements set forth in Paragraph (a) of this Rule all students shall receive guided theory, demonstration, guided practice, independent theory, and practice, and perform the following services:

- (1) Shampooing;
- (2) Roller sets;
- (3) Pin curls;
- (4) Ridge curls with C shaping;
- (5) Fingerwaves;
- (6) Artificial hair;
- (7) Up-styles;
- (8) Pressing or thermal;
- (9) Blow drying;
- (10) Hot iron;
- (11) Styles that apply tension (twists, braiding, locs, or knots);
- (12) Solid form cut;
- (13) Elevated cut;
- (14) Cut with tapered or thinning shears;
- (15) Razor cut;
- (16) Clipper cut;
- (17) Shears over comb cut;
- (18) Clippers over comb cut;
- (19) Virgin darker;
- (20) Virgin lightener;
- (21) Retouch;
- (22) Foil;
- (23) Freehand painting;
- (24) Relaxer;
- (25) Permanent waving rod placement rectangle, or contour or bricklay-overlap or spiral;
- (26) Basic manicure or pedicure;
- (27) Artificial nails;
- (28) Basic facial;
- (29) Waxing including face and body;
- (30) Hair removal with tweezers;
- (31) Hair removal with razor;
- (32) Makeup application;
- (33) Lash lift and brow lamination;
- (34) Artificial lashes; and
- (35) Lash and brow tint.

History Note: Authority G.S. 88B-4; 88B-16; Eff. January 1, 2012; Amended Eff. January 1, 2015; June 1, 2013; October 1, 2012;

Readopted Eff. January 1, 2016; Amended Eff. April 1, 2023; September 1, 2020; October 1, 2019; Readopted Eff. April 1, 2026.

21 NCAC 14T .0603 APPRENTICE COSMETOLOGY CURRICULUM

(a) An apprentice cosmetologist training course shall begin with infection control and blood exposure procedures as defined in 21 NCAC 14H .0403 and .0404 and consist of 1200 hours of instruction as defined in 21 NCAC 14T .0612(c).

(b) Students shall pass the infection control and blood exposure procedures evaluation plan with a score of 100 percent.

(c) Each school shall develop and use required evaluations for each of the Board required services listed in this Paragraph. Evaluation plans shall include a minimum of infection control, tool safety, client consultation, draping, and safe application and be recorded in the student's permanent file. Teachers shall ensure students follow infection control, tool safety, draping, and safe application of products for all service performances. Students shall receive guided theory, demonstration, guided practice, independent theory, and practice, and pass the evaluation plan, prior to performing services on a live model:

- (1) Blow drying and hot iron;
- (2) Hair cut with shears, a razor, and clipper;
- (3) Color application including virgin and retouch;
- (4) Relaxer application including virgin and retouch;
- (5) Permanent waving;
- (6) Basic manicure;
- (7) Basic pedicure;
- (8) Basic facial including steam; and
- (9) Waxing.

(d) Each school shall develop and use evaluation plans for each of the cosmetic art services listed in this Paragraph. Evaluation plans shall include a minimum of infection control, tool safety, client consultation, draping, and safe application services to a client. In addition to the requirements set forth in Paragraph (a) of this Rule all students shall receive guided theory, demonstration, guided practice, independent theory, and practice, and perform the following services:

- (1) Shampooing;
- (2) Roller sets;
- (3) Pin curls;
- (4) Ridge curls with C shaping;
- (5) Fingerwaves;
- (6) Artificial hair;
- (7) Up-styles;
- (8) Pressing or thermal;
- (9) Blow drying;
- (10) Hot iron;
- (11) Styles that apply tension (twists, braiding, locs, or knots);
- (12) Solid form cut;
- (13) Elevated cut;
- (14) Cut with tapered or thinning shears;
- (15) Razor cut;
- (16) Clipper cut;
- (17) Shears over comb cut;
- (18) Clippers over comb cut;

- (19) Virgin darker;
- (20) Virgin lightener;
- (21) Retouch;
- (22) Foil;
- (23) Freehand painting;
- (24) Relaxer;
- (25) Permanent waving rod placement rectangle, or contour or bricklay-overlap or spiral;
- (26) Basic manicure or pedicure;
- (27) Artificial nails;
- (28) Basic facial;
- (29) Waxing including face and body;
- (30) Hair removal with tweezers;
- (31) Hair removal with razor;
- (32) Makeup application;
- (33) Lash lift and brow lamination;
- (34) Artificial lashes; and
- (35) Lash and brow tint.

- (3) Waxing including underarm, lip, eyebrow, leg and bikini;
- (4) Hair removal with depilatory and tweezers;
- (5) Makeup application;
- (6) Facials with machines including Woods lamp, magnifier, galvanic current, LED light, high frequency (direct and indirect), infrared light, vaporizer, microderm abrasion, suction, exfoliating;
- (7) Manual Exfoliation including products and devices;
- (8) Manual extraction;
- (9) artificial lashes including single eyelash extensions;
- (10) Facial or body treatment (cleansing, manipulations, masks, and chemical peels);
- (11) Aromatherapy;
- (12) Make-up application;
- (13) Lash lift and brow lamination;
- (14) Microneedling;
- (15) Dermaplaning; and
- (16) Lash and brow tint.

History Note: Authority G.S. 88B-4; 88B-16; Eff. January 1, 2012; Amended Eff. January 1, 2015; June 1, 2013; September 1, 2012; Readopted Eff. January 1, 2016; Amended Eff. April 1, 2023; September 1, 2020; October 1, 2019; Readopted Eff. April 1, 2026.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17; Eff. January 1, 2012; Amended Eff. January 1, 2015; August 1, 2014; Readopted Eff. January 1, 2016; Amended Eff. April 1, 2023; September 1, 2020; October 1, 2019; Readopted Eff. April 1, 2026.

21 NCAC 14T .0604 ESTHETICS CURRICULUM

(a) To meet the approval of the Board, an esthetician training course shall begin with infection control and blood exposure procedures as defined in 21 NCAC 14H .0403 and .0404 and consist of 600 hours of instruction as defined in 21 NCAC 14T .0612(c).

(b) Students must pass the infection control and blood exposure procedures evaluation plan with a score of 100 percent.

(c) Each school must develop and use required evaluations for each of the Board required services listed in this Paragraph. Evaluation plans must include a minimum of infection control, tool safety, client consultation, draping, and safe application and be recorded in the student permanent file. Teachers must ensure students follow infection control, tool safety, draping, and safe application of products for all service performances. Students must receive guided theory, demonstration, guided practice, independent theory, and practice, pass the evaluation plan, prior to performing services on a live model:

- (1) Basic facial, including steam;
- (2) Waxing;
- (3) Lash lift and brow lamination;
- (4) Artificial lashes; and
- (5) Lash and brow tint.

(d) Each school must develop and use evaluation plans for each of the cosmetic art services listed in this Paragraph. Evaluation plans must include a minimum of infection control, tool safety, client consultation, draping, and safe application services to a client. In addition to the requirements set forth in Paragraph (a) of this Rule all students must receive guided theory, demonstration, guided practice, independent theory, and practice, and perform the following services:

- (1) Draping;
- (2) Basic facials;

21 NCAC 14T .0605 MANICURING CURRICULUM

(a) A manicurist training course shall begin with infection control and blood exposure procedures as defined in 21 NCAC 14H .0403 and .0404 and consist of 300 hours of instruction as defined in 21 NCAC 14T .0612(c).

(b) Students shall pass the infection control and blood exposure procedures evaluation plan with a score of 100 percent.

(c) Each school shall develop and use required evaluations for each of the Board required services listed in this Paragraph. Evaluation plans shall include a minimum of infection control, tool safety, client consultation, draping, and safe application and be recorded in the student's permanent file. Teachers shall ensure students follow infection control, tool safety, draping, and safe application of products for all service performances. Students shall receive guided theory, demonstration, guided practice, independent theory, and practice, and pass the evaluation plan, prior to performing services on a live model:

- (1) Basic manicure;
- (2) Basic pedicure with rasp;
- (3) Sculptured nails including application, fill, and removal; and
- (4) Electric file.

(d) Each school shall develop and use evaluation plans for each of the cosmetic art services listed in this Paragraph. Evaluation plans shall include a minimum of infection control, tool safety, client consultation, draping, and safe application services to a client. In addition to the requirements set forth in Paragraph (a) of this Rule all students shall receive guided theory, demonstration,

guided practice, independent theory, and practice, and perform the following services:

- (1) Basic manicure;
- (2) Basic pedicure;
- (3) Nail tips;
- (4) Acrylic overlay (application, repair, fill, and removal);
- (5) Sculptured nails (application, repair, fill, and removal);
- (6) Gel overlay (application, repair, fill, and removal);
- (7) Trimming;
- (8) Filing;
- (9) Shaping;
- (10) Decorating;
- (11) Arm and hand manipulation; and
- (12) Electric file.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17; Eff. January 1, 2012; Amended Eff. January 1, 2015; August 1, 2014; Readopted Eff. January 1, 2016; Amended Eff. April 1, 2023; September 1, 2020; October 1, 2019; Readopted Eff. April 1, 2026.

21 NCAC 14T .0606 NATURAL HAIR CARE CURRICULUM

- (a) A natural hair care specialist training course shall begin with infection control and blood exposure procedures as defined in 21 NCAC 14H .0403 and .0404 and consist of 300 hours of instruction as defined in 21 NCAC 14T .0612(c).
- (b) Students shall pass the infection control and blood exposure procedures evaluation plan with a score of 100 percent.
- (c) Each school shall develop and use required evaluations for each of the Board required services listed in this Paragraph. Evaluation plans shall include a minimum of infection control, tool safety, client consultation, draping, and safe application and be recorded in the student's permanent file. Teachers shall ensure

21 NCAC 14T .0607 COSMETOLOGY TEACHER TRAINEE CURRICULUM

- (a) A cosmetologist teacher training course shall consist of at least 800 hours of instruction in theory and practical application, divided as follows:

Requirement Description	Hours
Guided and independent theory: observation, motivation, student relations, teaching techniques, preparing lesson plans, preparing class lectures and presentations, preparing examinations, grading, and G.S. 88B and the rules of the Board	400
Practical Application: Conducting guided theory classes from prepared lessons, preparing and giving examinations, and giving demonstrations	400

- (b) Trainees shall receive a minimum of 150 hours of guided or independent theory prior to providing any instruction in a cosmetic art classroom.

students follow infection control, tool safety, draping, and safe application of products for all service performances. Students shall receive guided theory, demonstration, guided practice, independent theory, and practice, and pass the evaluation plan, prior to performing services on a live model:

- (1) Three strand overbraid and underbraid;
- (2) Track and sew weft; and
- (3) Blow drying and hot iron.

(d) Each school shall develop and use evaluation plans for each of the cosmetic art services listed in this Paragraph. Evaluation plans shall include a minimum of infection control, tool safety, client consultation, draping, and safe application services to a client. In addition to the requirements set forth in Paragraph (a) of this Rule all students shall receive guided theory, demonstration, guided practice, independent theory, and practice, and perform the following services:

- (1) Twists;
- (2) Knots;
- (3) Locs;
- (4) Two strand overlap;
- (5) Three strand overbraid;
- (6) Three strand underbraid;
- (7) On the scalp three strand braid;
- (8) Track and sew weft;
- (9) Adding hair extensions;
- (10) Shampooing;
- (11) Draping;
- (12) Wrapping; and
- (13) Blowdry and thermal iron.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; Eff. January 1, 2012; Amended Eff. January 1, 2015; August 1, 2014; June 1, 2013; Readopted Eff. January 1, 2016; Amended Eff. April 1, 2023; September 1, 2020; October 1, 2019; Readopted Eff. April 1, 2026.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-16;
 Eff. January 1, 2012;
 Readopted Eff. January 1, 2016;
 Amended Eff. April 1, 2023; October 1, 2019;
 Readopted Eff. April 1, 2026.*

21 NCAC 14T .0608 ESTHETIC TEACHER TRAINEE CURRICULUM

(a) An esthetician teacher training course shall consist of at least 650 hours of instruction in theory and practical application, divided as follows:

Requirement Description	Hours
Guided and independent theory: observation, motivation, student relations, teaching techniques, preparing lesson plans, preparing class lectures and presentations, preparing examinations, grading, and G.S. 88B and the rules of the Board	325
Practical Application: Conducting guided theory classes from prepared lessons, preparing and giving examinations, and giving demonstrations	325

(b) Trainees shall receive a minimum of 120 hours of guided or independent theory prior to providing any instruction in a cosmetic art classroom.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-16;
 Eff. January 1, 2012;
 Readopted Eff. January 1, 2016 ;
 Amended Eff. April 1, 2023; October 1, . 2019;
 Readopted Eff. April 1, 2026.*

21 NCAC 14T .0609 MANICURIST TEACHER TRAINEE CURRICULUM

(a) A manicurist teacher training course shall consist of at least 320 hours of instruction in theory and practical application, divided as follows:

Requirement Description	Hours
Guided and independent theory: observation, motivation, student relations, teaching techniques, preparing lesson plans, preparing class lectures and presentations, preparing examinations, grading, and G.S. 88B and the rules of the Board	160
Practical Application: Conducting guided theory classes from prepared lessons, preparing and giving examinations, and giving demonstrations	160

(b) Trainees shall receive a minimum of 115 hours of guided or independent theory prior to providing any instruction in a cosmetic art classroom.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-16;
 Eff. January 1, 2012;
 Readopted Eff. January 1, 2016;
 Amended Eff. April 1, 2023; October 1, 2019;
 Readopted Eff. April 1, 2026.*

21 NCAC 14T .0610 NATURAL HAIR CARE TEACHER CURRICULUM

(a) A natural hair care teacher training course shall consist of at least 320 hours of instruction in theory and practical application, divided as follows:

Requirement Description	Hours
Guided and independent theory: observation, motivation, student relations, teaching techniques, preparing lesson plans, preparing class lectures and presentations, preparing examinations, grading, and G.S. 88B and the rules of the Board	160
Practical Application: Conducting guided theory classes from prepared lessons, preparing and giving examinations, and giving demonstrations	160

(b) Trainees shall receive a minimum of 115 hours of guided or independent theory prior to providing any instruction in a cosmetic art classroom.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-16;
Eff. January 1, 2012;
Readopted Eff. January 1, 2016;
Amended Eff. April 1, 2023; October 1, 2019;
Readopted Eff. April 1, 2026.*

21 NCAC 14T .0611 ONLINE INSTRUCTION

- (a) Online instruction and course hours are accepted by the Board for any cosmetic art curriculum.
- (b) The school shall determine if a student possesses the skills and comprehension necessary to succeed in an online instruction environment and maintain in each student's record documentation of the method used to determine the student's skill and comprehension.
- (c) The school shall track and record the student's hours by minute and educational achievements in the online instruction and shall provide electronic reports generated by the tracking system to an agent of the Board or its inspector upon request.
- (d) Online instruction shall be limited to the independent or guided theory portion only and no more than 50 percent for teacher trainees and 30 percent of the total statutorily required hours for the respective cosmetic art discipline.
- (e) The school shall provide access to technical support regarding function and usage of any online program or resource utilized for the online educational course or program to students and instructors.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-16;
Eff. January 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. April 1, 2023; October 1, 2019;
Readopted Eff. April 1, 2026.*

21 NCAC 14T .0612 INSTRUCTION GUIDELINES

- (a) The hours earned in the clinic department must be devoted to safe and effective practice and performance completions.
- (b) Work in the clinic department may be done on the public.

(c) All instruction in a cosmetic art school shall be in this order:

- (1) Guided theory;
- (2) Demonstration;
- (3) Guided practice;
- (4) Independent theory;
- (5) Practice;
- (6) Evaluation and passage of evaluation; and
- (7) Performance.

(d) Infection control and blood exposure required evaluations shall be taught in this order:

- (1) Hand washing;
- (2) Implement disinfection;
- (3) Beginning and end of day infection control;
- (4) Blood exposure (self cut); and
- (5) Blood exposure (client).

(e) A minimum of 10 percent of scheduled attendance time each week shall be dedicated to guided theory, demonstration, and guided practice.

(f) All written assignments shall be graded and returned to the students.

(g) Cosmetic art students shall receive training and practice only in the discipline in which they are enrolled.

(h) Performances on other students may be performed in the clinic or in a room within the school with a cosmetic art station.

(i) Textbooks shall not be used more than five years if a newer version is available.

(j) Schools shall provide textbooks and supplementary educational materials and equipment as listed in 21 NCAC 14T .0301-.0404 to students.

(k) A cosmetic art teacher shall not perform clinical services on a client at the cosmetic art school.

