

NORTH CAROLINA REGISTER

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September 1, 2026

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

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

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NORTH CAROLINA REGISTER
Publication Schedule for January 2026 – December 2026

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

*Dates not approved by RRC

EXPLANATION OF THE PUBLICATION SCHEDULE

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

GENERAL

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

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

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

FILING DEADLINES

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

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

NOTICE OF TEXT

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

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

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

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 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g that the Environmental Management Commission intends to readopt with substantive changes the rules cited as 15A NCAC 02S .0102, .0103, .0202, .0301, .0501, .0504-.0506, .0508, .0509, readopt without substantive changes the rules cited as 15A NCAC 02S .0101, .0201, .0502, .0503 repeal through readoption the rules cited as 15A NCAC 02S .0302, and .0507.

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.deq.nc.gov/about/divisions/water-resources/water-resources-commissions/environmental-management-commission/emc-proposed-rules>

Proposed Effective Date: March 1, 2027

Public Hearing:

Date: September 22, 2026

Time: 5:30 p.m.

Location: Central Pines Regional Council (TJCOG), 4307 Emperor Blvd, Durham, NC 27703, Suite 130, or by virtual webinar as follows:

Online Instructions for Virtual Attendance/Speaking at Public Hearing: Web address to join the Webinar: <https://ncgov.webex.com/ncgov/j.php?MTID=m1bf452bb58c2f158a4541932d66a67dd> Access Code: 2429 234 6205, Password: NCDEQ1

Alternatively, you may go to <https://signin.webex.com/join> and enter the access code to join the meeting. Connect via Telephone (if you can't use computer audio): 1-415-655-0003 (US Toll), Access Code: 2429 234 6205, Password: 623371 To register to attend or speak at the hearing, please complete the Public Hearing Registration Form at this web address: <https://forms.cloud.microsoft/g/0Bha7HjFME>. If you wish to provide a verbal comment remotely at the public hearing, you must register beforehand. Registration must be completed by noon on September 21, 2026.

Also, if you wish to speak, please login to WebEx using your first and last name so that the host knows who you are when calling on people to offer comments.

For step-by-step directions on joining the hearing, please visit <https://www.deq.nc.gov/about/boards-and-commissions/how-attend-webex-meeting-0>.

Reason for Proposed Action: These existing rules are required to be reviewed every 10 years in accordance with G.S. 150B-21.3A. The agency is proposing the repeal through readoption of Rules .0302 and .0507 as they have not been used in the history of the program and/or are redundant with other requirements. The agency is also proposing amendments concurrently with readoption for technical corrections, clarification, and consistency, and to adjust the minimum capacity of spill containment pans to be consistent with current pan sizes.

Comments may be submitted to: DEQ-DWM Attn: Delonda Alexander, 1646 Mail Service Center, Raleigh, NC 27699-1646; email dwm.publiccomments@deq.nc.gov

Comment period ends: November 2, 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)
- ☒ Approved by OSBM
- ☒ No fiscal note required

CHAPTER 02 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 02S – RULES AND CRITERIA FOR THE ADMINISTRATION OF THE DRY-CLEANING SOLVENT CLEANUP FUND

SECTION .0100 – GENERAL CONSIDERATIONS

**15A NCAC 02S .0101 SCOPE AND PURPOSE
(READoption WITHOUT SUBSTANTIVE CHANGES)**

The purpose of this Subchapter is to establish the criteria for determining eligibility for certification into the North Carolina Dry-Cleaning Solvent Cleanup Fund program, minimum management practices, a risk-based approach for assessment and remediation of certified facilities, and the criteria for the disbursement of funds from the North Carolina Dry-Cleaning Solvent Cleanup Fund.

Authority G.S. 143-215.104D(b); 143-215.104F; 143-215.104N.

15A NCAC 02S .0102 DEFINITIONS

The definition of any word or phrase used in this Subchapter shall be the same as given in G.S. 143-215.104B and the following words and phrases shall have the following meanings:

- (1) "Act" means the Dry-Cleaning Solvent Cleanup Act of 1997.
- (2) "Apparel and household fabrics" means apparel and fabrics that have been purchased at retail or have been purchased at wholesale for rental at retail.
- (3) "Business" means "business" as defined in G.S. 59-102.
- (4) "Chemicals of concern" means the specific compounds and their breakdown products that are identified for evaluation in the risk-based corrective action process. Identification may be based on their historical and current use at the site, detected concentrations in environmental media, and their mobility, toxicity, and persistence in the environment.
- (5) "Closed container solvent transfer system" means a device or system designed to fill a dry-cleaning machine with dry-cleaning solvent through a mechanical valve or sealed coupling in order to prevent spills or other loss of solvent liquids or vapors to the environment.
- (6) "Complete exposure pathway" means an exposure pathway where a chemical of concern has reached a receptor.
- (7) "Contaminated site" or "site" means the area defined by the current and future location of the chemicals of concern from a facility or abandoned site. A contaminated site may be an entire property or facility, a defined area or portion of a facility or property, or multiple facilities or properties.
- (8) "Discovery Site" means the physical site or area where dry-cleaning solvent contamination has been discovered. A discovery site may or may not be the same property as the facility site.
- (9) "Division" means the Division of Waste Management of the Department of Environmental Quality.
- (10) "Dry-Cleaning Business" means a business having engaged in dry-cleaning operations or

