

NORTH CAROLINA REGISTER

VOLUME 41 • ISSUE 02 • Pages 186 – 244

July 15, 2026

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PUBLISHED BY

The Office of Administrative Hearings

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Contact List for Rulemaking Questions or Concerns

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

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

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215 North Dawson Street

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NORTH CAROLINA REGISTER
Publication Schedule for January 2026 – December 2026

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period/Latest date for public hearing	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 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

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

EXPLANATION OF THE PUBLICATION SCHEDULE

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

GENERAL

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

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

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

FILING DEADLINES

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

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

NOTICE OF TEXT

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

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

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



State of North Carolina

JOSH STEIN
GOVERNOR

May 27, 2026

EXECUTIVE ORDER NO. 37

**ESTABLISHING ETHICS GUARDRAILS REGARDING STATE EMPLOYEE
PARTICIPATION IN PREDICTION MARKETS**

WHEREAS, the people of this state are entitled to a government that acts solely in the public interest and maintains the highest standards of integrity, impartiality, and public trust; and

WHEREAS, state employees and officers may, through the course of public service, obtain confidential, pre-decisional, or sensitive information that is not available to the general public; and

WHEREAS, the North Carolina State Ethics Act prohibits public servants from using or disclosing nonpublic information gained in the course of, or by reason of, their official responsibilities to affect a personal financial interest of themselves or their family; and the State Ethics Act further prohibits public servants from improperly using or disclosing confidential information in N.C. Gen. Stat. § 138A-34; and

WHEREAS, N.C. Gen. Stat. § 14-234.1 makes it unlawful for any officer or employee of the State to, in reliance on information which is made available to them in their official capacity and which is nonpublic, acquire a pecuniary interest in any property, transaction, or enterprise or gain any pecuniary benefit which may be affected by such information or official action, or to intentionally aid someone else to do so; and

WHEREAS, the misuse of information for personal gain, or the appearance that governmental decisions have been or may be influenced by personal financial interests, contradicts North Carolina law and undermines the public's confidence in government and public institutions; and

WHEREAS, online prediction markets are digital platforms that permit individuals to buy, sell, trade, or otherwise wager on the predicted occurrence, nonoccurrence, timing, magnitude, or outcome of future events, including elections, sporting events, politics, global current events, and other public developments; and

WHEREAS, Americans are increasingly worried about online prediction markets and the failure of such platforms to prevent people with insider information from manipulating or profiting from them; and

WHEREAS, public trust and confidence in government and other public institutions is eroded when state officials and employees use nonpublic information for pecuniary gain through participation in online prediction markets; and

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

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

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

Section 1. Definitions

For purposes of this Executive Order:

- (a) "Online prediction market" means an online platform, exchange, market, or mechanism that allows agreements, contracts, transactions, or swaps between users over the occurrence, non-occurrence, or specific outcome of a future event.
- (b) "State employee" means all officers, employees, interns, and appointees serving in the Executive Branch, whether full-time, part-time, temporary, or unpaid.
- (c) "State resources" includes state time, facilities, devices, networks, funds, systems, and other government property or services.

Section 2. Prohibited Conduct

No state employee shall:

- 1. Use nonpublic information obtained through their position as a state employee or from the performance of their official duties to participate in any online prediction market.
- 2. Use their position to influence an event in which the employee holds a financial interest through any online prediction market.
- 3. Use nonpublic information obtained through their position as a state employee or from the performance of their official duties to assist someone else to participate in any online prediction market.
- 4. Participate in any online prediction market to the extent the subject matter of the contract, agreement, transaction, or swap is substantially related to the employee's official duties, agency responsibilities, decision-making authority, or access to nonpublic information.
- 5. Participate in any online prediction market to the extent the contract, agreement, transaction, or swap is tied to direct actions or decisions of the employee's agency, regardless of whether the employee has personal involvement in the action or decision.
- 6. Use state resources to access, monitor, fund, facilitate, or trade on any such platform, except as authorized for lawful regulatory, enforcement, cybersecurity, or research purposes.

Violations of this Executive Order may result in disciplinary action as permitted under relevant state employment law and may be referred to the State Ethics Commission and/or law enforcement.

Section 3. Applicability

This Executive Order applies to all Executive Branch agencies, boards, commissions, and offices under the authority of the Governor to the fullest extent permitted by law.

Leaders of other Council of State Agencies, the University of North Carolina System, the North Carolina General Assembly, and the North Carolina Judicial Branch are encouraged to adopt similar standards that apply to their respective officers and employees.

Section 4. Effect on Existing Law or Regulation

Nothing in this Executive Order shall be construed to contravene any federal or state law or regulation. Nothing in this Executive Order shall affect or alter the existing statutory powers of any state agency.

Section 5. Severability

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Section 6. Effect and Duration

This Executive Order is effective immediately and shall remain in effect unless repealed, replaced, or rescinded by another applicable Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 27th day of May in the year of our Lord two thousand and twenty-six.



Josh Stein
Governor

ATTEST:



Elaine F. Marshall
Secretary of State





State of North Carolina

JOSH STEIN
GOVERNOR

May 27, 2026

EXECUTIVE ORDER NO. 38

STRENGTHENING NORTH CAROLINA MILITARY COMMUNITIES

WHEREAS, the North Carolina Department of Military and Veterans Affairs ("DMVA") was established in September 2015 with the mission of supporting the uniformed military, including active, guard, and reserve, and their families as well as installations, organizations, operational readiness, and surrounding communities; and

WHEREAS, DMVA aims to enhance North Carolina's military- and veteran-friendly environment and foster a resilient business, technology, transportation, infrastructure, education, economic development, and health care partnership by facilitating assistance and coordination among the federal government, the state of North Carolina, and the state's collaborative and supporting agencies; and

WHEREAS, Governor Stein proclaimed North Carolina a Do Your Part State in August 2025, committing the state to identifying, prioritizing, and implementing the most effective policies and programs to enhance the well-being of military communities in an effort to lighten the load for military families and make it easier for servicemembers to remain focused on their mission; and

WHEREAS, North Carolina is home to more than 130,000 active-duty, guard, and reserve members, boasts nearly 150,000 military family members, and has the fourth- largest military population of any state in the nation; and North Carolina is the home of five major military installations: U.S. Army Garrison Fort Bragg; Marine Corps Air Station Cherry Point; Marine Corps Air Station New River; Marine Corps Base Camp Lejeune; and Seymour Johnson Air Force Base, as well as the U.S. Department of Homeland Security ("DHS") Coast Guard Base Elizabeth City and numerous other smaller military facilities and structures throughout the state; and

WHEREAS, the U.S. military is the second largest sector of North Carolina's economy, accounting for 12.7% of North Carolina's gross state product in 2022, worth \$79.7 billion, and with more than 653,000 individuals either directly employed by the military or working in jobs providing goods or services that support the military's presence in North Carolina; and

WHEREAS, defense procurement contracts in North Carolina exceeded \$6.1 billion in fiscal year 2020, and businesses with defense-related contracts operate in 83 of North Carolina's 100 counties; and

WHEREAS, North Carolina is committed to supporting and promoting servicemembers, their families, and military communities within the state; and

WHEREAS, it is of paramount importance to the future of North Carolina to maintain the best possible relationship with all branches of the U.S. military and the communities that surround military installations to promote practices that maintain North Carolina's preeminent position as a best location for military bases and training installations; and

WHEREAS, it is critical for all North Carolina agencies to be knowledgeable about the presence and contributions of military communities to the state as well as military families' unique needs, including education, health care, housing, and workforce development, that are critical in supporting military readiness; and

WHEREAS, North Carolina seeks to promote military- and defense-related economic development, growth, and expansion of other industries within the state, including but not limited to agriculture and agribusiness, tourism and outdoor recreation, and renewable energy, while providing regulatory certainty, efficiency and consistency; and

WHEREAS, state agency actions should be planned and executed with full consideration of and sensitivity to their actual and potential impacts on military organizations, installations, and communities; and

WHEREAS, the timely exchange of information among all agency stakeholders at the onset of agency action that could impact military communities is critical for effective operational awareness; and

WHEREAS, it is important for state agencies to consider the needs of military installations, missions, and communities in planning agencies' economic development activities and in providing regulatory consistency and efficiency; and

WHEREAS, the Governor is committed to strengthening North Carolina's military communities and instituting a whole-of-government approach to improve agency coordination, bolster state services, and enhance awareness of military installations and communities throughout the state; and

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

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

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

Section 1. Designating Military Affairs Coordinators.

The Secretary of each Cabinet agency shall designate a Military Affairs Coordinator, whose responsibilities shall include:

- a. Staying informed of the workings and activities of DMVA, informing DMVA of agency military engagements, and maintaining regular and effective communications with the DMVA Military Affairs Coordinator and Military Affairs Division;
- b. Developing familiarity with agency operations and programs that could impact military community resilience, readiness, support, and training, to include education, housing, entrepreneurship, technology, energy, health care, consumer protection, infrastructure, and transportation; and
- c. Regularly informing the agency Secretary of any military readiness or military community support programs and resources that could impact, or be impacted by, agency plans and actions.

Section 2: Improving Services for Military Communities.

DMVA shall convene Military Affairs Coordinators ("Coordinators") to recommend strategies for addressing opportunities and challenges in supporting military communities. The Coordinators shall coordinate services and programs and identify opportunities to enhance quality of life for military servicemembers and their families. DMVA shall convene Coordinators no less than once every quarter.

Additionally, DMVA shall invite Council of State agencies to take the actions outlined in Section 1 and include all participating agencies in Military Affairs Coordinator convenings.

Section 3. Bolstering Coordination with Military Communities.

All Cabinet agencies shall, in coordination with DMVA:

- a. Cooperate with military installations and missions to facilitate the continued presence of major military installations in this state;
- b. As appropriate, notify the commanding military officer of a military installation and the governing body in affected counties and municipalities of any economic development, environmental regulatory and resiliency activities, or other projects that the agency determines may impact military installations;
- c. Adopt processes to ensure that all agency planning, policy formulation, and actions are conducted with timely consideration having been given to relevant military communities and with appropriate communications with all potentially affected military entities;
- d. Collaborate with applicants for grants, permits, or other agency actions to avoid adverse impacts on military readiness or authority and incompatible land uses; and
- e. Share information and coordinate efforts with the North Carolina congressional delegation and other federal agencies, as appropriate, to fulfill the objectives of this Executive Order.

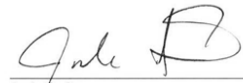
Section 4. Updating Reporting.

All Cabinet agencies shall work with DMVA, the North Carolina Military Affairs Commission, the North Carolina Department of Commerce, and other interested stakeholders to develop, create, and release an updated Military Economic Impact on North Carolina report.

Section 5. Duration.

This Executive Order is effective immediately. It supersedes and replaces all other executive orders on this subject, including Executive Order No. 34 issued on November 22, 2013. This Executive Order shall remain in effect until repealed, replaced, or rescinded by another Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 27th day of May in the year of our Lord two thousand and twenty-six.



Josh Stein
Governor

ATTEST:



Elaine F. Marshall
Secretary of State



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

TITLE 04 – DEPARTMENT OF COMMERCE

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g that the Commission of Navigation and Pilotage for the Cape Fear River and Bar intends to readopt without substantive changes the rules cited as 04 NCAC 15 .0118-.0123, and .0125-.0128.

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

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

Proposed Effective Date: June 1, 2028

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice): Any member of the public can demand a public hearing by contacting Rule making Coordinator Thomas Brendle at tbrendle@cape-fear-net or 910-520-8505. A public hearing will be scheduled with the rule making agency, which is the Cape Fear River Navigation and Pilotage Commission.

Reason for Proposed Action: Navigation and Pilotage Commission established

https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_76A/GS_76A-1.pdf

Duties and authority
https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_76A/GS_76A-5.pdf

Comments may be submitted to: Thomas Brendle, Wilmington-Cape Fear Pilots Association, PO Box 10070, Southport, NC 28461; email tbrendle@cape-fear.net

Comment period ends: September 14, 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 27609 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 ($\geq$ \$1,000,000 over 5 years)
- ☐ Approved by OSBM
- ☒ No fiscal note required

CHAPTER 15 - COMMISSION OF NAVIGATION AND PILOTAGE FOR THE CAPE FEAR RIVER AND BAR

04 NCAC 15 .0118 DEFINITIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

04 NCAC 15 .0119 NUMBER OF PILOTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

04 NCAC 15 .0120 ANNUAL RENEWAL OF LICENSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

04 NCAC 15 .0121 APPRENTICESHIP (READOPTION WITHOUT SUBSTANTIVE CHANGES)

04 NCAC 15 .0122 DISCIPLINARY ACTIONS AGAINST PILOTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

04 NCAC 15 .0123 INCIDENTS OR ACCIDENTS INVOLVING PILOTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

04 NCAC 15 .0125 PILOT ARRANGEMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

04 NCAC 15 .0126 WHEN TUGBOAT ASSISTANCE REQUIRED (READOPTION WITHOUT SUBSTANTIVE CHANGES)

04 NCAC 15 .0127 PILOTAGE RATES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

04 NCAC 15 .0128 FEES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

TITLE 13 – DEPARTMENT OF LABOR

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Labor intends to repeal the rule cited as 13 NCAC 19 .0101; .0102; .0301; .0302; .0401; .0402; .0501; .0502; .0601-.0605; .0701; .0701; .0702.

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.labor.nc.gov/rules-and-regulations>

Proposed Effective Date: November 1, 2026

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Email Ashley Snyder at ashley.snyder@labor.nc.gov requesting a public hearing.*

Reason for Proposed Action: *The Department proposes to repeal these rules because the rules are not consistent with the timelines set in statute. Additionally, some rules are unnecessary given G.S. 150B-2(8a)g.*

Comments may be submitted to: Ashley Snyder, 1101 Mail Service Center, Raleigh, NC 27699

Comment period ends: September 14, 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 ($\geq$ \$1,000,000 over 5 years)
☐ Approved by OSBM
☒ No fiscal note required

CHAPTER 19 - RETALIATORY EMPLOYMENT DISCRIMINATION

SECTION .0100 - GENERAL PROVISIONS

13 NCAC 19 .0101	RETALIATORY EMPLOYMENT DISCRIMINATION BUREAU
13 NCAC 19 .0102	FORMS
13 NCAC 19 .0201	DEFINITIONS
13 NCAC 19 .0301	CONTENTS OF COMPLAINT
13 NCAC 19 .0302	FILING OF COMPLAINTS
13 NCAC 19 .0401	INVESTIGATION
13 NCAC 19 .0402	INTERVIEWS
13 NCAC 19 .0501	RIGHT-TO-SUE LETTERS
13 NCAC 19 .0502	REQUESTS FOR RIGHT-TO-SUE LETTERS
13 NCAC 19 .0601	ADMINISTRATIVE CLOSINGS
13 NCAC 19 .0602	WITHDRAWALS
13 NCAC 19 .0603	RIGHT-TO-SUE DISMISSALS
13 NCAC 19 .0604	RIGHT-TO-SUE CLOSURE
13 NCAC 19 .0605	SETTLEMENTS
13 NCAC 19 .0701	SETTLEMENT
13 NCAC 19 .0702	LITIGATION

Authority G.S. 95-245.

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g that the Alcoholic Beverage Control Commission intends to readopt with substantive changes the rules cited as 14B NCAC 15C .0708, .0715, .1301-.1304, .1306, and .1307.

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

Proposed Effective Date: December 1, 2026

Public Hearing:

Date: September 9, 2026

Time: 10:00 a.m.

Location: Hearing Room - NC ABC Commission, 400 E. Tryon Road, Raleigh, NC 27610

Reason for Proposed Action: Mandatory Review pursuant to GS 150B-21.3A

Comments may be submitted to: Renee Metz, 400 East Tryon Street, Raleigh, NC 27609; phone (919) 948-7919; email rules@abc.nc.gov

Comment period ends: September 14, 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 ($\geq$ \$1,000,000 over 5 years)
☐ Approved by OSBM
☒ No fiscal note required

CHAPTER 15 - ALCOHOLIC BEVERAGE CONTROL COMMISSION

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

SECTION .0700 - ALCOHOLIC BEVERAGES: RETAILER/INDUSTRY MEMBER RELATIONSHIP: TRADE PRACTICES

14B NCAC 15C .0708 CONSIGNMENT SALES: CONDITIONAL SALES: RETURNS

(a) Consignment Sales Prohibited. ~~No~~ An industry member shall not sell, offer for sale, or contract to sell to any a retail permittee, ~~nor shall any retail permittee~~ and a retail permittee shall not purchase, offer to purchase, or contract to purchase from any an industry ~~member any member~~, alcoholic beverages on ~~consignment or consignment~~, under conditional sale, ~~or~~ with the privilege of return, or on any a basis other than a bona fide cash sale. For the purposes of this Rule, a consignment sale is any a transaction ~~in which~~ where title to the merchandise is not transferred at the time of shipment or delivery and ~~which~~ does not involve ~~some form of~~ full cash settlement. ~~No~~ An industry member shall not contract or agree with a retailer to retain title to alcoholic beverages until those products are ~~sold~~ sold by the retailer.

(b) Privilege of Return. ~~No~~ An industry member and a retailer shall not enter into any an agreement ~~whereby~~ where the retailer has an ~~expressed~~ express or implied right to return alcoholic beverages ~~that he the retailer cannot sell~~. Any An industry member's acceptance of returned merchandise is ~~considered~~ a

strong indication that the "privilege of return" existed at the time of ~~sale, sale, and a repeated practice of accepting returned merchandise from a retailer would establish an implied privilege of return, even though no formal agreement has been made.~~

(c) Sales Conditioned on the Acquisition of Other Merchandise. ~~No~~ An industry member shall ~~make any~~ not enter an agreement with ~~any~~ a retailer ~~with terms that to~~ allow the industry member to remove the retailer's inventory if conditioned upon present or future sales. The exchange of alcoholic beverages for equal quantities of the same type and brand in containers of another size and style is not considered an acquisition of "other" alcoholic beverages ~~and, therefore, and~~ is not prohibited ~~where when~~ the return is ~~otherwise permissible~~ authorized.

(d) Exceptions. This Rule does not apply to the following transactions:

- (1) returns of malt beverages or wine for ordinary and usual commercial ~~reasons~~ reasons, as defined in 27 CFR 11.32 through 11.39 and available for free at <https://www.ecfr.gov/current/title-27/chapter-I/subchapter-A/part-11/subpart-D>, arising after the alcoholic beverages have been sold, ~~such as including~~ mutilated or damaged labels or containers, ~~error in delivery, delivery error,~~ product deterioration, ~~products have been deemed unsafe by a declaration by State or federal authorities, authorities that the product is unsafe,~~ the product approval has been withdrawn ~~as referenced by~~ pursuant to 14B NCAC 15C .0201 and .0202, or a bona fide discontinuance of the retailer's business;
- (2) exchanges of malt beverage products for equal quantities of the same brand and ~~type, so long as type~~ if the manufacturer's code date on the products will expire within 30 calendar days of the date of ~~exchange, and the exchange~~. The quantity exchanged ~~does shall~~ not exceed 50 cases of each brand per ~~30-day~~ 30-day period per retail permittee. For the purposes of this Rule, the term "exchange" means to replace product for product and does not authorize the wholesaler to accept returned malt beverage products for cash or credit; ~~and~~
- (3) returns of wine or malt beverage products from a seasonal retailer who is open only a portion of the year if the products ~~are likely to~~ may spoil during the off-season. For purposes of this Rule, a "seasonal retailer" is defined as one that closes its business completely for a period of at least eight weeks during the summer or winter months. Returns from a seasonal retailer may be for cash or ~~credit~~ credit; ~~and~~
- (4) exchanges of malt beverages seasonal in nature may be exchanged for freshness reasons if all the following conditions are met:
 - (A) the industry member has policies and procedures in place that specify the date the retailer must pull the product;

- (B) the industry member's freshness exchange policies and procedures are verifiable and followed by the industry member;
- (C) the malt beverage container has identifying markings that correspond with the date in Part (B); and
- (D) the malt beverage product pulled by the retailer does not reenter the retail marketplace.

Note: The return or exchange of wine products is governed by this Rule and the regulations ~~under the Federal Alcohol Administration Act found in Title 27 of the United States Code of Federal Regulations, Part 11 (27 CFR Sec. 11.1 through 11.46), and pursuant to Part 11 of 27 CFR, and~~ nothing in these Rules shall be construed to authorize the return or exchange of wine products if the transaction is prohibited by federal law.

Authority G.S. 18B-100; 18B-207; ~~18B-1116~~; 27 CFR Part 11.

14B NCAC 15C .0715 CONDITIONS WHEN COMMISSION APPROVAL REQUIRED FOR PROMOTIONS

(a) Prior Approval Required; Exceptions. ~~An alcoholic beverage (which includes malt beverages, wines and spirituous liquors) A~~ malt beverage, wine, or spirituous liquor industry member shall obtain written approval from the Commission prior to entering into ~~any an~~ agreement to ~~engage in activities as a sponsor for any~~ a promotion, as ~~that term is defined in 14B NCAC 15C .0701(3), unless the activity involves the following: .0701(3).~~ Industry members are not required to obtain prior written approval for the following:

- (1) sponsorships of nonprofit organizations that are not special one-time permittees, and the sponsored activity is ~~neither not~~ held on the premises of a retailer ~~nor and is not~~ cosponsored by a retailer;
- (2) printing and distribution of items that are classified as point-of-sale advertising material, consumer specialty items, retailer specialty ~~items items,~~ or novelty ~~items, so long as the items are~~ items if displayed and distributed in compliance with 14B NCAC 15B .1006, 14B NCAC 15C .0709(c)(6)(B) and 14B NCAC 15C .0711;
- (3) promotions that occur on an annual or regular basis and ~~that~~ have received written approval by the Commission within five years prior in a previous years, so long as if the sponsorship activities ~~engaged in by~~ of the industry member have not changed; and
- (4) sponsorships of individual amateur sports teams, when:
 - (A) the services or things of value provided by the industry member are given to benefit the individual team and its members;
 - (B) the team is not comprised of retailers or employees of retailers; and

- (C) the team is not jointly sponsored by a retailer.

(b) The Commission shall approve a promotion if:

- (1) the procedure for approval is complied with as required by Paragraph (c) of this Rule;
- (2) the information provided as required by Paragraph (c) of this Rule is accurate; and
- (3) ~~the event promotion is a bona fide promotional event. promotion.~~

(c) Procedure for Approval. To receive consideration for approval by the Commission for a promotional activity, an industry member shall ~~comply with the following procedures: submit the following to legal@abc.nc.gov:~~

- (1) ~~submit~~ a completed Industry Promotion Approval ~~form; form~~ found for free at <https://www.abc.nc.gov/legal/laws-rules-and-resources> including the following information:
 - (A) the industry member's name, address, contact person, email address, and telephone number;
 - (B) the name of event or promotion, the dates and times of the event, the business name of the location of the event, the location address and county, the web address of the event or venue, and whether the location holds retail permits;
 - (C) the name of the sponsored organization, the contact person for the organization and their telephone number or email address;
 - (D) whether the sponsored organization is a nonprofit, whether the nonprofit will be obtaining a Special One-Time permit, whether alcoholic beverages will be sold or given away, and whether tickets will be sold;
 - (E) which organization will maintain possession and control of the alcoholic beverages; and
 - (F) what the industry member will provide, donate, or sell to the event organization.
- (2) ~~submit~~ copies of broadcast and print advertisements; and
- (3) ~~submit~~ samples of advertising pieces and costs of items.

(d) Notification to Wholesaler. A malt beverage or wine manufacturer, ~~importer importer,~~ or nonresident vendor ~~of beer or wine~~ that receives approval for promotional activity under this Rule shall provide a copy of the Commission's approval to each of its wholesalers in this ~~state State~~ if that wholesaler ~~is or~~ will be participating in the promotion ~~in any manner,~~ including the distribution of promotional materials.

(e) Approvals Restricted to Industry Members. ~~No Industry member~~ approval for ~~any a~~ promotional activity ~~by an industry member~~ shall not be granted to a special one-time permittee, retailer, advertising agency, ~~broadcaster broadcaster,~~ or publisher.

(f) Approvals Granted Only Upon Written Request. The Commission shall not approve ~~any~~ verbal requests or hypothetical fact presentations describing promotional activities requiring prior written approval under this Rule.

(g) Timing of Requests. Industry members shall submit promotions for approval to legal@abc.nc.gov at least ~~two months~~ three weeks in advance of the promotion to allow adequate review by the Commission, ~~and to allow for the mailing of written approvals to the industry member.~~ Commission.

(h) Promotion Agreements Restricted. Commission approval of a promotion under this Rule shall not be construed as approval for the industry member to enter into ~~any~~ an agreement, either express or implied, that its products will be sold or distributed by a retailer or special one-time permittee to the exclusion, in whole or in part, of other brands of alcoholic beverages offered by competitors.

Authority G.S. 18B-100; 18B-105; 18B-207; ~~18B-1114.~~

SECTION .1300 – SPIRITUOUS LIQUOR TASTING SPECIAL EVENT PERMITS

14B NCAC 15C .1301 DEFINITIONS

As used in G.S. 18B-1114.7 and in this Section:

- (1) "Advertising specialties" means coasters, shot glasses, bottle or can openers, cork screws, ash trays, shopping bags, individual can coolers, hats, caps, visors, t-shirts (without collars or buttons), and key chains.
- (2) "~~Charitable,~~ Charitable nonprofit organization" means ~~a nonprofit organization that is a charitable organization~~ the same as defined in G.S. 1-539.11(1).
- (3) "~~Consumer tasting event~~ tasting" means ~~any time~~ a single spirituous liquor special event where a spirituous liquor special event permittee provides samples of spirituous liquor to a consumer ~~in an ABC store pursuant to G.S. 18B-1114.7(e), 18B-1114.7(b) and (c).~~
- (4) "~~Local fund-raiser~~ fundraiser" means a special event sponsored or cosponsored by a local government, a local ~~charitable,~~ charitable nonprofit organization, or a local political organization for the purpose of raising funds for a governmental, charitable, or political purpose.
- (5) "Permit holder's authorized agent" means an individual authorized in writing by the spirituous liquor special event permittee to conduct a consumer tasting ~~or consumer tasting event~~ pursuant to the permittee's spirituous liquor special event permit. The ~~individual~~ authorized agent shall be responsible for ~~the management on the site of the consumer tasting or consumer tasting event,~~ and the supervision of the permittee's or agent's employees or independent contractors ~~offering or pouring~~ providing ~~tasting samples at the consumer tasting or consumer tasting event.~~ tasting.
- (6) "Point-of-sale advertising materials" means advertising that is located where the spirituous

liquor product is displayed or sampled. Advertising materials may include signs, posters, banners, and decorations that bear product advertising matter. Point-of-sale advertising materials as used in this Section shall not include items listed in 14B NCAC 15C .0711(c).