- (l) Exams administered in a proctored exam site need not be attended by a cosmetic art teacher.
- (m) Cosmetic art teachers shall use the respective evaluation plan to verify student competency prior to assigning a performance.
- (n) The school shall provide students and teachers with access to current reference materials that may include, but are not limited to, such formats as books, periodicals and other written matter, audio-visual equipment and materials, digital media, and online education platforms to support the educational course. Equipment for producing digital and paper copies of supplementary instructional materials shall be available.
- (o) Schools must develop lesson plans for conceptual education, guided theory, hands-on education, and demonstrations that integrate Board infection control rules as established in 21 NCAC 14H with the steps to complete each service as listed in 21 NCAC 14T .0602-.0606.
- (p) School owners, teachers, and school administrators shall not make any statement to a member of the public or students, either verbally or in writing, stating or implying Board mandated consequences that are not established by the Board rules or NC General Statutes. A violation of this prohibition is considered practicing or attempting to practice by fraudulent misrepresentation as set forth in 21 NCAC 14P .0108.

History Note: Authority G.S. 88B-4; 88B-16; Eff. January 1, 2012; Amended Eff. June 1, 2013; October 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. April 1, 2023; March 1, 2022; October 1, 2019; January 1, 2016; Readopted Eff. April 1, 2026.

21 NCAC 14T .0613 UNIFORMS AND IDENTIFICATION

- (a) Each cosmetic arts school shall define what constitutes a uniform for students and acceptable attire for teachers. Students and teachers shall wear the uniform or acceptable attire as defined by the school so that Board members or agents of the Board can identify by sight students and teachers.
- (b) Each school's definition of a uniform or acceptable attire cannot change more than once per year.
- (c) Students shall wear a name tag identifying student name and cosmetic art discipline while on the school's premises.
- (d) Each cosmetic art school may permit students to be out of uniform a maximum of four days per year. Notice to the Board shall be submitted prior to any day uniforms will not be worn.
- (e) Teachers, guest lecturers, and substitute teachers shall wear a name tag with name and position title.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; Eff. January 1, 2012; Amended Eff. October 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. April 1, 2023; Readopted Eff. April 1, 2026.

21 NCAC 14T .0614 INTERNSHIPS

Cosmetic art schools and cosmetic art shops desiring to implement an internship program shall follow these requirements:

- (1) Schools wishing to participate in an internship program shall notify the Board of intent to implement a program before credit for an internship may be granted.
- (2) Schools shall report to the Board all cosmetic art shops contracted and students selected to participate in the program.
- (3) Internships may be arranged in various time frames but shall never exceed five percent of a student's total training period.
- (4) Credit for an internship shall be granted upon submission of student hours verification based on a daily attendance record. Hours shall be recorded on a form approved by the school.
- (5) Students may be assigned a variety of duties, but client services are restricted. Cosmetology and natural hair care students may provide only shampoo services, manicurist students may only remove nail polish, and esthetician students may only drape clients.
- (6) A licensed teacher need not be in attendance during this internship.
- (7) Students participating in the program shall not receive compensation for duties performed in the cosmetic art shop.
- (8) Prior to a student participating in an internship the student shall have passed the infection control and blood exposure evaluations.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; Eff. February 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. April 1, 2023; Readopted Eff. April 1, 2026.

21 NCAC 14T .0615 FIELD TRIPS

(a) Cosmetic art schools shall notify the Board prior to any field trip and record the field trip hours of each student. Cosmetic art educational field trips include the following locations or activities:

- (1) cosmetic art shops;
- (2) cosmetic art conventions;
- (3) competition training;
- (4) other schools;
- (5) professional cosmetic art supply store;
- (6) college or career day at school;
- (7) fashion shows;
- (8) rest homes or nursing homes;
- (9) hospitals; and
- (10) funeral homes.

(b) An instructor shall be present during the educational field trips listed in Paragraph (a) of this Rule for credit to be given to students, with a ratio of at least one instructor per 25 students present.

- (c) The maximum number of hours a student may earn for field trips is 40 hours for cosmetology students, 20 hours for esthetician students, and 10 hours for manicurist or natural hair care students.
- (d) Students may earn up to four additional hours of credit for curriculum requirements for interviews for employment at a licensed cosmetic art shop.
- (e) Students may not perform any service outside of the school. Students may perform services as part of the school participation in a cosmetic art competition.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; Eff. January 1, 2012; Amended Eff. August 1, 2014; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. April 1, 2023; September 1, 2020; Readopted Eff. April 1, 2026.

21 NCAC 14T .0616 ADDITIONAL HOURS

(a) Notwithstanding any other rule in this Subchapter, pursuant to G.S. 88B-18(d), a cosmetologist, apprentice, esthetician, manicurist, natural hair care specialist, or teacher candidate who has failed the practical section of the examination three times shall complete the following amounts of study at an approved cosmetic art school before an applicant may reapply:

- (1) Cosmetologist 40 hours;
- (2) Apprentice 40 hours;
- (3) Esthetician 40 hours;
- (4) Manicurist 40 hours;
- (5) Natural Hair Care Specialist 40 hours; and
- (6) Teacher:
 - (A) cosmetology 40 hours;
 - (B) esthetician 40 hours; and
 - (C) manicurist 40 hours.

- (b) Schools shall evaluate students returning to complete additional hours in accordance with Paragraph (a) of this Rule and shall provide remedial assistance or training in the areas of deficiency.
- (c) Additional hours as required in Paragraph (a) of this Rule may be completed as online instruction through enrollment in a licensed cosmetic art school.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-18; Eff. January 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. April 1, 2023; September 1, 2021; August 1, 2014; Readopted Eff. April 1, 2026.

21 NCAC 14T .0617 TEACHER TRAINEES

- (a) A cosmetic art teacher trainee may not perform clinical services on a client at the cosmetic art school.
- (b) A cosmetic art teacher trainee shall be supervised by a cosmetology teacher at all times when the trainee is at a cosmetic art school except as set out in Paragraph (c) of this Rule.
- (c) A manicurist, natural hair care, or esthetician teacher may supervise a cosmetic art teacher trainee with regard to manicuring, natural hair care, or esthetics.

- (d) A cosmetic art teacher trainee program may be a full-time program or a part-time program. A cosmetic art teacher trainee, however, shall not receive credit for more than 10 hours per day.
- (e) Teacher trainees may present lessons as long as the supervising teacher is present in the classroom.
- (f) Persons receiving teacher training in a cosmetic art school shall be furnished a teacher's manual and shall spend all of their training time under the direct supervision of a licensed cosmetic art teacher and shall not be left in charge of students or the school at any time. Direct supervision is considered as in-person interactive guidance and advising on teacher training topics by a licensed cosmetic art teacher.
- (g) Teacher trainees shall be taught how to assess cosmetic art performances using evaluation plans.
- (h) Cosmetic art teacher trainees shall be enrolled in school to earn hours.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; Eff. January 1, 2012; Amended Eff. August 1, 2014; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. April 1, 2023; March 1, 2022; Readopted Eff. April 1, 2026.

21 NCAC 14T .0701 SCHOOL OPERATIONS/LICENSURE MAINTENANCE

- (a) No individual shall be given credit for any hours earned in a cosmetic art school before the date the school is granted a license, before the student is enrolled, or after graduation or withdrawal of the student without a new enrollment.
- (b) All cosmetic art schools shall submit hours of operation per cosmetic art discipline to the Board. Any changes to the hours of operation shall be submitted to the Board. A school shall be considered open by the Board when cosmetic art instruction, services, or performances are provided.
- (c) Students may be required to clean and disinfect work areas, reception areas, implements, and the dispensary. Students shall not be required to perform maintenance as defined in 21 NCAC 14T .0201.
- (d) All cosmetic art schools shall adhere to all Board Sanitation Rules located in 21 NCAC 14H.
- (e) Cosmetic art schools may permit students to leave the cosmetic art school during instructional time to visit on-campus libraries and other educational resource rooms such as computer labs for research and study under the supervision of a cosmetic art instructor.
- (f) Cosmetic art schools shall use the following grading scale for minimum passing grades:

Grade A	100-90
Grade B	80-89
Grade C	70-79
Grade F (Fail)	0-69

- (g) Cosmetic art schools may adopt a higher grading scale.
- (h) In order to graduate, all students shall meet the minimum school and Board requirements as set forth in Rules .0602-.0610 of this Subchapter.

- (i) Written examination shall be administered in the cosmetic art curriculum.
- (j) Students present at school shall be supervised by a cosmetic art teacher. If a guest lecturer is leading a class, at least one cosmetic art teacher shall be present in the lecture.
- (k) All cosmetic art schools shall provide:
 - (1) One teacher for every 25 students enrolled in the practice department;
 - (2) One teacher for every 20 students during practical work on live models in the clinic department; and
 - (3) Each cosmetic art teacher may have up to five teacher trainees, in addition to the ratios set forth in Subparagraphs (k)(1) and (2) of this Rule.
- (l) In theory classes, the teacher-student ratio may exceed the ratios established in this Rule. A teacher may administer instruction to up to 10 students in practice and clinic departments at the same time.
- (m) At no time can any one teacher be simultaneously responsible for teaching students in a theory class and monitoring students in practice or on the clinic floor.
- (n) In cases of change in teaching staff, the school shall notify the Board of the change in writing prior to beginning instruction. A change in teaching staff includes any substitution for the regularly scheduled teacher and any change, scheduled or otherwise, in the list of teachers last given to the Board.
 - (1) All courses in a cosmetic art school shall be taught by an onsite licensed cosmetology teacher, and student performances completed on the clinic floor shall be supervised by an onsite cosmetology teacher, except as follows:
 - (A) manicuring courses, theory, and performances shall be taught by either an onsite licensed cosmetology teacher or an onsite licensed manicurist teacher;
 - (B) natural hair care courses, theory, and performances shall be taught by either an onsite licensed cosmetology teacher or an onsite licensed natural hair care teacher;
 - (C) esthetics courses, theory, and performances shall be taught by either an onsite licensed cosmetology teacher or an onsite licensed esthetician teacher.
 - (2) A licensed cosmetologist not licensed as a cosmetology teacher may substitute for a cosmetology, esthetician, natural hair care, or manicurist teacher; a licensed manicurist not licensed as a manicurist teacher may substitute for a manicurist teacher; a licensed natural hair care specialist not licensed as a natural hair care teacher may substitute for a natural hair care teacher; and a licensed esthetician not licensed as an esthetician teacher may substitute for an esthetician teacher.

- (o) In no event may any cosmetic art licensee substitution last for more than 15 consecutive working days per year per teacher. If any teacher substitution is 16 consecutive days or longer, the school shall provide a new cosmetic art teacher.
- (p) Enrolled students may earn a maximum of 10 hours per day per discipline of cosmetic art and a maximum of 48 hours per week per discipline. Online education can be earned in addition to the maximum daily and weekly hours. A student enrolled in more than one cosmetic art discipline may not earn hours or complete performances concurrently.
- (q) The Board shall certify student hours for any North Carolina cosmetic art school that is closed. The Board shall not certify student hours between any North Carolina open cosmetic art schools. The Board shall certify student hours earned at North Carolina cosmetic art schools to other state boards and schools open outside of the state of North Carolina as set forth in Rule .0502 of this Subchapter.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; Eff. February 1, 2012; Amended Eff. August 1, 2014; June 1, 2013; October 1, 2012; Readopted Eff. January 1, 2016; Amended Eff. April 1, 2023; March 1, 2022; October 1, 2019; December 1, 2016; Readopted Eff. April 1, 2026.

21 NCAC 14T .0702 TRANSFER OF CREDIT

- (a) A student who transfers from one cosmetic art discipline to another cosmetic art discipline shall not receive credit for hours received in the initial curriculum.
- (b) Up to 50 percent of all credit earned in an approved esthetician, manicurist, or natural hair care teacher training program may be transferred to a cosmetology teacher training program.
- (c) A maximum of 160 hours earned in either an esthetician, natural hair care, or manicurist teacher training program may be transferred between programs once.
- (d) Licensed estheticians, manicurists, and natural hair care stylists may request the school to apply up to 50 percent of hours required for licensure by G.S. 88B earned toward the cosmetology curriculum.
- (e) Licensed cosmetologists may request the school apply up to 50 percent of the hours required for licensure by G.S. 88B earned toward the esthetician, manicurist, or natural hair care specialist curriculum.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; Eff. January 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. April 1, 2023; Readopted Eff. April 1, 2026.

21 NCAC 14T .0703 EXPIRATION OF STUDENT CREDIT

Students and graduates who fail to file an application for the Board examination after graduation and within five years of the initial enrollment shall not be credited any hours or performances previously earned.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-19; Eff. January 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. October 1, 2019; Readopted Eff. April 1, 2026.

21 NCAC 14T .0705 SCHOOL PERFORMANCE REQUIREMENTS

- (a) Each cosmetic art school shall meet or exceed a program completion rate of at least 50 percent during any five year period and shall meet or exceed a student pass rate on state licensure examinations of at least 70 percent during any two year period. Schools that fail to meet the requirements in this Rule will be issued a hearing order for a probationary hearing by the Board.
- (b) The school shall allow the teachers to have the opportunity to prepare for class, evaluate students' progress in the course, counsel students individually, and participate in activities of continuing education.
- (c) Cosmetic art schools shall provide to substitutes copies of lesson plans and the performance evaluation plan for the successful grading of clinical performances.
- (d) School attendance policies shall give attendance credit for all hours attended.
- (e) If a graduate meets all the school financial and academic requirements and the Board hours and performance requirements as set forth in 21 NCAC 14T .0602-.0610 the school shall approve the student for Board examination.
- (f) Private cosmetic art schools shall maintain current bond according to G.S. 88B-17 and shall submit certification of renewal or new bond prior to expiration of the bond approved by the Board.
- (g) At the time of private school license renewal, each school shall submit to the Board financial records of prepaid tuition and a letter signed by an authorized representative of the school documenting the calculations made and the method of computing the amount of the bond for the preceding year. If the school did not collect prepaid tuition, the school shall submit a letter signed by an authorized representative of the school documenting that no prepaid tuition was collected.
- (h) Each private school shall maintain and submit to the Board proof of bond in an amount of ten thousand dollars (\$10,000) or equivalent to prepaid tuition received during the previous year, whichever is greater.

History Note: Authority G.S. 88B-4; 88B-16; 88B-17; Eff. January 1, 2012; Amended Eff. January 1, 2015; September 1, 2012; Readopted Eff. January 1, 2016; Amended Eff. December 1, 2016; Readopted Eff. April 1, 2026.

21 NCAC 14T .0706 SCHOOL APPROVAL CHANGES AND SCHOOL CLOSING

- (a) If the location of a cosmetic art school changes or if there is a transfer of majority ownership of a cosmetic art school, whether by sale, lease, or otherwise, the new school owner shall submit a new application for approval in accordance with Rule .0102 of this Subchapter.

- (b) License and letters of approval issued to cosmetic art schools are not transferrable, and are valid only for the location, square footage, and enrollment capacity for which issued, and to the owner to whom issued. The letter of approval shall contain the school name, school owner name, school location, date of approval, the signature of the Board members, the amount of approved square footage, and the maximum number of enrollments for which the school has been approved.
- (c) Schools intending to close shall notify the Board not less than 30 days in advance.
- (d) Schools shall make provisions for the long-term storage of school documents as set forth in Rule .0502 of this Subchapter, and facilitate the retrieval of any school documents upon the request of a student or the Board. Schools shall notify the Board of the contact information for retrieval of any school information.
- (e) Schools shall facilitate and cooperate in the final inspection and processing of student hours.
- (f) If the square footage or instructional layout of a cosmetic art school changes, the school shall notify the Board of the change and submit a diagram of the new instructional layout. Following receipt of the notification of the change in the instructional layout or square footage, a Board inspector shall verify the change. If there is an educational change such as adding an educational program the full curriculum shall be submitted to the Board for approval. Schools shall verify compliance with mechanical codes when changing or moving equipment.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; Eff. January 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. April 1, 2023; March 1, 2022; September 1, 2021; Readopted Eff. April 1, 2026.

21 NCAC 14T .0802 SCHOOL INFECTION CONTROL GRADES

Schools shall be issued a grade at each inspection per 21 NCAC 14H .0504 on a grade card provided by the Board.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-27; Eff. January 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. April 1, 2023; Readopted Eff. April 1, 2026.

21 NCAC 14T .0803 SCHOOL INSPECTIONS

- (a) Schools shall facilitate and cooperate by providing access to the school facility, students, and records during all school inspections.
- (b) Schools are subject to reevaluation and re-inspection at any time.
- (c) Failure to comply with the G.S. 88B and rules of the Board is cause to revoke or suspend the school's license/letter of approval.
- (d) In addition to such other reports as may be required by the Board, cosmetic art schools shall report to the Board or its authorized agent, upon inspection of the cosmetic art school and at other times upon specific request, the names of all students

currently enrolled and the hours and evaluation plans completed by each.

(e) The owner of the cosmetic art school or owner's representative shall read each inspection report made of the school by an authorized agent of the Board to determine that the information on the inspection report is correct, and shall sign and retain a copy of all inspection reports.