- (11) "Environmental media" means soil, sediment, surface water, groundwater, air, or other physical substance.
- (12) "Engineering controls" means physical modifications to a site to reduce or eliminate the potential for exposure to chemicals of concern.
- (13) "Exposure pathway" means the course that a chemical of concern takes or may take from a source area to a receptor. Each exposure pathway includes a source or release from a source of a chemical of concern, a point of exposure, an exposure route, and the receptor.
- (14) "Facility site" means the physical location of a dry-cleaning facility, a wholesale distribution facility, or an abandoned site.
- (15) "Hazard Index" means the sum of two or more hazard quotients for chemicals of concern or multiple exposure pathways to a particular receptor.
- (16) "Hazard quotient" means the ratio of level of exposure of a chemical of concern over a specified time period to a reference dose for that chemical of concern derived for a similar exposure period.
- (17) "Individual excess lifetime cancer risk" means the increase over background in an individual's probability of getting cancer over a lifetime due to exposure to a chemical.
- (18) "Institutional controls" means nonengineered measures, including land-use restrictions, used to prevent unsafe exposure to contamination.
- (19) "Material impervious to dry-cleaning solvent" means a material that has been certified by the manufacturer or an independent testing laboratory to maintain its chemical and structural integrity in the presence of the applicable dry-cleaning solvent and prevent the movement of dry-cleaning solvent for a period of ~~a least~~ at least 72 hours.
- (20) "Monitored natural attenuation" means an approach to the reduction in the concentration of chemicals of concern in environmental media due to naturally occurring physical, chemical, and biological processes.
- (21) "Non-residential land use" means a use that is not a residential land use.
- (22) "Number of ~~full-time~~ full-time employees" means the number of full-time equivalent employees employed by a person who owns a dry-cleaning facility, as calculated pursuant to Rule .0103 of this Section. ~~15A NCAC 02S .0103.~~
- (23) "Person" means "person" as defined in G.S. 143-215.77(13).
- (24) "Petitioner" means a potentially responsible party who submits a petition for certification of a facility site.

- (25) "Point of demonstration" means the location selected between the source area and a point of exposure where levels of chemicals of concern are measured to ensure that site-specific target levels are being met.
- (26) "Point of exposure" means the location at which an individual or population may come in contact with a chemical of concern originating from a site.
- (27) "Receptor" means any human, plant, or animal that is, or has the potential to be, adversely affected by the release or migration of chemicals of concern.
- (28) "Reference dose" means a toxicity value for evaluating potential non-carcinogenic effects in humans resulting from exposure to a chemical of concern.
- (29) ~~"Remedial action plan" means a plan that outlines activities to be undertaken to clean up a contaminated site and to reduce or eliminate current or potential exposures to receptors.~~
- (29)(30) "Representative concentrations" means a typical or average concentration to which the receptor is exposed over the specified exposure duration, within a specified geographical area, and for a specific route of exposure.
- (30)(31) "Residential land use" means use for human habitation, including dwellings such as ~~single family~~ single-family houses and multi-family apartments, children's homes, nursing homes, and residential portions of government-owned lands (local, State or federal). Because of the similarity of exposure potential and the sensitive nature of the potentially exposed human population, use for day care facilities, educational facilities, hospitals, and parks (local, State or federal) shall be considered residential land use for the purpose of land use classification.
- (31)(32) "Risk-based screening level" means chemical-specific, risk-based values for chemicals of concern that are protective of human health. The risk-based screening levels shall be as follows:
- (a) For known or suspected carcinogens, except for those chemicals of concern that have groundwater standards or interim standards established in 15A NCAC 02L, risk-based screening levels shall be established for each chemical of concern at exposures that represent an individual excess lifetime cancer risk of one in 1,000,000.
 - (b) For systemic toxicants, except for those chemicals of concern that have groundwater standards or interim standards established in 15A NCAC 02L, risk-based screening levels shall be established using a hazard quotient for each chemical of concern of 0.2.
 - (c) For chemicals of concern in groundwater that have 15A NCAC 02L standards, the risk-based screening level shall be the standards and interim standards established in 15A NCAC 02L.
- (32)(33) "Site-specific target level" means risk-based values for chemicals of concern that are protective of human health for specified exposure pathways and are derived from a consideration of site-specific information. The site-specific target levels shall be consistent with the Department's risk-based corrective action standards under G.S. 130A-310.68.
- (33)(34) "Source" means non-aqueous phase liquid chemical, the locations of highest soil or ~~ground water~~ groundwater concentrations of the chemicals of concern, or the location releasing the chemical of concern.
- (34)(35) "Systemic toxicant" means a substance or agent that may enter the human body and have an adverse health effect other than causing cancer.
- (35)(36) "Unsaturated zone" means that part of the subsurface where interconnected voids are not all filled with water.