(7) "Special event" means either:

- (a) ~~an event the spirituous liquor special event permittee participates in that is a trade show, convention, street festival, holiday festival, agricultural festival, balloon race, local fund-raisers, or other similar events~~ raiser, or similar event approved pursuant to ~~Rule .1302 of this Section,~~ 14B NCAC 15C .1302 that is for a ~~limited~~ duration of no more than 10 days and is organized or sponsored by a person other than the spirituous liquor special event permittee; or
- (b) an event ~~of limited duration~~ of no more than 60 days at a shopping mall that is organized and sponsored by the shopping ~~mall~~ mall, or an association of shopping mall ~~merchants~~ merchants, as part of a promotion or sale for all merchants in the shopping mall.

Authority G.S. 18B-100; 18B-207; ~~18B-1114.7.~~

14B NCAC 15C .1302 OTHER SIMILAR EVENTS APPROVAL

(a) For ~~other~~ events not specifically listed in G.S. 18B-1114.7, the holder of a spirituous liquor special event permit ~~issued pursuant to G.S. 18B-1114.7~~ shall obtain approval of ~~that other similar~~ the event from the Commission prior to the permit holder participating in the event. The Commission's approval of ~~other~~ events under pursuant to this Rule shall be in writing.

(b) The holder of the permit shall submit a written application for approval to the Commission at permits@abc.nc.gov no less than seven business days prior to the starting date of the event. The Special Event Approval Request Form, application, available for free on the Commission's website, at https://www.abc.nc.gov/permit-forms, includes:

- (1) the permit holder's name, business name, spirituous liquor special event permit number, email address, and telephone and fax numbers;
- (2) the name, dates, time, location, address, and county of the event; and
- (3) ~~whether an admission fee will be charged of the attendees by the event sponsor;~~
- (4)(3) the event sponsor's name, address, contact information, event or sponsor's social media link or webpage, and whether the event sponsor is a non-profit organization; name and website.
- (5) ~~whether the event sponsor holds a special one-time ABC permit pursuant to G.S. 18B-~~

~~1002(a)(2) or (5) and whether alcohol will otherwise be sold or given away at the event; and~~

- (6) ~~the names of other co-sponsors, supporters, vendors, or exhibitors who are expected to participate in the event, and whether those persons hold ABC permits.~~

(c) The Commission shall not approve events sponsored exclusively by the holder of the permit. Tastings of spirituous liquor shall not be allowed pursuant to a spirituous liquor special event permit on the premises of a retail ~~permittee or an ABC store.~~ permittee.

Authority G.S. 18B-100; 18B-207; 18B-1114.7.

14B NCAC 15C .1303 TASTINGS HELD FOR CONSUMERS

(a) ~~If a tasting is conducted pursuant to this Section at an event where~~ When the event sponsor holds an ABC permit for that event, an event pursuant to this Section, the area for conducting the tasting shall be limited to the area of the event covered by the ABC permit. If the tasting is conducted pursuant to this Section at an event where When the event sponsor does not hold an ABC permit, the area for conducting the tasting shall be limited to the area allocated or assigned by the event sponsor for the exclusive use of the spirituous liquor special event permittee ~~conducting the tasting.~~ during the event.

(b) ~~Each~~ A permittee conducting a tasting may give ~~each~~ a consumer tasting samples up to the limits set forth in G.S. ~~18B-1114.7(b)(3) or (c)(4), as applicable.~~ 18B-1114.7.

(c) A spirituous liquor special event permittee shall ensure that ~~any~~ an employee or agent of the permittee ~~who will be~~ conducting or supervising ~~any~~ a tasting ~~conducted~~ pursuant to a spirituous liquor special event permit has completed training that includes: including:

- (1) identification of potential underage consumers;
- (2) recognition of fictitious identification;
- (3) identification of consumers who are ~~visibly~~ intoxicated;
- (4) service of correct sample sizes; and
- (5) methods to ensure compliance with G.S. ~~18B-1114.7 in accordance with Rule .1304 of this Section.~~ 18B-1114.7.

(d) The permittee, the permittee's agent, or the permittee's employee shall not be in the area for conducting the tasting after consuming alcoholic beverages except under the following conditions:

- (1) the permittee, agent, or employee is off duty for the remainder of that day or night during which the individual consumes ~~any~~ an alcoholic beverage;
- (2) the permittee, agent, or employee is out of uniform when uniforms are required to be worn while performing ~~any on-duty~~ services; and
- (3) the permittee, agent, or employee shall not perform ~~any~~ services related to the business of the permit while or after consuming alcoholic beverages.

~~(e) Spirituous liquor provided for tastings pursuant to a spirituous liquor special event permit shall not be mixed with any other alcoholic or non-alcoholic beverage. No non-alcoholic beverages, other than unflavored water, shall be made available or accessible to the consumer by the permittee in the area for conducting the tasting.~~ permittee.

Authority G.S. 18B-100; 18B-207; 18B-1114.7.

14B NCAC 15C .1304 SPECIAL EVENT COMPLIANCE PROCEDURE

(a) Either the spirituous liquor special event permittee ~~to whom the spirituous liquor special event permit was issued,~~ or the permit holder's their authorized agent, agent must be present in the tasting area ~~where~~ while the tasting is ~~conducted at the time the tasting occurs.~~ conducted. A copy of the spirituous liquor special event permit shall be on display in the tasting ~~area where the tasting is conducted.~~ area. A copy of the agent's authority of the permit holder's ~~authorized agent~~ to act on behalf of the permittee shall be present at the tasting event. A copy of the spirituous liquor special event permit and a copy of the agent's authority of the permit holder's ~~authorized agent to act on behalf of the permittee~~ shall be made available to law enforcement agents upon request.

(b) For ~~other~~ special events approved by the Commission pursuant to ~~Rule .1302 of this Section,~~ 14B NCAC 15C .1302, a copy of the Commission's approval shall be kept at the tasting for the duration of the tasting and shall be made available to law enforcement agents upon request.

(c) A spirituous liquor special event permit holder shall maintain a written procedure ~~establishing the method to be used by the permit holder and the permit holder's employees or agents~~ to ensure compliance with the requirements of G.S. 18B-1114.7(b)(3), (4), and (5), and (c)(4). 18B-1114.7. A copy of the written procedure shall be available at the tasting to the permit holder's employees and ~~designated authorized~~ agents and shall be made available ~~at the tasting~~ to law enforcement agents upon request.

(d) A copy of the written procedure required pursuant to Paragraph (c) of this Rule shall be:

- (1) maintained for one year following the tasting;
- (2) included as part of the consumer tasting record maintained in accordance with G.S. 18B-1114.7(b)(10); and
- (3) made available upon request to the Commission and law enforcement agents pursuant to G.S. 18B-502.

Authority G.S. 18B-100; 18B-201; 18B-1114.7.

14B NCAC 15C .1306 SPECIAL EVENT PARTICIPATION LIMITATIONS

(a) For special events in shopping malls, the spirituous liquor special event permittee shall not participate in ~~any~~ a single mall more than 10 total days ~~cumulatively~~ in any a three-month period.

(b) A spirituous liquor special event permittee shall not participate more than 10 total days ~~cumulatively~~ during a three-month period in a special event sponsored or arranged by the same person or business.

(c) A spirituous liquor special event permittee shall not participate in a special event for which the permittee was the only spirituous liquor special event permittee invited or allowed to participate in the special event.

Authority G.S. 18B-100; 18B-207; ~~18B-1114.7; 18B-1116.~~

14B NCAC 15C .1307 ABC STORE SPIRITUOUS LIQUOR TASTINGS

(a) Local boards shall determine whether to allow tastings ~~to be conducted in any of at~~ their ABC stores. The local board shall determine the ABC store, date, and times for any tastings authorized tastings. ~~by the local board shall be set by the local board. Tastings are~~ The local board is not required to ~~be conducted authorize tastings~~ every week or in all ABC stores operated by the local board. The local board is not required to set the same schedule ~~schedule set by the local board for tastings may vary from week to week.~~

(b) ~~If~~ When a local board authorizes consumer ~~tasting events to be held tastings~~ in a specific ABC store, the local board shall process written requests to conduct a consumer tasting event at that ABC store at a specific date and time established by the local board shall be processed on a first-come, first-served basis. A local board may require a permittee to include a signed agreement to comply with local board ~~conditions~~ conditions, ~~as a part of a written request for permission to conduct a consumer tasting event pursuant to G.S. 18B-1114.7(e)(10).~~

(c) Notwithstanding Paragraph (b) of this Rule, ~~once permission has been granted to conduct a consumer tasting event at a specific date and time, this permission shall be subject to the permission being a local board's permission may be withdrawn for that ABC store not later than 30 days prior to the scheduled time of the event, event upon the receipt of a request from another permittee that that, within the previous 12-month period, has conducted fewer consumer tasting events in the ABC store within a previous 12-month period than the permittee originally already granted permission. The local board shall provide the original permittee with a written explanation of why permission has been withdrawn. A superseding request for the same date and time must be received in writing and submitted to by the local board before the close of business on the last business day prior to 35 days prior to the previously approved request date. Prior to accepting a request to preempt a previously approved request date and time, the local board shall provide to the superseding requestor a schedule of other available dates and times for consumer tasting events in lieu of the requested date. If the alternative dates and times are not acceptable to the superseding requestor, the original permission to the first shall be withdrawn, and the date and time shall be assigned to the superseding requestor. A local board that withdraws permission to conduct a consumer tasting event shall provide the permittee originally granted permission with a written explanation of the reason for the withdrawal and the process for requesting a rescheduling of the consumer tasting event.~~

(d) If a permittee conducts a consumer tasting in violation of G.S. 18B-1114.7, the ~~The~~ local board may deny permission for a ~~permittee the right to conduct future consumer tasting events for a period of up to one year from the date of the violation upon a determination by the local board that the permittee conducted a~~

~~consumer tasting event in violation of G.S. 18B-1114.7(e)(10).~~ violation.

(e) In addition to the requirements ~~set forth~~ in G.S. 18B-1114.7(c)(7), a permit holder shall include ~~with the notice~~ a copy of the local board's written approval for the ~~permit holder permittee to conduct a consumer tasting tasting event at a specific time and location. Written approval by the local board may be by email. For purposes of G.S. 18B-1114.7(c)(7)c., the list shall include the product codes of the specific spirituous liquor products available for tasting.~~

(f) ~~Proof of purchase of spirituous liquor from any ABC store shall be by receipts issued by an ABC store. Permittees shall maintain receipts of purchases of spirituous liquor used in tastings for a period of six months from the date the spirituous liquor is first used for tastings pursuant to G.S. 18B-1114.7. Spirituous liquor purchased from an ABC store for use in tastings conducted in accordance with this Section may be used for multiple tastings at multiple locations.~~

(g) ~~At the time of the completion of a tasting, the permittee shall submit to the local board in writing the name of the permittee that conducted the consumer tasting event, the names of all employees or agents of the permittee who were present at the tasting, and the name of each product available for tasting at the consumer tasting event. A local board that authorizes consumer tasting events shall maintain for a period of three years a list of all consumer tasting events conducted in each of its stores sorted by date, name of the permittee that conducted the consumer tasting event, name of all employees or agents of the permittee who were present at the tasting, and name of each product available for tasting at the consumer tasting event. date.~~

(h) A local board that authorizes consumer tasting events shall maintain for a period of three years the following records by ~~types of permittees: permittee:~~

- (1) written requests for permission to conduct tastings;
- (2) permissions granted to conduct tastings;
- (3) denials of request for permission to conduct tastings; and
- (4) withdrawal of permissions to conduct tastings.

A local board shall make these records available to the Commission upon request.

Authority G.S. 18B-100; 18B-207; ~~18B-1114.7; 18B-1114.7(c)(8).~~

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to adopt the rule cited as 15A NCAC 10D .0296, and amend the rules cited as 15A NCAC 10B .0119, .0205, .0206, .0212, .0219, .0223; 10C .0305; 10D .0103, .0106, .0202, .0210, .0211, .0213, .0214, .0221, .0222, .0229, .0239, .0241, .0246, .0251, .0254, .0256, .0257, .0260, .0270, .0279, .0284, and .0290.

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

Proposed Effective Date: August 1, 2027

Public Hearing:

Date: August 20, 2026

Time: 12:00 p.m.

Location: Virtual public hearing via Zoom. Pre-registration is required:

https://ncwildlifeorg.zoomgov.com/webinar/register/WN_MjTXmXBxSK-kdEQ8Lkss-w, or join by phone toll free: (833) 568-8864, Webinar ID:165 897 7256

Date: August 25, 2026

Time: 6:00 p.m.

Location: Virtual public hearing via Zoom. Pre-registration is required:

https://ncwildlifeorg.zoomgov.com/webinar/register/WN_gIznWzyYTXG0QjrrJ1bHyQ, or join by phone toll free: (833) 568-8864, Webinar ID:165 787 2139

Reason for Proposed Action: *Each year, the N.C. Wildlife Resources Commission reviews and adjusts seasons, bag limits, and the land management regulations, as needed, to achieve conservation management goals, comply with statutory changes, and respond to constituent requests.*

Note: Italicized text are previous rule changes adopted by the Commission and approved by the RRC but not yet effective.

Comments may be submitted to: Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email regulations@ncwildlife.gov

Comment period ends: September 14, 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 ($\geq$ \$1,000,000 over 5 years)
☒ Approved by OSBM
☐ No fiscal note required

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10B - HUNTING AND TRAPPING

SECTION .0100 - GENERAL REGULATIONS

15A NCAC 10B .0119 WILDLIFE COLLECTORS

(a) A Wildlife Collection License may be issued to a qualified ~~individuals~~ individual to take any species of wildlife resources for the following purposes:

- (1) scientific collection;
- (2) educational collection; or
- (3) snapping turtle collection.

(b) The following definitions shall apply to this Rule:

- (1) "Scientific Collection" shall mean collection for the purpose of conducting scientific research or survey.
- (2) "Educational Collection" means collection for the purpose of providing instruction, training, or information to the public.
- (3) "Snapping Turtle Collection" means collection of snapping turtles from the family Chelydridae for sale pursuant to 15A NCAC 10H .1301.
- (4) "Personal Use" means collection and holding, using as bait, or personal consumption of reptiles or amphibians.

(c) The Commission shall consider the following qualifications when issuing a license:

- (1) prior research or educational experience in the same or similar field;
- (2) work with or for an educational institution;
- (3) type of study requested of license (permanent or catch and release);
- (4) current state and quantity of species requested;
- (5) collection methodology proposed; and
- (6) disposition of collection.

(d) Individuals collecting and holding reptiles or amphibians for personal use shall not be required to obtain a Wildlife Collection License so long as the following conditions are met:

- (1) no more than 4 individuals of any combination of native reptile species or 24 individuals of any combination of amphibian species per person;
- (2) collected reptiles and amphibians shall not be bought or sold; and
- (3) no endangered, threatened, or special concern species shall be collected and retained.

(e) Endangered, threatened, and special concern species ~~may~~ shall not be taken or collected except under an endangered species permit unless there is an open season for the species. If an open season exists for the species, then the appropriate hunting, fishing, or trapping license serves as the authorization for take.

(f) ~~Wildlife Collection licenses may be issued to any individual. Take under a Wildlife Collection License may be authorized~~ so long as the take is not deemed harmful to the efficient conservation of the species to be collected or to other wildlife species that may be dependent thereon.

(g) Individuals ~~interested in obtaining a Wildlife Collection License~~ shall apply for a Wildlife Collection License by sending an application to 1701 Varsity Drive, Raleigh, NC 27606 or by completing and submitting an application online at ncwildlife.gov, ~~www.ncwildlife.org~~. The application shall include:

- (1) name, address, date of birth, email, and driver's license number; and
- (2) species information.
- (3) Additional information required for scientific and educational collection shall include:
 - (A) organizational affiliation, if any; and
 - (B) full documentation of research or educational proposal(s) and Institutional Animal Care and Use Committee approval, if applicable.

(h) Wildlife Collection Licenses shall be used in lieu of ~~any other~~ a hunting or trapping license required by law and shall authorize possession and transportation of ~~the~~ wildlife incidental to the authorized taking. It shall not authorize the taking, possession, or transportation of any species of wildlife in violation of the Endangered Species Act, the Migratory Bird Treaty Act, The Bald and Golden Eagle Protection Act, or any other federal act to prohibit or restrict the possession and transportation of wildlife resources.

(i) Wildlife Collection Licenses for snapping turtle collection shall only be available to North Carolina residents. The following conditions shall apply:

- (1) no more than 10 snapping turtles per person per day;
- (2) no more than 100 snapping turtles per person per calendar year;
- (3) turtles shall have a minimum curved carapace length of 13 inches; and
- (4) no more than 15 trapping devices per license. Devices shall be:
 - (A) labeled with a waterproof tag that shows the licensee's name, WRC Customer Number, or Wildlife Collection License number;
 - (B) hoop traps or other trap style that allows for the unharmed release of any nontarget species or snapping turtles less than 13 inches; and
 - (C) checked daily per 15A NCAC 10B .0110.

(j) Unless a more limited duration is designated on the license, Wildlife Collection Licenses shall be valid from January 1 through December 31 of the applicable year.

(k) Licensed individuals shall submit the following information to the Wildlife Resources Commission within 15 days of license expiration depending on the species taken:

- (1) the numbers of each species taken under the license and the use or disposition thereof;

- (2) dates and location of the taking; and
- (3) sex, size, weight, condition, or approximate age of each specimen taken as specified on the license.

(l) ~~A Wildlife Collections Collection License~~ shall not be transferable either by license holder or by site of a facility.

Authority G.S. 113-134; 113-272.4.

SECTION .0200 – HUNTING

15A NCAC 10B .0205 RACCOON AND OPOSSUM

(a) The open season for taking raccoon and opossum is from sunrise Monday on or nearest October 15 through the last day of February.

(b) Bag Limits:

- (1) ~~There is no bag limit for raccoon. The daily bag limit for raccoon is three and there are no season and no possession limits.~~
- (2) There is no ~~restriction on~~ bag limit ~~limits~~ for opossum.

(c) Axes or saws shall not be carried when raccoon or opossum hunting.

Authority G.S. 113-134; 113-291.2.

15A NCAC 10B .0206 SQUIRRELS

(a) The open season for gray and red squirrels is the Saturday ~~Monday~~ on or nearest ~~closest to~~ October 1 ~~15~~ through the last day of February. Gray squirrels may also be taken by hunting on the Monday following the closing of the open season for wild turkey in 15A NCAC 10B .0209(a) through the second Monday thereafter.

(b) The daily bag limit for gray and red squirrels is eight in aggregate and there are no season or possession limits.

(c) The open season for fox squirrels is the Monday on or nearest October 15 through January 31.

(d) The daily bag limit for fox squirrels is one; the possession limit is two; and the season limit is 10.

Authority G.S. 113-134; 113-291.2.

15A NCAC 10B .0212 FOXES (GRAY AND RED)

(a) Unless otherwise specified in a local act of the General Assembly, foxes may be taken year-round using firearms and archery equipment in the following counties:

- (1) Ashe;
- (2) Catawba;
- (3) Haywood;
- (4) Perquimans;
- (5) Wilkes; and
- (6) Yadkin.

~~(a)(b) Foxes may be taken with weapons~~ The open season for taking foxes using firearms, archery equipment, and ~~or~~ traps is the first Saturday in January through the fourth Saturday in January in the following counties:

- ~~(4)~~ (1) Caswell;
- ~~(2)(1)~~ (2) Clay;
- ~~(3)(2)~~ (3) Graham;

- ~~(4)(3)~~ Henderson;
- ~~(5)(4)~~ Macon; and
- ~~(6)(5)~~ Tyrell.

~~(b)(c)~~ The open season for taking foxes with firearms, archery equipment and traps in counties listed in G.S. 113-291.4B(c) are as specified in Rule 10B .0303(a) of this Subchapter.

~~(e)(d)~~ The open season for pursuing or taking foxes with dogs on Bladen Lakes State Forest Game Land is August 2 through February 14.

~~(e)(c)~~ Foxes may be taken the Saturday before Thanksgiving Day through January 1. The open season for taking foxes using firearms archery equipment is the Saturday before Thanksgiving Day through January 1 in all areas of the State east of Interstate Highway 77, unless otherwise specified in local act of the General Assembly, 77 and in Mitchell County.

~~(d)(f)~~ For areas of open season seasons detailed in Paragraphs (a) through (e)(b), (d), and (e) of this Rule, and areas detailed in G.S. 113-291.4A(a), excluding the counties listed in 113-291.4B(c), Rule, the daily bag limit is ~~two~~; two and the season limit is 10.

Authority G.S. 113-131.1; 113-134; 113-291.2; 113-291.4; 113-291.4A; 113-291.4B.

15A NCAC 10B .0219 COYOTE

(a) When taking coyotes, the following shall apply:

- (1) There is no closed season for taking coyotes.
- (2) There is no bag limit.
- ~~(2)(3)~~ Coyotes may be taken on private lands anytime during the day or night.
- ~~(3)(4)~~ Coyotes may be taken on public lands without a permit from the hours of one-half hour before sunrise until one-half hour after sunset.
- ~~(4)(5)~~ Coyotes may be taken on public lands with a permit from one-half hour after sunset to one-half hour before sunrise.
- ~~(5)(6)~~ Hunters may use electronic calls, ~~calls and artificial lights to take coyotes.~~
- (7) Hunters may shine artificial lights to take coyotes, except from a motorized conveyance from a public road or public road right of way while in possession of a firearm or archery equipment, as defined in 15A NCAC 10B .0116.

(b) In the counties of Beaufort, Dare, Hyde, Tyrell, and Washington, the following shall apply:

- (1) Coyote hunting on public lands is prohibited, except that coyotes may be taken on State-owned game lands by the holder of a permit for a specific special hunt opportunity for coyotes authorized by G.S 113-264(d).
- (2) Any special hunt for coyotes pursuant to G.S. 113-264(d) shall only allow hunting from the hours of one-half hour before sunrise until one-half hour after sunset.
- (3) Contests or competition coyote hunts on public lands are prohibited.
- (4) If, within a calendar year, two or more red wolves are shot by one or more hunters with a valid special hunt permit for coyotes on State

game lands within the five counties identified in this Paragraph, all special hunts for coyotes on State game lands within those five counties shall be suspended for one calendar year.

- (5) Coyotes may be taken on private lands by permit only, and any take shall be reported within 24 hours to the by phone at 919-707-0040 or online at www.ncwildlife.gov, ~~www.ncwildlife.org~~.
- (6) There is no closed season for taking coyotes on private lands. Coyotes may be taken on private lands from hours of one-half hour before sunrise until one-half hour after sunset only.
- (7) Coyote hunting permits are in addition to hunting licenses. Individuals exempted from license requirements under the provisions specified in G.S. 113-276 shall acquire the coyote hunting permits to hunt coyotes in the counties specified in this Paragraph. Coyote hunting permits are valid for one calendar year and are subject to annual renewal. These permits are non-transferable. Permit holders shall submit their harvest reports in order to be eligible for permit renewal.

Authority G.S. 113-134; 113-264; 113-291.1; 113-291.2.

15A NCAC 10B .0223 FERAL SWINE

(a) There is no closed season for taking feral swine on private lands anytime during the day or night.

(b) Feral swine may be taken on game lands from the hours of one-half hour before sunrise until one-half hour after sunset during an open season for game animals or game birds using the legal manners of take allowed during those season, except that dogs may not be used to hunt feral swine on game lands that do not allow the use of dogs for hunting white-tailed deer or black bear. Where lawful, the hunting of feral swine with dogs is allowed during the applicable deer or bear season unless otherwise specified in the Rules of 15A NCAC 10D .0200.

(c) Feral swine may be taken on game lands from one-half hour after sunset to one-half hour before sunrise by permit only. Individuals may apply for permits on or after July 1 online at ncwildlife.gov, ~~ncwildlife.org~~, by phone, or in person at a wildlife service agent location. The number of permits issued annually will be based on achieving population management objectives of the Commission. The Commission shall issue available feral swine permits to applicants selected at random by computer. Permits shall be non-transferrable. All applicable laws and rules regarding the taking of feral swine shall apply.

(d) There are no bag limits on feral swine.

(e) Hunters may use electronic calls to take feral swine, ~~artificial lights and electronic calls.~~

(f) Hunters may shine artificial lights to take feral swine, except from a motorized conveyance form a public road or public road right of way while in possession of a firearm or archery equipment, as defined in 15A NCAC 10B .0116.

Authority G.S. 113-129; 113-134; 113-264; 113-291; 113-291.1; 113-291.2.

SUBCHAPTER 10C - INLAND FISHING REGULATIONS

SECTION .0300 – GAME FISH IN INLAND FISHING WATERS

15A NCAC 10C .0305 LARGEMOUTH BASS

- (a) The daily creel limit for Largemouth Bass is five fish, except ~~as otherwise specified in this Rule, in waters identified in Paragraphs (d), (e), (f), (l), (m), (n), and (o) of this Rule.~~
- (b) There is no minimum size limit for Largemouth Bass, but only two ~~of them~~ may be less than 14 inches except ~~as otherwise specified in this Rule, in waters identified in Paragraphs (d) through (o) of this Rule.~~
- (c) There is no closed season, except in Jean Guite Creek and associated canals within the Town of Southern Shores in Dare County and in the ponds associated with Martin Marietta Park in Craven County, where Largemouth Bass shall not be taken or possessed, in waters identified in Paragraph (n) of this Rule.
- (d) ~~In Lake Cammack in Alamance County, and Lake Cammack in Alamance County, and Lake Holt in Granville County, the daily creel limit for Largemouth Bass is 10 fish and no more than two fish greater than 14 inches may be possessed. there is no daily creel limit for Largemouth Bass, but only five Largemouth Bass greater than 14 inches may be possessed.~~
- (e) In Lake Santeetlah in Graham County, there is no daily creel limit for Largemouth Bass and Smallmouth Bass less than 14 inches. The daily creel limit for Largemouth Bass and Smallmouth Bass greater than 14 inches is five fish in aggregate.
- (f) In Lake Chatuge in Clay County, the daily creel limit for Largemouth Bass, Smallmouth Bass, Alabama Bass, and Spotted Bass is 10 fish in aggregate. The minimum size limit for Largemouth Bass is 12 inches.
- (g) The minimum size limit for Largemouth Bass is 14 inches in the following waters:
- (1) Lake Raleigh in Wake County;
 - (2) Lake Sutton in New Hanover County;
 - (3) Pungo Lake in Washington and Hyde counties;
 - (4) New Lake in Hyde County; and
 - (5) Currituck, Roanoke, Croatan, Albemarle sounds, and their tributaries, including Roanoke River downstream of Roanoke Rapids Dam, Chowan River, Meherrin River, Yeopim River, Pasquotank River, Perquimans River, Little River, Big Flatty Creek, North River, Northwest River, Scuppernong River, Alligator River, including the Alligator/Pungo Canal east of the N.C. Hwy 264/45 bridge, and the other associated tributaries and canals in these river systems.
- (h) ~~In Cane Creek Lake in Union County, and~~ Buckhorn Reservoir in Wilson and Nash counties, the minimum size limit for Largemouth Bass is 16 inches.
- (i) In Lake Phelps in Tyrrell and Washington counties, the minimum size limit for Largemouth Bass is 14 inches, and no fish between 16 and 20 inches may be possessed.
- (j) In Lake Hampton in Yadkin County, there is no minimum size limit for Largemouth Bass. No more than two Largemouth Bass less than 14 inches and no Largemouth Bass between 16 and 20 inches may be possessed.