(f) If any part of the information on the report is incorrect, it shall be corrected by the authorized agent of the Board.

(g) A school may submit an exception to any inspection report. Such exceptions shall be prepared and signed by the owner and submitted to the Board and shall be attached to the report.

(h) All present student equipment and records shall be made available to inspectors during school inspection.

(i) Cosmetic art schools shall maintain copies of lesson plans and evaluation plans and make such copies available to an agent of the Board upon request.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-27; Eff. January 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. April 1, 2023; Readopted Eff. April 1, 2026.

21 NCAC 14T .0901 SCHOOL PROBATION

(a) After notice and opportunity for a hearing, the Board shall put the school on probation if the Board finds that the program fails to comply with G.S. 88B or these Rules. The decision shall identify all deficiencies required to be corrected for the program to come into compliance.

(b) No later than one calendar year after notification of probation, the school shall either:

- (1) Correct the deficiencies identified and come into compliance with Board requirements; or
(2) Request an extension of time in which it shall:
(A) Explain the basis for its failure to correct the deficiencies within the allotted time;
(B) Provide a summary of the program's efforts to come into compliance within the allotted time; and
(C) Present a plan of action to come into compliance.

(c) After a request for an extension the Board shall extend the time to come into compliance by a single six-month period based on:

21 NCAC 34A .0201 FEES AND OTHER PAYMENTS

(a) Fees for funeral service shall be as follows:

Table with 2 columns: Description of fee and Amount. Includes Funeral Establishment and Branch Funeral Establishment permit, Application, Annual renewal, Late renewal fee, Establishment and embalming facility reinspection fee, Courtesy card, Application, Annual renewal, and Out-of-state licensee.

- (1) The explanation provided contains all material related to the non-compliance;
(2) There are efforts by the school to correct the deficiencies pursuant to Paragraph (a) of this Rule to come into compliance; and
(3) The efforts made by the school to come into compliance address each instance of non-compliance.

(d) The Board shall make site visits or require the school to submit progress reports, syllabi, evaluative tools, and student records.

(e) When a program previously placed on probation fails to demonstrate compliance with G.S. 88B or these Rules as set forth in the Board's order, the Board shall order the school's administrator or official and the director to appear at a hearing at which time the school shall present evidence why the school's license should not be revoked.

(f) If after a probationary period and hearing in accordance with this Rule, the Board revokes the school license due to failure to comply with the applicable Rules and Statutes, the school shall work with Board inspectors and personnel for the collection of student records.

History Note: Authority G.S. 88B-4; 88B-16; 88B-24; Eff. January 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. January 1, 2016; Readopted Eff. April 1, 2026.

CHAPTER 34 - FUNERAL SERVICE

21 NCAC 34A .0122 CHARACTER AFFIDAVIT FORM

History Note: Authority G.S. 90-210.23(a); 90-210.26; Eff. September 1, 1979; Amended Eff. August 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Temporary Repeal Eff. November 7, 2025; Repealed Eff. April 1, 2026.

APPROVED RULES

Application	\$200.00
Embalmer, funeral director, funeral service	
Application, North Carolina resident	\$150.00
Application, non-resident	\$200.00
Annual renewal	
Embalmer	\$ 75.00
Funeral Director	\$ 75.00
Total fee, embalmer and funeral director, when both are held by same person	\$ 100.00
Funeral service	\$ 100.00
Inactive status	\$ 30.00
Reinstatement fee	\$ 50.00
Resident trainee permit	
Application	\$ 50.00
Voluntary change in supervisor	\$ 50.00
Annual renewal	\$ 35.00
Late renewal	\$ 25.00
Duplicate License certificate	\$ 25.00
Chapel registration	
Application	\$150.00
Annual renewal	\$100.00
Late renewal	\$ 75.00
(b) Fees for crematory and hydrolysis licensees shall be as follows:	
License	
Application	\$400.00
Annual renewal	\$150.00
Late renewal fee	\$ 75.00
Crematory or hydrolysis reinspection fee	\$100.00
Per-cremation or hydrolysis fee	\$ 10.00
Late filing or payment fee for each cremation or hydrolysis	\$ 10.00
Late filing fee for cremation or hydrolysis report, per month	\$ 75.00
Crematory or Hydrolysis Manager Permit	
Application	\$150.00
Annual renewal	\$ 40.00
(c) Fees for preneed funeral contract regulation shall be as follows:	
Preneed funeral establishment license	
Application	\$150.00
Annual renewal	\$150.00
Late renewal fee	\$100.00
Reinspection fee	\$100.00
Preneed sales license	
Application	\$ 20.00
Annual renewal	\$ 20.00
Late renewal fee	\$ 25.00
Preneed contract filings	
Filing fee for each contract	\$ 20.00
Late filing or payment fee for each contract	\$ 25.00
Late filing fee for each certificate of performance	\$ 25.00
Late filing fee for annual report	\$150.00
(d) Fees for Removal and Transportation Permits shall be as follows:	
Individual Transporter Permit Application	\$125.00
Transportation Service Permit Application	\$200.00
Annual renewal for Individual Transporter or Transportation Service Permit	\$ 75.00
Late fee	\$ 50.00
(e) Registration fee for Board-sponsored continuing education shall be \$50.00.	
(f) All fees remitted to the Board are non-refundable.	

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5)(f); 90-210.25(c); 90-210.28; 90-210.67(b),(c),(d),(d1); 90-210.68(a); 90-210.132;
Eff. September 1, 1979;

Amended Eff. January 1, 1991; July 1, 1988; January 1, 1988; October 1, 1983; Recodified from 21 NCAC 34 .0123 Eff. February 7, 1991; Amended Eff. December 1, 1993; August 2, 1993; May 1, 1993, July 1, 1991; Temporary Amendment Eff. October 1, 1997; Amended Eff. August 20, 2014; March 1, 2004; August 1, 1998; Readopted Eff. January 8, 2020; Temporary Amendment Eff. November 17 2025; Amended Eff. April 1, 2026.

21 NCAC 34B .0103 AUTHORIZED PRACTICE: SUPERVISION

(a) Resident trainees in training for funeral service, resident trainees in training for funeral directing, and resident trainees in training for embalming, as defined by G.S. 90-210.20(20), while supervised by a person licensed by the Board as a funeral service licensee, funeral director, or embalmer, may assist in the practice of funeral service, funeral directing, or embalming, as limited by this Rule.

(b) A licensee wishing to supervise a trainee shall meet the following requirements:

- (1) Have either practiced continuously in North Carolina for a minimum of one year before the date of the application; and
- (2) Not have any disciplinary action taken by the Board, or the licensing board of any other jurisdiction, to suspend or revoke his or her license during the five years preceding the application.

(c) Resident trainees in training for funeral service or for funeral directing, while supervised by a person licensed by the Board as a preneed sales licensee, may also assist in the preneed funeral planning activities described in 21 NCAC 34D .0202(b)(1), (2), (4), and (5).

(d) No credit shall be given for the resident trainee's work that is unsupervised or performed under the supervision of a person not registered with the Board as the resident trainee's supervisor. If the registered supervisor does not supervise the resident trainee for a continuous period of more than two weeks, the traineeship under that supervisor shall terminate, requiring a new traineeship application. When a resident trainee assists in funeral service, funeral directing, embalming, or preneed funeral planning on the funeral home premises, a licensed supervisor shall be on the funeral home premises where and while such activities are performed; provided that a licensed supervisor shall be present in the same room whenever a resident trainee accepts any initial payment or negotiates any contract for funeral services either at-need or pre-need with the public. When a resident trainee assists in funeral service, funeral directing, embalming, or any funeral planning off the funeral home premises, such activities shall be performed only in the presence of a licensed supervisor employed with the establishment with which the resident trainee is registered.

(e) A licensed supervisor shall review with the purchaser any contract negotiated by a resident trainee, and then the licensed supervisor shall obtain the purchaser's signature on the contract in the licensed supervisor's presence.

(f) The resident trainee's license certificate for indicating the trainee's authority to assist in the activities described and authorized in this Rule and in 21 NCAC 34D .0202(b) is the

resident trainee pocket certificate, which is a wallet-sized card issued by the Board to the resident trainee that bears the following:

- (1) The resident trainee's name;
- (2) The resident trainee's registration number;
- (3) The resident trainee's signature;
- (4) The date on which resident trainee was registered with the Board;
- (5) Whether the resident trainee is registered in a traineeship for funeral service, funeral directing, or embalming; and
- (6) The name of the resident trainee's supervisor.

History Note: Authority G.S. 90-210.23(a),(f); 90-210.25(a)(4),(5)d.; 90-210.67(a); 90-210.69(a); Eff. February 1, 1976;

Readopted Eff. September 27, 1977;

Amended Eff. January 1, 2009; November 1, 2004; August 1, 1998; June 1, 1994;

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

Temporary Amendment Eff. November 7, 2025;

Amended Eff. April 1, 2026.

21 NCAC 34B .0105 FUNERAL DIRECTOR TRAINEE APPLICATION FORM

Applications for a funeral director resident trainee shall be made on forms available on the Board's website at ncbfs.org. Applications not completed within 30 days following submission to the Board shall be denied. All applications for registration as a funeral director resident trainee shall contain the following:

- (1) The applicant's full name, date of birth, place of birth, and social security number;
- (2) The applicant's email address, residential address, and phone number(s);
- (3) The high school from which the applicant graduated and the date of graduation and a copy of an original certified transcript attesting to the applicant's graduation from high school;
- (4) Whether the applicant attended a funeral director program at a mortuary science college and, if so, the name of the mortuary science college, dates of attendance, date of graduation if any, and how many semester hours the applicant completed;
- (5) Whether the applicant has taken the National Board Examination – Arts and, if so, the date on which the examination was taken and whether the applicant passed the examination;

- (6) Whether the applicant has taken the National Board Examination – Sciences and, if so, the date on which the examination was taken and whether the applicant passed the examination;
 - (7) The name, address, licensed manager, mailing address, email address, telephone number, and facsimile number of the funeral establishment at which the applicant's traineeship will be performed;
 - (8) The applicant's employment history over the preceding five years, to include the name and address of the employer, the dates of employment, and the nature of the work performed;
 - (9) Whether the applicant ever has been certified, licensed, or registered to practice funeral service by the Board or by another occupational licensing board and, if so, the type of credential, the jurisdiction of issuance, the issuance date, the expiration date, and any examinations taken to obtain the credential;
 - (10) Whether the applicant ever has been denied a credential in another state and, if so, the jurisdiction and the reason for the denial of the credential;
 - (11) Whether the applicant has been convicted of a felony or misdemeanor crime and, if so, a statement providing the jurisdiction, charge, date of disposition, and sentence imposed of each conviction;
 - (12) Whether the applicant has any criminal charges currently pending and, if so, the nature of the charge and the jurisdiction in which the charge is pending;
 - (13) Whether the applicant has had an occupational or business license suspended or revoked by any local, state, or federal agency and, if so, a statement providing the reason for the action and the date, location, and circumstances of any violation that led to action against the license;
 - (14) Whether any court, board, agency, or professional organization has found applicant guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal and the date of the finding;
 - (15) Whether the applicant has any charges pending before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal in which the charge is pending;
 - (16) The applicant'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) he or she understands that the Board may make inquiries about the applicant, including criminal record checks, and any of the information given in support of the application; and
 - (d) he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board.
- (17) The proposed supervisor's attestation that:
 - (a) he or she is a duly licensed funeral director or funeral service licensee in North Carolina;
 - (b) he or she is employed by the establishment at which the traineeship will occur;
 - (c) he or she has been licensed for at least one year and has not had any disciplinary action taken against his or her credential to practice funeral service within the previous five years; and
 - (d) he or she will notify the Board when the applicant ceases training under the proposed supervisor;
 - (18) 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; and
 - (19) A photograph of the applicant that is two inches by two inches in size, depicting the applicant facing the camera and without digital alteration.

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(4); Eff. February 1, 1976; Readopted Eff. September 27, 1977; Amended Eff. November 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Temporary Amendment Eff. November 7, 2025; Amended Eff. April 1, 2026.

21 NCAC 34B .0106 EMBALMER TRAINEE APPLICATION FORM

Applications for registration as an embalmer resident trainee shall be made on forms available on the Board's website at ncbfs.org. Applications not completed within 30 days following submission to the Board shall be denied. All applications for registration as a funeral service resident trainee shall contain the following:

- (1) The applicant's full name, date of birth, place of birth, and social security number;
- (2) The applicant's email address, residential address, and phone number(s);

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- (3) The high school from which the applicant graduated and the date of graduation and a copy of an original certified transcript attesting to the applicant's graduation from high school;
- (4) Whether the applicant attended a mortuary science college and, if so, the name of the mortuary science college, dates of attendance, date of graduation if any, and how many semester hours the applicant completed;
- (5) Whether the applicant has taken the National Board Examination – Arts and, if so, the date on which the examination was taken and whether the applicant passed the examination;
- (6) Whether the applicant has taken the National Board Examination – Sciences and, if so, the date on which the examination was taken and whether the applicant passed the examination;
- (7) The name, address, licensed manager, mailing address, email address, telephone number, and facsimile number of the funeral establishment at which the applicant's traineeship will be performed;
- (8) The applicant's employment history over the preceding five years, to include the name and address of the employer, the dates of employment, and the nature of the work performed;
- (9) Whether the applicant has ever been certified, licensed, or registered to practice funeral service by the Board or by another occupational licensing board and, if so, the type of credential, the jurisdiction of issuance, the issuance date, the expiration date, and any examinations taken to obtain the credential;
- (10) Whether the applicant ever has been denied a credential in another state and, if so, the jurisdiction and the reason for the denial of the credential;
- (11) Whether the applicant has been convicted of a felony or misdemeanor crime and, if so, a statement providing the jurisdiction, charge, date of disposition, and sentence imposed of each conviction;
- (12) Whether the applicant has any criminal charges currently pending and, if so, the nature of the charge and the jurisdiction in which the charge is pending;
- (13) Whether the applicant has had an occupational or business license suspended or revoked by any local, state, or federal agency and, if so, a statement providing the reason for the action and the date, location, and circumstances of any violation that led to action against the license;
- (14) Whether any court, board, agency, or professional organization has found applicant guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal and the date of the finding;
- (15) Whether the applicant has any charges pending before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal in which the charge is pending;
- (16) The applicant'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) he or she understands that the Board may make inquiries about the applicant, including criminal record checks, and any of the information given in support of the application; and
 - (d) he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board.
- (17) The proposed supervisor's attestation that:
 - (a) he or she is a duly licensed funeral service licensee in North Carolina;
 - (b) he or she is employed by the establishment at which the traineeship will occur;
 - (c) he or she has been licensed for at least one year and has not had any disciplinary action taken against his or her credential to practice funeral service within the previous five years; and
 - (d) he or she will notify the Board when the applicant ceases training under the proposed supervisor;
- (18) 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; and
- (19) A photograph of the applicant that is two inches by two inches in size, depicting the applicant facing the camera and without digital alteration.

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(4); Eff. February 1, 1976; Readopted Eff. September 27, 1977; Amended Eff. November 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Temporary Amendment Eff. November 7, 2025; Amended Eff. April 1, 2026.

21 NCAC 34B .0107 FUNERAL SERVICE TRAINEE APPLICATION FORM

Applications for registration as a funeral service resident trainee shall be made on forms available on the Board's website at ncbfs.org. Applications not completed within 30 days following submission to the Board shall be denied. All applications for registration as an funeral service resident trainee shall contain the following:

- (1) The applicant's full name, date of birth, place of birth, and social security number;
- (2) The applicant's email address, residential address, and phone number(s);
- (3) The high school from which the applicant graduated and the date of graduation and a copy of an original certified transcript attesting to the applicant's graduation from high school;
- (4) Whether the applicant attended a mortuary science college and, if so, the name of the mortuary science college, dates of attendance, date of graduation if any, and how many semester hours the applicant completed;
- (5) Whether the applicant has taken the National Board Examination – Arts and, if so, the date on which the examination was taken and whether the applicant passed the examination;
- (6) Whether the applicant has taken the National Board Examination – Sciences and, if so, the date on which the examination was taken and whether the applicant passed the examination;
- (7) The name, address, licensed manager, mailing address, email address, telephone number, and facsimile number of the funeral establishment at which the applicant's traineeship will be performed;
- (8) The applicant's employment history over the preceding five years, to include the name and address of the employer, the dates of employment, and the nature of the work performed;
- (9) Whether the applicant has ever been certified, licensed, or registered to practice funeral service by the Board or by another occupational licensing board and, if so, the type of credential, the jurisdiction of issuance, the issuance date, the expiration date, and any examinations taken to obtain the credential;
- (10) Whether the applicant ever has been denied a credential in another state and, if so, the jurisdiction and the reason for the denial of the credential;
- (11) Whether the applicant has been convicted of a felony or misdemeanor crime and, if so, a statement providing the jurisdiction, charge, date of disposition, and sentence imposed of each conviction;
- (12) Whether the applicant has any criminal charges currently pending and, if so, the nature of the charge and the jurisdiction in which the charge is pending;

- (13) Whether the applicant has had an occupational or business license suspended or revoked by any local, state, or federal agency and, if so, a statement providing the reason for the action and the date, location, and circumstances of any violation that led to action against the license;
- (14) Whether any court, board, agency, or professional organization has found applicant guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal and the date of the finding;
- (15) Whether the applicant has any charges pending before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal in which the charge is pending;
- (16) The applicant'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) he or she understands that the Board may make inquiries about the applicant, including criminal record checks, and any of the information given in support of the application; and
 - (d) he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board.
- (17) The proposed supervisor's attestation that:
 - (a) he or she is a duly licensed funeral service licensee in North Carolina;
 - (b) he or she is employed by the establishment at which the traineeship will occur;
 - (c) he or she has been licensed for at least one year and has not had any disciplinary action taken against his or her credential to practice funeral service within the previous five years; and
 - (d) he or she will notify the Board when the applicant ceases training under the proposed supervisor;
- (18) 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; and

- (19) A photograph of the applicant that is two inches by two inches in size, depicting the applicant facing the camera and without digital alteration.