Authority G.S. 143-215.104B; 143-215.104D(b).

15A NCAC 02S .0103 CALCULATION OF FULL-TIME FULL-TIME EQUIVALENT EMPLOYMENT

(a) This Rule governs the calculation of the number of full-time equivalent employees employed by a person who owns a dry-cleaning facility. For the purposes of this Rule, the person who owns the dry-cleaning facility shall be referred to as the "facility owner." If the dry-cleaning facility is jointly owned by more than one person, the full-time equivalent employment associated with the dry-cleaning facility shall be the number of full-time equivalent employees employed in activities related to dry-cleaning by all persons with an ownership interest in the dry-cleaning facility.

(b) The number of full-time employees employed by a facility owner in activities related to dry-cleaning operations shall be the sum of the following:

- (1) ~~The the~~ the number of salaried employees employed by the facility owner in activities related to dry-cleaning operations;
- (2) ~~The the~~ the total number of hours worked in the previous calendar year by non-salaried employees employed by the facility owner in activities related to dry-cleaning operations divided by 2080; and
- (3) ~~The the~~ the lesser of:
 - (A) the number of persons who hold ownership interests in the dry-cleaning facility, but are not included in Subparagraphs (1) or (2) of this Paragraph, ~~Rule~~, and who perform

activities related to dry-cleaning operations at a dry-cleaning facility in which the persons have ownership interests; or

(B) the total number of hours worked by such persons divided by 2080.

(c) If a facility owner was not engaged in the operation of dry-cleaning facilities during the entire calendar year for which full-time equivalent employment is being calculated, then the number in Subparagraph (b)(2) of this Rule shall be prorated according to the number of weeks, or partial weeks, during the previous calendar year that the facility owner was engaged in the operation of such dry-cleaning facilities.

(d) For the purposes of this Section, an employee shall be considered to be employed in activities related to dry-cleaning operations if the employee's duties include any of the following activities:

- (1) ~~The~~ the provision of dry-cleaning or laundry services, including collecting, cleaning, pressing, altering, repairing, packaging, handling, or delivering of items of apparel or household fabrics for which dry-cleaning or laundry services are provided;
- (2) ~~The~~ the supervision of employees involved in the provision of dry-cleaning or laundry services as described in Subparagraph (1) of this Paragraph; ~~(d)(1) of this Rule;~~
- (3) ~~The~~ the maintenance or operation of physical facilities used to provide dry-cleaning or laundry services as described in Subparagraph (1) of this Paragraph; ~~(d)(1) of this Rule;~~ or
- (4) ~~The~~ the management, including accounting, financial, human resource, or other support functions, of the business providing dry-cleaning or laundry services as described in Subparagraph (1) of this Paragraph. ~~(d)(1) of this Rule.~~

Authority G.S. 143-215.104D(b); ~~150B-21.2.~~

SECTION .0200 – MINIMUM MANAGEMENT PRACTICES

15A NCAC 02S .0201 APPLICABILITY (READOPTION WITHOUT SUBSTANTIVE CHANGES)

The provisions contained in this Section set forth the minimum management practices for the storage and handling of dry-cleaning solvents required to be implemented at all dry-cleaning facilities, dry-cleaning solvent wholesale distribution facilities, and abandoned sites. The provisions contained in this Section are applicable only to owners and operators of dry-cleaning facilities, dry-cleaning solvent wholesale distribution facilities, and abandoned sites.

Authority G.S. 143-215.104D(b).

15A NCAC 02S .0202 REQUIRED MINIMUM MANAGEMENT PRACTICES

(a) No abandoned sites shall use underground storage tanks for solvents or waste.