- (k) In Lake Thom-A-Lex in Davidson County, the minimum size limit for Largemouth Bass is 18 inches.
- (l) In the Alleghany County portion of New River downstream of Fields Dam (Grayson County, Virginia), the daily creel limit for Largemouth ~~Bass, Bass and~~ Smallmouth ~~Bass, and Spotted~~ Bass is five fish in aggregate. There is no minimum size limit for Largemouth Bass, but no fish between 14 and 22 inches in length may be possessed and one Largemouth ~~Bass, Bass or~~ Smallmouth ~~Bass, or Spotted~~ Bass greater than 22 inches may be possessed.
- (m) In Lake Mattamuskeet and associated canals in Hyde County, the minimum size limit for Largemouth Bass is 16 inches and one Largemouth Bass greater than 20 inches may be possessed.
- ~~(n) In Jean Guite Creek and associated canals within the Town of Southern Shores in Dare County and in the ponds associated with Martin Marietta Park in Craven County, no Largemouth Bass may be possessed.~~
- ~~(o) In Lake Cammack in Alamance County, there is no daily creel limit for Largemouth Bass, and only five Largemouth Bass greater than 14 inches may be possessed.~~

Authority G.S. 113-134; 113-292.

SUBCHAPTER 10D - GAME LANDS REGULATIONS

SECTION .0100 - GAME LANDS REGULATIONS

15A NCAC 10D .0103 GENERAL REGULATIONS REGARDING HUNTING ON GAME LANDS

- (a) The following shall be prohibited on game lands:
- (1) hunting on a designated game land while under the influence of an impairing substance, as defined by G.S. 20-4.01(14a); ~~20-4.01(48b);~~
 - (2) failing to comply with restrictions enacted by the National Park Service regarding the use of the Blue Ridge Parkway where it adjoins game lands;
 - (3) parking a vehicle on game lands in a manner that blocks traffic or gates, or prevents vehicles from using a roadway;
 - (4) affixing nails, screws, bolts, or applying paint to vegetation. This prohibition does not apply to mounting hardware for game cameras, lag screw steps, or portable stands that are removed after use with no metal remaining in or attached to the vegetation; and
 - (5) erecting or occupying a tree stand or platform whose construction violates Subparagraph (a)(4) of this Rule.
 - (4) ~~erecting or occupying a tree stand or platform attached by nails, screws, bolts, or to a tree on a game land to hunt. This prohibition does not apply to lag screw steps or portable stands that are removed after use with no metal remaining in or attached to the tree.~~
- (b) Unless allowed by permit, hunting on game lands shall be during the open season for game animals and game birds.
- (c) Individual game lands or parts of game lands may be closed to hunting or limited to specific dates by this Subchapter.

(d) Persons shall hunt with weapons lawful for the open game animal or game bird seasons.

(e) On managed waterfowl impoundments, persons shall:

- (1) not enter the posted impoundment areas earlier than 4:00 a.m. on the permitted hunting dates;
- (2) not hunt after 1:00 p.m. on the permitted hunting dates;
- (3) not set decoys out prior to 4:00 a.m.;
- (4) remove decoys by 3:00 p.m. daily; and
- (5) not operate a vessel or vehicle powered by an internal combustion engine.

(f) On Sundays, the following shall be prohibited:

- (1) hunting with a firearm between 9:30 a.m. and 12:30 p.m.;
- (2) the use of a firearm to take deer that are run or chased by dogs;
- (3) hunting with a firearm within 500 yards of a place of religious worship, as defined by G.S. 14-54.1(b), or an accessory structure thereof; and
- (4) hunting migratory game birds.

(g) On designated Youth Waterfowl Days, the following shall apply:

- (1) hunting on managed waterfowl impoundments shall be from one-half hour before sunrise to sunset;
- (2) Subparagraphs (e)(1), (e)(3), and (e)(5) of this Rule; and
- (3) youth may hunt on a game land and on an impoundment without a special hunt permit, including permit-only areas, except where prohibited in Paragraph (a) of this Rule.

(h) On designated Veterans and Military Waterfowl Days, veterans, as defined in 38 USC 101, and members of the Armed Forces on active duty, including members of the National Guard and Reserves on active duty other than for training, with valid credentials may hunt on game lands and impoundments not designated as permit-only areas from one-half hour before sunrise to sunset. Subparagraphs (e)(1), (e)(3), and (e)(5) of this Rule shall apply.

(i) On waterfowl impoundments that have a posted "Scouting-only Zone," trapping during the trapping season and waterfowl hunting on designated waterfowl hunting days are the activities allowed on the portion of the impoundment outside of the posted "Scouting-only Zone."

(j) Definitions:

- (1) For purposes of this Subchapter, "Dove Only Area" refers to a Game Land on which doves may be taken and dove hunting is limited to Mondays, Wednesdays, Saturdays, Thanksgiving Day, Christmas Day, and New Year's Days within the federally-announced season.
- (2) For purposes of this Subchapter, "Three Days per Week Area" refers to a Game Land on which game may be taken during the open seasons and hunting is limited to Mondays, Wednesdays, Saturdays, Thanksgiving Day, Christmas Day, Veterans Day, Martin Luther

King, Jr. Day, and New Year's Days, except for game lands in this Rule that specifically allow hunting on Tuesdays, Thursday, and Fridays. Hunting is not allowed on Christmas Day, Veterans Day, and New Year's Day when these holidays fall on Sunday. Falconry may also be practiced on Sundays. These "open days" also apply to antlerless deer hunting seasons listed for each game land. Raccoon and opossum hunting may continue until 7:00 a.m. on Tuesdays, until 7:00 a.m. on Thursdays, and until midnight on Saturdays.

(3) For purposes of this Subchapter, "Six Days per Week Area" refers to a Game Land on which game may be taken on the open days of Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday during the open seasons. Falconry may be practiced on Sundays.

(4) For purposes of this Subchapter, "Seven Days per Week Area" refers to a Game Land on which game may be taken during the open season on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, Saturdays, and Sundays.

(5) For purposes of this Subchapter, "Four Days per Week Area" refers to a Game Land on which game may be taken during the open seasons and hunting is limited to Tuesdays, Thursdays, Saturdays, Sundays, Labor Day, Veterans Day, Christmas Day, New Year's Day, and Martin Luther King, Jr. Day. Raccoon and opossum hunting may continue until 7:00 a.m. on Wednesdays, 7:00 a.m. on Fridays, and 7:00 a.m. on Mondays.

(6) For purposes of this Subchapter, "Permit" means a written authorization from the Commission required for take or other activities listed on the permit during open seasons, if applicable, in a specified area and subject to annual limitations imposed by the Commission to meet wildlife, hunter, or land management objectives, unless otherwise specified. Individuals may apply for available permits online at ncwildlife.org, by phone, or in person at a wildlife service agent location. The Commission shall issue permits to applicants selected at random by computer in accordance with G.S. 113-264. Permits shall be non-transferrable. The laws and rules regarding the species or activity shall apply.

(7) For the purposes of this Subchapter, "Either-Sex" means antlered or antlerless.

(k) Deer shall not be taken with the use of dogs on game lands in counties or parts of counties where taking deer with dogs is prohibited as described in 15A NCAC 10B .0109.

(l) On permit hunts, antlered or antlerless deer may be taken on the hunt dates indicated on the permit. Completed applications shall be received by the Commission not later than the first day of September next preceding the dates of hunt. Permits shall be issued by random computer selection, shall be mailed to the

permittees prior to the hunt, and are nontransferable. A hunter making a kill shall validate the kill and report the kill to a wildlife cooperator agent or by phone.

(m) The following game lands and refuges are closed to hunting except to individuals who have obtained a valid and current permit from the Wildlife Resources Commission:

- (1) Bertie, Halifax, and Martin counties—Roanoke River Wetlands;
- (2) Bertie County—Roanoke River National Wildlife Refuge;
- (3) Bladen County—Suggs Mill Pond Game Lands;
- (4) Dare County—Dare Game Lands (Those parts of bombing range posted against hunting);
- (5) Dare County—Roanoke Sound Marshes Game Lands; and
- (6) Henderson and Transylvania counties—DuPont State Forest Game Lands.

(n) Access to Hunting Creek Swamp Waterfowl Refuge in Davie County requires written permission from the Commission. Written permission may be granted when entry onto the Waterfowl Refuge shall not compromise the primary purpose for establishing the Waterfowl Refuge and the person requesting entry can demonstrate a valid need or the person is a contractor or agent of the Commission conducting official business. "Valid need" includes issues of access to private property, scientific investigations, surveys, or other access to conduct activities in the public interest.

(o) The Commission may designate special hunts for participants of the disabled sportsman program by permit. The Commission may schedule these permit hunts during the closed season. Hunt dates and species to be taken shall be identified on the permit. If the hunt has a limited weapon choice, the allowed weapons shall be stated on the permit.

(p) As used in the rules of this Subchapter, horseback riding includes all equine species.

(q) When waterfowl hunting is authorized on Christmas and New Years' Day and those days fall on Sundays, the open waterfowl hunting day shall be the following day.

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

15A NCAC 10D .0106 DESIGNATED BEAR MANAGEMENT AREAS

(a) Bear may be taken on posted designated bear management areas specified in Paragraph (c) of this Rule ~~during the open season~~ by permit only. Individuals may apply for permits on or after July 1 online at ~~ncwildlife.org~~, ncwildlife.gov, by phone, or in person at a wildlife service agent location. The number of permits issued annually will be based on achieving population management objectives of the Commission. The Commission shall issue available bear management area permits to applicants selected at random by computer. Permits are ~~shall be~~ non-transferable. All applicable laws and rules regarding the taking of bear shall apply.

(b) The following shall be posted designated bear management areas:

Bachelor Bay designated bear management area – Bertie and Washington counties
 Columbus County designated bear management area – Brunswick and Columbus counties
 Croatan designated bear management area – Carteret, Craven, and Jones counties
 Daniel Boone designated bear management area – Avery, Burke, and Caldwell counties
 Dare designated bear management area – Dare and Hyde counties
 Fires Creek designated bear management area – Clay County
 Flat Top designated bear management area – Mitchell and Yancey counties
 Green Swamp designated bear management area – Brunswick County
 Gull Rock designated bear management area – Hyde County
 Harmon Den designated bear management area – Haywood County
 Juniper Creek designated bear management area – Brunswick and Columbus counties
 Mt. Mitchell designated bear management area – McDowell and Yancey counties
 North River designated bear management area – Camden and Currituck counties
 Panthertown – Bonas Defeat designated bear management area – Jackson County
 Pisgah designated bear management area – Buncombe, Haywood, Henderson and Transylvania
 Pungo River designated bear management area – Hyde County
 Rich Mountain designated bear management area – Madison County
 Sherwood designated bear management area – Haywood County
 Suggs Mill Pond designated bear management area – Bladen and Cumberland counties
 Standing Indian designated bear management area – Macon County
 Thurmond Chatham designated bear management area – Allegheny and Wilkes counties
 Wayah designated bear management area – Macon County

(c) It shall be lawful to take bear on the following designated management areas when authorized by permit issued by the Commission in accordance with G.S. 113-264(d):

Daniel Boone designated bear management area – Avery, Burke, and Caldwell counties
 Dare designated bear management area – Dare and Hyde counties
 Mt. Mitchell designated bear management area – McDowell and Yancey counties
 Panthertown – Bonas Defeat designated bear management area – Jackson County
 Pisgah designated bear management area – Buncombe, Haywood, Henderson and Transylvania
 Standing Indian designated bear management area – Macon County

(d) Feral Swine shall not be taken with the use of dogs on designated bear management areas.

(e) Dogs shall not be trained or allowed to run unleashed ~~between March 1 and the Monday on or nearest October 15~~ on designated bear management areas located in and west of the counties and parts of counties described in 15A NCAC 10B .0109 ~~15A NCAC 10B .0109~~, except from the Saturday on or immediately prior to October 9 through the last day of February.

Authority G.S. 113-134; 113-264; 113-291.1; 113-291.2; 113-291.7; 113-305.

SECTION .0200 - USE OF GAME LANDS

15A NCAC 10D .0202 ANGOLA BAY GAME LAND IN DUPLIN AND PENDER COUNTIES

Angola Bay Game Land ~~game land~~ is a Seven Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (2) Target shooting is prohibited.
- (3) Bear shall not be taken ~~harvested~~ on Sunday.

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

15A NCAC 10D .0210 BULLARD AND BRANCH HUNTING PRESERVE GAME LANDS IN ROBESON COUNTY

Bullard and Branch Hunting Preserve Game Land ~~game land~~ is a Four Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (2) Bear shall not be taken ~~harvested~~ on Sunday.

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

15A NCAC 10D .0211 BUTNER-FALLS OF NEUSE GAME LAND IN DURHAM, GRANVILLE, AND WAKE COUNTIES

Butner-Falls of Neuse ~~game land~~ Game Land is a Six Days per Week Area, in which the following applies:

- (1) Antlered or antlerless deer may be taken the first open day of the All Lawful Weapons Season for Deer With Visible Antlers through the second Friday thereafter.
- (2) Waterfowl shall be taken only on:
 - (a) the opening and closing days of the waterfowl seasons;
 - (b) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
 - (c) Tuesdays, Thursdays, and Saturdays of the applicable waterfowl seasons.

On the posted waterfowl impoundments a special permit is required for all waterfowl hunting after November 1.

- (3) Horseback riding is prohibited.

- (4) Target shooting is prohibited.
- (5) Wild turkey hunting is by permit only, except on those areas posted as an archery zone.
- (6) The use of dogs for hunting deer is prohibited on ~~that~~ the portion west of NC 50 and south of Falls Lake.
- (7) The use of bicycles is restricted to designated areas, except that this restriction does not apply to hunters engaged in the act of hunting during the open days of the seasons for game birds and game animals. On designated bicycle riding areas, the use of bicycles is allowed from May ~~15~~ 16 through August 31, and on Sundays only from September 1 through May ~~14~~ 15.
- (8) Camping is ~~restricted to September 1 through the last day of February and March 31 through May 14~~ allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.
- (9) Camping is allowed year-round in the designated Mountains-to-Sea Trail Camping Area and shall not exceed a maximum stay of two consecutive nights. Campfires are prohibited in this camping area.
- (10) Entry on the New Light Beach Tract (Wake County) for purposes other than hunting, fishing, and trapping is prohibited.

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

15A NCAC 10D .0213 CAPE FEAR RIVER WETLANDS GAME LAND IN PENDER COUNTY

Cape Fear River Wetlands Game Land ~~game land~~ is a Seven Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (2) Turkey Hunting is by permit only on ~~that~~ portion known as the Roan Island Tract.
- (3) The use of dogs for hunting deer is prohibited on the portion ~~of the game land that is~~ west of the Black River, north of Roan Island, east of Lyon Swamp Canal to Canetuck Road, and south of NC 210 to the Black River.
- (4) Target shooting is prohibited.
- (5) Bear shall not be taken ~~harvested~~ on Sunday.

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

15A NCAC 10D .0214 CARTERET COUNTY GAME LAND IN CARTERET COUNTY

Carteret County Game Land ~~game land~~ is a Seven Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (2) The use of dogs for hunting deer is prohibited.

- (3) Bear hunting on the Salters Creek Tract is by permit only.
- (4) Bear shall not be taken ~~harvested~~ on Sunday.

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

15A NCAC 10D .0221 CROATAN GAME LAND IN CARTERET, CRAVEN, AND JONES COUNTIES

Croatan Game Land ~~game land~~ is a Seven Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken on all the open days of the applicable Deer With Visible Antlers Season.
- (2) Waterfowl shall be taken only on the following days:
 - (a) the opening and closing days of the applicable waterfowl seasons;
 - (b) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
 - (c) Tuesdays and Saturdays of the applicable waterfowl seasons.
- (3) Beginning on the first open waterfowl day in October through the end of all waterfowl seasons, waterfowl hunting from designated Disabled Sportsmen blinds on the Catfish Lake Waterfowl Impoundment is by permit only.
- (4) Dove hunting is by permit only for the first two open days of dove season on posted areas. During the rest of dove season, no permit is required to hunt doves.
- (5) Bear shall not be taken ~~harvested~~ on Sunday.

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

15A NCAC 10D .0222 CURRITUCK BANKS GAME LAND IN CURRITUCK COUNTY

Currituck Banks Game Land ~~game land~~ is a Seven Days per Week Area, in which the following applies:

- (1) Permanent waterfowl blinds in Currituck Sound on these game lands shall be hunted by permit only from November 1 through the end of all waterfowl seasons.
- (2) Licensed hunting guides may accompany the permitted individual or party provided the guides do not use a firearm.
- (3) The boundary of the game land shall extend five yards from the edge of the marsh or shoreline.
- (4) Dogs are allowed only for waterfowl hunting by permitted waterfowl hunters on the day of their hunt.
- (5) No screws, nails, or other objects penetrating the bark shall be used to attach a tree stand or blind to a tree.
- (6) Deer of either sex may be taken on all the days of the applicable Deer With Visible Antlers season.
- (7) Bear shall not be taken ~~harvested~~ on Sunday.

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

15A NCAC 10D .0229 GOOSE CREEK GAME LAND IN BEAUFORT AND PAMLICO COUNTIES

Goose Creek ~~game land~~ Game Land is a Seven Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken on all the open days of the applicable Deer With Visible Antlers Season.
- (2) Except as provided in 15A NCAC 10D .0103(e), waterfowl in posted waterfowl impoundments shall be taken only on the following days:
 - (a) the opening and closing days of the applicable waterfowl seasons;
 - (b) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
 - (c) Tuesdays and Saturdays of the applicable waterfowl seasons.
- (3) Beginning on the first open waterfowl season day in October, through the end of all waterfowl seasons, waterfowl hunting is by permit only on the following waterfowl impoundments: Pamlico Point, Campbell Creek, Hunting Creek, Spring Creek, Smith Creek, and Hobucken.
- (4) On Spring Lake, Pamlico Point, and Campbell Creek Waterfowl Impoundments, all activities, except waterfowl hunting on designated waterfowl hunting days and trapping during the trapping season, are restricted to the posted Scouting-only Zone during the period November 1 through March 15.
- (5) Camping is ~~restricted to September 1 through the last day of February, and March 31 through May 14 in areas both designated and allowed~~ on areas posted ~~as for~~ as specified in Rule .0102 of this Subchapter.
- (6) Hunting and vehicular access on the Parker Farm Tract is restricted from September 1 through January 1 and April 1 through May 15 to individuals that possess a valid hunting opportunity permit.
- (7) Pursuing or chasing deer or bear with dogs for the purposes of training or hunting is prohibited on the Beaufort County portion north of N.C. 33, except for that portion east of Smith Creek and south of Campbell Creek.
- (8) Bear shall not be taken ~~harvested~~ on Sunday.
- (9) Hunting for deer, bear, and turkey on the Bates-Bay Tract is by permit only.

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

15A NCAC 10D .0239 JOHNS RIVER GAME LAND IN BURKE COUNTY

Johns River ~~game land~~ Game Land is hunting by permit only. The following shall apply:

- (1) During permitted deer hunts, antlered or antlerless deer may be taken by permit holders.
- (2) The construction of permanent hunting blinds is prohibited.
- (3) Camping is ~~restricted to August 31 through the last day of February and March 31 through May 14.~~ allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.
- (4) Target shooting is prohibited.
- (5) During the open days of the seasons for game birds and game animals, entry is restricted to permit holders. ~~the use of bicycles is restricted to hunters engaged in the act of hunting.~~

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

15A NCAC 10D .0241 JUNIPER CREEK GAME LAND IN BRUNSWICK AND COLUMBUS COUNTIES

(a) Juniper Creek ~~game land~~ Game Land is a Seven Days per Week Area. The following applies:

- (1) Deer of either sex may be taken on all the open days of the Deer With Visible Antlers Season.
- (2) Camping is ~~restricted to September 1 through the last day of February and March 31 through May 14 in~~ allowed on areas both designated and posted as for camping areas. as specified in Rule .0102 of this Subchapter.
- (3) Bear shall not be taken ~~harvested~~ on Sunday.

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

15A NCAC 10D .0246 LIGHT GROUND POCOSIN GAME LAND IN PAMLICO COUNTY

Light Ground Pocosin Game Land ~~game land~~ is a Seven Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken on all the open days of the applicable Deer With Visible Antlers Season.
- (2) Bear shall not be taken ~~harvested~~ on Sunday.

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

15A NCAC 10D .0251 NANTAHALA GAME LAND IN CHEROKEE, CLAY, GRAHAM, JACKSON, MACON, AND SWAIN COUNTIES ~~SWAIN, AND TRANSYLVANIA COUNTIES~~

~~(a)~~ Nantahala Game Land ~~game land~~ is a Seven Days per Week Area, in which the following applies: ~~Area.~~

- ~~(b)(1)~~ Antlerless deer shall not be taken during the All Lawful Weapons Season. ~~In this game land Deer of either sex may be taken the first open Saturday of the applicable Deer With Visible~~

~~Antlers Season in that portion located in Transylvania County.~~

- ~~(e)(2)~~ Dogs may be used to hunt feral swine during the open bear season established in 15A NCAC 10B .0202 and from January 1 through January 31.

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

15A NCAC 10D .0254 NEW LAKE GAME LAND IN HYDE AND TYRRELL COUNTIES

New Lake Game Land ~~game land~~ is a Seven Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (2) Bear shall not be taken ~~harvested~~ on Sunday.

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

15A NCAC 10D .0256 NORTH RIVER GAME LAND IN CAMDEN AND CURRITUCK COUNTIES

North River Game Land ~~game land~~ is a Seven Days per Week Area, in which the following applies:

- (1) Antlered or antlerless deer may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (2) The boundary of the Game Land shall extend five yards from the edge of the marsh or shoreline.
- (3) Hunting on the posted waterfowl impoundment is by permit only. ~~permit.~~
- (4) All activities on the North River Game Land Waterfowl Impoundments except waterfowl hunting and trapping during the trapping season are restricted to the posted Scouting-only Zone from November 1 through March 15.
- (5) Bear shall not be taken ~~harvested~~ on Sunday.

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

15A NCAC 10D .0257 NORTHWEST RIVER MARSH GAME LAND IN CURRITUCK COUNTY

Northwest River Marsh Game Land ~~game land~~ is a Seven Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (2) The boundary of the Game Land shall extend five yards from the edge of the marsh or shoreline.
- (3) Bear shall not be taken ~~harvested~~ on Sunday.
- (4) Target shooting is prohibited.

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

15A NCAC 10D .0260 PISGAH GAME LAND IN AVERY, BUNCOMBE, BURKE, CALDWELL, HAYWOOD, HENDERSON, MADISON, MCDOWELL, MITCHELL, TRANSYLVANIA, WATAUGA, AND YANCEY COUNTIES

Pisgah Game Land is a Seven Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken the first open Saturday of the applicable Deer With Visible Antlers Season.
- (2) Horseback riding is prohibited on the Black Bear (McDowell County), Linville River (Burke County), Little Tablerock Tracts (Avery, McDowell, and Mitchell counties), Lutz Tract (Caldwell County), and Roaring Creek Tract (Avery County). ~~(and Little Tablerock Tracts (Avery, McDowell, and Mitchell counties)).~~
- (3) The use of bicycles shall be restricted to designated trails on the Linville River Tract (Burke County). Persons engaged in the act of hunting on the Linville River Tract during any open day of an applicable season for game birds or game animals shall be exempt from this restriction.
- (4) Alcohol and fires are prohibited on the Lutz Tract (Caldwell County).
- (5) Target shooting is prohibited on the Black Bear (McDowell County), Linville River (Burke County), Little Tablerock Tracts (Avery, McDowell, and Mitchell counties), Lutz Tract (Caldwell County), and Roaring Creek Tract (Avery County). ~~(and Little Tablerock Tracts (Avery, McDowell, and Mitchell counties)).~~
- (6) Entry on the Lutz Tract (Caldwell County) for purposes other than hunting, fishing, trapping, and posted use of trails and parking areas is prohibited.

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

15A NCAC 10D .0270 SAMPSON GAME LAND IN SAMPSON COUNTY

Sampson Game Land ~~game land~~ is a Four Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (2) Target shooting is prohibited.
- (3) Bear shall not be taken ~~harvested~~ on Sunday.

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

15A NCAC 10D .0279 SUGGS SUTTON LAKE GAME LAND IN NEW HANOVER AND BRUNSWICK COUNTIES

~~Suggs Sutton Lake~~ Game Land ~~game land~~ is a Seven Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the first Friday thereafter.
- (2) Target shooting is prohibited.
- (3) Bear shall not be taken ~~harvested~~ on Sunday.

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

15A NCAC 10D .0284 TILLERY GAME LAND IN HALIFAX COUNTY

Tillery Game Land ~~game land~~ is a Seven Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (2) Horseback riding is prohibited.
- (3) The use of dogs for hunting deer is prohibited.
- (4) ~~Wild turkey~~ Quail, wild turkey, and woodcock hunting is by permit only.
- (5) Target Shooting is prohibited.

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

15A NCAC 10D .0290 WHITE OAK RIVER GAME LAND IN ONSLOW COUNTY

White Oak River Game Land ~~game land~~ is a Three Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (2) Hunting on posted waterfowl impoundments is by permit only.
- (2) ~~Except as provided in Item (3) of this Rule, waterfowl in posted waterfowl impoundments shall be taken only on the following days:~~
 - (a) ~~the opening and closing days of the applicable waterfowl seasons;~~
 - (b) ~~Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and~~
 - (c) ~~Tuesdays and Saturdays of the applicable waterfowl seasons.~~
- (3) ~~Beginning on the first open waterfowl season day in October through the end of all waterfowl seasons, a permit is required for hunting posted waterfowl impoundments.~~
- (4)(3) The Huggins Tract and Morton Tracts have the following restrictions:
 - (a) access on Hargett Avenue and Sloan Farm Road requires a valid Hunting Opportunity Permit issued by the Wildlife Resources Commission pursuant to G.S. 113-264(d);

- (b) hunting is by permit only; and
- (c) the use of dogs for hunting deer is prohibited.