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(4); Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Eff. November 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Temporary Amendment Eff. November 7, 2025;
Amended Eff. April 1, 2026.

21 NCAC 34B .0120 TRAINEE FINAL AFFIDAVITS

(a) Within 30 days following the conclusion of a resident traineeship with a licensed supervisor, the supervisor shall submit to the Board an affidavit to certify that the trainee has served and performed certain work under the supervisor as required by G.S. 90-210.25(a)(4). The affidavit shall be submitted on forms provided by the Board and shall provide the supervisor's license number and notarized attestation to the following information:

- (1) the name of the trainee and the dates during which the trainee worked under the supervisor's supervision;
- (2) whether the trainee has completed the minimum number of funeral service activities during his or her traineeship required by G.S. 90-210.25(a)(4)(f) and, if not, the number of funeral service activities that the trainee completed; and
- (3) whether the trainee has completed the minimum number of hours as a resident trainee in the practice of funeral service required by 21 NCAC 34B .0102 and, if not, the number of hours completed during the resident traineeship.

(b) Within 30 days following the conclusion of a resident traineeship with a licensed supervisor, the supervisor shall submit to the Board an affidavit on a form prescribed by the Board, attesting to his or her opinion regarding the trainee's ability to competently perform the tasks related to the practice of funeral service set forth in Rule .0126 of this Subchapter.

(c) The supervisor shall provide the trainee with a copy of the affidavits set forth in Paragraphs (a) and (b) of this Rule within five days of their submission to the Board.

History Note: Authority G.S. 90-210.23(a),(d),(f); 90-210.25(a)(4)f; 90-210.67(a); 90-210.69(a); Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. January 1, 2009; November 1, 2004; June 1, 1994; August 1, 1988; September 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Temporary Amendment Eff. November 7, 2025;
Amended Eff. April 1, 2026.

21 NCAC 34B .0211 NATIONAL BOARD CERTIFICATE

(a) Pursuant to G.S. 90-210.25(a)(5), a National Board Certificate for Arts, certifying the successful completion of the National Board Examination for Arts of the International Conference of Funeral Service Examining Boards Inc., is the equivalent of the Board's entry-level examination in funeral directing, as defined by G.S. 90-210.20(11).

(b) Pursuant to G.S. 90-210.25(a)(5), a National Board Certificate for Sciences, certifying the successful completion of the National Board Examination for Sciences of the International Conference of Funeral Service Examining Boards Inc., is the equivalent of that portion of the Board's examination on the topics of embalming, restorative arts, chemistry, pathology, microbiology, and anatomy.

(c) National Board Certificates shall be accepted for five years from the date of issue for eligibility toward licenses issued under G.S. 90-210.25(a)(1), (2), or (3).

History Note: Authority G.S. 90-210.20(11); 90-210.23(a); 90-210.25(a)(5); Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. February 1, 2009; November 1, 2004; September 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Amended Eff. April 1, 2024;
Temporary Amendment Eff. November 7, 2025;
Amended Eff. April 1, 2026.

21 NCAC 34B .0310 PRACTICE OF FUNERAL SERVICE OR FUNERAL DIRECTING NOT AS AN OWNER, EMPLOYEE OR AGENT OF A LICENSED FUNERAL ESTABLISHMENT

(a) A funeral director or funeral service licensee registered to practice under G.S. 90-210.25(a2) shall not use its business office required by G.S. 90-210.25(a2)(2)a. to conduct the practice of funeral service or funeral directing. A funeral director or funeral service licensee shall not hold out to the public that its business office is a funeral establishment and shall not use a business name that misleads the public to believe that its business office is a funeral establishment or operates or maintains a facility that is a funeral establishment.

(b) An applicant to practice under the provisions of G.S. 90-210.25(a2) shall submit a form provided by the Board as set forth in Paragraph (c) of this Rule with an application fee of two hundred fifty dollars (\$250.00). Applications that are not completed within 90 days following submission to the Board shall be denied.

(c) Applications for an unaffiliated practice permit shall be made on applications available on the Board's website at ncbfs.org. Applications not completed within 90 days following submission to the Board shall be denied. All applications for an unaffiliated practice permit shall contain the following:

- (1) The applicant's full name and license number;
- (2) The applicant's email address, residential address, mailing address, and phone number(s);

- (3) The name of the individual or entity that owns the unaffiliated practice;
 - (4) Whether the entity or individual owning the unaffiliated practice 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;
 - (7) If owned by a corporation, a copy of the applicant's Articles of Incorporation;
 - (8) If owned by a limited liability company, a copy of the applicant's Articles of Organization;
 - (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 names and respective ownership interest percentages of each sole proprietor, partner, LLC members, or corporate officers;
 - (11) The name and address of the funeral establishment or embalming facility where embalming will occur;
 - (12) The address of the location at which unaffiliated practice records will be held;
 - (13) The name and address of the location where sheltering of remains will occur prior to moving remains to the location at which funeral services will be held;
 - (14) The names, license type, and license number of each funeral director, funeral service licensee, and embalmer working for the unaffiliated practice and whether said licensee is working on a full-time, part-time, or per case basis;
 - (15) 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, as required by the FTC Funeral Rule, 16 C.F.R. 453.2;
 - (16) Proof of the applicant's professional liability insurance with a minimum coverage amount of one million dollars (\$1,000,000.00);
 - (17) 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;
 - (18) 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;
 - (19) 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;
 - (D) he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board; and
 - (E) the applicant owns, or was employed by, a funeral establishment directly damaged or destroyed by Hurricane Helene, to include the name of said funeral establishment and the type of damage or destruction that said funeral establishment suffered.
- (20) 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.
- (d) Renewal applications for an unaffiliated practice permit shall be made on applications available on the Board's website at ncbfs.org. All renewal applications for an unaffiliated practice permit shall contain all information required by Paragraph (c)(1)-(4), (c)(9)-(20) of this Rule.

History Note: Authority G.S. 90-210.23(a); 90-210.25(a2)(2)a., b.; 90-210.27A(a), (i); Eff. February 1, 2009; Temporary Amendment Eff. November 7, 2025; Amended Eff. April 1, 2026.

21 NCAC 34B .0313 PROCEDURES FOR PROVISIONAL LICENSURE

- (a) Definitions. As used in this Rule:
- (1) "Applicant" shall mean the person submitting an Application for Provisional License on a form made available by the Board on its website at ncbfs.org. Applicants shall provide the following information on the Application for Provisional License:
 - (A) The applicant's full name, date of birth, place of birth, sex, and social security number;
 - (B) The applicant's email address, residential address, mailing address, and phone number(s);
 - (C) The name and address of the applicant's current employer and past employers over the five years preceding the application, to include

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| <p>(D) the dates of employment and nature of the work performed by the applicant; The name, address, phone number, and email address of the funeral establishment at which the applicant's provisional funeral directing will be performed, as well as the establishment's licensed manager;</p> <p>(E) The name of each college or university attended by the applicant, the dates of attendance, and the graduation date and degree(s) obtained, if any;</p> <p>(F) A certified transcript from each college or university at which the applicant attended courses toward his or her attainment of the educational degree required by G.S. 90-210.25(a)(1), (2), (3);</p> <p>(G) Whether the applicant has completed an unexpired certified resident traineeship with the Board or is eligible for certification of a resident traineeship with the Board;</p> <p>(H) Whether the applicant has ever been certified, licensed, or registered to practice funeral service by the Board or by another occupational licensing board and, if so, the type of credential, the jurisdiction of issuance, the issuance date, the expiration date, and any examinations taken to obtain the credential;</p> <p>(I) Whether the applicant ever has been denied a credential in another state and, if so, the jurisdiction and the reason for the denial of the credential;</p> <p>(J) Whether the applicant has been convicted of a felony or misdemeanor crime and, if so, a statement providing the jurisdiction, charge, date of disposition, and sentence imposed of each conviction;</p> <p>(K) Whether the applicant has any criminal charges currently pending and, if so, the nature of the charge and the jurisdiction in which the charge is pending;</p> <p>(L) Whether the applicant has had an occupational or business license suspended or revoked by any local, state, or federal agency and, if so, a statement providing the reason for the action and the date, location, and circumstances of any violation that led to action against the license;</p> <p>(M) Whether any court, board, agency, or professional organization has found applicant guilty of misconduct, unprofessional conduct, dishonest or</p> | <p>fraudulent practice, or incompetent practice and, if so, the tribunal and the date of the finding;</p> <p>(N) Whether the applicant has any charges pending before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal in which the charge is pending;</p> <p>(O) 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;</p> <p>(P) The applicant's notarized signature to certify that he or she has prepared the application and has read the answers, the information provided in the application is true, 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 he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board; and</p> <p>(Q) The application fee, as prescribed by G.S. 90-210.25(a)(3a). 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.</p> <p>(2) "Entry-Level Examination" shall mean an examination as defined by G.S. 90-210.20(11) and as recognized by the Board in 21 NCAC 34B .0211.</p> <p>(3) "Laws and Rules Examination" shall mean an examination prepared by the Board to evaluate an applicant's knowledge of Articles 13A, 13D, 13E, and 13F of Chapter 90 of the North Carolina General Statutes, Chapter 34 of Title 21 of the North Carolina Administrative Code, and the federal Funeral Rule as expressed in the standards set forth in Funeral Industry Practices, 16 C.F. R. 453 (1984), pursuant to its most recent version.</p> <p>(4) "Professional Experience" shall mean work providing knowledge, skill, and proficiency resulting from the performance of funeral-related duties and responsibilities; work</p> |
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requiring knowledge attained through academic education beyond high school; and work that is intellectual in nature.

- (5) "Provisional Licensee" shall mean any individual satisfying the provisional licensure requirements pursuant to G.S. 90-210.25(a)(3a).
- (b) The following provisions shall apply to provisional license applicants and licensees only:
 - (1) Applicants shall submit with their application for provisional licensure proof of satisfying the education requirements pursuant to G.S. 90-210.25(a)(3a)(d). Such proof shall include certified transcripts from an accredited post-secondary institution, or, if applicable, a certified transcript from a funeral director program accredited by the American Board of Funeral Service Education (ABFSE) or a funeral director program offered at a post-secondary institution that is accredited by ABFSE. Certified transcripts shall come from the educational institution directly to the Board.
 - (2) Applicants not otherwise qualified as a certified trainee or eligible for a certified traineeship shall submit with their application for provisional licensure an employment history on a form provided by the Board on its website at ncbfs.org, which shall supplement the provisional license application and requires a listing of funeral-related work including name and contact information of employer, dates of employment, and duties and responsibilities performed.
 - (3) Prior to licensure as a Funeral Director, provisional licensees shall have attained a passing score of 75 percent on the Entry-Level Examination. Applicants shall have attained a passing score of 75 percent on the Laws and Rules Examination.
 - (4) Applicants shall be subject to a criminal history background check pursuant to the requirements of G.S. 90-210.25(a)(5)(h) and may be approved for licensure in the absence of any disqualifying conditions pursuant to G.S. 90-210.25(e)(1)(a) and G.S. 93B-8.1.
 - (5) Provisional licensees shall be subject to the same license renewal requirements as licensees in funeral directing, including completion of a renewal application as set forth in Rule .0309 of this Section by December 31st of each year but not later than February 1st of the year immediately following the expiration of the license and submission of a non-refundable renewal fee of two hundred fifty dollars (\$250.00).
 - (6) Provisional licensees shall be subject to the same requirements for continuing education as for licensees in funeral directing including a minimum of five continuing education credits

annually. All continuing education credits shall be awarded only for Board-approved courses of instruction provided through an accredited sponsor or other approved provider, as set forth in Section .0400 of this Subchapter.

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(3a); Eff. March 17, 2021; Temporary Amendment Eff. November 7, 2025; Amended Eff. April 1, 2026.

21 NCAC 34B .0408 CONTINUING EDUCATION PROGRAM

(a) For licensees required to complete continuing education ("CE") as a prerequisite to annual license renewal, the five hours of approved CE shall meet the following requirements:

- (1) CE courses taken at the direction of the Board as memorialized in a consent order, final agency decision, or taken voluntarily by the licensee to resolve a pending disciplinary matter, shall not be credited toward CE hours needed for annual licensure renewal. If the Board requires licensees to take a particular required course or courses, the Board shall notify licensees no later than October 1 of the year preceding the calendar year in which the course(s) will be required.
- (2) Licensees shall not receive credit toward completed CE hours for taking the same CE course within two years.

(b) A person who has received his or her license within the past 12 months and who currently holds an active license shall receive CE credit toward annual licensure renewal for any CE hours earned after that licensee's mortuary science college graduation provided that the CE hours were earned within the preceding 12 months.

(c) Licensees desiring to attend a Board-sponsored CE course taught by a member of Board staff shall pay to the Board a non-refundable registration fee of fifty dollars (\$50.00) in advance of the CE course, as set forth in Rule 34A .0201(e) of this Chapter.

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5); 150B-41(c); Eff. July 1, 2005; Amended Eff. January 1, 2009; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Amended Eff. March 17, 2021; Temporary Amendment Eff. November 7, 2025; Amended Eff. April 1, 2026.

21 NCAC 34B .0502 APPLICATION FORM AND EQUIVALENT EXAMINATIONS FOR RECIPROCAL LICENSE

(a) Applications for licensure as a funeral service licensee, embalmer, or funeral director by individuals licensed in other jurisdictions shall be made on applications available on the Board's website at ncbfs.org. Applications not completed within

90 days following submission to the Board shall be denied. All applications for such licensure shall contain the following:

- (1) The applicant's full name, date of birth, place of birth, sex, and social security number;
- (2) The applicant's email address, residential address, mailing address, and phone number(s);
- (3) The name and address of the applicant's current employer and past employers over the three years preceding the application, to include the dates of employment and nature of the work performed by the applicant;
- (4) Whether the applicant is applying for a funeral service license, a funeral director license, or embalmer license;
- (5) The name of each college or university attended by the applicant, the dates of attendance, and the graduation date and degree(s) obtained, if any;
- (6) A certified transcript from each college or university at which the applicant attended courses toward his or her attainment of the educational degree required by G.S. 90-210.25(a)(1), (2), (3);
- (7) Whether the applicant currently holds a funeral service license, funeral director license, or embalmer license in any jurisdiction outside of North Carolina and if so, the name of the jurisdiction, the date that the license was issued, the license number, and the expiration date of the license;
- (8) Whether the applicant has any military training or military experience in the practice of funeral service and, if so, for how many years the applicant has practiced funeral service in the five years preceding the application;
- (9) Whether the applicant is a spouse of a military servicemember and, if so, for how many years the applicant has practiced funeral service in the five years preceding the application;
- (10) Whether the applicant ever has been denied a credential in another state and, if so, the jurisdiction and the reason for the denial of the credential;
- (11) Whether the applicant has been convicted of a felony or misdemeanor crime and, if so, a statement providing the jurisdiction, charge, date of disposition, and sentence imposed of each conviction;
- (12) Whether the applicant has any criminal charges currently pending and, if so, the nature of the charge and the jurisdiction in which the charge is pending;
- (13) Whether the applicant has had an occupational or business license suspended or revoked by any local, state, or federal agency and, if so, a statement providing the reason for the action and the date, location, and circumstances of any violation that led to action against the license;
- (14) Whether any court, board, agency, or professional organization has found applicant guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal and the date of the finding;
- (15) Whether the applicant has any charges pending before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal in which the charge is pending;
- (16) 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;
- (17) The applicant'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, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board.
- (18) 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) The form shall require the licensing board of the other jurisdiction(s) to certify that the applicant is licensed and in good standing in that jurisdiction and to furnish the Board with the name of the applicant, licenses held and dates granted, and the name and address of the Board in such other jurisdiction.
 - (c) The applicant shall provide an employment history to show at least three consecutive years of professional practice performed in the other jurisdictions to demonstrate professional competency.
 - (d) Applicants for reciprocal licensure pursuant to G.S. 90-210.25(b)(1) or G.S. 93B-15.3 shall be deemed to have satisfied the examination requirements for reciprocal licensure if they have completed with passing scores the Laws and Rules Examination defined in 21 NCAC 34B .0313(a)(3).