- ~~(5)~~(4) Wild turkey hunting is by permit only.
- ~~(6)~~(5) Target ~~Shooting~~ shooting is prohibited.

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

15A NCAC 10D .0296 BIG SWAMP GAME LAND IN ROBESON COUNTY

Big Swamp Game Land is a Three Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken on all the open days of the applicable Deer With Visible Antlers Season.
- (2) The use of dogs for hunting deer or bear is prohibited.
- (3) Target shooting is prohibited.

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to adopt the rules cited as 15A NCAC 10E .0201-.0203, and amend the rules cited as 15A NCAC 10B .0203, .0502; 10C .0314, .0414, .0425; 10D .0102; 10H .0810; and 10I .0102.

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

Proposed Effective Date: January 1, 2027

Public Hearing:

Date: August 20, 2026

Time: 12:00 p.m.

Location: Virtual public hearing via Zoom. Pre-registration is required: https://ncwildlife-org.zoomgov.com/webinar/register/WN_MjTXmXBxSK-kdEQ8Lkss-w, or join by phone toll free: (833) 568-8864, Webinar ID: 165 897 7256

Date: August 25, 2026

Time: 6:00 p.m.

Location: Virtual public hearing via Zoom. Pre-registration is required: https://ncwildlife-org.zoomgov.com/webinar/register/WN_g1znWzyYTXG0QjrrJ1bHyQ, or join by phone toll free: (833) 568-8864, Webinar ID: 165 787 2139

Reason for Proposed Action: Each year, the N.C. Wildlife Resources Commission reviews and adjusts seasons, bag limits, and the land management regulations, as needed, to achieve conservation management goals, comply with statutory changes, and respond to constituent requests.

Rules 10B .0203 and 10C .0314, .0414, .0425 are permanent versions of temporary rules recently adopted or currently in effect, plus other minor updates to harvest regulations. The effective date of 1/1/2027 ensures no gap between the temporary and permanent versions.

10E .0200 Rules and 10D .0102 address Shooting Range safety concerns.

10I .0201 addresses endangered species permitting requirements and requires an earlier effective date compared to the rest of the rules package so that the effective date aligns with annual permit renewals.

10H .0810 addresses falconry rules and requires an earlier effective date compared to the rest of the rules package so that the effective date aligns with the amended period of time when raptors may be taken from the wild.

Note: Italicized text are previous rule changes adopted by the Commission and approved by the RRC but not yet effective.

Comments may be submitted to: Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email regulations@ncwildlife.gov

Comment period ends: September 14, 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 ($\geq$ \$1,000,000 over 5 years)
- ☒ Approved by OSBM
- ☐ No fiscal note required

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10B - HUNTING AND TRAPPING

SECTION .0200 - HUNTING

15A NCAC 10B .0203 WHITE-TAILED DEER

(a) Open All Lawful Weapons Seasons for hunting deer:

- (1) Deer With Visible Antlers. Deer with antlers or spikes protruding through the skin, as distinguished from knobs or buttons covered by ~~skin or velvet~~, skin, may be taken during the following seasons, including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.
 - (A) Saturday on or nearest October 15 through January 1 in Beaufort, Bladen, Brunswick, Carteret, Columbus, ~~Cumberland~~, Craven, Dare, Duplin, Harnett, Hoke, Hyde, Jones, Lenoir, Moore, New Hanover, Onslow, Pamlico, Pender, Richmond, Robeson, ~~Sampson~~, Scotland, Tyrrell, and Washington counties. It is unlawful to hunt or kill deer in Lake Waccamaw or within 50 yards of its shoreline in Columbus County.
 - (B) Saturday on or nearest October 15 through January 1 in Bertie, Camden, Chowan, Currituck, Edgecombe, Franklin, Gates, Greene, Halifax, Hertford, Johnston, Martin, Nash, Northampton, Pasquotank, Perquimans, Pitt, Vance, Wake, Warren, Wayne, and Wilson counties.
 - (C) Saturday before Thanksgiving Day through January 1 in Alexander, Alleghany, Ashe, Catawba, Cleveland, Davie, ~~Forsyth~~, Gaston, Iredell, Lincoln, Polk, Rutherford, ~~Stokes, Surry, Watauga, Wilkes, and Yadkin~~ and Watauga counties.
 - (D) Saturday after Thanksgiving Day through January 1 in Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Swain, Transylvania, and Yancey counties.
 - (E) Two Saturdays before Thanksgiving Day through January 1 in Alamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Durham, Granville, Guilford, Lee, Mecklenburg, Montgomery, Orange, Person, Randolph, Rockingham, Rowan, Stanly, and Union counties.
 - (F) Saturday on or nearest September 10 through January 1 in the parts of Camden, Gates, and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in the parts of Hyde, Tyrrell, and Washington

counties known as the Pocosin Lakes National Wildlife Refuge; in the part of Hyde county known as Lake Mattamuskeet National Wildlife Refuge; in the parts of Dare and Hyde counties known as Alligator River National Wildlife Refuge; in the parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge; and in the part of Currituck County known as the Mackay Island National Wildlife Refuge.

- (2) Antlered or Antlerless Deer. Except on Game Lands, antlered or antlerless deer may be taken during the open seasons and in the counties and portions of counties listed in Parts (A) through ~~(G)~~(E) of this Subparagraph.
 - (A) The open antlered or antlerless deer hunting dates established by the U.S. Fish and Wildlife Service from the Saturday on or nearest September 10 through January 1 in the parts of Camden, Gates, and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in the parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National Wildlife Refuge; in the parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge; and in the parts of Currituck County known as the Currituck National Wildlife Refuge and the Mackay Island National Wildlife Refuge.
 - (B) The open antlered or antlerless deer hunting dates established by the military commands at the military installations listed in this Paragraph, from Saturday on or nearest October 15 through January 1 in the part of Brunswick County known as the Sunny Point Military Ocean Terminal, in the part of Craven County known and marked as Cherry Point Marine Base, in the part of Onslow County known and marked as the Camp Lejeune Marine Base, on Fort ~~Liberty~~ Bragg Military Reservation, and on Camp Mackall Military Reservation.
 - (C) The first open Saturday of the Deer With Visible Antlers Season described in Subparagraph (a)(1) of this Rule in Cherokee, Clay, Haywood, Jackson, Macon, Swain, and Transylvania counties.
 - (D) The first open day of the Deer With Visible Antlers Season described in

Subparagraph (a)(1) of this Rule through the first Saturday thereafter in Buncombe, Henderson, ~~Madison~~, and McDowell counties, except in the areas described in Subparts ~~(a)(2)(G)(i)~~ (a)(2)(E)(i) and (ii) of this Rule.

~~(E)~~ *The first open day of the season for Deer With Visible Antlers described in Subparagraph (a)(1) of this Rule through the second Saturday thereafter in Avery, Burke, Caldwell, Mitchell, and Yancey counties.*

~~(F)~~ *The first open day of the season for Deer With Visible Antlers described in Subparagraph (a)(1) of this Rule through the fourth Saturday thereafter in Cleveland, Polk, and Rutherford counties.*

~~(G)(E)~~ Open days of the season for Deer With Visible Antlers described in Subparagraph (a)(1) of this Rule in and east of ~~Ashe, Watauga, Wilkes, Alexander, Catawba, Lincoln, and Gaston~~ Avery, Burke, Rutherford, and Polk counties and in Madison, Mitchell, and Yancey counties, and the following parts of counties:

- (i) The part of Buncombe County east of N.C. 191, south of the French Broad and Swannanoa Rivers, west of U.S. 25, and north of N.C. 280; and
- (ii) The part of Henderson County east of N.C. 191 and north and west of N.C. 280.

(b) Open Archery Seasons for hunting deer:

- (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph and the bag limits set out in Paragraph (f) of this Rule, deer may be taken with archery equipment from Saturday on or nearest September 10 through the day immediately preceding the first open day of the Blackpowder Firearms Season described in Subparagraph (c)(1) of this Rule, including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.

(2) Restrictions

- (A) In the areas of the State where the Commission regulates the use of dogs as provided in G.S. 113-291.5, dogs may not be used for hunting deer during the Archery Season, except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).
- (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116

for taking deer may be used during the Archery Season.

- (C) Antlered or antlerless deer may be taken during Archery Season specified by Part ~~(b)(1)(A)(b)(1)~~ of this Rule.

(c) Open Blackpowder Firearms Seasons for hunting deer:

- (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph, deer may be taken only with blackpowder firearms and archery equipment from two Saturdays preceding the first day of the open season for Deer with Visible Antlers described in Parts (a)(1)(A), (B), (C), (D), (E), and (F) of this Rule through the second Friday thereafter including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.

(2) Restrictions

- (A) Antlered or antlerless deer may be taken during Blackpowder Firearms Season in a county or county part set forth in Part (a)(2)(D), ~~(E), (F), or (G)~~ (E) of this Rule that has one or more open days within the All Lawful Weapons Season to legally harvest antlerless deer.
- (B) Antlered or antlerless deer may be taken during the second open Saturday of the Blackpowder Firearms Season thru the first Friday thereafter in any county or county part set forth in Part (a)(2)(C) of this Rule.
- (C) Antlered or antlerless deer may be taken on the second open Saturday of the Blackpowder Firearms Season in any county or county part not set forth in Subparagraph (a)(2) of this Rule.
- (D) In the areas of the State where the Commission regulates the use of dogs as provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the Blackpowder Firearms Season, except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).

- (3) As used in this Rule, "blackpowder firearms" means any firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured before 1899, that cannot use fixed ammunition; any replica of this type of firearm if the replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; and any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading or cylinder-loading handgun that is designed to use blackpowder, blackpowder substitute, or any other propellant loaded through the muzzle, cylinder, or breech and that cannot use fixed ammunition.

(d) Open Urban Season for hunting deer:

- (1) Authorization. Subject to the restrictions set out in Subparagraph (3) of this Paragraph and the bag limits set out in Paragraph ~~(e)~~(f) of this Rule, antlered or antlerless deer may be taken with archery equipment in participating cities in the State, as defined in G.S. 160A-1(2), from the second Saturday following January 1 through the sixth Sunday thereafter. Deer shall not be taken on game lands within a city boundary.
- (2) Participation. Cities that intend to participate in the Urban Season shall send a letter to ~~that effect no later than April 1 of the year prior to the start of the Urban Season~~ to the Executive Director or their ~~his~~ designee at 1722 Mail Service Center, Raleigh, N.C. ~~27699-1700~~. 27699-1700, no later than April 1 of the year prior to initial participation. Cities shall also submit a map of the city's boundaries within which the Urban Season shall apply. Cities may withdraw from participation in the Urban Season by sending written notice to the Commission.
- (3) Restrictions:
 - (A) In the areas of the State where the Commission regulates the use of dogs as provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the Urban Season except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).
 - (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer shall be used during the Urban Season.

(e) Open Youth Days for hunting deer. Antlered or antlerless deer may be taken with all lawful weapons by individuals under 16 years of age during the following days:

- (1) The fourth Saturday in September and the Sunday immediately thereafter in all counties; and
- (2) Thanksgiving Day and the Friday immediately thereafter in the counties listed in Part (a)(1)(D) of this Rule.

(f) Bag limits. The possession and season limit is six deer, two that may be deer with visible antlers and four that may be antlerless deer. Antlerless deer include males with knobs or buttons covered by skin ~~or velvet~~ as distinguished from antlers or spikes protruding through the skin. A hunter may obtain multiple Bonus Antlerless Deer Harvest Report Cards from the Wildlife Resources Commission or any Wildlife Service Agent to allow the harvest of two additional antlerless deer per card for deer harvested during the season described in Paragraph (d) of this Rule within the boundaries of participating municipalities, except on State-owned game lands. Antlerless deer harvested and reported on the bonus antlerless harvest report card shall not count as part of the possession and season limit.

(g) Deer Management Assistance Program. The bag limits described in Paragraph (f) of this Rule do not apply to deer harvested in areas covered in the Deer Management Assistance Program (DMAP) as described in G.S. 113-291.2(e) for those individuals using Commission-issued DMAP tags and reporting harvest as described on the DMAP license. Season bag limits shall be set by the number of DMAP tags issued and in the hunters' possession. All deer harvested under this program, regardless of the date of harvest, shall be tagged with DMAP tags and reported as instructed on the DMAP license. The hunter does not have to validate the Big Game Harvest Report Card provided with the hunting license for deer tagged with the DMAP tags. Any deer harvested on lands enrolled in the DMAP and not tagged with DMAP tags may only be harvested during the regularly established deer seasons subject to the restrictions of those seasons, including bag limits, and reported using the big game harvest report card or the bonus antlerless harvest report card.

(h) Seasons for counties identified as Chronic Wasting Disease Management Areas shall be as specified in Rule .0502 of this Subchapter.

Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2; 113-291.5.

SECTION .0500 – CHRONIC WASTING DISEASE MANAGEMENT

15A NCAC 10B .0502 CHRONIC WASTING DISEASE SURVEILLANCE AREAS DEFINED MANAGEMENT AREAS

(a) The following counties are Chronic Wasting Disease (CWD) Management Areas:

- (1) Cumberland;
- (2) Forsyth;
- (3) Sampson
- ~~(3)~~(4) Stokes;
- ~~(4)~~(5) Surry;
- ~~(5)~~(6) Wilkes; and
- ~~(6)~~(7) Yadkin.

(b) Prohibitions specified in Rule .0503 of this Subchapter apply to the counties identified in Paragraph (a) of this Rule.

(c) Open seasons for hunting deer are as follows:

- (1) Special Early Season. Deer with antlers or spikes protruding through the skin, as distinguished from knobs or buttons covered by skin, may be taken on the fourth Saturday in August and the Sunday immediately following with a lawful weapon, including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.
- (2) All Lawful Weapons.
 - (A) Antlered or Antlerless deer may be taken in Forsyth, Stokes, Surry, Wilkes, and Yadkin counties two Saturdays before Thanksgiving Day through January 1, including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.

(B) Antlered or Antlerless deer may be taken in Cumberland County and Sampson County the Saturday on or nearest October 15 through January 1, including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.

- (3) Archery Seasons. Antlered or Antlerless deer may be taken with archery equipment as authorized in 15A NCAC 10B .0116 on the Saturday on or nearest September 10 through the day immediately preceding the first open day of the Blackpowder Firearms Season described in Subparagraph (c)(4) of this Rule.
- (4) Blackpowder Firearms Seasons. Antlered or Antlerless deer may be taken with archery equipment as authorized in 15A NCAC 10B .0116, and blackpowder firearms as defined in 15A NCAC 10B .0203(c)(3), from two Saturdays preceding the first day of the All Lawful Weapons Season described in Subparagraph (c)(2) of this Rule through the second Friday thereafter, including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.

(d) Seasons, bag limits, and programs specified in Paragraphs (d) through (g) of Rule 10B .0203 of this Subchapter shall apply in the counties identified in Paragraph (a) of this Rule.

Authority G.S. 113-134; 113-306.

SUBCHAPTER 10C - INLAND FISHING REGULATIONS

SECTION .0300 – GAME FISH IN INLAND FISHING WATERS

15A NCAC 10C .0314 STRIPED BASS

- (a) The daily creel limit for striped bass and its hybrids is four fish in an aggregate, except as otherwise specified in this Rule. ~~in waters identified in Paragraphs (d) and (g) through (l) of this Rule.~~
- (b) The minimum size limit for these fish is 20 inches, except as otherwise specified in this Rule. ~~in waters identified in Paragraphs (d) through (l) of this Rule.~~
- (c) There is no closed season, except as otherwise specified in this Rule. ~~for waters identified in Paragraphs (i) through (l) of this Rule.~~
- (d) In the Dan River upstream from its confluence with Bannister River to the dam at Union Street in Danville, VA and in John H. Kerr Reservoir, the daily creel limit on striped bass and its hybrids is two in aggregate and the minimum size limit is 20 inches. No fish greater than 26 inches may be possessed from October 1 through May 31. From June 1 through September 30, the daily creel limit for striped bass and its hybrids is four in aggregate with no minimum size limit.
- (e) In Lake Gaston and Roanoke Rapids Reservoir, the minimum size limit for striped bass and its hybrids is 20 inches from October 1 through May 31. There is no minimum size limit for these fish from June 1 through September 30.

(f) In Farmer Lake, Hyco Lake, Moss Lake, Oak Hollow Lake, ~~Lake Townsend~~, and Salem Lake the minimum size limit for striped bass and its hybrids is 16 inches.

(g) In Lake Chatuge in Clay County, the daily creel limit is 15 in the aggregate. There is no minimum size limit, and two may be greater than 22 inches.

(h) In Lake Mattamuskeet, and in the Pee Dee River and its tributaries downstream from the Blewett Falls Dam to the South Carolina state line, the daily creel limit for striped bass and its hybrids is three fish in aggregate, and the minimum size limit is 18 inches.

(i) In the inland waters of the Tar-Pamlico River and its tributaries upstream of a line shore to shore beginning at a point at Gum Point 35.419448 N 76.758752 W running southwesterly to a point at Fork Point at 35.390755 N 76.77391 W and the Neuse River and its tributaries upstream of a line shore to shore beginning at a point at Cooper Point 35.035722 N 76.933275 W running southwesterly to a point at Fisher Landing Point 35.002583 N 76.97623 W, the following shall apply:

- (1) the season for taking and possessing striped bass and striped bass hybrids is April 1 through April 30.
- (2) the daily creel limit for striped bass and striped bass hybrids is one fish in aggregate.
- (3) it is unlawful to possess a striped bass or striped bass hybrid less than 18 inches or between 22 and 27 inches in length.

In the inland waters tributary to the Tar-Pamlico River and Neuse River downstream of these lines, the season for taking and possessing striped bass and striped bass hybrids is closed. ~~closed~~ year-round.

~~(i)(j)~~ In the inland fishing waters of the ~~Tar, Pungo, Neuse, Pungo~~ and Cape Fear rivers and their tributaries extending upstream to the first impoundment of the main course on the river or its tributaries, in other inland fishing waters east of Interstate 95 not specified in Paragraphs (h), (j), and (k) of this Rule, and in the ponds associated with Martin Marietta Park in Craven County, the season for taking and possessing striped bass is closed year-round.

~~(j)(k)~~ In the inland and joint fishing waters of the Roanoke River Striped Bass Management Area, as established in 15A NCAC 03R .0201 and identified in 15A NCAC 10C .0110 which includes the Roanoke, Cashie, Middle, and Eastmost rivers and their tributaries, the open season for taking and possessing striped bass and its hybrids is March 1 through April 30 from the joint-coastal fishing waters boundary at Albemarle Sound upstream to Roanoke Rapids Lake Dam. During the open season, the daily creel limit for striped bass and its hybrids is one fish in aggregate, and the minimum size limit is 18 inches. No fish over 22 inches in length shall be possessed.

~~(k)(l)~~ In designated inland and joint fishing waters of Roanoke Sound, Croatan Sound, Albemarle Sound, Chowan River, Currituck Sound, Alligator River, Scuppernong River, and their tributaries, excluding the Roanoke River and Cashie River and their tributaries, the striped bass fishing season, size limits, and creel limits are the same as those established by rules or proclamations of the Marine Fisheries Commission in adjacent coastal fishing waters.

~~(l)(m)~~ In accordance with G.S. 113-292, the Executive Director may, by proclamation, suspend or extend the hook-and-line

season for striped bass in the inland and joint waters of coastal rivers and their tributaries. It is unlawful to violate the provisions of a proclamation issued pursuant to this authority.

Authority G.S. 113-134; 113-292; 113-304; 113-305.

SECTION .0400 – NONGAME FISH IN INLAND FISHING WATERS

15A NCAC 10C .0414 BLUEFISH

- (a) The daily creel limit for bluefish is five, ~~three~~.
- (b) There is no size limit.
- (c) There is no closed season.
- (d) Bluefish shall not be sold.

Authority G.S. 113-134; 113-292; 113-304; 113-305.

15A NCAC 10C .0425 SHEEPSHEAD

- (a) The daily creel limit for sheepshead is ~~40~~ five fish.
- (b) The minimum size limit is ~~40~~ 14 inches.
- (c) There is no closed season.
- (d) Sheepshead shall not be sold.

Authority G.S. 113-134; 113-292; 113-304; 113-305.

SUBCHAPTER 10D - GAME LANDS REGULATIONS

SECTION .0100 - GAME LANDS REGULATIONS

15A NCAC 10D .0102 GENERAL REGULATIONS REGARDING USE

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

- (1) "Permanent Hunting Blind" means a structure that is used for hunter concealment, constructed from manmade or natural materials, and that is not disassembled and removed at the end of the day's hunt.
- (2) "Target shooting" means the discharge of a firearm for purposes other than hunting, trapping, or self-defense.
- (3) "Youth" means individuals under 16 years of age.

(b) Trespass. Entry on game lands for purposes other than hunting, trapping, or fishing shall be as authorized by the landowner. The Wildlife Resources Commission has identified the following areas on game lands that have additional restrictions on entry or usage:

- (1) Archery Zone. On portions of game lands posted as "Archery Zones" hunting is limited to archery equipment and falconry. During the open deer seasons for these areas, antlered and antlerless deer may be taken.
- (2) Safety Zone. On portions of game lands posted as "Safety Zones" hunting is prohibited. No person shall hunt or discharge a firearm or bow and arrow within, into, or across a posted safety zone on a game land. Falconry is exempt from this provision.

- (3) Restricted Firearms Zone. On portions of game lands posted as "Restricted Firearms Zones" the use of centerfire rifles is prohibited.
- (4) Restricted Zone. Portions of game lands posted as "Restricted Zones" are closed to use by the public, and entry on these areas is prohibited without written approval from the Wildlife Resources Commission. The Commission may authorize entry when the primary purpose for the Restricted Zone shall not be compromised and the persons requesting entry demonstrate a valid need, or official business of the Commission is being conducted by a contractor or agent of the Commission. Valid needs may include access to private property, scientific investigations, surveys, or other access to conduct activities in the public interest.
- (5) Temporary Restricted Zone. Portions of game lands posted as "Temporary Restricted Zones" are closed to use by the public, and entry is prohibited without written approval from the Wildlife Resources Commission. An area of a game land shall be declared a Temporary Restricted Zone when there is a danger to the health or welfare of the public.
- (6) Scouting-only Zone. On portions of the game lands posted as "Scouting-only Zones" the discharge of firearms or bow and arrow is prohibited.
- (7) Restricted Deer Hunting Zone. On portions of game lands posted as "Restricted Deer Hunting Zones" the use of dogs for taking deer is prohibited, except as allowed by permit as provided in G.S. 113-264(d).
- (8) Day Use Only Zone. On portions of game lands posted as "Day Use Only Zones" the use by the public shall be prohibited from sunset to sunrise.
- (9) Sensitive Habitat Zone. Portions of game lands posted as "Sensitive Habitat Zones" are closed to use by the public during the dates specified on the sign, and entry is prohibited without written approval from the Wildlife Resources Commission by calling 919-707-0150 and requesting a permit.

The Commission shall conduct a public input meeting in the area where the game land is located before establishing the following zones: archery, restricted firearms, restricted deer hunting, day use only, or sensitive habitat. After the input meeting, the public comments shall be presented at an official Commission meeting for final determination.

(c) Littering. No person shall deposit litter, trash, garbage, or other refuse on any game land except in receptacles provided for disposal of refuse at designated camping and target-shooting areas. No garbage dumps or sanitary landfills shall be established on a game land by a person, firm, corporation, county, or municipality, except as permitted by the landowner.

(d) Use of weapons. No person shall discharge:

- (1) a weapon within 150 yards of a game land building or designated game land camping area, except where posted otherwise;
- (2) a weapon within 150 yards of a residence located on or adjacent to game lands, except on Butner-Falls of Neuse and Jordan game lands; and
- (3) a firearm within 150 yards of a residence located on or adjacent to Butner-Falls of Neuse and Jordan Game Lands.

No person shall hunt with or have in possession a shotgun shell containing lead or toxic shot while hunting on a posted waterfowl impoundment on a game land, except shotgun shells containing lead buckshot may be used while deer hunting. Individuals carrying a concealed handgun shall adhere to the requirements set forth in G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina. On Butner-Falls of Neuse, Jordan, Kerr Scott, and Vance game lands, no person shall possess loaded firearms, ammunition, bows and arrows, crossbows, or other weapons except as provided in the Code of Federal Regulations, Title 36, Chapter III, Part 327.13, which is incorporated by reference, including subsequent amendments and editions. This document may be accessed at www.ecfr.gov at no cost. On Buckhorn, Chatham, Harris, Hyco, Lee, Mayo, and Sutton Lake game lands; Pee Dee River Game Land north of U.S. 74; and that portion of R. Wayne Bailey- Caswell Game Land that is located north of U.S. 158 and east of N.C. 119, no person shall possess a firearm during closed hunting seasons or closed hunting days for game birds or game animals, except under the following conditions:

- (1) the firearm is a .22 caliber pistol with a barrel not greater than seven and one-half inches in length and shooting only short, long, or long rifle ammunition carried as a side arm;
- (2) the firearm is cased or not immediately available for use;
- (3) the firearm is used by persons participating in field trials on field trial areas; or
- (4) the firearm is possessed in designated camping areas for defense of persons and property.

(e) Game Lands License: Hunting and Trapping

- (1) Except as provided in Subparagraph (4) of this Paragraph, a person entering a game land to hunt, trap, run dogs, or train dogs using wildlife shall have in his or her possession a valid North Carolina hunting or trapping license.
- (2) For Commission-sanctioned field trials, active participants, as defined in 15A NCAC 10B .0114, in a field trial using wildlife shall possess a North Carolina hunting license, except non-residents may substitute hunting licenses from their state(s) of residence.
- (3) For other field trials using wildlife occurring on game lands, judges and active participants shall possess a North Carolina hunting license.
- (4) Exceptions:
 - (A) a person under 16 years of age may hunt on game lands on the license of his parent or legal guardian;

- (B) on the game lands described in Rule .0103 (j)(1) of this Section, the game lands license is required for hunting doves; other activities are subject to the control of the landowners.

(f) Field Trials and Training Dogs. An individual or organization sponsoring a field trial on the Sandhills Field Trial area shall file an application with the Commission to use the area with the facility use fee computed at the rate of three hundred dollars (\$300.00) for each scheduled day of the trial. The total facility use fee shall cover the period from 12:00 noon of the day preceding the first scheduled day of the trial to 10:00 a.m. of the day following the last scheduled day of the trial. The facility use fee shall be paid for all intermediate days on which trials are not run but the building or facilities are used or occupied. A fee of one hundred dollars (\$100.00) per day shall be charged to sporting, educational, or scouting groups for scheduled events utilizing the club house only. No person or group of persons or other entity shall enter or use the physical facilities located on the Sandhills Field Trial area or the Laurinburg Fox Trial facility without written approval from an authorized agent of the Wildlife Resources Commission, and no entry or use of a facility shall exceed the scope of or continue beyond the approved use. The Sandhills Field Trial facilities shall be used only for field trials scheduled with the approval of the Wildlife Resources Commission. No more than 20 days of field trials may be scheduled for occurrence on the Sandhills facilities during a calendar month, and no more than five days may be scheduled during a calendar week. A field trial requiring more than five days may be scheduled during one week with reduction of the maximum number of days allowable during some other week so that the monthly maximum of 20 days is not exceeded. Before October 1 of each year, the North Carolina Field Trial Association or other organization desiring use of the Sandhills facilities between the Wednesday on or nearest October 18 and the second Friday before Thanksgiving and between the first Monday following Thanksgiving and March 31 shall submit its proposed schedule of use to the Wildlife Resources Commission for consideration and approval. The use of the Sandhills Field Trial facilities by individuals for training dogs is prohibited; elsewhere on the Sandhills Game Lands dogs may be trained only on Mondays, Wednesdays, and Saturdays from October 1 through April 1. Dogs may not be trained or permitted to run unleashed from April 1 through August 15 on game lands located west of I-95, except when participating in field trials sanctioned by the Wildlife Resources Commission. Dogs may not be trained or permitted to run unleashed from March 15 through June 15 on game lands located east of I-95, except when participating in field trials sanctioned by the Wildlife Resources Commission. Additionally, on game lands located west of I-95 where special hunts are scheduled for sportsmen participating in the Disabled Sportsman Program, dogs may not be trained or allowed to run unleashed during legal big game hunting hours on the dates of the special hunts. A field trial shall be authorized when the field trial does not conflict with other planned activities on the game land or field trial facilities, and the applying organization demonstrates their experience and expertise in conducting genuine field trial activities. Entry to physical facilities, other than by field trial organizations under permit, shall be granted when they do not

conflict with other planned activities previously approved by the Commission and they do not conflict with the mission of the agency.

(g) Trapping. Subject to the restrictions contained in 15A NCAC 10B .0300, trapping of furbearing animals, armadillos, coyotes, and groundhogs is permitted on game lands during the open trapping seasons for those areas, established by rule. Foxes may be trapped on game lands from October 1 through the end of February in a county with an open fox trapping season that falls between October 1 and the end of February. Foxes may not be taken by trapping on game lands in counties with a closed fox trapping season or during a fox trapping season that occurs outside the dates of October 1 through the end of February. Additionally, fox trapping is allowed on game lands in Clay, Graham, Henderson, Macon, and Tyrrell counties with a daily bag limit of two and a season bag limit of 10 from the first to the fourth Saturday in January. Trapping is prohibited:

- (1) on the J Robert Gordon Field Trial Area of Sandhills Game Land;
- (2) in posted "safety zones" located on a game land;
- (3) by the use of bait on the National Forest Lands bounded by the Blue Ridge Parkway on the south, US 276 on the north and east, and NC 215 on the west;
- (4) on the DuPont State Forest Game Lands; and
- (5) from April 1 through September 31.

At a trap, trappers may use a single bait site of grain, fruit, or other foods when trapping if the food is not a processed food product as defined in G.S. 113-294(r), is less than 3 cubic inches and is covered to prevent it from being seen from above. Feathers, including those with attached skin or entire bird wings, hair with or without skin or hide, and bones that include no attached meat, organs, or viscera do not need to be covered.

(h) Vehicular Traffic. No person shall drive a motorized vehicle on a game land except on roads constructed, maintained, and opened for vehicular travel and on trails posted for vehicular travel, unless the person:

- (1) is driving in the vehicle gallery of a scheduled bird dog field trial held on the Sandhills Game Land; or
- (2) is a disabled sportsman as defined in Paragraph (l) of this Rule or holds a Disabled Access Program Permit as described in Paragraph (l) of this Rule and is abiding by the rules described in Paragraph (k).

(i) Camping.

- (1) No person shall camp on a game land except on an area posted by the landowner for camping.
- (2) On game lands owned by the State of North Carolina, where the North Carolina Wildlife Resources Commission is the primary custodian, the maximum period of consecutive overnight camping at a designated camping area is 14 days within any 30-day period, unless otherwise specified in rules of this Subchapter. After 14 consecutive days of camping, personal belongings shall be removed from the game land.

- (3) A hunting, fishing, trapping or Game Lands License is required for individuals age 16 or older to camp on game lands in areas posted for camping except when camping within 100 yards of the Roanoke River on the state-owned portion of the Roanoke River Wetlands Game Land, within 100 yards of the Neuse River on that portion of the game land west of NC-43, and in posted areas along the Mountains-to-Sea Trail on Butner-Falls of Neuse Game Land.

(j) Release of Animals and Fish. It is unlawful to release pen-raised animals or birds, wild animals or birds, domesticated animals, except hunting dogs and raptors where otherwise permitted for hunting or training purposes, or feral animals, or hatchery-raised fish on game lands without written authorization. It is unlawful to move wild fish from one stream to another on game lands without written authorization. Written authorization shall be given when release of animals is determined by a Wildlife Resources Commission biologist not to be harmful to native wildlife in the area and is in the public interest or advance the programs and goals of the Wildlife Resources Commission.

(k) Non-Highway Licensed Vehicles. It is unlawful to operate motorized land vehicles not licensed for highway use on game lands except for designated areas on National Forests. Disabled persons as defined in Paragraph (l) of this Rule and people who have obtained a Disabled Access Program permit are exempt from this restriction but shall comply with the terms of their permit. Furthermore, disabled persons, as defined under the federal Americans with Disabilities Act (42 U.S.C. 126) may use wheelchairs or other all-terrain wheelchairs on areas where foot travel is allowed. Off road vehicles including ATVs, UTVs, and ebikes are not permitted.

(l) Disabled Access Program. Disabled individuals who meet the requirements of G.S. 113-296 may obtain a Disabled Access Permit and Disabled Sportsman Hunt Certification online at ncwildlife.org. The Disabled Access Permit allows individuals to operate electric wheel chairs, all-terrain vehicles, and other passenger vehicles on any Commission-maintained road open for vehicular travel and those trails posted for vehicular travel and ungated or open-gated roads otherwise closed to vehicular traffic on game lands owned by the Wildlife Resources Commission and on game lands whose owners have agreed to that use. Those game lands, or parts thereof, where this Paragraph applies are designated online, at www.ncwildlife.org. This Paragraph does not permit vehicular access on fields, openings, roads, paths, or trails planted for wildlife food or cover. One companion, who is identified by a companion card issued to each qualified disabled person, may accompany a disabled person to provide assistance, provided the companion is constantly in visual or verbal contact with the disabled person. The companion may participate in lawful activities while assisting a disabled person, provided license requirements are met. A vehicle used by a qualified disabled person for access to game lands under this provision shall have the Disabled Access Permit available for inspection by wildlife enforcement officers upon request. Hunters who qualify under the Disabled Sportsman Program and their companions may access special hunting blinds for people with disabilities during regularly scheduled, non-permit hunting days on a first come basis, except for those blinds located on the Restricted Area

of Caswell Game Land. It is unlawful for anyone other than disabled persons holding a Disabled Access Permit, during waterfowl season, to hunt within 100 yards of a waterfowl blind designated by the Wildlife Resources Commission as a Disabled Sportsman's hunting blind. The Disabled Sportsman Hunt Certification allows individuals to apply for available Disabled sportsman permit hunting opportunities as prescribed in G.S. 113-296.

(m) Public nudity. Public nudity, including nude sunbathing, is prohibited on game lands, including land or water. For the purposes of this Section, "public nudity" means a person's intentional failure to cover with a fully opaque covering the person's genitals, pubic area, anal area, or female breasts below a point from the top of the areola while in a public place.

~~(n) Shooting Ranges. On public shooting ranges managed by the Commission, no person shall use designated shooting ranges for purposes other than for firearm or bow and arrow marksmanship, development of shooting skills, or for other safe uses of firearms and archery equipment. Other uses, including camping, building fires, operating concessions or other activities not directly involved with recreational or competitive shooting are prohibited, unless written authorization is obtained from the Commission. No person, when using any shooting range, shall deposit debris or refuse on the grounds of the range. This includes items used as targets, except that clay targets broken on the range, by the shooter, may be left on the grounds where they fall. No person shall shoot items made of glass on the grounds of the range. No person may leave a vehicle or other obstruction in a location or position that it will prevent, impede, or inconvenience the use by other persons of any shooting range. No person shall leave a vehicle or other object parked in a place on the shooting range other than the place or zone that is designated and posted or marked as an authorized parking zone. No person shall handle firearms or bow and arrow on a shooting range in a careless or reckless manner. No person shall intentionally shoot into any target holder, post, or other permanent fixture or structure while using a shooting range. No person shall shoot a firearm in a manner that would cause rifled or smoothbore projectiles to travel off of the range, except that shotgun shot, size No. 4 or smaller may be allowed to travel from the range if it presents no risk of harm or injury to a person. Persons using a shooting range shall obey posted range safety rules and those persons who violate range safety rules or create a public safety hazard shall leave the shooting range if directed to by law enforcement officers or to leave by Commission employees. No person shall handle firearms on a shooting range while under the influence of an impairing substance. The consumption of alcohol or alcoholic beverages on a shooting range is prohibited. Open days and hours of operation shall be designated on signs and at least one sign shall be posted at the entrance to each shooting range. No person, when using a shooting range, shall do an act that is prohibited or neglect to do an act that is required by signs or markings placed on the area under authority of this Rule for regulating the use of the area.~~

~~(o)(n)~~ Limited-access Roads. During the months of June, July, and August, roads posted as "Limited-access Roads" are open to motorized vehicles from 5:00 a.m. to 10:00 p.m. These roads shall be posted with the opening and closing times.

~~(p)(o)~~ No person shall attempt to obscure the sex or age of a bird or animal taken by severing the head or any other part thereof, or possess a bird or animal that has been so mutilated.

~~(q)(p)~~ Baiting. Except as provided in Paragraph (g) of this Rule, no person shall place, or cause to be placed on a game land, salt, grain, fruit, or other foods without written authorization from an agent of the Commission. Written authorization may be provided for Commission authorized projects or Commission contractors to meet specific objectives. Except as authorized by rule, no person shall take or attempt to take wild birds or wild animals attracted to these foods.

Authority G.S. 113-129; 113-134; 113-264; 113-270.3; 113-291.2; 113-291.5; 113-305; 113-306; 143-318.10.

SUBCHAPTER 10E – PUBLIC FISHING AND BOATING ACCESS AREAS

SUBCHAPTER 10E – PUBLIC FISHING AND BOATING ACCESS AREAS COMMISSION FACILITIES AND INFRASTRUCTURE

SECTION .0200 – SHOOTING RANGES

15A NCAC 10E .0201 DEFINITIONS

The following definitions shall apply to the Rules in the Section:

- (1) "Downrange" is the area located forward of the firing line extending in the direction where firearms or archery equipment, as defined in 15A NCAC 10B .0116, may be safely aimed and discharged.
- (2) "Firing Line" is the designated area on the shooting range where individuals are authorized to fire firearms and archery equipment under supervision of the Range Safety Officer.
- (3) "Range is cold" means that live firing is prohibited and firearms and archery equipment shall not be loaded, handled, or fired.
- (4) "Range is hot" means that live firing is authorized.
- (5) "Range Safety Officer" or "RSO" is a designated Commission employee or volunteer responsible for ensuring that activities conducted on the shooting range safe and compliant with established rules and procedures.
- (6) "Range Pass" is a card issued to an individual who has provided identification and attended a range safety briefing. A range pass is valid one year from issuance.
- (7) "Shooting range" or "range" means the area designed for use of firearms or archery equipment.
- (8) "Shooting range facility" or "range facility" means the shooting range and associated operational areas, including indoor and outdoor shooting ranges, backstops, berms, parking

areas, offices, restrooms, and ingress and egress roadways.

- (9) "Sky drawing" is the action of pointing archery equipment into the air and drawing the string, rather than aiming the equipment downrange.

Authority G.S. 113-134; 113-264; 113-306.

15A NCAC 10E .0202 GENERAL REQUIREMENTS

(a) Shooting range facilities owned and managed by the Commission are for trap shooting, skeet shooting, five-stand shooting, rifle shooting, pistol shooting, practice archery, and 3D archery. Non-specified use of range facilities is prohibited unless approved, in writing, by the Commission.

(b) Individuals using shooting range facilities shall:

- (1) adhere to posted signs and verbal Range Safety Officer (RSO) instruction;
- (2) wear eye protection; and
- (3) wear ear protection on the firearm firing line.

(c) General Restrictions. The following shall be prohibited at shooting range facilities:

- (1) open-toed shoes;
- (2) individuals under the influence of an impairing substance, as defined by G.S. 20-4.01(14a);
- (3) alcohol or alcoholic beverages;
- (4) smoking, vaping, or use of tobacco or nicotine products, except in designated smoking areas;
- (5) eating or drinking while on the firing line;
- (6) harassment or intimidating behavior toward staff or other guests;
- (7) parking vehicles outside of designated parking areas; and
- (8) animals other than service dogs.

(d) Prior to entering the shooting range, individuals participating in shooting sports shall complete the following steps to receive a Range Pass:

- (1) sign-in with the RSO;
- (2) attend a safety briefing; and
- (3) complete a range waiver by providing the following information:
 - (A) first and last name;
 - (B) age and age certification;
 - (C) ethnicity;
 - (D) gender;
 - (E) zip code;
 - (F) email address;
 - (G) shooting range facility location;
 - (H) range selection;
 - (I) NCWRC license status;
 - (J) attestation of the Risk, Release, and Indemnity Agreement; and
 - (K) electronic signature.

(e) Age Restrictions.

- (1) Individuals under 18 years of age shall be accompanied by an adult when on the firing line.
- (2) Individuals 12 years of age and younger shall have one-on-one adult supervision when on the firing line.

(f) Violation of a provision of this Section or RSO instruction shall be grounds for removal from the range facility.

Authority G.S. 113-134; 113-264; 113-306.

15A NCAC 10E .0203 RANGE REQUIREMENTS

(a) Firearms.

- (1) Firearms shall not be carried into the range facility office.
- (2) Firearms shall be cased during transport to and from the firing line.
- (3) Firearms shall remain unloaded until on the firing line and the range is hot.
- (4) Concealed carry of firearms is prohibited.
- (5) Firearms shall not be loaded, handled, or fired when the range is cold.
- (6) Fully automatic and automatic simulated firearms are prohibited.
- (7) Firearms shall not be pointed at a person.
- (8) Firearms shall be pointed downrange at all times.

(b) Archery Equipment.

- (1) Arrows shall remain unnocked until individuals are on the firing line and the range is hot.
- (2) Broadhead tips are prohibited.
- (3) Sky drawing is prohibited.
- (4) Firearms are prohibited on the practice archery and 3D archery range.
- (5) Individuals using the 3D archery range shall wear a blaze orange vest.

(c) Trap and Skeet.

- (1) Shot other than size 7.5, 8, or 9 is prohibited.
- (2) Muzzle velocity greater than 1300 feet per second is prohibited.
- (3) The firearm's action shall be open and the firearm shall be unloaded when moving between stations.

(d) Ammunition.

- (1) Individuals shall use the correct ammunition for their firearms.
- (2) Individuals shall collect their spent cartridges, paper targets, trash, litter, and personal items before leaving the shooting range.
- (3) The following types of ammunition are prohibited:
 - (A) tracer;
 - (B) incendiary;
 - (C) armor-piercing;
 - (D) steel core; and
 - (E) other types deemed unsafe by the RSO.

(e) Targets.

- (1) Individuals shall supply their own paper targets.
- (2) Target stands provided by the Commission shall be used.
- (3) Steel targets are prohibited, unless provided by the Commission.
- (4) Glass targets are prohibited.

- (5) Intentionally shooting into target stands, posts, or other permanent structures is prohibited.
- (6) Shooting a firearm in a manner that would cause rifled or smoothbore projectiles to travel off the range is prohibited.

Authority G.S. 113-134; 113-264; 113-306.

SUBCHAPTER 10H – REGULATED ACTIVITIES

SECTION .0800 - FALCONRY

15A NCAC 10H .0810 TAKING RAPTORS

- (a) No raptor shall be taken from the wild in this State except by an individual holding a current falconry license as defined in Rule .0801 of this Section, or a falconry permit or license from the individual's state of residence if the individual is a non-resident of North Carolina. Falconers may only take species of raptors from the wild that are authorized under their level of permit or license. If a falconer captures an unauthorized species of raptor or other bird, he or she must release that bird immediately upon capture.
- (b) All levels of licensees may take up to two raptors from the wild annually, subject to the conditions and restrictions set forth in 50 CFR 21.82(e)(2). Apprentices may keep ~~only~~ one bird at a time.
- (c) Apprentices may take ~~any species of raptor~~ raptors from the wild except for those species specified in 50 CFR 21.82(c)(2)(i)(E).
- (d) ~~Any~~ A raptor native to this State may be taken from the wild subject to the restrictions on species and license level as follows:

- (1) ~~Only persons~~ An individual holding General or Master level falconry licenses may take nestlings. Nestlings may ~~only~~ be taken from January 1 ~~May 1~~ through July 31, ~~June 30~~. No more than two nestlings may be taken by the same licensee. At least one nestling shall be left in the nest or aerie.
- (2) First year (passage) birds may be taken from August 1 through the last day of February, except that marked raptors may be retrapped at any time.
- (3) ~~American kestrels (Falco sparverius) and great horned owls (Bubo virginianus) may only be taken when over one year old. Only General and Master falconers may take this age class in accordance with 50 CFR 21.82(e)(3)(i). The time period for taking is from August 1 through the last day of February.~~
- (4)(3) Only General and Master falconers may take a federally threatened species and the falconer shall follow the restrictions in 50 CFR 21.82(e)(3)(ix).
- (5)(4) A falconer shall obtain a North Carolina endangered species permit before taking ~~any~~ raptors listed in 15A NCAC 10I .0103, 15A NCAC 10I .0104, or 15A NCAC 10I .0105. Furthermore, a falconer shall possess a special hunt permit to take a passage peregrine falcon (*Falco peregrinus tundrius*).

- (e) Traps shall be designed to prevent injury to the raptor. ~~All traps~~ Traps, except box-type ~~traps~~ traps, shall be attended and visible to the trapper ~~at all times~~ when in use. Box-type traps ~~must~~ shall be checked every 24 hours. Traps ~~must~~ shall be of one of the following types:

- (1) Leg noose snare traps, the nooses of which shall be tied to prevent the noose from locking when under pressure. The trapper shall use a drag weight based on the species being trapped.
- (2) Nets that collapse on and enclose around the raptor.
- (3) Box-type traps with automatic closing entry doors or funnels.

- (f) Licensees may recapture their own birds, banded birds, captive-bred birds, or birds wearing falconry equipment. Disposition of these birds shall be in accordance with 50 CFR 21.82(e)(3)(iv) through (v). ~~their own birds or any birds wearing falconry equipment at any time. Disposition of banded birds, captive-bred birds, and birds wearing falconry equipment is as allowed in accordance with 50 CFR 21.82(e)(3)(iv) (v).~~

- (g) Licensees shall keep their license on their person when trapping raptors.
- (h) Raptors injured due to falconry trapping ~~efforts~~ shall be treated humanely and in accordance with ~~50~~ 50 CFR 21.82(e)(5).

Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29.

SUBCHAPTER 10I - ENDANGERED AND THREATENED SPECIES

SECTION .0100 - ENDANGERED AND THREATENED SPECIES

15A NCAC 10I .0102 PROTECTION OF ENDANGERED, THREATENED, AND SPECIAL CONCERN SPECIES

- (a) There is no open season for taking the species listed in Rules .0103, .0104, or .0105 of this Section, except for the American alligator (*Alligator mississippiensis*) as set forth in 15A NCAC 10B .0224.
- (b) Except as provided in Paragraphs (d) and (h) of this Rule, there is no purchase, sale, or take of the species listed in Rules .0103, .0104, or .0105 of this Section.
- (c) Take of federally listed endangered and threatened fish and wildlife species requires a federal permit, as specified in 50 ~~C.F.R.~~ CFR Chapter 1, Subchapter B, hereby incorporated by reference, including subsequent amendments and additions, and a state endangered species permit, as specified in Paragraph (d) of this Rule. 50 ~~C.F.R.~~ CFR Chapter 1, Subchapter B is available free of charge at ~~www.ecfr.gov~~ https://www.ecfr.gov/current/title-50/chapter-I/subchapter-B.
- (d) The Executive Director or his or her designee may issue endangered species permits to take, possess, sell, propagate, transport, import, export, transfer, barter, trade, or stock federally and state listed endangered, threatened, or special concern ~~species~~ species or their parts to:

- (1) an individual or institution conducting a scientific investigation for the perpetuation, restoration, or management of a species;

- (2) a public or private educator or exhibitor who demonstrates that he or she has lawfully obtained the specimens in his or her possession, possesses the equipment and expertise to care for the specimens, and abides by applicable caging requirements for the species set forth in 15A NCAC 10H .1404;
 - (3) a person who lawfully possessed the species for 90 days immediately prior to the date that the species was listed and who abides by applicable caging requirements for the species set forth in 15A NCAC 10H .1404;
 - (4) a person with demonstrable depredation from a Special Concern Species, or American alligator (*Alligator mississippiensis*);
 - (5) a licensed falconer who meets the requirements of the rules in 15A NCAC 10H .0800;
 - (6) a retail or wholesale establishment whose primary function is providing scientific supplies, provided that:
 - (A) the specimens were lawfully obtained from captive populations or wild populations outside of North Carolina;
 - (B) the specimens are possessed in indoor facilities; and
 - (C) safeguards are provided during transportation to prevent accidental escape of the specimens.
 - (7) state and federal government agencies, corporate research entities, and research institutions within North Carolina provided that:
 - (A) the specimens are possessed in indoor facilities;
 - (B) safeguards are provided during transportation to prevent accidental escape of the specimens; and
 - (C) the agency's or institution's Animal Care and Use Committee has approved the research protocol for the species.
- (e) Additional permits or authorizations from the Commission shall be required for importation, exportation, propagation, transfer, transportation, stocking, and release of endangered, threatened, or special concern species or their parts. ~~species.~~
- (f) An individual may apply for an endangered species permit online at www.gooutdoorsnorthcarolina.com by providing the following information:
- (1) name, address, phone number, and email of the applicant;
 - (2) applicant's affiliation, if applicable;
 - (3) species name and quantity;
 - (4) proposed activities;
 - (5) map with specific location of activities identified, if applicable;
 - (6) the source of the specimens and documentation of lawful acquisition;
 - (7) caging or confinement plans for specimens, if applicable;
 - (8) qualifications and explanation of experience for anyone working with the species;
 - (9) research proposal, if applicable;
 - (10) proof that federal permits have been applied for or obtained, if applicable;
 - (11) plans for care of specimens and copy of Institutional Animal Care and Use Committee permit, if applicable; and
 - (12) plans for final disposition of specimens.
- (g) Endangered species permits shall not be transferrable by license holder or by site.
- (h) The species listed in Rules .0103, .0104, and .0105 of this Section may be taken or possessed without a permit when:
- (1) an individual takes the species in defense of his or her own life or the lives of others, as described in 15A NCAC 10B .0106.
 - (2) an individual has obtained a permit to take an American alligator in accordance with 15A NCAC 10B .0224.
 - (3) an individual possesses meat or other parts of American alligators that have been lawfully taken, possessed, or bought in a state where there is an open season for harvesting alligators and the products are marketed in packages or containers that are labeled to indicate the state in which the animals were taken and the identity, address, and lawful authority of the processor or distributor.
 - (4) an individual is taking or harassing a red wolf (*Canis rufus*) pursuant to the conditions in 50 ~~CFR C.F.R.~~ 17.84(c), hereby incorporated by reference, including subsequent amendments and editions, available free of charge at www.ecfr.gov.
<https://www.ecfr.gov/current/title-50/part-17/section-17.84>.
 - (5) an individual who meets the requirements of G.S. 113-261, who, when acting in the course of his or her official duties, takes, possesses, or transports endangered, threatened, or special concern species if the action is necessary to:
 - (A) aid a sick, injured, diseased, or orphaned specimen;
 - (B) dispose of a dead specimen;
 - (C) salvage a dead specimen that may be useful for scientific study; or
 - (D) remove specimens that constitute a demonstrable but nonimmediate threat to human safety and release the specimen unharmed, in a habitat that is suitable for survival.
- (i) Take, possession, sale, propagation, transportation, importation, exportation, transfer, barter, trade, or stocking of endangered, threatened, or special concern species under Paragraphs (d) and (h) of this

Rule is subject to federal reporting requirements, and reporting requirements of the endangered species permit.

Authority G.S. 113-134; 113-291.2; 113-291.3; 113-292; 113-333; 113-337.

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

- ☐ State funds affected
☐ Local funds affected
☐ Substantial economic impact ($\geq$ \$1,000,000 over 5 years)
☐ Approved by OSBM
☒ No fiscal note required

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 16 - DENTAL EXAMINERS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Dental Examiners intends to amend the rules cited as 21 NCAC 16Q .0404-.0408.

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

Proposed Effective Date: November 1, 2026

Public Hearing:

Date: August 13, 2026

Time: 6:00 p.m.

Location: 2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560

Reason for Proposed Action: *The amendments would create a separate certification to administer IV moderate conscious sedation to pediatric patients, and also update the requirements to obtain a pediatric moderate conscious sedation permit and IV certification.*

Comments may be submitted to: Bobby White, 2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560

Comment period ends: September 14, 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.