History Note: Authority G.S. 90-210.23(a); 90-210.25(b)(1); 93B-15.1; 93B-15.3;

Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. November 1, 2004; September 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. August 19, 2017;
Amended Eff. March 17, 2021;
Temporary Amendment Eff. November 7, 2025;
Amended Eff. April 1, 2026.

21 NCAC 34B .0608 APPLICATION FORM FOR FUNERAL ESTABLISHMENT PERMIT AND BRANCH ESTABLISHMENT PERMIT

(a) Applications for a new funeral establishment permit shall be made on forms provided by the Board that are made available on the Board's website, ncbfs.org. Applications for a new funeral establishment permit not completed within 90 days following submission to the Board shall be denied. All applications for a new funeral establishment permit shall contain the following:

- (1) The legal name of the individual or entity that owns the funeral establishment;
- (2) The email address, physical address, mailing address, phone number(s), and facsimile number of the funeral establishment;
- (3) Other names under which the funeral establishment conducts business;
- (4) Whether the entity or individual owning the funeral establishment 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 address of any funeral establishment, crematory, cemetery, mutual burial association, or embalming facility under common ownership of the funeral establishment;
- (11) Whether the preparation room within the funeral establishment complies with the requirements of G.S. 90-210.27A(a);
- (12) Whether embalming will be performed in an embalming facility located outside of the

- (13) The name and license number of the individual who will serve as the licensed location manager for the funeral establishment in accordance with G.S. 90-210.25(d)(1);
- (14) The facility at which refrigeration of unembalmed human remains on behalf of the funeral establishment will occur, if refrigeration will be performed in an off-site facility;
- (15) The names, license type, and license number of each funeral director, funeral service licensee, and embalmer working for the establishment and whether said licensee is working on a full-time, part-time, or per case basis;
- (16) 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, as required by the FTC Funeral Rule, 16 C.F.R. 453.2;
- (17) Proof of the applicant's right of occupancy for the premises at which the funeral establishment will be located;
- (18) 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;
- (19) 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;
- (20) 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, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board;
- (21) The signature of each owner, partner, manager, member, operator, and officer of the business entity applying for licensure, consenting to the funeral establishment and, if so, the name and address of the location at which embalming will be performed;

- Board's ability to conduct a background check on his or her criminal history; and
- (22) 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 application as set forth in this Rule, the Board shall provide to the individuals identified in Subparagraph (a)(19) 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). 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) Applications for a new funeral branch establishment permit shall be made on forms provided by the Board that are made available on the Board's website, ncbfs.org. Applications for a new funeral branch establishment permit not completed within 90 days following submission to the Board shall be denied. All applications for a new funeral branch establishment permit shall contain the same information required in Paragraph (a) of this Rule. No branch establishment to which a permit is issued by the Board shall engage in the practice of embalming unless the branch establishment contains a preparation room that is compliant with G.S. 90-210.27A(a).

History Note: Authority G.S. 90-210.23(a),(d),(e); 90-210.25(d); 90-210.27A; Eff. February 1, 1976; Readopted Eff. September 27, 1977; Amended Eff. December 1, 2004; August 1, 1988; September 1, 1979; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Temporary Amendment Eff. November 7, 2025; Amended Eff. April 1, 2026.

21 NCAC 34B .0610 FUNERAL ESTABLISHMENT PERMIT AND BRANCH ESTABLISHMENT RENEWAL FORM

All funeral establishments and branch establishments 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 funeral establishment or a branch establishment permit shall contain the following:

- (1) The legal name of the individual or entity that owns the funeral establishment;

- (2) The email address, physical address, mailing address, phone number(s), and facsimile number of the funeral establishment;
- (3) Other names under which the funeral establishment conducts business;
- (4) Whether the entity or individual owning the funeral establishment 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, the name of each partner and his or her respective ownership interests;
- (7) If owned by a corporation, the name of each corporate officer and his or her position and his or her respective ownership interest;
- (8) If owned by a limited liability company, the name of each member and his or her respective percentage of ownership;
- (9) Whether the establishment has continuously held a funeral establishment permit since January 1, 1988;
- (10) Whether more than fifty percent of the ownership interest has changed at any time since last year's renewal;
- (11) Whether the preparation room within the funeral establishment complies with the requirements of G.S. 90-210.27A(a) and whether any changes have been made to the preparation room since the previous renewal application;
- (12) Whether embalming will be performed in an embalming facility located outside of the funeral establishment and, if so, the name and address of the location at which embalming will be performed;
- (13) The name and license number of the individual who will serve as the licensed location manager for the funeral establishment in accordance with G.S. 90-210.25(d)(1);
- (14) The facility at which refrigeration of unembalmed human remains on behalf of the funeral establishment will occur, if refrigeration will be performed in an off-site facility;
- (15) The names, license type, and license number of each funeral director, funeral service licensee, and embalmer working for the establishment and whether said licensee is working on a full-time, part-time, or per case basis;
- (16) 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;
- (17) Whether, since the previous renewal application, the applicant has been the subject of any investigation for employee

- misclassification and, if so, the results of the investigation;
- (18) 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, since the last renewal application, as prescribed by G.S. 143-789; and
 - (d) he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board.
- (19) If requested by the Board, the signature of each owner, partner, manager, member, operator, and officer of the business entity applying for renewal of licensure, consenting to the Board's ability to conduct a background check on his or her criminal history; and
- (20) The application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license until the renewal fees and non-sufficient fund charges are paid.

History Note: Authority G.S. 90-210.23(a); 90-210.25(d)(3); Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. December 1, 2004; September 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Temporary Amendment Eff. November 7, 2025;
Amended Eff. April 1, 2026.

21 NCAC 34B .0616 BODY IDENTIFICATION TAGS

A funeral establishment shall place a body identification tag as set forth in G.S. 90-210.29A on a dead human body at the time the body enters the funeral establishment's physical premises. Unused body identification tags shall be kept on the premises of each funeral establishment at all times and are subject to inspection by the Board and its authorized agents.

History Note: Authority G.S. 90-210.23(a),(e); 90-210.27A(a)(10); 90-210.29A;
Eff. September 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Temporary Amendment Eff. November 7, 2025;

Amended Eff. April 1, 2026.

21 NCAC 34B .0617 PRACTICING DURING DISASTERS

- (a) A funeral establishment that is destroyed by fire, weather event, or other natural disaster is eligible to request a waiver pursuant to G.S. 90-210.27A(a1) of the statutory requirements set forth in G.S. 90-210.27A(a) and (c).
- (b) Any funeral establishment seeking a waiver pursuant to this Rule shall request the same on a form prescribed by the Board, which is available on the Board's website at ncbfs.org, and shall contain the following:
 - (1) name and permit number of the funeral establishment making the waiver request;
 - (2) a description of the circumstances giving rise to the request;
 - (3) a plan for correcting any violations of G.S. 90-210.27A and 21 NCAC 34B .0702-.0706 caused by the emergency;
 - (4) the location at which the licensee's business records shall be maintained and available for inspection by the Board; and
 - (5) the anticipated time frame that the funeral establishment will return to full compliance with G.S. 90-210.27A and 21 NCAC 34B .0702-.0706.

History Note: Authority G.S. 90-210.23(d),(e); 90-210.25(d); 90-210.27A;
Eff. September 1, 2017;
Temporary Amendment Eff. November 7, 2025;
Amended Eff. April 1, 2026.

21 NCAC 34B .0618 PRACTICING DURING EMERGENCIES

History Note: Authority G.S. 90-210.23(d),(e); 90-210.25(d); 90-210.27A;
Eff. September 1, 2017;
Temporary Repeal Eff. November 7, 2025;
Repealed Eff. April 1, 2026.

21 NCAC 34B .0801 DEFINITIONS

For purposes of Section .0800, the following definitions shall apply:

- (1) "Decedent" shall mean any dead human body or remains believed to be human.
- (2) "Disinfect" shall mean a process that eliminates pathogenic microorganisms on inanimate objects using liquid chemicals or wet pasteurization.
- (3) "Impervious" shall mean constructed from material that does not allow another substance to pass through or to penetrate the material.
- (4) "Licensee" shall mean an individual or entity holding any type of licensure from the Board that allows the individual or entity to engage in the removal or transportation of a dead human body. As used in this section, "licensee" shall

include employees or authorized representatives of any person or entity exempt from obtaining a transporter permit pursuant to G.S. 90-210.25(c)(5).

- (5) "Location of origin" shall mean the location from which the licensee is authorized to transport or remove a dead human body.
- (6) "ME" shall mean a local Medical Examiner appointed by the Office of the Chief Medical Examiner, pursuant to G.S. 130A-382.
- (7) "NC OSH" shall mean the North Carolina Occupational Safety and Health Division, North Carolina Department of Labor.
- (8) "OCME" shall mean the Office of the Chief Medical Examiner.
- (9) "OSHA" shall mean the federal Occupational Safety and Health Administration.
- (10) "Permit holder" shall mean an individual who holds a permit issued by the Board to engage in the removal or transportation of a dead human body, as defined in G.S. 90-210.25(c)(3).
- (11) "Removal vehicle" shall mean a vehicle of a size, dimensions, and specifications capable of removing and transporting, in accordance with G.S. 90-210.25(c)(9), at least one adult human body measuring up to seven feet in length and three hundred pounds in weight.
- (12) "State" shall mean the State of North Carolina.
- (13) "Removal or Transportation" shall mean the removal or transportation of a dead human body, or part thereof.
- (14) "Transporter Permit" shall mean a permit issued to an individual by the Board pursuant to Rule .0802 of this Section to engage in the removal or transportation of a dead human body, as defined in G.S. 90-210.25(c)(3).
- (15) "Transportation Service" shall mean any business that employs or contracts with individuals to engage in the removal or transportation of a dead human body unless otherwise exempt pursuant to G.S. 90-210.25(c)(5) and (6).
- (16) "Transportation Service Permit" shall mean a permit issued to a Transportation Service pursuant to Rule .0807 of this Section that conducts, maintains, manages, or operates a business engaged in "Removal or Transportation."

submission to the Board shall be denied. Application forms and instructions may be found on the Board's website at ncbfs.org.

(b) All applications for a Transporter Permit shall contain the following:

- (1) The applicant's full name;
- (2) The applicant's physical and mailing address of residence;
- (3) The name, address, and permit number of the Transportation Service for which the applicant will work;
- (4) The applicant's work phone number, home phone number, and cell phone number;
- (5) The applicant's social security number and sex;
- (6) The applicant's date and place of birth;
- (7) The applicant's email address;
- (8) A copy of the applicant's valid driver's license issued by the State;
- (9) The make, model, year, and license plate number of the removal vehicle to be used by the applicant;
- (10) A copy of all liability insurance required for the registration of the removal vehicle to be used by the applicant;
- (11) A copy of professional liability insurance covering the applicant's acts and omissions while engaging in the removal or transportation, with liability limits not less than required by G.S. 90-210.25(c)(7)f;
- (12) Whether the applicant has been convicted of any felony or misdemeanor crimes and, if so, a statement providing the jurisdiction, charge, and disposition of each conviction;
- (13) Whether the applicant has had an occupational or business license denied, suspended, or revoked by any local, state, or federal agency and, if so, a statement providing the reason for the denial and the date, location, and circumstances of any violation that led to action against the applicant, the terms of any discipline imposed by the licensing authority, and whether said terms have been satisfied;
- (14) Whether OCME ever has terminated the applicant's ability to provide removal or transportation services on behalf of OCME and, if so, the reasons for said termination, if known;
- (15) Whether the applicant has been subject to any investigation for employee misclassification as defined by G.S. 143-786(a)(5) in the preceding two years;
- (16) The applicant's signature to certify under oath that he or she has prepared the application and has read the answers; that the information provided in the application is true; and that he or she has read the NC Industrial Commission Public Notice Statement;
- (17) The applicant's signature to certify under oath that he or she has read and understands the statutes and rules relating to the removal or transportation found in G.S. 90-210.25(c) and

History Note: Authority G.S. 90-210.23(a); 90-210.25(c)(10); Eff. February 1, 2025; Temporary Amendment Eff. November 7, 2025; Amended Eff. April 1, 2026.

21 NCAC 34B .0802 INITIAL TRANSPORTER PERMIT APPLICATION FORM

(a) Pursuant to G.S. 90-210.25(c)(7), any person desiring to obtain a Transporter Permit from the Board shall make application to the Board. Applications not completed within 90 days of

Section .0800 of this Subchapter, as well as the standards of OSHA for universal precautions and blood-borne pathogens found in 29 C.F.R. 1910.1030; and

- (18) The application fee, as prescribed by G.S. 90-210.25(c)(8) and 21 NCAC 34A .0201.

(c) Upon receipt of an applicant's application for a Transporter Permit, the Board shall provide to the applicant 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). The applicant 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. The applicant 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.

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5)(h); 90-210.25(c)(7) and (10); Eff. February 1, 2025; Temporary Amendment Eff. November 7, 2025; Amended Eff. April 1, 2026.

21 NCAC 34B .0803 TRANSPORTER PERMIT RENEWAL APPLICATION FORM

(a) To renew a Transporter Permit, the permit holder shall complete and submit to the Board a renewal application available on the Board's website at ncbfs.org on or before February 1 of each calendar year.

(b) The renewal application shall contain the following:

- (1) The permit holder's full name;
- (2) The permit holder's physical and mailing address of residence;
- (3) The name, address, and permit number of the Transportation Service for which the permit holder works;
- (4) The permit holder's work phone number, home phone number, and cell phone number;
- (5) The permit holder's email address;
- (6) A copy of the permit holder's valid driver's license issued by the State;
- (7) A copy of all liability insurance required for the registration of the removal vehicle to be used by the permit holder;
- (8) A copy of professional liability insurance covering the permit holder's acts and omissions while engaging in the removal or transportation, with liability limits not less than required by G.S. 90-210.25(c)(7)(f);
- (9) Whether the make, model, year, and license plate number of the permit holder's removal vehicle has changed since the previous renewal year and, if so, the make, model, year, and license plate number of the removal vehicle currently used by the applicant;
- (10) Whether the permit holder has been convicted of any felony or misdemeanor crimes since the

previous renewal application was submitted and, if so, a statement providing the jurisdiction, charge, and disposition of each conviction;

- (11) Whether the permit holder has had an occupational or business license denied, suspended, or revoked by any local, state, or federal agency since the previous renewal application was submitted and, if so, a statement providing the reason for the denial and the date, location, and circumstances of any violation that led to action against the permit holder, the terms of any discipline imposed by the licensing authority, and whether said terms have been satisfied;
- (12) Whether OCME ever has terminated the permit holder's ability to provide removal or transportation services on behalf of OCME and, if so, the reasons for said termination, if known;
- (13) Whether the permit holder has been subject to any investigation for employee misclassification as defined by G.S. 143-786(a)(5) since the previous renewal application was submitted;
- (14) The permit holder's signature to certify that he or she has prepared the application and has read the answers; that the information provided in the application is true; and that he or she has read the NC Industrial Commission Public Notice Statement;
- (15) The permit holder's signature to certify under oath that he or she has read and understands the statutes and rules relating to the removal or transportation found in G.S. 90-210.25(c) and Section .0800 of this Subchapter, as well as the standards of OSHA for universal precautions and blood-borne pathogens found in 29 C.F.R. 1910.1030;
- (16) The permit holder's consent to a check of the permit holder's criminal background by the Board; and
- (17) The application fee, as prescribed by G.S. 90-210.25(c)(8) and 21 NCAC 34A .0201. If the application fee is dishonored by the drawee bank for any reason, the Board shall suspend the Transporter Permit until the renewal fees and non-sufficient fund charges are paid.

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5)(h); 90-210.25(c)(8) and (10); Eff. February 1, 2025; Temporary Amendment Eff. November 7, 2025; Amended Eff. April 1, 2026.

21 NCAC 34B .0807 INITIAL TRANSPORTATION SERVICE PERMIT APPLICATION FORM

(a) Pursuant to G.S. 90-210.25(c)(7), any business desiring to obtain a Transportation Service Permit from the Board shall make application to the Board. Applications not completed within 90

days of submission to the Board shall be denied. Application forms and instructions may be found on the Board's website at ncbfs.org.