SUBCHAPTER 16Q - GENERAL ANESTHESIA AND SEDATION

SECTION .0400 - PEDIATRIC MODERATE CONSCIOUS SEDATION

21 NCAC 16Q .0404 CREDENTIALS AND PERMITS FOR MODERATE PEDIATRIC CONSCIOUS SEDATION

(a) Before a dentist licensed to practice in North Carolina may administer moderate pediatric conscious sedation, the dentist shall obtain a general anesthesia or moderate pediatric conscious sedation permit from the Board by completing ~~the application requirements of this Rule~~ an application and paying a fee of three hundred seventy-five dollars (\$375.00) that includes the one-hundred dollar (\$100.00) application fee and the two-hundred seventy-five dollar (\$275.00) inspection fee. All applications shall be submitted electronically through the Board's website, www.ncdentalboard.org and shall include the information required Rule .0102(b) and (c) of this Subchapter and the application requirements of this Rule. The permit shall be renewed annually and shall be displayed with the current renewal at all times in the permit holder's facility where it is visible to patients receiving treatment.

(b) A dentist applying for a permit to administer moderate pediatric conscious sedation shall hold an unexpired BLS certification and PALS certification, and meet at least one of the following criteria:

- (1) completion of a postgraduate program that included ~~pediatric intravenous moderate pediatric~~ pediatric conscious sedation training;
- (2) completion of a Commission On Dental Accreditation (CODA) approved pediatric residency that included ~~intravenous moderate pediatric~~ pediatric conscious sedation training; ~~or~~
- (3) completion of a pediatric degree or pediatric residency at a CODA approved institution that includes training in ~~the use and placement of IVs or intraosseous vascular access; moderate pediatric conscious sedation.~~ A list of CODA approved institutions that is hereby incorporated by reference, including subsequent amendments and editions, appears at www.ada.org/coda and is available at no cost; or
- (4) completion of 60 hours of Board approved didactic instruction in pediatric conscious sedation, and at least 30 hours of clinical training which includes completion of at least 20 individually-managed pediatric moderate sedation cases with sedative agent(s)

administered by any route. Documentation of these cases shall be maintained and available for review, and no patient may be sedated more than once per day. The clinical training must also include 20 additional sedation experiences by individual or group participation, with human sedation/anesthesia simulation experiences, or a combination thereof. BLS and PALS training shall not count toward the required hours.

(c) A dentist applying for a moderate pediatric conscious sedation permit may also receive a separate certification of the permit that allows the dentist to administer pediatric moderate conscious sedation by intravenous route. There is no separate application fee for receiving the certification in addition to the permit. To qualify for the pediatric intravenous moderate conscious certification, the applicant shall hold an unexpired PALS certification and meet at least one of the following criteria:

- (1) completion of a postgraduate program that included pediatric intravenous conscious sedation training;
- (2) completion of a Commission On Dental Accreditation (CODA) approved pediatric residency that included intravenous conscious sedation training; or
- (3) completion of 60 hours of Board approved didactic training in intravenous pediatric conscious sedation, and 30 hours of clinical training that shall include a record of the applicant's individual management of all aspects of intravenous moderate sedation for a minimum of 20 live patients under 18 years of age, under supervision of the course instructor. Training shall be meet the requirements of the American Dental Association Guidelines for Teaching Pain Control and Sedation to Dentists that is hereby incorporated by reference, including subsequent amendments and editions. The guidelines may be found at www.ada.org. BLS and PALS training shall not count toward the required hours.

(d) The applicant must provide written certification by the director of any program listed in Paragraphs (b) or (c) of this Rule indicating the applicant's competence in moderate sedation techniques for pediatric patients and rescuing pediatric patients from a level of sedation deeper than intended, including advanced airway management and reversal medication use.

~~(e)(e)~~ All applicants for moderate pediatric conscious sedation permits shall have completed the training required by Paragraph Paragraphs (b) or (c) of this Rule within the last two years from the date that the Board received the application. or show evidence If the applicant has completed the training required by Paragraphs (b) or (c) of this Rule more than two years from the date that the Board received the application, the applicant must demonstrate that they have practiced moderate pediatric conscious sedation practice within the last two years in another state or U.S. Territory. Territory within two years from the date that the Board received the application.

~~(d)(f)~~ All applicants for moderate pediatric conscious sedation permits shall be in good standing with the Board.

~~(e)(g)~~ Prior to issuance of a moderate pediatric conscious sedation permit, the applicant shall pass an evaluation and a facility inspection. The applicant shall be responsible for passing the evaluation and inspection of his or her facility.

(h) A moderate pediatric conscious sedation permit holder shall not administer sedation by intravenous route unless the permit holder also holds an unexpired pediatric intravenous moderate conscious sedation certification issued by the Board. A moderate pediatric conscious sedation permit holder may administer emergency medication by intravenous route if in compliance with the applicable standard of care.

~~(f)(i)~~ A moderate pediatric conscious sedation permit holder may provide moderate pediatric conscious sedation at the office of another licensed dentist, regardless of the permit, if any held, by the hosting dentist. The permit holder shall ensure that the facility where the moderate pediatric conscious sedation is administered has been inspected and complies with the requirements set out in Rules .0103 and .0405 of this Subchapter. The permit holder shall also obtain an itinerant moderate pediatric conscious sedation permit and comply with the requirements of Rule .0406 of this Section.

Authority G.S. 90-30.1; 90-39; 90-48.

21 NCAC 16Q .0405 MODERATE PEDIATRIC CONSCIOUS SEDATION CLINICAL REQUIREMENTS AND EQUIPMENT

(a) A dentist holding or applying for a permit to administer moderate pediatric conscious sedation shall be subject to the requirements set out in Section .0100 of this Subchapter.

(b) In addition to the drugs listed in Rule .0103(c)(3) of this Subchapter, an unexpired muscle relaxant shall be immediately available and be accessible from the operatory and recovery rooms.

(c) In addition to the requirements set out in Rule .0103(c)(4) of this Subchapter, the permit holder's emergency manual shall include assignments to be performed in the event of emergency by a BLS-certified auxiliary with an unexpired BLS certification who is dedicated to patient monitoring.

(d) In addition to the requirements set out in Rule .0103(e) of this Subchapter concerning pre-operative procedures, the permit holder shall ensure that patients who have been administered moderate pediatric conscious sedation are monitored for alertness, responsiveness, breathing, and skin coloration during waiting periods before operative procedures by the permit holder or an auxiliary dedicated to patient monitoring.

(e) As part of the pre-operative assessment required by Rule .0103(e) of this Subchapter, including the ASA Guidelines, the permit holder shall evaluate the patient for health risks as follows:

- (1) a patient who is medically stable and who is ASA I or II shall be evaluated by reviewing the patient's current medical history and medication use; or
- (2) a patient who is not medically stable or who is ASA III or higher shall be evaluated by the permit holder's consultation with the patient's primary care physician or consulting medical

specialist regarding the potential risks posed by the planned dental procedure.

(f) If a patient immobilization device is used, the permit holder shall ensure that:

- (1) the device is applied to avoid airway obstruction or chest restriction;
- (2) the patient's head position and respiratory excursions are checked frequently to ensure airway patency;
- (3) a hand or foot is kept exposed; and
- (4) the patient is under observation by the permit holder or a BLS-certified auxiliary at all times.

(g) During the sedation procedure, a moderate pediatric conscious sedation permit holder shall not administer anesthetic or sedative agents:

- (1) designed by the manufacturer for use in administering general anesthesia or deep sedation;
- (2) determined by the manufacturer to be contraindicated for use in moderate pediatric conscious sedation; or
- (3) in amounts exceeding the manufacturers' maximum recommended dosages, unless the permit holder documents in the sedation record the clinical reason for exceeding the maximum recommended dosage for the patient.

(h) In addition to the requirements set out in Rule .0103(h) of this Subchapter concerning the patient treatment record, the permit holder shall maintain documentation of pre-sedation instructions and information provided to the patient or person responsible for the patient, which shall include:

- (1) objectives of the sedation;
- (2) anticipated changes in patient behavior during and after sedation;
- (3) instructions to the person responsible for a patient transported in a child safety seat regarding patient head position to avoid airway obstruction;
- (4) a 24-hour telephone number for the permit holder or his or her BLS-certified auxiliaries; and
- (5) instructions on limitations of activities and dietary precautions.

(i) For purposes of Rule .0104(b)(2) of this Subchapter, during an evaluation, a moderate pediatric conscious sedation permit holder or applicant shall demonstrate competency in administration of moderate pediatric conscious sedation ~~the deployment of an intravenous delivery system~~ as follows:

- (1) a pediatric moderate conscious sedation permit holder or applicant ~~who uses intravenous sedation~~ shall demonstrate the administration of moderate pediatric conscious sedation on a live patient, including and describe the deployment of an intravenous delivery system; and
- (2) a permit holder or applicant who ~~does not use intravenous~~ holds or seeks a pediatric intravenous moderate conscious sedation certification ~~shall describe the proper deployment of an intravenous delivery system~~

~~and~~ shall demonstrate the administration of moderate pediatric conscious sedation on a live ~~patient~~ patient by intravenous route.

Authority G.S. 90-28; 90-30.1; 90-48.

21 NCAC 16Q .0406 ITINERANT (MOBILE) MODERATE PEDIATRIC CONSCIOUS SEDATION PERMITS

(a) A dentist who holds a moderate pediatric conscious sedation permit from the ~~Board~~ Board and who wishes to provide moderate pediatric conscious sedation or other sedation services in the office of another ~~practitioner~~ practitioner, shall obtain a mobile moderate pediatric conscious sedation permit from the Board by completing the application requirements of this Rule and paying a one hundred dollar (\$100.00) application fee and a two-hundred seventy-five dollar (\$275.00) inspection fee. The mobile moderate pediatric conscious sedation permit holder must also hold an unexpired pediatric intravenous moderate conscious sedation certification to administer pediatric moderate conscious sedation by intravenous route. No mobile permit or intravenous certification shall be required to administer moderate pediatric conscious sedation in a hospital or credentialed surgery center.

(b) The permit holder shall maintain in good working order the equipment required by Rule .0103 of this Subchapter.

(c) The unexpired medications required by Rules ~~.0103~~ 103(c)(3) and ~~.0405~~ .0405(b) of this Subchapter shall be on site and available to the permit holder.

(d) Before a mobile moderate pediatric sedation permit may be issued, a permit holder appointed by the Board shall inspect the applicant's equipment and medications to ensure that they comply with Paragraphs (b) and (c) of this Rule. The evaluation and on-site inspection shall be conducted as set out in Rules .0104 and .0408 of this Subchapter.

(e) Prior to administering moderate pediatric conscious sedation or other sedation services at another provider's office, the mobile permit holder shall inspect the host facility within 24 business hours before each procedure and shall ensure that:

- (1) the operator's size and design permit emergency management and access of emergency equipment and personnel;
- (2) there is a CPR board or dental chair without enhancements suitable for providing emergency treatment;
- (3) there is adequate lighting to permit performance of all procedures planned for the facility;
- (4) there is suction equipment, including non-electrical back-up suction; and
- (5) the facility shall be staffed with at least two BLS certified auxiliaries, one of whom shall be dedicated to patient monitoring and recording moderate pediatric conscious sedation or other sedation services data throughout the sedation procedure. This Subparagraph shall not apply if the dentist permit holder is dedicated to patient care and monitoring regarding sedation throughout the sedation procedure and is not performing the surgery or other dental procedure.

(f) Upon inspection, the permit holder shall document that the facility where the sedation procedure will be performed was inspected and that it met the requirements of Paragraph (e) of this Rule. The permit holder shall retain the inspection and compliance record required by this Paragraph for 10 years following the procedure and provide these records to the Board upon request.

(g) The mobile moderate pediatric conscious sedation ~~permit~~ permit, and when applicable, intravenous certification, shall be displayed in the host facility where it is visible to patients receiving treatment.

(h) All applicants for a mobile moderate pediatric conscious sedation permit shall be in good standing with the Board.

Authority G.S. 90-28; 90-30.1; 90-48.

21 NCAC 16Q .0407 ANNUAL RENEWAL OF MODERATE PEDIATRIC CONSCIOUS SEDATION PERMIT REQUIRED

(a) Moderate pediatric conscious sedation ~~permits and permits,~~ itinerant moderate pediatric conscious sedation permits permits, and pediatric intravenous moderate conscious sedation certifications shall be renewed by the Board annually at the same time as dental licenses. The pediatric intravenous moderate conscious certification shall be renewed at the same time as the permit. For each permit to be renewed, the permit holder shall pay a one-hundred dollar (\$100.00) fee and complete the renewal application requirements in this Rule. If the completed renewal application and renewal fee are not received before midnight on January 31 of each year, a fifty dollar (\$50.00) late fee shall be charged. There is no separate fee for the renewal of the pediatric intravenous moderate conscious sedation certification. The renewal application shall be submitted electronically through the Board's website, www.ncdentalboard.org, and shall include the information required by Rule .0102(e) of this Subchapter and a report of compliance with the conditions for renewal in Paragraph (d) of this Rule.

(b) Any permit holder who fails to renew a moderate pediatric conscious sedation permit or itinerant moderate pediatric conscious sedation permit before March 31 of each year shall complete a reinstatement application, pay the renewal fee and late fee set out in Paragraph (a) of this Rule, and comply with all conditions for renewal set out in Paragraphs (d) and (e) of this Rule. Dentists whose moderate pediatric conscious sedation permits or itinerant moderate pediatric conscious sedation permits have been lapsed for more than 12 calendar months shall pass an inspection and an evaluation as part of the reinstatement process in accordance with Rules .0104 and .0408 of this Subchapter. All applicants for reinstatement of a permit shall be in good standing. All applications for reinstatement of a permit shall be submitted on forms furnished by the Board at www.ncdentalboard.org and shall include the information required by Rule .0102(f) of this Subchapter and a report of compliance with the conditions for renewal set out in Paragraph (d) of this Rule.

(c) A dentist who administers moderate pediatric conscious sedation in violation of this Rule, or administers pediatric moderate conscious sedation by intravenous route without a proper certification, shall be subject to the penalties prescribed by Rule .0701 of this Subchapter.

(d) As a condition for renewal of the moderate pediatric conscious sedation ~~permit and permit,~~ itinerant moderate pediatric conscious sedation permit, and the pediatric intravenous moderate conscious sedation certification, the permit holder shall meet the clinical and equipment requirements of Rules .0103 and .0405 of this ~~Subchapter,~~ Subchapter. ~~The~~ the itinerant moderate pediatric conscious sedation permit holder shall also meet the clinical and equipment requirements of Rule .0406 of this Section, and the permit holder shall document the following:

- (1) six hours of continuing education each year in one or more of the following areas, which shall be counted toward fulfillment of the continuing education required each calendar year for license renewal:
 - (A) sedation;
 - (B) medical emergencies;
 - (C) monitoring IV sedation and the use of monitoring equipment;
 - (D) pharmacology of drugs and agents used in IV sedation;
 - (E) physical evaluation, risk assessment, or behavioral management; or
 - (F) airway management;
- (2) unexpired PALS certification, which shall not count towards the six hours of continuing education required in Subparagraph (d)(1) of this Rule;
- (3) that the permit holder and all auxiliaries involved in sedation procedures have practiced responding to dental emergencies as a team at least once every six months in the preceding year;
- (4) that the permit holder and all auxiliaries involved in sedation procedures have read the practice's emergency manual in the preceding year; and
- (5) that all auxiliaries involved in sedation procedures have completed BLS certification and three hours of continuing education annually in any of the areas set forth in Subparagraph (d)(1) of this Rule.

(e) Absent a Board order stating otherwise, all permit holders applying for renewal of a moderate pediatric conscious sedation permit or itinerant moderate pediatric conscious sedation permit shall be in good standing and their ~~office~~ facility shall be subject to inspection by the Board.

Authority G.S. 90-28; 90-30.1; 90-31; 90-39; 90-48.

21 NCAC 16Q .0408 PROCEDURE FOR MODERATE PEDIATRIC SEDATION EVALUATION OR INSPECTION AND RE-INSPECTION

(a) When an evaluation or on-site inspection is required, the Board shall designate one or more qualified persons to serve as evaluators, each of whom has administered moderate pediatric sedation for at least three years preceding the evaluation or inspection. Training in moderate pediatric sedation shall not count toward the three years. Evaluation for a pediatric intravenous moderate conscious sedation certification shall be conducted by

one or more qualified persons to serve as evaluators, each of whom has administered pediatric intravenous moderate sedation for at least three years preceding the evaluation or inspection. Training in moderate pediatric sedation shall not count toward the three years.

(b) An inspection fee of two-hundred seventy-five dollars (\$275.00) shall be due 10 days after the dentist receives notice of the inspection of each additional location at which the dentist administers moderate pediatric sedation. There is no separate inspection fee for the pediatric intravenous moderate conscious sedation certification.

(c) Any dentist-member of the Board may observe or consult in any evaluation or inspection.

(d) The inspection team shall determine compliance with the requirements of the rules in this Subchapter, as applicable, by assigning a grade of "pass" or "fail."

(e) Each evaluator shall report his or her recommendation to the Board's Anesthesia and Sedation Committee, setting forth the details supporting his or her conclusion. The Committee shall not be bound by these recommendations. The Committee shall determine whether the applicant has passed the evaluation or inspection and shall notify the applicant in writing of its decision.

(f) An applicant who fails an inspection or evaluation shall not receive a permit to administer moderate pediatric sedation. If a permit holder's facility fails an inspection, no further moderate pediatric sedation procedures shall be performed at the facility until it passes a re-inspection by the Board.

(g) An applicant who fails an inspection or evaluation may request a re-evaluation or re-inspection within 15 days of receiving the notice of failure. The request shall be directed to the Board in writing and include a statement of the grounds supporting the re-evaluation or re-inspection. Except as set forth in subsection (h) of this Rule, the Board shall require the applicant to receive additional training prior to the re-evaluation to address the areas of deficiency determined by the evaluation. The Board shall notify the applicant in writing of the need for additional training.

(h) A permit applicant who has failed the written examination portion of the evaluation but passed all other aspects of the evaluation and inspection may retake the written examination two additional times at the Board office. The applicant must wait a minimum of 72 hours before attempting to retake a written examination. Any applicant who has failed the written portion of the examination three times shall complete an additional Board approved course of study in the area(s) of deficiency and provide the Board evidence of the additional study before written reexamination.

(i) Re-evaluations and re-inspections shall be conducted by Board-appointed evaluators not involved in the failed evaluation or inspection.

(j) An applicant must complete all the requirements of Rules .0103, .0104, and .0405 of this Subchapter, including passing the written examination, evaluation and inspection, within 12 months of submitting the application to the Board.

Authority G.S. 90-30.1; 90-39; 90-48.

CHAPTER 42 - OPTOMETRY

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g that the Board of Examiners in Optometry intends to readopt without substantive changes the rule cited as 21 NCAC 42A .0101.

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

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

Proposed Effective Date: *November 1, 2026*

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Mail request to 521 Yopp Road, Suite 214 #444, Jacksonville, NC 28540, or via email to janice@ncoptometry.org*

Reason for Proposed Action: *Readoption*

Comments may be submitted to: *Janice Peterson, N.C. State Board of Examiners in Optometry 521 Yopp Road, Suite 214 #444, Jacksonville, NC 28540; phone (910) 285-3160; fax (910) 285-4546; email janice@ncoptometry.org*

Comment period ends: *September 14, 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 ($\geq$ \$1,000,000 over 5 years)**
- ☐ **Approved by OSBM**
- ☒ **No fiscal note required**

**CHAPTER 42 – BOARD OF EXAMINERS IN
OPTOMETRY**

SUBCHAPTER 42A - ORGANIZATION

**21 NCAC 42A .0101 CONTACTING THE BOARD
(READOPTION WITHOUT SUBSTANTIVE CHANGES)**

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g that the Board of Examiners in Optometry intends to readopt without substantive changes the rule cited as 21 NCAC 42A .0105.

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

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

Proposed Effective Date: November 1, 2026

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Mail request to 521 Yopp Road, Suite 214 #444, Jacksonville, NC 28540, or via email to janice@ncoptometry.org*

Reason for Proposed Action: *Readoption*

Comments may be submitted to: *Janice Peterson, N.C. State Board of Examiners in Optometry 521 Yopp Road, Suite 214 #444, Jacksonville, NC 28540; phone (910) 285-3160; fax (910) 285-4546; email janice@ncoptometry.org*

Comment period ends: *September 14, 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 ($\geq$ \$1,000,000 over 5 years)
- ☐ Approved by OSBM
- ☒ No fiscal note required

SUBCHAPTER 42A - ORGANIZATION

**21 NCAC 42A .0105 DEFINITIONS (READOPTION
WITHOUT SUBSTANTIVE CHANGES)**

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g that the Board of Examiners in Optometry intends to readopt without substantive changes the rule cited as 21 NCAC 42B .0108.

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

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

Proposed Effective Date: November 1, 2026

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Mail request to 521 Yopp Road, Suite 214 #444, Jacksonville, NC 28540, or via email to janice@ncoptometry.org*

Reason for Proposed Action: *Readoption*

Comments may be submitted to: *Janice Peterson, N.C. State Board of Examiners in Optometry 521 Yopp Road, Suite 214 #444, Jacksonville, NC 28540; phone (910) 285-3160; fax (910) 285-4546; email janice@ncoptometry.org*

Comment period ends: *September 14, 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 ($\geq$ \$1,000,000 over 5 years)
☐ Approved by OSBM
☒ No fiscal note required

**SUBCHAPTER 42B - LICENSE TO PRACTICE
OPTOMETRY**

SECTION .0100 - LICENSE BY EXAMINATION

**21 NCAC 42B .0108 CLINICAL PRACTICUM
EXAMINATIONS (READOPTION WITHOUT
SUBSTANTIVE CHANGES)**

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g that the Board of Examiners in Optometry intends to readopt without substantive changes the rule cited as 21 NCAC 42B .0110.

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

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

Proposed Effective Date: November 1, 2026

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice): Mail request to 521 Yopp Road, Suite 214 #444, Jacksonville, NC 28540, or via email to janice@ncoptometry.org

Reason for Proposed Action: Readoption

Comments may be submitted to: Janice Peterson, N.C. State Board of Examiners in Optometry 521 Yopp Road, Suite 214 #444, Jacksonville, NC 28540; phone (910) 285-3160; fax (910) 285-4546; email janice@ncoptometry.org

Comment period ends: September 14, 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 ($\geq$ \$1,000,000 over 5 years)
☐ Approved by OSBM
☒ No fiscal note required

**SUBCHAPTER 42B - LICENSE TO PRACTICE
OPTOMETRY**

SECTION .0100 - LICENSE BY EXAMINATION

**21 NCAC 42B .0110 PASSING SCORE
(READOPTION WITHOUT SUBSTANTIVE CHANGES)**

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g that the Board of Examiners in Optometry intends to readopt without substantive changes the rule cited as 21 NCAC 42B .0112.

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

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

Proposed Effective Date: November 1, 2026

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice): Mail request to 521 Yopp Road, Suite 214 #444, Jacksonville, NC 28540, or via email to janice@ncoptometry.org

Reason for Proposed Action: Readoption

Comments may be submitted to: Janice Peterson, N.C. State Board of Examiners in Optometry 521 Yopp Road, Suite 214 #444, Jacksonville, NC 28540; phone (910) 285-3160; fax (910) 285-4546; email janice@ncoptometry.org

Comment period ends: September 14, 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 ($\geq$ \$1,000,000 over 5 years)
- ☐ Approved by OSBM
- ☒ No fiscal note required

**SUBCHAPTER 42B - LICENSE TO PRACTICE
OPTOMETRY**

SECTION .0100 - LICENSE BY EXAMINATION

**21 NCAC 42B .0112 TIME AND LOCATION
(READOPTION WITHOUT SUBSTANTIVE CHANGES)**

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g that the Board of Examiners in Optometry intends to readopt without substantive changes the rule cited as 21 NCAC 42B .0305.

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

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

Proposed Effective Date: November 1, 2026

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice): Mail request to 521 Yopp Road, Suite 214 #444, Jacksonville, NC 28540, or via email to janice@ncoptometry.org

Reason for Proposed Action: Readoption

Comments may be submitted to: Janice Peterson, N.C. State Board of Examiners in Optometry 521 Yopp Road, Suite 214 #444, Jacksonville, NC 28540; phone (910) 285-3160; fax (910) 285-4546; email janice@ncoptometry.org

Comment period ends: September 14, 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 ($\geq$ \$1,000,000 over 5 years)
- ☐ Approved by OSBM
- ☒ No fiscal note required

**SUBCHAPTER 42B - LICENSE TO PRACTICE
OPTOMETRY**

SECTION .0300 - ANNUAL LICENSE RENEWAL

**21 NCAC 42B .0305 SUSPENSION OF AUTHORITY
TO EXPEND FUNDS (READOPTION WITHOUT
SUBSTANTIVE CHANGES)**

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g that the Board of Examiners in Optometry intends to readopt without substantive changes the rule cited as 21 NCAC 42C .0105.

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

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

Proposed Effective Date: November 1, 2026

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Mail request to 521 Yopp Road, Suite 214 #444, Jacksonville, NC 28540, or via email to janice@ncoptometry.org*

Reason for Proposed Action: *Readoption*

Comments may be submitted to: *Janice Peterson, N.C. State Board of Examiners in Optometry 521 Yopp Road, Suite 214 #444, Jacksonville, NC 28540; phone (910) 285-3160; fax (910) 285-4546; email janice@ncoptometry.org*

Comment period ends: *September 14, 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 ($\geq$ \$1,000,000 over 5 years)
- ☐ Approved by OSBM
- ☒ No fiscal note required

SUBCHAPTER 42C - PROFESSIONAL CORPORATIONS AND LIMITED LIABILITY COMPANIES

21 NCAC 42C .0105 ANNUAL RENEWAL (READOPTION WITHOUT SUBSTANTIVE CHANGES)

CHAPTER 58 - REAL ESTATE COMMISSION

Notice is hereby given in accordance with G.S. 150B-21.2 that the Real Estate Commission intends to adopt the rule cited as 21 NCAC 58A .1811, and amend the rules cited as 21 NCAC 58A .1801, .1802, .1804, and .1806-.1810.

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

Proposed Effective Date: *January 1, 2027*

Public Hearing:

Date: *August 19, 2026*

Time: *8:30 a.m.*

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

Reason for Proposed Action: *21 NCAC 58A .1800s - Limited Nonresident Commercial License*

Amend these rules and adopt 21 NCAC 58A .1811 to: (1) rename 'Limited Nonresident Commercial License (LNCL)' to 'Limited Commercial License (LCL)'; (2) require LCLs to complete the same continuing education as North Carolina brokers; and (3) require LCLs to affiliate with a Broker-in-Charge rather than a resident broker.

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

Comment period ends: *September 14, 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 ($\geq$ \$1,000,000 over 5 years)
- ☐ Approved by OSBM
- ☒ No fiscal note required

SUBCHAPTER 58A – REAL ESTATE BROKERS

SECTION .1800 - LIMITED NONRESIDENT COMMERCIAL LICENSING LICENSE

21 NCAC 58A .1801 GENERAL PROVISIONS

(a) Any person resident in a state or territory of the United States other than North Carolina may perform the acts or services of a real estate broker in North Carolina in transactions involving commercial real estate if said person first applies for and obtains

a limited ~~nonresident~~ commercial ~~real estate broker~~ license as provided in this Section.

(b) Corporations, business associations and entities shall be ineligible for licensure under this Section.

(c) Nothing in this Section shall be construed to limit the rights of any person duly licensed as a real estate broker in North Carolina under the provisions of G.S. 93A-4 or 93A-9(a).

Authority G.S. 93A-4; 93A-9.

21 NCAC 58A .1802 DEFINITIONS

For the purposes of this Section:

- (1) "Commercial Real Estate" means any real property or interest therein, whether freehold or non-freehold, which at the time the property or interest is made the subject of an agreement for brokerage services:
 - (a) is lawfully used primarily for sales, office, research, institutional, warehouse, manufacturing, industrial or mining purposes or for multifamily residential purposes involving five or more dwelling units;
 - (b) may lawfully be used for any of the purposes listed in Subitem (1)(a) of this Rule by a zoning ordinance adopted pursuant to the provisions of G.S. 153A, Article 18 or G.S. 160A, Article 19 or which is the subject of an official application or petition to amend the applicable zoning ordinance to permit any of the uses listed in Subitem (1)(a) of this Rule which is under consideration by the government agency with authority to approve the amendment; or
 - (c) is in good faith intended to be immediately used for any of the purposes listed in Subitem (1)(a) of this Rule by the parties to any contract, lease, option, or offer to make any contract, lease, or option.
- (2) "Qualifying state" means the state or territory of the United States where an applicant for, and the holder of, a limited ~~nonresident~~ commercial license issued under this Section is licensed in good standing as a real estate broker or salesperson. The qualifying state must be the state or territory where the applicant or limited ~~nonresident~~ commercial ~~licensee~~ broker maintains his or her primary place of business as a real estate broker or salesperson. Under no circumstances may North Carolina be a qualifying state.

Authority G.S. 93A-4; 93A-9.

21 NCAC 58A .1804 ACTIVE STATUS

~~Broker licenses~~ A license issued under this Section shall be issued on active status and inactive status. To change the license to active status, a broker shall submit an affiliation form designating a broker-in-charge. The license shall remain valid only so long as the ~~licensee's~~ broker's license in the qualifying state remains valid and on active status. If a broker licensed under this Section fails to affiliate or loses their affiliation with a broker-in-charge at any time during licensure, the license shall be placed on inactive status. ~~In addition, a license issued to a salesperson under this Section shall remain valid only while the salesperson is acting under the supervision of a real estate broker in accordance with the applicable laws and rules in the qualifying state.~~ Individuals ~~Brokers~~ licensed under this Section shall immediately notify the Commission if his or her license in the qualifying state lapses or expires, is suspended or revoked, made inactive, or is placed in abeyance for any reason.

Authority G.S. 93A-4; 93A-9.

21 NCAC 58A .1806 LIMITATIONS

(a) A person licensed under this Section may act as a real estate broker in this ~~state~~ State only if:

- (1) he or she does not reside in North Carolina;
- (2) the real property interest which is the subject of any transaction in connection with which he or she acts as a broker in this ~~state~~ State is commercial real estate as that term is defined in Rule .1802 of this Section; and
- (3) he or she is affiliated with a resident North Carolina ~~real estate broker~~ broker-in-charge as required in Rule .1807 of this Section.

(b) A ~~nonresident~~ limited commercial ~~real estate~~ broker licensed under the provisions of Section .1800 of this Subchapter shall not act as or serve in the capacity of a broker-in-charge of a firm or office in North Carolina.

Authority G.S. 93A-4; 93A-9.

21 NCAC 58A .1807 AFFILIATION WITH RESIDENT ~~BROKER~~ BROKER-IN-CHARGE

(a) No person licensed under G.S. 93A-9(b) shall enter North Carolina to perform any act or service for which licensure as a real broker is required unless he or she has first entered into a brokerage cooperation agreement and declaration of affiliation with an individual who is a resident in North Carolina licensed as a North Carolina real estate ~~broker~~ broker and designated as a broker-in-charge.

(b) A brokerage cooperation agreement as contemplated by this Rule shall be in writing and signed by the resident North Carolina ~~broker~~ broker-in-charge and the ~~non-resident limited~~ commercial ~~licensee~~. ~~It shall contain:~~ broker and shall include:

- (1) the material terms of the ~~agreement between the signatory licenses;~~ agreement;
- (2) a description of the agency relationships, if any, which are created by the agreement among the ~~nonresident limited~~ commercial ~~licensee,~~ broker, the resident North Carolina ~~broker,~~

broker-in-charge, and the parties each represents;

- (3) a description of the property or the identity of the parties and other information sufficient to identify the transaction which is the subject of the affiliation agreement; and

- (4) a definite expiration date.

(c) A declaration of affiliation shall be written ~~and~~ on the form provided by the Commission and shall identify the ~~nonresident~~ limited commercial ~~licensee broker~~ and the affiliated resident North Carolina ~~licensee broker~~. It shall also contain a description of the duties and obligations of each as required by the North Carolina Real Estate License Law and rules adopted by the Commission. The declaration of affiliation may be a part of the brokerage cooperation agreement or separate from it.

(d) A ~~nonresident~~ limited commercial ~~licensee broker~~ may affiliate with more than one resident North Carolina ~~broker~~ broker-in-charge at any time. However, a ~~nonresident~~ limited commercial ~~licensee broker~~ may be affiliated with only one resident North Carolina ~~broker~~ broker-in-charge in a single transaction.

(e) A resident North Carolina broker who enters into a brokerage cooperation agreement and declaration of affiliation with a ~~nonresident~~ limited commercial ~~licensee broker~~ shall:

- (1) verify that the ~~nonresident~~ limited commercial ~~licensee broker~~ is licensed in North Carolina;
- (2) actively and directly supervise the ~~nonresident~~ limited commercial ~~licensee broker~~ in a manner which reasonably insures that the ~~nonresident~~ limited commercial ~~licensee broker~~ complies with the North Carolina Real Estate License Law and rules adopted by the Commission;
- (3) promptly notify the Commission if the ~~nonresident~~ limited commercial ~~licensee broker~~ violates the Real Estate License Law or rules adopted by the Commission;
- (4) insure that records are retained in accordance with the requirements of the Real Estate License Law and rules adopted by the Commission; and
- (5) maintain his or her license on active status continuously for the duration of the brokerage cooperation agreement and the declaration of affiliation.

(f) The ~~nonresident~~ limited commercial ~~licensee broker~~ and the affiliated resident North Carolina ~~broker~~ broker-in-charge shall each retain in his or her records a copy of brokerage cooperation agreements and declarations of affiliation from the time of their creation and for at least three years following their expiration. Such records shall be made available for inspection and reproduction by the Commission or its authorized representatives without prior notice.

Authority G.S. 93A-4; 93A-9.

21 NCAC 58A .1808 TRUST MONIES

A ~~nonresident~~ limited commercial broker acting as real estate broker in North Carolina shall deliver to the North Carolina resident ~~broker~~ broker-in-charge with whom he or she is affiliated all money belonging to others received in connection with the ~~nonresident~~ limited commercial broker's acts or services as a broker. Upon receipt of the funds, the resident North Carolina ~~broker~~ broker-in-charge shall cause the funds to be deposited in a trust account in accordance with the provisions of Rule .0116 of this Subchapter.

Authority G.S. 93A-4; 93A-6(d); 93A-6(g); 93A-9.

21 NCAC 58A .1809 ADVERTISING

In all advertising involving a ~~nonresident~~ limited commercial ~~licensee's~~ broker's conduct as a North Carolina real estate broker and in any representation of such person's licensure in North Carolina, the advertising or representation shall conspicuously identify the ~~nonresident~~ limited commercial ~~licensee broker~~ as a "Limited ~~Nonresident~~ Commercial Real Estate Broker".

Authority G.S. 93A-4; 93A-9.

21 NCAC 58A .1810 PAYMENT OF FEES

Commissions, fees, or other compensation earned by a ~~nonresident~~ limited commercial ~~licensee broker~~ shall not be paid directly to the ~~licensee broker~~ if said ~~licensee broker~~ is employed by or working for a real estate broker or firm. Instead, such fees or compensation shall be paid to the ~~licensee's~~ broker's employing broker or firm.

Authority G.S. 93A-4; 93A-9.

21 NCAC 58A .1811 CONTINUING EDUCATION REQUIRED OF LIMITED COMMERCIAL BROKERS

(a) A limited commercial broker shall complete eight credit hours of real estate continuing education courses approved pursuant to 21 NCAC 58H within one year prior to the expiration of the license as follows:

- (1) Four credit hours of elective courses; and
- (2) Four credit hours of the "General Update Course."

(b) Continuing education courses shall be completed upon the second renewal following the initial licensure and upon each subsequent annual renewal.

(c) The limited commercial broker shall provide the course completion certificate upon request of the Commission.

Authority G.S. 93A-3(c); 93A-38.5.

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

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Rule-making Agency: Medical Care Commission

Rule Citation: 10A NCAC 13E .0302, .0303, .0305, .0306, .0308, .0309, .0312, .0316, .0317, .0318, .0403, .0601

Effective Date: July 1, 2026

Findings Reviewed and Approved by the Codifier: June 23, 2026

Reason for Action: On April 30, 2026, House Bill 696 was signed into law and became S.L. 2026-1. This new law titled "Increased Bed Capacity for Facilities Licensed to Provide a Program of Overnight Respite Services" revised N.C.G.S. 131D-6.1(c) governing licensed overnight respite services in adult day programs. The changes provided in the new law become effective on July 1, 2026. S.L. 2026-1 makes significant changes to the allowable capacity and number of individuals who can be served in these overnight respite programs. S.L. 2026-1 also gives authority to the Medical Care Commission for adopting emergency and temporary rules as necessary to implement the new requirements of G.S. 131D-6.1(c). Current rules governing the licensing of overnight respite services in adult day programs are found in Subchapter 13E of Title 10A of the Administrative Code. Given the changes to the law that will become effective July 1, 2026, and the fact that temporary or permanent rulemaking cannot be accomplished by that date, the Agency is making certain amendments to the existing rules to conform with the provisions in S.L. 2026-1 that become effective July 1, 2026. Additionally, in order to implement the provisions of the new law, various existing rules need to be amended to ensure the health, safety and welfare of overnight respite participants, including changes to staffing, physical plant, and life safety requirements. Therefore, the Agency seeks to amend Subchapter 13E of Title 10A under emergency procedures.

CHAPTER 13 - NC MEDICAL CARE COMMISSION

SUBCHAPTER 13E – LICENSING OF OVERNIGHT RESPITE SERVICES

SECTION .0300 - PHYSICAL PLANT RULES

10A NCAC 13E .0302 CAPACITY

(a) Pursuant to G.S. 131D-6.1(c)(8), the Division of Health Service Regulation shall not approve a capacity of greater than ~~six~~ twelve participants for an overnight respite services program. For the purposes of this Rule, "capacity" means the maximum number

of participants that the overnight respite services program is licensed to house at any given time.

(b) An overnight respite services program shall not exceed the capacity shown on its license. The license shall indicate the overnight respite services program's capacity for ambulatory and non-ambulatory participants permitted that an overnight respite services program facility can house at any given time. For the purposes of this Rule, "ambulatory" means the participant is able to respond and evacuate from the facility without verbal or physical assistance from others in the event of an emergency. "Non-ambulatory" means the participant is not able to respond and evacuate from the facility without verbal or physical assistance from others in the event of an emergency.

(c) Prior to an increase in capacity by adding rooms, altering ~~rooms, or rooms, remodeling,~~ changing use of ~~space, space, or~~ without building modifications, the overnight respite services program shall submit a request for capacity increase and two building plans of each floor to the Construction Section. One plan shall indicate the current use of rooms in the existing building. The other plan shall indicate the proposed use of rooms in the existing building and its addition, alteration, remodeling, or change in use of space. For an addition to an existing building, the building plans shall also indicate how the addition will be tied into the existing building and any proposed changes to the building structure.

(d) When the overnight respite services program increases its capacity by the addition to or alteration of an existing building, the entire overnight respite services program shall comply with the North Carolina ~~Fire Prevention Code, State Building Codes,~~ which is are incorporated herein by reference including subsequent amendments and editions. Copies of ~~this code these codes~~ may be ~~purchased from the International Code Council online at <http://www.iccsafe.org/Store/Pages/default.aspx> at a cost of eighty five dollars (\$85.00) or accessed electronically free of charge at http://codes.iccsafe.org/app/book/toc/2012/North_Carolina/Fire/index.html.~~ <https://codes.iccsafe.org/codes/united-states/north-carolina>.

Authority G.S. 131D-6.1.

10A NCAC 13E .0303 DESIGN AND CONSTRUCTION

- (a) For the purposes of this Rule the following definitions apply:
- (1) "facility" means a building or portion of a building housing an overnight respite services program as defined in G.S. 131D-6.1(a);
 - (2) "proposed facility" means the new construction of a building for a facility, an addition or alteration to an existing building for a facility, or the change in use of a building for a facility;
 - (3) "existing facility" means a currently licensed facility and ~~a proposed facility that will be built~~

~~according to building plans approved by the Construction Section for compliance with the standards established in this Section; built prior to the effective date of this Rule; and~~

- (4) "new facility" means a facility that has not been licensed previously as an overnight respite services program and for which an initial license is sought. The term also includes a proposed facility that will be built according to building plans approved by the Construction Section for compliance with the standards established in this Section, on or after the effective date of this Rule.

(b) The physical plant requirements for each facility shall be applied as follows:

- (1) A new facility shall meet the standards established in this Section.
- (2) An existing facility shall meet the standards established in this Section that were in existence at the time of change in use of ~~space~~, space, increase in capacity, construction, addition, alteration, or repair.
- (3) An existing building converted from another use that a program intends to use for an overnight respite services program shall meet all the requirements of a new facility as indicated in Subparagraph (1) ~~of this Paragraph~~ (b)(1) of this Rule.

(c) All new construction, ~~additions,~~ additions, modifications, renovations, or alterations for a new facility shall meet the requirements of the North Carolina State Building ~~Codes, Code:~~ Residential Code for overnight respite services programs requesting licensure for less than seven participants. Additionally, overnight respite services programs requesting licensure for four to six participants shall meet the North Carolina State Building Code: Building Code, Licensed Residential Care Facilities Section in effect at the time of licensure. Before starting any construction or alterations, the overnight respite services program shall consult with the local building code official for information about required permits and construction requirements.

(d) All new construction, additions, modifications, renovations, or alterations for a new facility requesting licensure for seven to twelve participants shall meet the requirements of the North Carolina State Building: Building Code, Licensed Large Residential Care Facilities Section in effect at the time of licensure. Before starting any construction or alterations, the overnight respite services program shall consult with the local building code official for information about required permits and construction requirements. The North Carolina State Building Codes, which are incorporated herein by reference reference, including subsequent amendments and editions. Copies of these codes editions, may be purchased from the International Code Council online at <http://www.iccsafe.org/Store/Pages/default.aspx> at a cost of five hundred twenty seven dollars (\$527.00) or accessed electronically free of charge at <http://codes.iccsafe.org/North%20Carolina.html>. <https://codes.iccsafe.org/codes/united-states/north-carolina>. All new construction, additions, or repairs of an existing facility shall

~~meet the requirements of the North Carolina State Building Codes in effect at the time of construction, addition, alteration, or repair.~~

(e) All new construction, additions, modifications, renovations, or alterations of an existing facility shall meet the requirements of the North Carolina State Building Codes in effect at the time of construction, addition, modification, renovation, alteration, or repair. Before starting any construction or alterations, the overnight respite services program shall consult with the local building code official for information about required permits and construction requirements.

~~(d)(f)~~ A facility shall be constructed, equipped, and maintained to comply with the standards established in this Section for the capacity indicated on its license.

~~(e)(g)~~ The Construction Section may grant an equivalency to allow an alternate design or functional variation from the requirements of the rules contained in this Section. For the purposes of this Rule, an "equivalency" is a Construction Section-approved alternate design and functional variation to a requirement contained in the rules of this Section that meets the intent of the rule requirement but does not reduce the safety and operational effectiveness of the facility design and layout. If granted, the equivalency shall apply to a specific facility. A program shall be granted an equivalency if:

- (1) the overnight respite services program submits a written equivalency request to the Construction Section indicating:
 - (A) the rule requirement that will not be met;
 - (B) the justification for the equivalency; and
 - (C) how the proposed equivalency meets the intent of the corresponding rule requirement; and
- (2) the program receives a written approval of the equivalency from the Construction Section.

~~(f)(h)~~ If any of the rules, codes, or standards contained in this Section conflict, the most restrictive requirement shall apply.

~~(g)(i)~~ For an existing facility whose license is revoked or suspended by the Division of Health Service Regulation pursuant to G.S. 131D-6.1(g)(2) for at least 60 days, the facility shall meet the requirements of a new facility as required by Subparagraph (b)(1) of this Rule prior to being relicensed.

~~(h)(j)~~ Prior to commencement of construction or change in use of space, any program intending to offer overnight respite care services that is planning new construction, an ~~addition~~ addition, modification, renovation, or alteration to an existing building, or a change in use of space shall submit building plans and other documents to the Construction Section as specified in Rule .0301 of this Section.

~~(i)(k)~~ If the building to be used for a facility is two or more stories in height, it shall meet the following additional requirements:

- (1) construction shall not exceed the allowable area for occupancy in the North Carolina State Building Code;
- (2) participants shall be housed on the level of the principal exterior door as defined in Rule .0312(c) of this Section; and
- (3) participant-use areas shall be located on the level of the principal exterior door.

~~(j)(l)~~ The basement and the attic shall not to be used for storage or sleeping.

~~(k)(m)~~ The ceiling height throughout the facility shall be at least seven and one-half feet from the floor.

~~(l)(n)~~ Elevation changes in the floor are not permitted in participant-use ~~areas.~~ areas. Steps and ramps between levels are not permitted.

~~(m)(o)~~ The door width shall be a minimum of two feet and six inches in the kitchen, dining room, living room, bedrooms, and bathrooms.

~~(n)(p)~~ ~~Windows shall be operable and~~ All windows that are designed to be operable shall be maintained operable. For the purposes of this Rule, "operable" means a window that may be opened and shut to allow outdoor-air ventilation. ~~To inhibit participant elopement from any window, the window opening may be restricted to a six inch opening.~~

~~(o)~~ Before starting any construction or alterations, the overnight respite services program shall consult with the local building code official for information about required permits and construction requirements.

~~(p)(q)~~ The facility shall ~~comply with the sanitation rules of the North Carolina Division of Public Health, Environmental Health Services Section, meet sanitation requirements set forth in 15A NCAC 18A .1600, Rules Governing the Sanitation of Residential Care Facilities,~~ which are incorporated herein by ~~reference~~ reference, including subsequent amendments and editions. ~~The "Rules Governing the Sanitation of Residential Care Facilities," 15A NCAC 18A .1600 are available for inspection at the North Carolina Department of Health and Human Services, Division of Public Health, Environmental Health Services Section, 5605 Six Forks Road, Raleigh, North Carolina 27609. Copies of these Rules may be obtained from the Environmental Health Services Section, 1632 Mail Service Center, Raleigh, NC 27699 1632 at no cost or can be accessed electronically free of charge at http://ehs.ncpublichealth.com/docs/rules/294306_4_1600.pdf. <https://www.oah.nc.gov/>.~~

~~(q)(r)~~ The facility shall have the following inspection reports available for review upon request by the Construction Section:

- (1) a ~~current~~ sanitation inspection report from the sanitation division of the county health department; department dated within the past 12 months; and
- (2) a ~~current~~ fire and safety inspection report from the local fire ~~marshal.~~ marshal dated within the past 12 months.

~~(r)(s)~~ The building housing a facility shall be equipped with a fire alarm system with pull stations on each floor and sounding devices that are audible throughout the building. The fire alarm system shall be equipped to transmit an automatic signal to the local emergency fire department dispatch center, either directly or through a central station monitoring company connection. The fire alarm system shall be installed in accordance with National Fire Protection Association (NFPA) 72, which is incorporated herein by ~~reference~~ reference, including subsequent amendments and ~~editions~~ editions, and may be ~~obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269 at the cost of ninety six dollars and 50 cents (\$96.50).~~ accessed electronically free of charge at [\[standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=72.\]\(https://www.nfpa.org/codes-and-standards/list-of-codes-and-standards/detail?code=72\)](https://www.nfpa.org/codes-and-</u></p>
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~~(t)~~ Underwriters Laboratory (U.L.) listed heat detectors are required in attics and basements and shall be connected to the fire alarm system. These heat detectors shall be interconnected and provided with battery backup. Corridors shall be equipped with smoke detectors that are connected to the fire alarm system.

~~(s)(u)~~ A building housing an overnight respite services program or an adult day care or adult health care program shall be equipped with a wet pipe sprinkler system in accordance with NFPA 13, which is incorporated herein by ~~reference~~ reference, including subsequent amendments and ~~editions~~ editions, and may be ~~obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269 at the cost of one hundred and three dollars (\$103.00).~~ accessed electronically free of charge at <https://www.nfpa.org/codes-and-standards/nfpa-13-standard-development/13>.

Authority G.S. 131D-6.1.

10A NCAC 13E .0305 LIVING ROOM AREA

(a) Each overnight respite care program shall have a living area with not less than 40 square feet of floor area per participant.

(b) The living area for the overnight respite care program required by Paragraph (a) of this Rule may be combined with the adult day care program or adult day health program activities and craft areas only after the Division of Aging ~~and Adult Services~~ of the Department of Health and Human Services determines, in writing, that the requirements of 10A NCAC 06R .0401(d) for an adult day care program and 10A NCAC 06S .0301 for an adult day health program are met.

(c) The living ~~room~~ area shall have windows with views to the outdoors. The gross window area shall not be less than eight percent of the floor area required by Paragraph (a) of this ~~Rule.~~ Rule and be equipped with insect-proof screens. To inhibit participant elopement, the window opening may be restricted to a six-inch opening.

Authority G.S. 131D-6.1.

10A NCAC 13E .0306 DINING ROOM AREA

(a) Each overnight respite services program shall have a dining area with not less than 20 square feet of floor area per participant. The dining area may be used for other activities during the day.

(b) The dining area for the overnight respite care program required by Paragraph (a) of this Rule may be combined with the adult day care program or adult day health program activities and craft areas only after the Division of Aging ~~and Adult Services~~ of the Department of Health and Human Services determines, in writing, that the requirements of 10A NCAC 06R .0401(d) for an adult day care program and 10A NCAC 06S .0301 for an adult day health program are met.

(c) When the dining area is used in combination with a kitchen, an area five feet wide shall be allowed as work space between the kitchen and dining areas. The work space shall not be used as the dining area.

(d) The dining ~~room~~ area shall have windows with views to the ~~outdoors.~~ outside, or a door unit with a vision panel directly to the outside. The gross window area shall not be less than eight percent

of the floor area required by Paragraph (a) of this ~~Rule. Rule and be equipped with insect-proof screens. To inhibit participant elopement, the window opening may be restricted to a six-inch opening.~~

Authority G.S. 131D-6.1.

10A NCAC 13E .0308 BEDROOMS

(a) There shall be bedrooms sufficient in number and size to meet the individual needs of the participant according to their age and gender.

(b) A room used as a bedroom shall meet the requirements of this Rule and be approved by the Construction Section.

(c) A room accessed only through a bathroom, kitchen, or another bedroom shall not be approved for a participant's bedroom.

(d) Bedrooms occupied by one participant shall be provided with not less than 100 square feet of floor area, ~~including excluding accessory areas such as vestibule, closet, or wardrobe space, vestibules, closets, wardrobes, or bathrooms.~~ Bedrooms occupied by two participants shall be provided with not less than 160 square feet of floor area, ~~including excluding accessory areas such as vestibule, closet, or wardrobe space, vestibules, closets, wardrobes, or bathrooms.~~

(e) The total number of participants assigned to a bedroom shall be based on the square footage requirements of Paragraph (d) of this Rule as approved by the Construction Section for that bedroom.

(f) A bedroom shall not be occupied by more than two participants.

(g) Each participant bedroom shall have one or more operable windows with views to the outdoors. At least one operable window shall meet the requirements of the North Carolina State Building Code: Residential Code for emergency egress for facilities with a licensed capacity of less than seven participants. For facilities with a licensed capacity of seven to twelve participants, windows shall meet the requirements of the North Carolina State Building Code. The gross window area shall be equal to at least eight percent of the floor space required by Paragraph (d) of this ~~Rule. Rule, and shall be equipped with insect-proof screens. To inhibit participant elopement, the window opening may be restricted to a six-inch opening, except~~ windows meeting the emergency egress requirements of the North Carolina State Building Code: Residential Code. The windows shall have a maximum sill height of 44 inches.

(h) Bedroom closets or wardrobes shall be large enough to provide each participant with a minimum of 22 cubic feet of clothing storage, one-half of which shall be for hanging clothes with an adjustable-height hanging bar.

Authority G.S. 131D-6.1.

10A NCAC 13E .0309 BATHROOM

(a) An overnight respite services program shall have one bathroom for each six or fewer respite participants. A bathroom shall contain a toilet, a ~~lavatory, sink~~ and one of the following:

- (1) a roll-in shower designed and equipped for unobstructed shower chair entry and use;
- (2) a bathtub accessible on three sides; or

- (3) a manufactured walk-in bathtub or a similar manufactured bathtub designed for transfer of participants into the bathtub that is accessible on one short side and one long side of the bathtub.

(b) The bathroom required by Paragraph (a) of this Rule may be shared with the adult day care program or adult day health program only after the Division of Aging and Adult Services of the Department of Health and Human Services determines, in writing, that the requirements of 10A NCAC 06R .0401(g) for an adult day care facility and 10A NCAC 06S .0301 for an adult day health facility are met.

(c) A bathroom shall be designed to provide privacy. A bathroom with two or more toilets shall have privacy partitions or curtains for each toilet. Each bathtub or shower shall have privacy partitions or curtains. The requirements of this Paragraph shall apply to new and existing facilities.

(d) The entrance to the bathroom shall not be through a kitchen, another participant's bedroom, or another bathroom.

(e) The bathroom shall be located so that there is no more than 40 feet between any participant's bedroom door and a participant-use bathroom door.