(b) All applications for a Transportation Service Permit shall contain the following:

- (1) The applicant's full name and Transporter Permit number, if one exists;
- (2) The applicant's email address, physical address, mailing address, and phone number(s);
- (3) The name of the individual or entity that owns the Transportation Service;
- (4) Whether the entity or individual owning the Transportation Service 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;
- (7) If owned by a corporation, a copy of the applicant's Articles of Incorporation;
- (8) If owned by a limited liability company, a copy of the applicant's Articles of Organization;
- (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 names and respective ownership interest percentages of each sole proprietor, partner, LLC members, or corporate officers;
- (11) A copy of valid driver's licenses issued by the State for all licensees who will be working for the Transportation Service;
- (12) The address of the location at which Transportation Service business records will be held;
- (13) The make, model, year, and license plate number of all removal vehicles to be used by the Transportation Service and a copy of all liability insurance required for the registration of the removal vehicles to be used by the Transportation Service;
- (14) The names, license or permit type, and license or permit number of each licensee working for the Transportation Service and whether said licensee is working on a full-time, part-time, or per case basis;
- (15) A copy of the professional liability insurance covering the acts and omissions of all licensees engaged in Removal or Transportation on behalf of the Transportation Service, with liability limits not less than required by G.S. 90-210.25(c)(7)(f);
- (16) 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;
- (17) Whether the owner, partner, manager, member, operator, or officer of the Transportation

Service has been convicted of any felony or misdemeanor crimes and, if so, a statement providing the jurisdiction, charge, and disposition of each conviction;

- (18) Whether the Transportation Service or any of its owners, partners, managers, members, operators, or officers has had an occupational or business license denied, suspended, or revoked by any local, state, or federal agency and, if so, a statement providing the reason for the denial and the date, location, and circumstances of any violation that led to action against the applicant, the terms of any discipline imposed by the licensing authority, and whether said terms have been satisfied;
- (19) Whether OCME ever has terminated the ability of the Transportation Service or any of its owners, partners, managers, members, operators, or officers to provide removal or transportation services on behalf of OCME and, if so, the reasons for said termination, if known;
- (20) 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;
- (21) The notarized signature of the majority owner of the Transportation Service 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) he or she 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;
 - (D) he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board; and
 - (E) he or she has read and understands the statutes and rules relating to the removal or transportation found in G.S. 90-210.25(c) and Section .0800 of this Subchapter, as well as the standards of OSHA for universal precautions and blood-borne pathogens found in 29 C.F.R. 1910.1030.
- (22) The signature of each owner, partner, manager, member, operator, and officer of the business entity applying for the Transportation Service Permit, consenting to the Board's ability to

conduct a background check on his or her criminal history; and

- (23) The application fee, as prescribed by G.S. 90-210.25(c)(8) and 21 NCAC 34A .0201.

(c) Upon receipt of an application for a Transportation Service Permit, the Board shall provide to the individuals identified in Subparagraph (b)(22) 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). 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.

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5)(h); 90-210.25(c)(7) and (10); Temporary Adoption Eff. November 7, 2025; Eff. April 1, 2026.

21 NCAC 34B .0808 TRANSPORTION SERVICE PERMIT RENEWAL APPLICATION FORM

(a) To renew a Transportation Service Permit, the permit holder shall complete and submit to the Board a renewal application on or before February 1 of each calendar year.

(b) The renewal application shall contain the following:

- (1) The applicant's full name and Transporter Permit number, if one exists;
- (2) The applicant's email address, physical address, mailing address, and phone number(s);
- (3) The name of the individual or entity that owns the Transportation Service;
- (4) Whether the entity or individual owning the Transportation Service is a sole proprietorship, partnership, corporation, or limited liability company;
- (5) 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;
- (6) The names and respective ownership interest percentages of each sole proprietor, partner, LLC members, or corporate officers;
- (7) A copy of valid driver's licenses issued by the State for all licensees who will be working for the Transportation Service and not previously provided to the Board by the Transportation Service;
- (8) The address of the location at which Transportation Service business records will be held;

- (9) The make, model, year, and license plate number of all removal vehicles to be used by the Transportation Service and a copy of all liability insurance required for the registration of the removal vehicles to be used by the Transportation Service;
- (10) The names, license or permit type, and license or permit number of each licensee working for the Transportation Service and whether said licensee is working on a full-time, part-time, or per case basis;
- (11) A copy of the professional liability insurance covering the acts and omissions of all licensees engaged in Removal or Transportation on behalf of the Transportation Service, with liability limits not less than required by G.S. 90-210.25(c)(7)(f);
- (12) 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;
- (13) Whether the owner, partner, manager, member, operator, or officer of the Transportation Service has been convicted of any felony or misdemeanor crimes since the last year's renewal application and, if so, a statement providing the jurisdiction, charge, and disposition of each conviction;
- (14) Whether the Transportation Service or any of its owners, partners, managers, members, operators, or officers has had an occupational or business license denied, suspended, or revoked by any local, state, or federal agency since the last year's renewal and, if so, a statement providing the reason for the denial and the date, location, and circumstances of any violation that led to action against the applicant, the terms of any discipline imposed by the licensing authority, and whether said terms have been satisfied;
- (15) Whether OCME ever has terminated the ability of the Transportation Service or any of its owners, partners, managers, members, operators, or officers to provide removal or transportation services on behalf of OCME since the last year's renewal application and, if so, the reasons for said termination, if known;
- (16) Whether, within the last year's renewal application, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;
- (17) The notarized signature of the majority owner of the Transportation Service 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) he or she 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, since the last year's renewal application, as prescribed by G.S. 143-789;
- (D) he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board; and
- (E) he or she has read and understands the statutes and rules relating to the removal or transportation found in G.S. 90-210.25(c) and Section .0800 of this Subchapter, as well as the standards of OSHA for universal precautions and blood-borne pathogens found in 29 C.F.R. 1910.1030.
- (18) The signature of each owner, partner, manager, member, operator, and officer of the business entity applying to renew the Transportation Service Permit, consenting to the Board's ability to conduct a background check on his or her criminal history; and
- (19) The application fee, as prescribed by G.S. 90-210.25(c)(8) and 21 NCAC 34A .0201. If the application fee is dishonored by the drawee bank for any reason, the Board shall suspend the Transportation Service Permit until the renewal fees and non-sufficient fund charges are paid.

funeral trust to purchase an insurance funded product that is irrevocably assigned to the contracting preneed funeral establishment, the preneed licensee shall direct the financial institution that is a party to the preneed funeral contract to make the transfer directly and solely to the substitute insurance company and not to the preneed licensee. The preneed licensee shall obtain the preneed contract purchaser's consent for the conversion on a form prescribed by the Board, which shall contain the following information:

- (1) The name, address, and license number of the preneed establishment serving as trustee for the preneed contract, along with the preneed contract identification number prescribed by the Board;
- (2) The name and address of the financial institution, along with the account number in which the preneed funds are held;
- (3) The name and address of the successor insurance company, to which the preneed funds will be transferred for the purchase of an irrevocably assigned insurance product;
- (4) The name of the preneed contract beneficiary and preneed contract purchaser;
- (5) The dated signature of the preneed contract purchaser or, if the purchaser is deceased, the preneed contract beneficiary's legal representative, attesting to their consent for the conversion of the irrevocable preneed trust to an irrevocably assigned insurance product; and
- (6) The dated signature of the representative of the financial institution attesting to its payment of the preneed funds to the successor insurance company and the amount of preneed funds so transferred.

(b) The preneed licensee shall file said form with the Board within 10 days following withdrawal of the preneed funeral funds from trust.

History Note: Authority G.S. 90-210.69(a); 90-210.68(b); Temporary Adoption Eff. November 7, 2025; Eff. April 1, 2026.

CHAPTER 58 - REAL ESTATE COMMISSION

21 NCAC 58A .0302 LICENSE APPLICATION AND FEE

- (a) The fee for an original application of a broker or firm license shall be one hundred five dollars (\$105.00).
- (b) An applicant shall update information provided in connection with a license application in writing to the Commission or submit a new application form that includes the updated information without request by the Commission to ensure that the information provided in the application is current and accurate. Upon the request of the Commission, an applicant shall submit updated information or provide additional information necessary to complete the application within 45 days of the request or the license application shall be canceled.

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5)(h); 90-210.25(c)(8) and (10); Temporary Adoption Eff. November 7, 2025; Eff. April 1, 2026.

21 NCAC 34C .0101 ELECTION TO CREMATORY AUTHORITY

History Note: Authority G.S. 90-210.122(c); 90-210.134(a); Eff. July 1, 1991; Amended Eff. July 1, 2004; Temporary Amendment Eff. June 30, 2005; Amended Eff. April 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Temporary Repeal Eff. November 7, 2025; Repealed Eff. April 1, 2026.

21 NCAC 34D .0305 TRANSFER OF TRUST FUNDS TO INSURANCE FUNDED PRODUCT

(a) When, pursuant to G.S. 90-210.61(d), a preneed licensee withdraws preneed funeral funds from an irrevocable preneed

(c) The license application of an individual shall be canceled if the applicant fails to:

- (1) pass a scheduled license examination within 180 days of filing a complete application pursuant to Rule .0301 of this Section; or
- (2) appear for and take any scheduled examination without having the applicant's examination postponed or absence excused pursuant to Rule .0401 of this Subchapter.

(d) If an applicant seeks to withdraw their application for licensure after a Notice of Hearing is issued by Commission staff, an applicant shall file a Motion to Withdraw with the Commission that states the applicant's reason for withdrawal. The Commission shall issue an Order of Withdrawal and may prohibit the applicant from re-applying for licensure for a period of up to two years from the date of the Order if the applicant fails to show good cause for the withdrawal. For purposes of this Rule, good cause may include:

- (1) an incapacitating illness of the applicant or applicant's attorney;
- (2) a naturally occurring disaster; or
- (3) an undue hardship on the applicant.

(e) If an applicant is denied licensure following a hearing, the Commission shall order that the applicant be prohibited from re-applying for licensure for a period of up to two years from the date of the application.

History Note: Authority G.S. 93A-4; 93A-6(b)(1); 93A-9; 93B-8.1(b5);

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. July 1, 2017; April 1, 2006; July 1, 2004; April 1, 2004; July 1, 2003; October 1, 2000; August 1, 1998; July 1, 1998; July 1, 1996; February 1, 1989;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;

Amended Eff. April 1, 2026; July 1, 2025; July 1, 2020.

21 NCAC 58A .0503 LICENSE RENEWAL

(a) All real estate licenses issued by the Commission under G.S. 93A, Article 1 shall expire on June 30 following issuance. Any broker desiring renewal of his or her license shall renew on the Commission's website within 45 days prior to license expiration and shall submit a renewal fee of fifty dollars (\$50.00).

(b) During the renewal process, every individual broker shall provide an email address to be used by the Commission. The email address may be designated by the broker as private in order to be exempt from public records disclosures pursuant to G.S. 93A-4(b2).

(c) During the renewal process, every designated broker-in-charge shall disclose:

- (1) each federally insured depository institution lawfully doing business in this State where the trust account(s) for the broker-in-charge or the entity for which the broker-in-charge is designated is held, if applicable; and
- (2) any criminal conviction or occupational license disciplinary action that occurred within the previous year.

History Note: Authority G.S. 93A-3(c); 93A-4; 93A-6; 93A-38.5;

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. July 1, 1994; February 1, 1991; February 1, 1989; Temporary Amendment Eff. April 24, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Amended Eff. July 1, 2017; July 1, 2014; April 1, 2013; April 1, 2006; January 1, 2006; July 1, 2004; December 4, 2002; April 1, 1997; July 1, 1996; August 1, 1995;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;

Amended Eff. April 1, 2026; July 1, 2021; July 1, 2018.

21 NCAC 58A .0513 LICENSE CANCELLATION

(a) A broker seeking to voluntarily cancel their real estate license shall file a license cancellation notice by logging into the broker's online portal located on the Commission's website.

(b) The license cancellation shall be granted if the broker's license does not have a pending complaint or disciplinary action with the Commission. If the license cancellation is granted, the broker's license shall be permanently cancelled effective as of the date the notice was filed pursuant to Paragraph (a) of this Rule.

(c) A license cancelled pursuant to this Rule shall be ineligible for reinstatement.

History Note: Authority G.S. 93A-3(c);

Eff. April 1, 2026.

21 NCAC 58A .1803 REQUIREMENTS FOR LICENSURE; APPLICATION AND FEE

(a) A person desiring to obtain a broker license under this Section shall demonstrate to the Commission that:

- (1) he or she is a resident of a state or territory of the United States other than North Carolina;
- (2) he or she is licensed as a real estate broker or salesperson in a qualifying state on active status and not in abeyance for any reason. If licensed as a salesperson, he or she shall also demonstrate that he or she is acting under the supervision of a broker in accordance with the applicable governing statutes or regulations in the qualifying state; and
- (3) he or she possesses the requisite honesty, truthfulness, integrity, and moral character for licensure as a broker in North Carolina.

A person applying for licensure under this Section shall not be required to show that the state or territory where he or she is currently licensed offers reciprocal licensing privileges to North Carolina brokers.

(b) An applicant for licensure under this Section shall be required to update his or her application as required by Rule .0302(b) of this Subchapter.

(c) The fee for a limited commercial license shall be one hundred five dollars (\$105.00).

(d) An individual seeking licensure as a limited commercial broker shall submit an application that is available on the Commission's website and shall include the applicant's:

- (1) legal name;
- (2) place of business name, mailing address, and phone number;
- (3) residence mailing address and telephone number;
- (4) email address;
- (5) social security number and date of birth;
- (6) qualification for license application;
- (7) real estate license history;
- (8) criminal offenses, military courts-martial convictions, professional license disciplinary actions, including the jurisdiction, file number, and explanation of each offense;
- (9) liens or unpaid judgments;
- (10) certification the applicant has read the Real Estate Licensing in North Carolina brochure that is available on the Commission's website; and
- (11) declaration and signature.

(e) In addition to the application required by Paragraph (d) of this Rule, the applicant shall submit:

- (1) the limited commercial license application fee pursuant to Paragraph (c) of this Rule; and
- (2) a certification of license history from the qualifying state issued within the previous six months; and
- (3) a criminal records report from a Commission-designated criminal reporting service obtained within six months prior to application submission.

History Note: Authority G.S. 93A-4; 93A-9; Eff. July 1, 2004; Amended Eff. April 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018; Amended Eff. April 1, 2026.

21 NCAC 58G .0103 DEFINITIONS

The following definitions apply throughout this Chapter and to all forms prescribed pursuant to this Chapter:

- (1) "Branch Office" means any office in addition to the principal office of a broker that is operated in connection with the broker's real estate business.
- (2) "BIC" means a broker-in-charge pursuant to G.S. 93A-2(a1).
- (3) "BIC Eligible" means a broker's license status who has satisfied the broker-in-charge qualification requirements and filed application pursuant to G.S. 93A-4.2 and 21 NCAC 58A .0110.
- (4) "Commission" means the North Carolina Real Estate Commission.
- (5) "Commission's website" means www.ncrec.gov.
- (6) "Day" means calendar day unless the rule expressly states otherwise. The first day counted is the day following the act, event, or

transaction that triggered the tolling of the designated time period.

- (7) "Fee" means a payment made to the Commission by a bank check, certified check, money order, debit card, credit card, or other electronic means and is nonrefundable once the payment has been processed.
- (8) "Firm" means a partnership, corporation, limited liability company, association, or other business entity, except for a sole proprietorship.
- (9) "Form" means an original form template provided by the Commission and completed by the submitting party.
- (10) "Office" means any place of business where acts are performed for which a real estate license is required or where monies received by a broker acting in a fiduciary capacity are handled or records for such trust monies are maintained.
- (11) "Principal Office" means the physical address designated in the Commission's records by the qualifying broker of a licensed firm or the broker-in-charge of a sole proprietorship.

History Note: Authority G.S. 93A-3(c); Eff. July 1, 2017; Amended Eff. July 1, 2026; July 1, 2018.

21 NCAC 58H .0101 DEFINITIONS

The following definitions apply throughout this Subchapter and to all forms prescribed pursuant to this Chapter:

- (1) "Assessment" means a quiz or evaluation that tests a student's mastery of the learning objective.
- (2) "Blended learning" means any combination of distance education, synchronous distance learning, and in-person methods of instruction.
- (3) "Branch location" means any location in addition to the principal address of an education provider that offers Prelicensing or Postlicensing Courses.
- (4) "Continuing education" means a continuing education elective or Update Course.
- (5) "Distance education" means a method of instruction accomplished through the use of media whereby teacher and student are separated by distance and time.
- (6) "End-of-course examination" means an examination administered at the conclusion of a course that tests students' knowledge and mastery of all course subjects mandated by the Commission prescribed course syllabus.
- (7) "Instructional hour" means 50 minutes of instruction and 10 minutes of break time.
- (8) "Instructor development program" means courses of instruction designed to assist real estate instructors in the performance of Prelicensing, Postlicensing, or continuing

- education instructor duties or in the development of teaching skills.
- (9) "Learning objective" means a statement of what a student will be able to do after completing a unit or course. A learning objective shall be structured in accordance with Bloom's Taxonomy.
 - (10) "License Examination Performance Record" means the percentage of an instructor's or education provider's students who, within 30 days of completing a Prelicensing course pursuant to 21 NCAC 58H .0207(a), take and pass the license examination, as defined in 21 NCAC 58A .0402, on their first attempt.
 - (11) "Postlicensing course" means any one of the courses comprising the 90 hour Postlicensing education program pursuant to G.S. 93A-4(a1) and 21 NCAC 58A .1902.
 - (12) "Prelicensing course" means a single course consisting of at least 75 hours of instruction on subjects prescribed by the Commission pursuant to G.S. 93A-4(a).
 - (13) "Public education provider" means any proprietary business or trade school licensed by the State Board of Community Colleges under G.S. 115D-90 or approved by the Board of Governors of the University of North Carolina that conducts approved real estate courses.
 - (14) "Syllabus" means a document that includes each topic and subtopic addressed during the course and for each topic and subtopic describes the scope and depth of coverage, timing, and references to course materials, and also demonstrates opportunities for student interactions throughout the course, such as discussion boards, chat areas, group activities, and quizzes.
 - (15) "Synchronous distance learning" means the instructor and students are separated only by distance and not time, allowing for real-time monitoring of student attendance and participation. For purposes of this Subchapter, a student shall be visible on camera in order to meet the attendance requirements set forth in Rule .0207 of this Section or 21 NCAC 58A .1705.
 - (16) "Update Courses" means the General Update Course and the Broker-in-Charge Update Course.
 - (17) "Unit" means a segment of distance education that is based upon a topic or subtopic in the course syllabus that lasts no longer than one hour.

21 NCAC 58H .0210 LIMITATION, DENIAL, WITHDRAWAL, OR TERMINATION OF EDUCATION PROVIDER CERTIFICATION

(a) The Commission may limit, deny, or withdraw certification of an education provider or suspend, revoke, or deny renewal of the certification of an education provider upon finding that an education provider:

- (1) was found by a court or government agency of competent jurisdiction to have violated any state or federal law;
- (2) made any false statements or presented any false, incomplete, or incorrect information in connection with an application;
- (3) failed to provide or provided false, incomplete, or incorrect information in connection with any report the education provider is required to submit to the Commission;
- (4) presented to its students or prospective students false or misleading information relating to its instructional program, to the instructional programs of other institutions, or related to employment opportunities;
- (5) collected money from students but refused or failed to provide the promised instruction;
- (6) failed to submit the per student fee as required by G.S. 93A-4(a2) or 93A-38.5(e).
- (7) refused at any time to permit authorized representatives of the Commission to inspect the education provider's facilities or audit its courses;
- (8) or education director violated the rules of this Subchapter or was disciplined by the Commission under G.S. 93A-6;
- (9) obtained or used, or attempted to obtain or use, in any manner or form, North Carolina real estate license examination questions;
- (10) failed to provide to the Commission, within 30 days of the Commission's request during an investigation or application process, a written plan describing the changes the education provider made or intends to make in its instructional program including instructors, course materials, methods of student evaluation, and completion standards to improve the performance of the education provider's students on the license examination;
- (11) provided the Commission a fee that was dishonored by a bank or returned for insufficient funds;
- (12) has had its Certificate of Authority revoked by the NC Secretary of State pursuant to G.S. 55-15-30;
- (13) has been suspended by the NC Secretary of State for failure to report, return, or to pay any tax or fee pursuant to G.S. 105-230;
- (14) has been administratively dissolved by the NC Secretary of State pursuant to G.S. 57D-6-06;
- (15) failed to utilize course materials pursuant to Rule .0205 of this Section;

History Note: Authority G.S. 93A-4; 93A-32; 93A-33; 93A-38.5; Eff. July 1, 2017; Amended Eff. July 1, 2026; January 1, 2021; July 1, 2020.

- (16) failed to submit reports pursuant to Rule .0207 of this Section;
- (17) provided false, incomplete, or misleading information relating to real estate licensing, education matters, or the broker's education needs or license status;
- (18) discriminated in its admissions policy or practice against any person on the basis of age, sex, race, color, national origin, familial status, handicap status, or religion;
- (19) failed to ensure that synchronous distance learning students were visible on camera pursuant to Rule .0101 of this Section; or
- (20) refused or failed to comply with the provisions of this Subchapter.

(b) A broker shall be subject to discipline pursuant to G.S. 93A-6 if the broker engages in dishonest, fraudulent, or improper conduct in connection with the operations of an education provider if that broker:

- (1) has an ownership interest in the education provider;
- (2) is the education director; or
- (3) is an instructor for an education provider.

(c) If an education provider's annual License Examination Performance Record fails to exceed 40 percent in each of the previous two license years and the education provider was certified by the Commission during the entire two years, the Commission shall limit the education provider's certification such that the education provider shall not offer prelicensing or postlicensing courses. Said limitation shall be effective July 1st of the calendar year following the Commission's determination. The education provider shall be eligible to have the limitation removed one year after the limitation is imposed provided that the education provider has:

- (1) provided a written plan describing the changes the education provider has made or intends to make in its instructional program to improve the performance of the students on the license examination;
- (2) consulted with a designated Commission staff member to review the written plan and needs for improvement; and
- (3) employed an instructor with no limitations to teach prelicensing and postlicensing courses.

(d) A limited education provider is eligible to renew its certification; however, a renewal shall not remove the limitations provided under Paragraph (c) of this Rule.

(e) When ownership of a certified education provider is transferred and the education provider ceases to operate as the certified entity, the certification is not transferable and shall terminate on the effective date of the transfer. All courses shall be completed by the effective date of the transfer. The transferring owner shall report course completion(s) to the Commission. The new entity shall obtain an original certification for each location where the education provider will conduct courses as required by G.S. 93A-34 and Rule .0202 of this Section prior to advertising courses, registering students, accepting tuition, conducting courses, or otherwise engaging in any education provider operations.

*History Note: Authority G.S. 93A-4(d); 93A-34(c); 93A-35(c); 93A-38;
Eff. July 1, 2017;
Amended Eff. July 1, 2026; July 1, 2022; July 1, 2021; July 1, 2020.*

RULES REVIEW COMMISSION

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

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate

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

Appointed by House

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

COMMISSION COUNSEL

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

RULES REVIEW COMMISSION MEETING DATES

May 28, 2026	July 30, 2026
June 25, 2026	August 27, 2026

RULES REVIEW COMMISSION MEETING

MINUTES

March 26, 2026

The Rules Review Commission met on Thursday, March 26, 2026, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and the meeting was streamed for the public via Webex.

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

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

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

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

The Chair notified the Commission that the following agenda items will be taken up at the end of the meeting: Permanent Rules from the Private Protective Services Board and Security Systems Licensing Board.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the February 26, 2026 meeting. There were none, and the minutes were unanimously approved as distributed.

FOLLOW-UP MATTERS

State Board of Education

Prior to the review of the rule from the State Board of Education, Commissioner Loutit recused himself and did not participate in any discussion or vote concerning the rule because of a potential conflict of interest.

16 NCAC 06H .0102 – The rule was returned at the request of the agency. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

Code Officials Qualification Board

11 NCAC 08 .0602, .0706, .0737, .0738, .0739, .0740, and .0741 were unanimously approved.

Department of Insurance

11 NCAC 12 .0332 and 11 NCAC 18.0102 were unanimously approved.

Private Protective Services Board

14B NCAC 16 .0807, .0808, and .1203 were unanimously approved.

The Commission voted to extend the period of review for 14B NCAC 16 .0203, .0205, .0703, .0706, .0806, .0807, .0902, .0904, .0910, .0911, .1306, and .1406 until the April 28, 2026, meeting.

Security Systems Licensing Board

14B NCAC 17 .0103, .0105, .0108, .0202, .0209, .0210, and .0305 were unanimously approved.

The Commission voted to extend the period of review for 14B NCAC 17 .0201 and .0301 until the April 28, 2026, meeting.

Wildlife Resources Commission

15A NCAC 10F .0301, .0303, .0310, .0329, .0354, and .0368 were unanimously approved.

Board of Chiropractic Examiners

21 NCAC 10 .0103, .0104, .0105, .0202, .0203, .0204, .0207, .0208, .0209, .0210, .0211, .0212, .0213, .0215, .0216, .0217, .0218, .0302, .0303, .0304, .0305, .0306, .0401, .0403, .0406, .0501, .0503, .0504, .0706, .0708, .0709, and .0803 were unanimously approved.

Licensing Board for General Contractors

21 NCAC 12A .0202 was unanimously approved.

Board of Cosmetic Art Examiners 14A, B, C, D

21 NCAC 14A .0101, .0104, .0401, .0402, .0403, .0404; 14B .0101, .0102, .0105, .0107, .0201, .0302, .0304, .0305, .0306, .0307, .0308, .0309, .0501, .0502, .0503, .0505, .0506, .0601, .0603, .0605, .0607, .0608; 14C .0101, .0103, .0201, .0203, .0204, .0205, .0503, .0601, .0801, .0802, .0803, .0804, .0805, .0807, .0808, .0903, .0904, .0906, .0907, .0908; 14D .0101, .0103, .0104, .0105, .0302, .0303, .0305, .0306, .0307, .0308, .0309, and .0310 were unanimously approved.

Board of Cosmetic Art Examiners 14G, H, I, N, P, R

21 NCAC 14G .0103, .0116; 14H .0201, .0203, .0204, .0301, .0302, .0303, .0304, .0401, .0402, .0403, .0404, .0501, .0502, .0503, .0504; 14I .0401; 14N .0102, .0103, .0107, .0110, .0111, .0115; 14P .0101, .0102, .0104, .0105, .0106, .0107, .0108, .0109, .0110, .0111, .0113, .0115, .0116, .0117, and 14R .0105 were unanimously approved.

Board of Cosmetic Art Examiners 14T

21 NCAC 14T .0101, .0102, .0201, .0301, .0302, .0303, .0304, .0305, .0401, .0402, .0403, .0404, .0501, .0502, .0601, .0602, .0603, .0604, .0605, .0606, .0607, .0608, .0609, .0610, .0611, .0612, .0613, .0614, .0615, .0616, .0617, .0701, .0702, .0703, .0705, .0706, .0802, .0803, and .0901 were unanimously approved.

Board of Funeral Service

21 NCAC 34A .0122, .0201; 34B .0103, .0105, .0106, .0107, .0120, .0211, .0310, .0313, .0408, .0502, .0608, .0610, .0616, .0617, .0618, .0801, .0802, .0803, .0807, .0808; 34C .0101 and 34D .0305 were unanimously approved.

Real Estate Commission

21 NCAC 58A .0302, .0503, .0513, .1803; 58G .0103; 58H .0101, and 58H .0210 were unanimously approved.

Pursuant to S.L. 2025-52, Rule 21 NCAC 58A .0112 is exempt from RRC review. No action was required by the Commission.

LOG OF FILINGS (TEMPORARY RULES)

Wildlife Resources Commission

15A NCAC 10C .0325 was unanimously approved.

EXISTING RULES REVIEW

HHS - Division of Health Service Regulation

10A NCAC 14F - The Commission unanimously approved the report as submitted by the agency.

Social Services Commission

10A NCAC 70I - The Commission unanimously approved the report as submitted by the agency.

DHHS - Social Services Commission

10A NCAC 70K - The Commission unanimously approved the report as submitted by the agency.

Department of Insurance

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

11 NCAC 12 - The Commission unanimously approved the report as submitted by the agency.

Boxing and Combat Sports Commission

14B NCAC 10 - The Commission unanimously approved the report as submitted by the agency.

Department of Public Safety

Prior to the review of the report from the Department of Public Safety, Commissioner Loutit recused himself and did not participate in any discussion or vote concerning the report for 14B NCAC 11 because of a potential conflict of interest.

14B NCAC 11 – The Commission continued consideration of this report until the April 28, 2026, meeting because a quorum of commissioners was not present.

Public Safety - State Capitol Police

Prior to the review of the report from the Public Safety - State Capitol Police, Commissioner Loutit recused himself and did not participate in any discussion or vote concerning the report for 14B NCAC 13 because of a potential conflict of interest.

14B NCAC 13 – The Commission continued consideration of this report until the April 28, 2026, meeting because a quorum of commissioners was not present

Department of State Treasurer

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

20 NCAC 07 - The Commission unanimously approved the report as submitted by the agency.

COMMISSION BUSINESS

Request to modify 2024-2027 Existing Rules Review Schedule: Board of Dietetics and Nutrition

21 NCAC 17 – The agency requested early review of these reports, and that they be reviewed immediately. The Commission waived the timing requirements of 26 NCAC 05 .0205, granted the request for early review, reviewed the reports, and approved the reports as submitted by the agency.

Staff gave an update on the Incorporation Guidance that was posted on the March agenda for public comment. Public comment was received and posted for RRC review. The Commission unanimously voted to approve the Incorporation Guidance. Staff will work with the Codifier to publish the guidance on OAH's website.

Staff gave a brief overview of the RRC Draft Guidance on Form Requirements for Rules to the Commissioners. At the direction of the Chair, the guidance will be posted to the April agenda and will be open to receive public comments.

The meeting adjourned at 10:31 a.m.

The next regularly scheduled meeting of the Commission is Tuesday, April 28, 2026, at 10:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:
Jake Parker, Chair

RULES REVIEW COMMISSION

March 26, 2026

Rules Review Commission
Meeting
Please **Print** Legibly

Name	Agency
Marnie Jones	NC Board of Dietetics/Nutrition
Emily Wiley	NCDOT
Catherine Lee	NCBFS / NCBOCE
Judy Bray	PPS/SSLB
Will Casola	NCWRC
Cory Oakley	NCWRC
ANIL ELMORE	NC SOB
Robert Croom	NCDOT
Julie Eddins	OAH
Serena Samuels	OAH
Ann White	SOS
John	NCDOT
Maryann T. McNeil	DPS
Kaylee Market	DPS
Donald K Phillips	NCSHP
Kyle Hester	OSFM
Denny Jones	NC Bd Dietetics/Nutrition
Alisha Benjamin	NCDOT
Anna Hayworth	NCDACS

Rules Review Commission Meeting March 28, 2026 Via Webex

Name	Agency
Devon Horine	dhhs.nc.gov
Brian Liebman	oah.nc.gov
Amy Funderburk	ncdoi.gov
Linda Teal	nctreasurer.com
Betsy Haywood	ncwildlife.gov
Trevor Parrish	nctreasurer.com
Elizabeth Hawley	nctreasurer.com
Jessica Montie	deq.nc.gov
Jennifer Everett	deq.nc.gov
Virginia Niehaus	dhhs.nc.gov
Ryan Mitiguy	hedrickgardner.com
Larry Ascher	
Elizabeth Pope	ncswboard.gov
Hope Ascher	
Misty Piekaar	dhhs.nc.gov
Max D'Ercole	dhhs.nc.gov
Kristen Fetter	ncrec.gov
Tamara Moore	ncdps.gov
Melissa Vuotto	ncrec.gov
Meghan Lock	ncdoj.gov
Shanah Black	dhhs.nc.gov
Lynda Elliott	nccosmeticarts.com

MEMORANDUM OF ABSTENTION FROM
PARTICIPATION IN OFFICIAL ACTION
RULES REVIEW COMMISSION

In accordance with N.C. General Statute G.S. 138A-15(e), I have abstained from

taking any verbal or written action, including voting, on the agenda item regarding
State Bd. of Education; Dep't of Public Safety; Public Safety - State Capitol Police

I have abstained because _____
_____.

This the *28* day of *March*, 202*6*.

Cheryl C. Rountree

Signature of Commission Member

No public servant authorized to perform an official action requiring the exercise of discretion shall knowingly participate in an official action by the board if the public servant, a member of the public servant's extended family, or a business with which the public servant is associated has an economic interest in, or a reasonably foreseeable benefit from, the matter under consideration, which would impair the public servant's independence of judgment or from which it could be reasonably inferred that the interest or benefit would influence the public servant's participation. A potential benefit includes a detriment to a business competitor or (1) the public servant; (2) a member or the public servant's extended family, or (3) a business with which the public servant is associated. The public servant shall abstain from taking any verbal or written action and shall submit in writing to the board the reasons for the abstention.