(f) Hand grips shall be installed at all toilets, bathtubs, and showers used by participants. Hand grips shall be mechanically fastened or anchored to the walls, be located to help participants in entering and exiting bathtubs, showers, manufactured walk-in tubs, or similar bathing fixtures, and be on the wall adjacent to toilets.

(g) Nonskid surfacing or strips shall be installed to the floor or bottom of ~~showers and bathtubs.~~ showers, bathtubs, or similar bathing fixtures.

(h) A bathroom shall have ~~mechanical ventilation at the rate of two cubic feet per minute for each square foot of floor area.~~ an exhaust system per the North Carolina State Building Code: Residential Code for facilities licensed for less than seven participants, and per the North Carolina State Building Codes for facilities licensed for seven to twelve participants. The ~~mechanical ducted exhaust~~ vent shall be vented directly to the outdoors.

(i) The bathroom floor shall have a non-slippery water-resistant covering.

Authority G.S. 131D-6.1.

10A NCAC 13E .0312 OUTSIDE ENTRANCE AND EXITS

(a) Each overnight respite services program shall have at least two exit doors on all floor levels. If there are only two exit doors, the exit doors shall be located and constructed to minimize the possibility that both may be blocked by a fire or other emergency condition.

(b) One exterior door shall have a minimum width of three feet. Another exterior door shall have a minimum width of two feet and eight inches. For the purposes of this Rule, an "exterior door" means a door used by a participant to enter and exit the building to and from the outdoors.

(c) At least one principal exterior door for the participants' use shall be at grade level or accessible by a ramp with a one inch rise for each 12 inches of ramp length. For the purposes of this Rule,

a "principal exterior door" means a door that is used by participants to access the vehicular pick-up and drop-off area. If the overnight respite services program serves any participant who must have physical assistance with evacuation, the building shall have two exterior doors at grade level or accessible by a ramp.

(d) All exit door locks shall be easily operable, by a single hand motion, from the inside at all times without ~~keys, keys, tools, or special knowledge~~. Deadbolts or turn buttons on the inside of exit ~~doors~~ doors, including screen and storm doors, shall be disabled.

(e) Exit doors shall be free of all obstructions or impediments to allow for full instant use in case of fire or other emergency.

(f) ~~Steps, All steps,~~ porches, stoops, and ramps shall be provided with handrails ~~or guardrails, and guards~~. Handrails shall be on both sides of steps and ramps, including sides bordered by the facility wall. Handrails shall extend the full length of steps and ramps. Guards shall be on open sides of steps, porches, stoops, and ramps. For the purposes of this Rule, "guards" are rails or barriers located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from a walking surface to an adjacent change in elevation.

(g) In each overnight respite services program with at least one participant who is determined by a physician or appropriate licensed health professional or is otherwise ~~known~~ observed by staff to be disoriented or ~~who wanders, each exhibiting wandering behavior~~, all exit ~~door doors~~ for participant use shall be equipped with a continuously sounding device that is activated when the door is opened. The alarm shall be turned on at all times and, when activated by the door opening, the sound shall be continuous and of sufficient volume that it can be heard by staff, audible throughout the facility housing the overnight respite services program until turned off by a staff person. If a central system of remote sounding devices is provided, the control panel for the system shall be powered by the facility's electrical system, and be located in ~~the office area or in a location~~ an area accessible only to staff authorized by the administrator to operate the control panel. ~~staff. The requirements of this Paragraph shall apply to new and existing facilities.~~

Authority G.S. 131D-6.1.

10A NCAC 13E .0316 FIRE SAFETY AND DISASTER PLAN

(a) Fire extinguishers shall be provided that meet these requirements:

- (1) one five-pound or larger (net charge) "A-B-C" type centrally ~~located;~~ located in an area that can be accessed by staff and not stored in rooms with lockable doors or the kitchen;
- (2) one five-pound or larger "A-B-C" or CO/2 type located in the kitchen; and
- (3) at any other location as required by the North Carolina State Building Code; Fire Prevention Code, which is incorporated herein by reference including subsequent amendments and editions. ~~The availability and cost of the Code is set forth in Rule .0302 of this Section. The North Carolina State Building Code: Fire Prevention Code may be accessed electronically free of charge~~ at

<https://codes.iccsafe.org/codes/united-states/north-carolina>.

(b) All fire safety requirements required by city or county ordinances shall be met.

(c) A written fire evacuation plan that includes a diagram and that has the approval of the local fire marshal shall be prepared and posted in a central location on each floor. The plan shall be reviewed with each participant on enrollment and shall be a part of the orientation for new staff.

(d) There shall be at least four rehearsals of the fire evacuation plan each year on each shift. Records of rehearsals shall be maintained for three years. The records shall include the date and time of the rehearsals, staff members present, and a description of what the rehearsal involved.

(e) A written disaster plan that has the written approval of, or has been documented as submitted to, the local emergency management agency and the local agency designated to coordinate special needs sheltering during disasters shall be prepared and updated annually and shall be maintained in the program offering overnight respite care services.

Authority G.S. 131D-6.1.

10A NCAC 13E .0317 BUILDING SERVICE EQUIPMENT

(a) The building and all fire safety, electrical, mechanical, and plumbing equipment shall be maintained in a safe and operating condition.

(b) There shall be a central heating system sufficient to maintain 75 degrees F (24 degrees C) under winter design conditions. Built-in electric heaters, if used, shall be installed or protected so as to avoid hazards to participants and room furnishings. Unvented fuel burning room heaters and portable electric heaters shall be prohibited.

(c) Air conditioning shall provide conditions not to exceed 81 degrees F (27 degrees C) under summer design conditions.

(d) The hot water tank shall be of such size to provide as much hot water as is needed by the kitchen, bathrooms, and laundry. The hot water temperature at all fixtures used by or accessible to participants shall be maintained at a minimum of 100 degrees F (38 degrees C) and shall not exceed 116 degrees F (46.7 degrees C). The requirements of this Paragraph shall apply to new and existing overnight respite services programs.

(e) All participant-use areas shall be lighted for the safety and comfort of the participants. The minimum lighting required is:

- (1) 30 foot-candle of light at floor level in living rooms, dining rooms, bedrooms, and bathrooms;
- (2) 10 foot-candle of light for general lighting; and
- (3) one foot-candle of light at the floor for corridors at night.

(f) Fireplaces, fireplace inserts, and wood stoves shall be designed or installed so as to avoid a burn hazard to participants. Fireplace inserts and wood stoves must be Underwriters Laboratories (U.L.) listed.

(g) Gas logs may be installed if they are of the vented type, installed according to the manufacturers' installation instructions, approved by the local building code official, and protected by a

guard or screen to prevent participants and furnishings from burns.

Authority G.S. 131D-6.1.

10A NCAC 13E .0318 OUTSIDE PREMISES

(a) The outside grounds of the program shall be maintained in a clean and safe condition. For the purpose of this Rule, "clean and safe condition" means free from debris, trash, uneven surfaces, and similar conditions as not to attract rodents and vermin, and provide for safe movement throughout facility grounds. Creeks, ditches, ponds, pools, and other similar areas shall have safety protection. For the purpose of this Rule, "safety protection" means preventive measures, such as barriers, to block access to such areas.

(b) If the facility has a fence around the premises, the fence shall not prevent participants from exiting or entering ~~freely and shall not be hazardous.~~ freely, or have sharp edges, rusting posts, or other similar conditions that may cause injury.

(c) Outdoor stairways and ramps shall be illuminated by no less than five foot candles of light at grade level.

(d) The requirements of Paragraphs (a) and (b) of this Rule shall apply to new and existing programs.

Authority G.S. 131D-6.1.

SECTION .0400 – STAFF QUALIFICATIONS AND STAFFING

10A NCAC 13E .0403 STAFF AND STAFFING

(a) Each staff person shall:

- (1) have a job description that reflects actual duties and responsibilities determined by the program and shall be signed by the administrator and the employee;
- (2) ~~have a tuberculin skin test within 12 months prior to hire and annually thereafter; be tested for tuberculosis disease in compliance with control measures adopted by the Commission for Public Health as specified in 10A NCAC 41A .0205, which is hereby incorporated by reference, including subsequent amendments;~~
- (3) be able to implement all of the program's policies and procedures as defined in Rule .0501 of this Subchapter and accident, fire safety, and emergency procedures for the protection of the participants;
- (4) be informed of the confidential nature of participant information and protect and preserve the information from unauthorized use and disclosure;
- (5) not hinder or interfere with the exercise of the rights as defined by program policy;
- (6) have no substantiated findings listed on the North Carolina Health Care Personnel Registry pursuant to G.S. 131E-256;
- (7) have a statewide criminal background check, upon hire, of the past five years in accordance with G.S. 143B-932; and

- (8) cooperate with inspectors and the monitoring and licensing agencies in complying with the rules of this Subchapter.

(b) Any staff member left in charge of the care of participants shall be 18 years or older.

~~(c) The staffing pattern shall be adequate~~ There shall be staff on duty to meet the needs of each participant, with at least one staff person present on duty and awake at all times qualified to administer medications as defined by Rule .0702 of this Subchapter and trained to provide personal care and supervision to current participants.

(d) In a facility with a census of seven to twelve participants, there shall be at least two staff persons on duty and awake at all times who are responsible for providing personal care and supervision to participants, with at least one of the staff persons qualified to administer medications as defined by Rule .0702 of this Subchapter. The staff persons shall be trained to provide personal care and supervision to current participants.

(e) Staff assigned to provide personal care and supervision duties shall not provide food service and housekeeping duties, except when housekeeping duties are incidental to the rendering of care services and do not hinder the assigned staff's duties of care or immediate response to participants, nor impede the assigned staff member's ability to monitor the participants. For the purposes of this Rule, "food service duties" means tasks performed by staff related to serving meals to participants, including assisting with food preparation, arranging and setting the dining tables, serving food and beverages, and cleaning the dining room after meal service is complete, and "housekeeping duties" means tasks performed by staff such as cleaning and sanitizing facility common areas and resident rooms.

(f) There shall be additional staff employed to provide food service and housekeeping duties.

~~(d)(g)~~ Services required beyond personal care and supervision shall not be provided unless staff satisfies the license requirements applicable to such services.

(h) There shall be documentation on file in the facility of staff qualifications required by Subparagraphs (a)(1), (2), (6), and (7) of this Rule and medication administration competency evaluation as required in Rule .0702 of this Subchapter.

Authority G.S. 131D-6.1.

SECTION .0600 - ENROLLMENT AND SERVICE PLANNING

10A NCAC 13E .0601 ENROLLMENT OF PARTICIPANTS

(a) Prior to enrollment the applicant, responsible party, or other caregiver shall have a personal interview with a program staff member. During the interview, the staff shall complete initial documentation identifying the following:

- (1) social and medical care needs;
- (2) spiritual, religious, or cultural needs; and
- (3) whether the program can meet the applicant's expressed needs.

The staff person doing the interviewing shall sign the assessment of needs and the applicant, responsible party, or other caregiver shall sign the application for enrollment. These signed documents

shall be obtained before the individual's first day of attendance as a participant in the program and shall be maintained in the participant's record.

(b) Any adult (18 years of age or over) who, because of a physical condition or mental disability, needs a substitute home for purpose of respite for the caregiver may be enrolled for overnight respite services when, in the opinion of the caregiver, family, participant, physician, appropriate licensed health professional, or social worker and the administrator, the services and accommodations of the facility will meet the respite needs of the participant.

(c) Individuals shall not be admitted:

- (1) for treatment of mental illness or alcohol or drug abuse;
- (2) for maternity care;
- (3) for professional nursing care under continuous medical supervision;
- (4) for lodging, when the personal assistance and supervision offered for the participant are not needed; or
- (5) who pose a threat to the health or safety of others.

(d) A medical examination report signed by a physician or appropriate licensed health professional completed within the prior three months, shall be obtained by the program at the time

of enrollment. The report must be updated annually no later than the anniversary date of the initial report.

(e) The program shall assure that the participant's physician or appropriate licensed health professional is contacted for orders for medications, treatments, and special diets if current physician orders are not part of the medical examination report required in Paragraph (d) of this Rule for inclusion in the participant's record. Prior to or the day of admission, the participant's physician or appropriate licensed health professional shall be contacted for clarification of orders, if orders are not clear or complete.

(f) The program shall assure that the participant has been tested for tuberculosis disease ~~within the past 12 months of each admission for overnight respite services in accordance with the NC Division of Public Health's Tuberculosis Policy Manual, incorporated herein by reference including any subsequent amendments and editions, and shall be free of active tuberculosis. This manual may be accessed free of charge at <http://epi.publichealth.nc.gov/ed/lhds/manuals/tb/toc.html> in compliance with the control measures adopted by the Commission for Public Health as specified in 10A NCAC 41A .0205 including subsequent amendments and editions.~~

Authority G.S. 131D-6.1.

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission on July 30, 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
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

July 30, 2026	September 29, 2026
August 27, 2026	October 29, 2026

AGENDA

RULES REVIEW COMMISSION

Thursday, July 30, 2026, 10:00 A.M.

1711 New Hope Church Rd., Raleigh, NC 27609

- I. Ethics reminder by the chair as set out in G.S. 138A-15(e)
- II. Approval of the minutes from the last meeting
- III. Follow-up matters
 1. Board of Agriculture - 02 NCAC 31A .0101, .0102; 31C .0101, .0102, .0103, .0104; 38.0101, .0102, .0201, .0202, .0203, .0204, .0205, .0301, .0401, .0501, .0502, .0504, .0505, .0507, .0508, .0601, .0602, .0603, .0604, .0701, .0702, .0703, .0704, .0705, .0801, .0802, .0803, .0804; 46 .0101, .0102; 60B .2001 (Wiggs)
 2. Council of State - 06 NCAC .0103
 3. Child Care Commission -10A NCAC 09 .2102(Miller)
- IV. Review of Log of Filings (Permanent Rules) for rules filed May 21, 2026 through June 20, 2026
 1. Child Care Commission (Ascher)
 2. Radiation Protection Commission (Wiggs)
 3. Sheriffs' Education and Training Standards Commission (Wiggs)
 4. Mining Commission (Miller)
 5. State Board of Education (Ascher)
 6. Board of Dental Examiners (Wiggs)
 7. Board of Examiners of Electrical Contractors (Wiggs)
 8. Medical Board (Wiggs)
 9. Board of Pharmacy /Medical Board (Wiggs)
- V. Log of Filings (Temporary Rules) for any rule filed within 15 business days before the RRC Meeting
- VI. Existing Rules Review
 - Review of Reports
 1. 02 NCAC 09L - Pesticide Board (Ascher)
 2. 04 NCAC 01 – Department of Commerce (Wiggs)
 3. 04 NCAC 03 - Office of the Commissioner of Banks (Ascher)
 4. 10A NCAC 39A, C - Commission for Public Health (Wiggs)

5. 10A NCAC 39B - Commission of Anatomy (Wiggs)
 6. 10A NCAC 43G, 43H, 43I, 43J - Commission for Public Health (Wiggs)
 7. 21 NCAC 57 - Appraisal Board (Wiggs)
 8. 24 NCAC 01 - Housing Finance Agency (Ascher)
- Readoptions
 1. 10A NCAC 89 - HHS - Division of Employment and Independence for People with Disabilities (Wiggs)
 2. 13 NCAC 07A, 07F, 07G; 12 – Department of Labor (Wiggs)
 3. 21 NCAC 32 – Medical Board (Wiggs)

VII. Commission Business

- Closed session, to consult with attorneys regarding CRC v. RRC and CJETS v. RRC
- Next meeting: Thursday, August 28, 2026

Commission Review
Log of Permanent Rule Filings
 May 21, 2026 through June 20, 2026

CHILD CARE COMMISSION

The rules in Chapter 9 are child care rules and include definitions (.0100); general provisions related to licensing (.0200); procedures for obtaining a license (.0300); issuance of provisional and temporary licenses (.0400); age and developmentally appropriate environments for centers (.0500); safety requirements for child care centers (.0600); staff qualifications (.0700); health standards for children (.0800); nutrition standards (.0900); transportation standards (.1000); continuing education and professional development (.1100); building code requirements for child care centers (.1300); space requirements (.1400); temporary care requirements (.1500); family child care home requirements (.1700); discipline (.1800); special procedures concerning abuse/neglect in child care (.1900); rulemaking and contested case procedures (.2000); religious-sponsored child care center requirements (.2100); administrative actions and civil penalties (.2200); forms (.2300); child care for mildly ill children (.2400); care for school-age children (.2500); multi-unit child care centers (.2600); criminal records checks (.2700); voluntary rated licenses (.2800); developmental day services (.2900); NC pre-kindergarten services (.3000); and care for school-age children during state of emergency (.3100).

<u>New Staff Orientation</u>	10A	NCAC	09	.1101
Amend*				
<u>Health and Safety Training Requirements</u>	10A	NCAC	09	.1102
Amend*				
<u>On-Going Requirements for Family Child Care Home Operators</u>	10A	NCAC	09	.1703
Amend*				
<u>Additional Caregiver and Substitute Provider Qualifications</u>	10A	NCAC	09	.1729
Amend*				
<u>Centers Operating under G.S. 110-106</u>	10A	NCAC	09	.2101
Amend*				

RADIATION PROTECTION COMMISSION

The rules in Chapter 15 are from the Radiation Protection Commission and include general provisions (.0100); registration of radiation machines, facilities and services (.0200); licensing of radioactive material (.0300); industrial radiography x-ray machines (.0500); x-rays in the healing arts (.0600); use of radioactive sources in the healing arts (.0700); requirements for analytical x-ray equipment (.0800); requirements for particle accelerators (.0900); notices, instructions, reports and inspections (.1000); fees (.1100); land disposal of radioactive waste (.1200); requirements for wire-line service operators and subsurface-tracer studies (.1300); tanning facilities (.1400); and standards for protection against radiation (.1600).

<u>Purpose and Scope</u>	10A	NCAC	15	.0601
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Readopt with Changes*				
<u>Definitions</u>	10A	NCAC	15	.0602
Readopt with Changes*				
<u>Operating Requirements</u>	10A	NCAC	15	.0605
Readopt with Changes*				
<u>Area Requirements</u>	10A	NCAC	15	.0606
Readopt with Changes*				
<u>Radiation Machine Requirements</u>	10A	NCAC	15	.0607
Readopt with Changes*				
<u>Therapeutic X-Ray Installations: Less Than One Mev</u>	10A	NCAC	15	.0608
Repeal*				
<u>Veterinary Medicine Radiographic Installations</u>	10A	NCAC	15	.0610
Readopt/Repeal*				
<u>Computed Tomography (CT) X-Ray Systems</u>	10A	NCAC	15	.0611
Readopt/Repeal*				

SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

The rules in Subchapter 10B govern the commission organization and procedure (.0100); enforcement rules (.0200); minimum standards for employment as a justice officer (deputy or jailer) (.0300); certification of justice officers (.0400); standards and accreditation for justice officers schools, training programs, and the instructors (.0500-.0900); certificate and awards programs for sheriffs, deputies, justice officers, jailers, reserve officers, and telecommunicators (.1000-.1700); in-service training (.2000); firearms in-service training and re-qualification (.2100); and forms (.2200).

<u>Time Req/Completion/Telecommunicator Certification Course</u>	12	NCAC	10B	.1303
Amend*				
<u>Evaluation for Training Waiver</u>	12	NCAC	10B	.1304
Amend*				
<u>Trainee Attendance</u>	12	NCAC	10B	.1305
Amend*				
<u>Completion of Telecommunicator Certification Course</u>	12	NCAC	10B	.1306
Amend*				
<u>Satisfaction of Minimum Training Requirements</u>	12	NCAC	10B	.1308
Amend*				

MINING COMMISSION

the rules in subchapter 5A include: mining and energy commission (.0100); administration (.0200)

<u>Name and Address</u>	15A	NCAC	05A	.0101
Readopt without Changes*				
<u>Delegation</u>	15A	NCAC	05A	.0202
Readopt without Changes*				

the rules in subchapter 05B include: permitting and reporting

<u>Bonding Requirements</u>	15A	NCAC	05B	.0103
Readopt with Changes*				
<u>Information Required in Permit Application</u>	15A	NCAC	05B	.0104
Readopt with Changes*				
<u>Conditions Which May Be Included in Permit</u>	15A	NCAC	05B	.0105
Readopt with Changes*				
<u>Standards for Denying an Application</u>	15A	NCAC	05B	.0106
Readopt/Repeal*				

<u>Mining Reclamation Reports</u> Readopt with Changes*	15A	NCAC	05B	.0110
<u>Public Hearings</u> Readopt with Changes*	15A	NCAC	05B	.0111
<u>Permit Application Processing Fees</u> Readopt with Changes*	15A	NCAC	05B	.0112
<u>Response Deadline to Department's Request(s)</u> Readopt without Changes*	15A	NCAC	05B	.0113
<u>Blasting</u> Adopt*	15A	NCAC	05B	.0114
<u>Mining Permit Transfers</u> Adopt*	15A	NCAC	05B	.0115
<u>Permit Transfers Due to Corporate Name Changes</u> Adopt*	15A	NCAC	05B	.0116
<u>Draft Permits</u> Adopt*	15A	NCAC	05B	.0117

the rules in subchapter f include: Civil Penalties

<u>Purpose and Scope</u> Readopt without Changes*	15A	NCAC	05F	.0101
<u>Who May Assess</u> Readopt without Changes*	15A	NCAC	05F	.0103
<u>Civil Penalty For Mining Without a Permit</u> Readopt without Changes*	15A	NCAC	05F	.0105
<u>Civil Penalty for Violating Operating Permit</u> Readopt without Changes*	15A	NCAC	05F	.0106
<u>Referral to Attorney General</u> Readopt/Repeal*	15A	NCAC	05F	.0111
<u>Further Remedies</u> Readopt/Repeal*	15A	NCAC	05F	.0112

the rules in subchapter G include: uranium exploration regulations

<u>Procedures for Obtaining Permit</u> Readopt without Changes*	15A	NCAC	05G	.0103
<u>Abandonment Plan: Bonding Requirements</u> Readopt without Changes*	15A	NCAC	05G	.0104
<u>Drilling: Casing: Testing and Abandonment</u> Readopt without Changes*	15A	NCAC	05G	.0105

EDUCATION, STATE BOARD OF

The rules in Chapter 6 concern elementary and secondary education. The rules in Subchapter 6C concern personnel including general provisions (.0100); teacher education (.0200); licensure and educator Preparation Programs (EPPS) (.0300); annuities and pensions (.0400); performance appraisal system (.0500); standards of professional conduct and educator discipline (.0600); and educator employment (.0700).

<u>Qualifications of School Nurses</u> Adopt*	16	NCAC	06C	.0110
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The rules in Subchapter 6E concern students including attendance (.0100); interscholastic athletics (.0200); and driver training (.0300),

<u>Attendance Defined</u> Readopt with Changes*	16	NCAC	06E	.0101
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<u>Attendance Excused</u> Readopt with Changes*	16	NCAC	06E	.0102
<u>Enforcement</u> Readopt with Changes*	16	NCAC	06E	.0103
<u>Involuntary Suspensions</u> Readopt with Changes*	16	NCAC	06E	.0104
<u>Early Admission To Kindergarten</u> Readopt with Changes*	16	NCAC	06E	.0105

The rules in Subchapter 6G relate to education agency relations including rules about the school-based management and accountability program (.0300); charter schools (.0500); remote academies (.0600); and public school unit oversight (.0700).

<u>Technology Cost Considerations</u> Adopt*	16	NCAC	06G	.0602
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DENTAL EXAMINERS, BOARD OF

The rules in Chapter 16 cover the licensing of dentists and dental hygienists. The rules in Subchapter 16B concern licensure examination for dentists including examination required (.0100); qualifications (.0200); application (.0300); Board conducted examinations (.0400); licensure by credentials (.0500); limited volunteer dental license (.0600); instructor's license (.0700); temporary volunteer dental license (.0800); and exemptions for active military (.0900).

<u>Dental Licensure by Credentials</u> Amend*	21	NCAC	16B	.0501
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The rules in Subchapter 16H concern dental assistants including classification and training (.0100); and permitted functions of dental assistant (.0200).

<u>Dental Radiology Course and Examination Requirements</u> Amend*	21	NCAC	16H	.0105
<u>Dental Radiology Instructor Course Requirements</u> Adopt*	21	NCAC	16H	.0106

The rules in Subchapter 16U concern investigations including procedures (.0100); and complaints (.0200).

<u>Settlement Conferences</u> Amend*	21	NCAC	16U	.0204
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ELECTRICAL CONTRACTORS, BOARD OF EXAMINERS OF

The rules in Chapter 18 are from the State Board of Examiners of Electrical Contractors. The rules in Chapter 18B are from the Board of Electrical Contractors including general provisions (.0100); examinations and qualifications (.0200); terms and definitions applicable to licensing (.0300); licensing requirements (.0400); reciprocal licensing agreements with other states (.0700); special restricted licenses (.0800); violations and contested case hearings (.0900); forms, certificates, and publications of the board (.1000); and continuing education courses and requirements (.1100).

<u>Bona Fide Employee</u> Amend*	21	NCAC	18B	.0306
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MEDICAL BOARD

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

<u>Application for Internationally Trained Physician Employee...</u>	21	NCAC	32B	.1362
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Adopt*

The rules in Subchapter 32S regulate physician assistants including physician assistant registration (.0200).

Team-Based Settings Practice

21 NCAC 32S .0227

Adopt*

MEDICAL BOARD/BOARD OF PHARMACY

The rules in Chapter 32 are from the Medical Board and include the licensing and practice standards of doctors, approval of nurse practitioners and physician assistants, regulation of professional corporations and mobile intensive care, and other aspects of medical practice and the regulatory procedures. The rules in Subchapter 32U cover the administration of vaccinations and long-acting injectables.

Influenza Test and Treat

21 NCAC 32U .0103

Adopt*

PHARMACY, BOARD OF/MEDICAL BOARD

The rules in Chapter 46 cover organization of the board (.1200); general definitions (.1300); hospitals and other health facilities (.1400); admission requirements and examinations (.1500); licenses and permits (.1600); drugs dispensed by nurse and physician assistants (.1700); prescriptions (.1800); forms (.1900); administrative provisions (.2000); elections (.2100); continuing education (.2200); prescription information and records (.2300); dispensing in health departments (.2400); miscellaneous provisions (.2500); devices (.2600); nuclear pharmacy (.2700); compounding (.2800); product selection (.2900); disposal of unwanted drugs (.3000); clinical pharmacist practitioner (.3100); impaired pharmacist peer review program (.3200); and registry of pharmacist technicians (.3300).

21 NCAC 46 .2517

Adopt*