LIST OF APPROVED PERMANENT RULES

March 26, 2026 Meeting

CODE OFFICIALS QUALIFICATION BOARD

<u>Nature of Probationary Certificate</u>	11 NCAC 08 .0602
<u>Required Qualifications</u>	11 NCAC 08 .0706
<u>Building Inspector Level I, II and III</u>	11 NCAC 08 .0737
<u>Electrical Inspector Level I, II and III</u>	11 NCAC 08 .0738
<u>Mechanical Inspector Level I, II and III</u>	11 NCAC 08 .0739
<u>Plumbing Inspector Level I, II and III</u>	11 NCAC 08 .0740
<u>Fire Inspector Level I, II and III</u>	11 NCAC 08 .0741

INSURANCE, DEPARTMENT OF

<u>Review/Audit of Third Party Administrators</u>	11 NCAC 12 .0332
<u>General Eligibility</u>	11 NCAC 18 .0102

PRIVATE PROTECTIVE SERVICES BOARD

<u>Concealed Weapons</u>	14B NCAC 16 .0808
<u>Accreditation Standards</u>	14B NCAC 16 .1203

SECURITY SYSTEMS LICENSING BOARD

<u>Definitions</u>	14B NCAC 17 .0103
<u>Prohibited Acts</u>	14B NCAC 17 .0105
<u>Consumer Contract and Disclosure Requirements for...</u>	14B NCAC 17 .0108
<u>Experience Requirements for License</u>	14B NCAC 17 .0202
<u>Company Business License</u>	14B NCAC 17 .0209
<u>Electrical Contracting License Requirements</u>	14B NCAC 17 .0210
<u>Registration Identification Cards</u>	14B NCAC 17 .0305

WILDLIFE RESOURCES COMMISSION

<u>General Provisions</u>	15A NCAC 10F .0301
<u>Beaufort County</u>	15A NCAC 10F .0303
<u>Dare County</u>	15A NCAC 10F .0310
<u>Rowan County</u>	15A NCAC 10F .0329
<u>Pitt County</u>	15A NCAC 10F .0354
<u>Town of Nags Head</u>	15A NCAC 10F .0368

CHIROPRACTIC EXAMINERS, BOARD OF

<u>Structure of Board</u>	21 NCAC 10 .0103
<u>Seal of the Board of Chiropractic Examiners</u>	21 NCAC 10 .0104
<u>Escrow Account</u>	21 NCAC 10 .0105
<u>Application for Licensure</u>	21 NCAC 10 .0202
<u>North Carolina Examination</u>	21 NCAC 10 .0203
<u>Licensure; Renewal of License</u>	21 NCAC 10 .0204
<u>Continuing Education Seminars</u>	21 NCAC 10 .0207
<u>Acupuncture</u>	21 NCAC 10 .0208
<u>Nutritional Supplements</u>	21 NCAC 10 .0209
<u>Individual-Study Continuing Education</u>	21 NCAC 10 .0210

<u>Agreements to Provide Financing or Management Services</u>	21 NCAC 10 .0211
<u>Medical College Transfer Credits</u>	21 NCAC 10 .0212
<u>Certified Chiropractic Assistants</u>	21 NCAC 10 .0213
<u>Petition for Predetermination</u>	21 NCAC 10 .0215
<u>Waiver</u>	21 NCAC 10 .0216
<u>Professional Entities</u>	21 NCAC 10 .0217
<u>Preceptors</u>	21 NCAC 10 .0218
<u>Ethics of Advertising and Publicity</u>	21 NCAC 10 .0302
<u>Solicitation of Auto Accident Victims</u>	21 NCAC 10 .0303
<u>Designation of Specialties</u>	21 NCAC 10 .0304
<u>Prepaid Treatment Plans</u>	21 NCAC 10 .0305
<u>Publication of Non-Diplomate Credentials</u>	21 NCAC 10 .0306
<u>Petitions for Adoptions of Rules</u>	21 NCAC 10 .0401
<u>Procedure for Adoption of Rules</u>	21 NCAC 10 .0403
<u>Declaratory Rulings</u>	21 NCAC 10 .0406
<u>Filing Complaints</u>	21 NCAC 10 .0501
<u>Determination of Probable Cause</u>	21 NCAC 10 .0503
<u>Drug Testing</u>	21 NCAC 10 .0504
<u>Conduct of Board Hearing</u>	21 NCAC 10 .0706
<u>Continuances for Board Hearings</u>	21 NCAC 10 .0708
<u>Subpoenas</u>	21 NCAC 10 .0709
<u>Fee Schedule</u>	21 NCAC 10 .0803

GENERAL CONTRACTORS, LICENSING BOARD FOR

<u>Classification</u>	21 NCAC 12A .0202
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COSMETIC ART EXAMINERS, BOARD OF

<u>Definitions</u>	21 NCAC 14A .0101
<u>Address</u>	21 NCAC 14A .0104
<u>License Renewal Waiver for Armed Forces</u>	21 NCAC 14A .0401
<u>Duplicate Licenses</u>	21 NCAC 14A .0402
<u>Additional Salon Chairs</u>	21 NCAC 14A .0403
<u>Fees</u>	21 NCAC 14A .0404
<u>Petitions</u>	21 NCAC 14B .0101
<u>Contents of Petitions</u>	21 NCAC 14B .0102
<u>Granting or Denying Petitions</u>	21 NCAC 14B .0105
<u>Final Decision</u>	21 NCAC 14B .0107
<u>Notice to Public</u>	21 NCAC 14B .0201
<u>Procedure for Making Oral Presentation at Hearing</u>	21 NCAC 14B .0302
<u>Acknowledgement of a Request to Make and Oral Presentation</u>	21 NCAC 14B .0304
<u>Written Statement</u>	21 NCAC 14B .0305
<u>Acknowledgement</u>	21 NCAC 14B .0306
<u>Control of Hearings</u>	21 NCAC 14B .0307
<u>Request for Statement on Adopted Rule</u>	21 NCAC 14B .0308
<u>Records</u>	21 NCAC 14B .0309
<u>Request for Declaratory Ruling</u>	21 NCAC 14B .0501
<u>Contents of Request</u>	21 NCAC 14B .0502

<u>Refusal to Issue Declaratory Ruling</u>	21 NCAC 14B .0503
<u>Procedure</u>	21 NCAC 14B .0505
<u>Circumstances</u>	21 NCAC 14B .0506
<u>Copying Charges</u>	21 NCAC 14B .0601
<u>Postage and Handling</u>	21 NCAC 14B .0603
<u>Cosmetologist License Fee and Staggered License Renewal...</u>	21 NCAC 14B .0605
<u>Waivers</u>	21 NCAC 14B .0607
<u>Complaints</u>	21 NCAC 14B .0608
<u>Administrative Hearings</u>	21 NCAC 14C .0101
<u>Presiding Officer</u>	21 NCAC 14C .0103
<u>Request</u>	21 NCAC 14C .0201
<u>Written Request</u>	21 NCAC 14C .0203
<u>Contents of Request</u>	21 NCAC 14C .0204
<u>Acknowledgement</u>	21 NCAC 14C .0205
<u>Additional Information on Notices of Hearings</u>	21 NCAC 14C .0503
<u>Hearing Panel</u>	21 NCAC 14C .0601
<u>Intervention of Right</u>	21 NCAC 14C .0801
<u>Permissive Intervention</u>	21 NCAC 14C .0802
<u>Discretionary Intervention</u>	21 NCAC 14C .0803
<u>Advisability</u>	21 NCAC 14C .0804
<u>Written Motion</u>	21 NCAC 14C .0805
<u>Allowance</u>	21 NCAC 14C .0807
<u>Denial</u>	21 NCAC 14C .0808
<u>Bias of Board Member</u>	21 NCAC 14C .0903
<u>Bias Claimed by Party</u>	21 NCAC 14C .0904
<u>Filing Affidavit</u>	21 NCAC 14C .0906
<u>Disqualification</u>	21 NCAC 14C .0907
<u>New Hearing</u>	21 NCAC 14C .0908
<u>Proceeding Without Party</u>	21 NCAC 14D .0101
<u>Continuances</u>	21 NCAC 14D .0103
<u>Petition to Reopen</u>	21 NCAC 14D .0104
<u>Criteria for Reopening a Case</u>	21 NCAC 14D .0105
<u>Issuance</u>	21 NCAC 14D .0302
<u>Service of Subpoenas</u>	21 NCAC 14D .0303
<u>Objections</u>	21 NCAC 14D .0305
<u>Statement of Reasons</u>	21 NCAC 14D .0306
<u>Service of Objections</u>	21 NCAC 14D .0307
<u>Responses to Objections</u>	21 NCAC 14D .0308
<u>Hearings on Subpoena</u>	21 NCAC 14D .0309
<u>Rulings</u>	21 NCAC 14D .0310
<u>Space Requirements</u>	21 NCAC 14G .0103
<u>Re-Evaluation of Schools</u>	21 NCAC 14G .0116
<u>Application for Shop License</u>	21 NCAC 14H .0201
<u>Newly Established Shops</u>	21 NCAC 14H .0203
<u>Dimensions of Cosmetic Art Shops</u>	21 NCAC 14H .0204
<u>Water</u>	21 NCAC 14H .0301
<u>Ventilation and Light</u>	21 NCAC 14H .0302

<u>Bathroom Facilities</u>	21 NCAC 14H .0303
<u>Equipment</u>	21 NCAC 14H .0304
<u>Licensees and Students</u>	21 NCAC 14H .0401
<u>Cosmetic Art Shops and Schools</u>	21 NCAC 14H .0402
<u>Disinfection Procedures</u>	21 NCAC 14H .0403
<u>First Aid</u>	21 NCAC 14H .0404
<u>Inspection of Cosmetic Art Shops</u>	21 NCAC 14H .0501
<u>Failure to Permit Inspection</u>	21 NCAC 14H .0502
<u>Sanitary Ratings and Posting of Ratings</u>	21 NCAC 14H .0503
<u>Systems of Grading Beauty Establishments</u>	21 NCAC 14H .0504
<u>Application/Licensure/Individuals Who Have Been Convicted...</u>	21 NCAC 14I .0401
<u>Initial Application and Fees</u>	21 NCAC 14N .0102
<u>General Examination Instructions</u>	21 NCAC 14N .0103
<u>Special Arrangements for Disabled</u>	21 NCAC 14N .0107
<u>Passing Grades for Examination</u>	21 NCAC 14N .0110
<u>Notification of Examination Results</u>	21 NCAC 14N .0111
<u>Full Time and Part Time Equivalency</u>	21 NCAC 14N .0115
<u>Schedule of Civil Penalties</u>	21 NCAC 14P .0101
<u>Qualifications for Licensing Teachers</u>	21 NCAC 14P .0102
<u>Licensing of Cosmetic Art Shops</u>	21 NCAC 14P .0104
<u>Renewals: Expired Licenses: Licenses Required</u>	21 NCAC 14P .0105
<u>Licenses Required</u>	21 NCAC 14P .0106
<u>Licenses to be Posted</u>	21 NCAC 14P .0107
<u>Revocation of Licenses and Other Disciplinary Measures</u>	21 NCAC 14P .0108
<u>Inspections</u>	21 NCAC 14P .0109
<u>Licensing of Beauty Salons</u>	21 NCAC 14P .0110
<u>Establishment of Cosmetic Art Schools</u>	21 NCAC 14P .0111
<u>Operations of Schools of Cosmetic Art</u>	21 NCAC 14P .0113
<u>Sanitary Ratings</u>	21 NCAC 14P .0115
<u>Civil Penalty Procedures</u>	21 NCAC 14P .0116
<u>Rule Compliance and Enforcement Measures</u>	21 NCAC 14P .0117
<u>Continuing Education</u>	21 NCAC 14R .0105
<u>Scope and Definitions</u>	21 NCAC 14T .0101
<u>New School Applications</u>	21 NCAC 14T .0102
<u>All Cosmetic Art Schools</u>	21 NCAC 14T .0201
<u>Equipment for All Cosmetic Art Schools</u>	21 NCAC 14T .0301
<u>Equipment for Cosmetology Schools</u>	21 NCAC 14T .0302
<u>Equipment for Esthetics Schools</u>	21 NCAC 14T .0303
<u>Equipment for Manicuring Schools</u>	21 NCAC 14T .0304
<u>Equipment for Natural Hair Care Styling Schools</u>	21 NCAC 14T .0305
<u>Cosmetology and Apprentice Student Equipment</u>	21 NCAC 14T .0401
<u>Esthetics Student Equipment</u>	21 NCAC 14T .0402
<u>Manicuring Student Equipment</u>	21 NCAC 14T .0403
<u>Natural Hair Care Styling Student Equipment</u>	21 NCAC 14T .0404
<u>Submission of Records</u>	21 NCAC 14T .0501
<u>Permanent Records, Forms and Documentation</u>	21 NCAC 14T .0502
<u>Cosmetic Art Curricula</u>	21 NCAC 14T .0601

<u>Cosmetology Curriculum</u>	21 NCAC 14T .0602
<u>Apprentice Cosmetology Curriculum</u>	21 NCAC 14T .0603
<u>Esthetics Curriculum</u>	21 NCAC 14T .0604
<u>Manicuring Curriculum</u>	21 NCAC 14T .0605
<u>Natural Hair Care Curriculum</u>	21 NCAC 14T .0606
<u>Cosmetology Teacher Trainee Curriculum</u>	21 NCAC 14T .0607
<u>Esthetic Teacher Trainee Curriculum</u>	21 NCAC 14T .0608
<u>Manicurist Teacher Trainee Curriculum</u>	21 NCAC 14T .0609
<u>Natural Hair Care Teacher Curriculum</u>	21 NCAC 14T .0610
<u>Online Instruction</u>	21 NCAC 14T .0611
<u>Instruction Guidelines</u>	21 NCAC 14T .0612
<u>Uniforms and Identification</u>	21 NCAC 14T .0613
<u>Internships</u>	21 NCAC 14T .0614
<u>Field Trips</u>	21 NCAC 14T .0615
<u>Additional Hours</u>	21 NCAC 14T .0616
<u>Teacher Trainees</u>	21 NCAC 14T .0617
<u>School Operations/Licensure Maintenance</u>	21 NCAC 14T .0701
<u>Transfer of Credit</u>	21 NCAC 14T .0702
<u>Expiration of Student Credit</u>	21 NCAC 14T .0703
<u>School Performance Requirements</u>	21 NCAC 14T .0705
<u>School Approval Changes and School Closing</u>	21 NCAC 14T .0706
<u>School Infection Control Grades</u>	21 NCAC 14T .0802
<u>School Inspections</u>	21 NCAC 14T .0803
<u>School Probation</u>	21 NCAC 14T .0901

FUNERAL SERVICE, BOARD OF

<u>Character Affidavit Form</u>	21 NCAC 34A .0122
<u>Fees and Other Payments</u>	21 NCAC 34A .0201
<u>Authorized Practice: Supervision</u>	21 NCAC 34B .0103
<u>Funeral Director Trainee Application Form</u>	21 NCAC 34B .0105
<u>Embalmer Trainee Application Form</u>	21 NCAC 34B .0106
<u>Funeral Service Trainee Application Form</u>	21 NCAC 34B .0107
<u>Trainee Final Affidavit Form</u>	21 NCAC 34B .0120
<u>National Board Certificate</u>	21 NCAC 34B .0211
<u>Practice of Funeral Service or Funeral Directing Not as a...</u>	21 NCAC 34B .0310
<u>Procedures for Provisional Licensure</u>	21 NCAC 34B .0313
<u>Continuing Education Program</u>	21 NCAC 34B .0408
<u>Application Form and Equivalent Examinations for Reciproc...</u>	21 NCAC 34B .0502
<u>Application Form for Funeral Establishment Permit</u>	21 NCAC 34B .0608
<u>Funeral Establishment Permit Renewal Form</u>	21 NCAC 34B .0610
<u>Body Identification Tags</u>	21 NCAC 34B .0616
<u>Practicing During Disasters</u>	21 NCAC 34B .0617
<u>Practicing During Emergencies</u>	21 NCAC 34B .0618
<u>Definitions</u>	21 NCAC 34B .0801
<u>Initial Permit Application Form</u>	21 NCAC 34B .0802
<u>Permit Renewal Application Form</u>	21 NCAC 34B .0803
<u>Initial Transportation Service Permit Application Form</u>	21 NCAC 34B .0807

RULES REVIEW COMMISSION

<u>Transportation Service Permit Renewal Application Form</u>	21 NCAC 34B .0808
<u>Election to Crematory Authority</u>	21 NCAC 34C .0101
<u>Transfer of Trust Funds to Insurance Funded Product</u>	21 NCAC 34D .0305

REAL ESTATE COMMISSION

<u>License Application and Fee</u>	21 NCAC 58A .0302
<u>License Renewal</u>	21 NCAC 58A .0503
<u>License Cancellation</u>	21 NCAC 58A .0513
<u>Requirements for Licensure Application and Fee</u>	21 NCAC 58A .1803
<u>Definitions</u>	21 NCAC 58G .0103
<u>Definitions</u>	21 NCAC 58H .0101
<u>Limitation, Denial, Withdrawal, or Termination of Education...</u>	21 NCAC 58H .0210

LIST OF APPROVED TEMPORARY RULES

March 26, 2026 Meeting

WILDLIFE RESOURCES COMMISSION

<u>Trout</u>	15A NCAC 10C .0325
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