(b) All dry-cleaning facilities and wholesale distribution facilities shall comply with the following minimum management practices:

- (1) At no time shall any dry-cleaning solvent, wastes containing dry-cleaning solvent, or water containing dry-cleaning solvent be discharged onto land or into waters of the State, sanitary sewers, storm drains, floor drains, septic systems, boilers, or cooling-towers. All invoices generated as a result of disposal of all dry-cleaning solvent waste shall be made available for review upon request by the Department. If a dry-cleaning facility uses devices such as atomizers, evaporators, carbon filters, or other equipment for the treatment of wastewater containing solvent, all records, including invoices for the purchase, maintenance, and service of the devices, shall be made available upon request by the Department. Records shall be kept for a period of three years.
- (2) Spill containment shall be installed and maintained under and around dry-cleaning machines, filters, dry-cleaning solvent pumps, stills, vapor adsorbers, solvent storage areas, and waste solvent storage areas. Spill containment shall have a volumetric capacity of ~~110 percent~~ 100 percent of the largest vessel, tank, or container within the spill containment area and shall be capable of preventing the release of the liquid dry-cleaning solvent beyond the spill containment area for a period of at least 72 hours. All floor drains within or beneath the spill containment area shall be removed or sealed with materials impervious to dry-cleaning solvents. Emergency ~~adsorbent~~ absorbent spill clean-up materials shall be on the premises. Facilities shall maintain an emergency response plan that is in compliance with federal, State and local requirements.
- (3) All perchloroethylene dry-cleaning machines installed at a dry-cleaning facility after August 1, 2000, shall meet air emissions that equal or exceed the standards that apply to a comparable dry-to-dry perchloroethylene dry-cleaning machine with an integrated refrigerated condenser. All perchloroethylene dry-cleaning facilities shall be in compliance with the EPA Perchloroethylene Dry Cleaner NESHAP: 40 CFR, Part 63, Subpart M to be eligible for certification. 40 CFR, Part 63, Subpart M is incorporated by reference including subsequent amendments or editions and can be obtained free of charge from <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-63/subpart-M>.

- (4) Facilities that use perchloroethylene shall use a closed container solvent transfer system by January 1, 2002.
- (5) No dry-cleaning facility shall use underground storage tanks for solvents or waste.

Authority G.S. 143-215.104D(b).

SECTION .0300 - PETITIONS FOR CERTIFICATION

15A NCAC 02S .0301 FILING

(a) Any potentially responsible party petitioning for certification of a facility site shall file a petition with the Division using the DSCA Petitioner Questionnaire Form provided by the Division. The petition shall include a laboratory analysis demonstrating the presence of dry-cleaning solvent in environmental media at the discovery site. In addition to the requirements of G.S. 143-215.104F(b), the DSCA Petitioner Questionnaire Form shall include the following:

- (1) petitioner contact information, their corporate status, and their relationship to the facility site;
- (2) property owner contact information;
- (3) location of the facility site;
- (4) status of the facility; and
- (5) facility size pursuant to Rule .0103 of this Subchapter. 15A NCAC 02S .0103.

(b) ~~Petition forms~~ The DSCA Petitioner Questionnaire Form may be obtained from the Dry-Cleaning Solvent Cleanup Act Program of the Superfund Section of the Division at <https://deq.nc.gov/about/divisions/waste-management/dry-cleaning-solvent-cleanup-act-program>; <https://www.deq.nc.gov/about/divisions/waste-management/superfund-section/dry-cleaning-solvent-cleanup-act-program>.

Authority G.S. 143-215.104D(b); 143-215.104F; 143-215.104G.

15A NCAC 02S .0302 OTHER POTENTIALLY RESPONSIBLE PARTIES

Authority G.S. 143-215.104D(b); 150B-21.2.

SECTION .0500 – RISK-BASED CORRECTIVE ACTION

15A NCAC 02S .0501 PURPOSE AND APPLICABILITY

The purpose of this Section is to establish a risk-based corrective action approach for assessment and remediation of contamination at certified dry-cleaning facilities or abandoned sites. ~~This Rule applies~~ The rules of this Section apply to risk-based corrective action undertaken pursuant to the terms of assessment and remediation agreements between petitioners and the Division.

Authority G.S. 143-215.104D; 143-215.104H; 143-215.104I.

15A NCAC 02S .0502 ABATEMENT OF IMMINENT HAZARD (READOPTIOIN WITHOUT SUBSTANTIVE CHANGES)

If the Division determines from factors such as chemical concentrations, exposure pathways, and receptors that

contamination or conditions at a site constitute an imminent hazard as defined in G.S. 143-215.104B(b)(16), the Division shall require the development and implementation of a plan to abate the imminent hazard. Actions taken to abate the imminent hazard may include alternate sources of drinking water, soil excavation, vapor mitigation, and well abandonment.

Authority G.S. 143-215.104C; 143-215.104D; 143-215.104N.

15A NCAC 02S .0503 PRIORITIZATION OF CERTIFIED FACILITIES AND SITES (READOPTIOIN WITHOUT SUBSTANTIVE CHANGES)

(a) The Division shall determine the priority ranking of certified facilities and abandoned sites for the initiation and scheduling of assessment and remediation activities.

(b) The Division shall consider the following factors in determining the priority ranking of a facility or site:

- (1) proximity of contamination to public and private water supply wells and surface water;
- (2) existing or potential impacts to public and private water supply wells and surface water;
- (3) existing or potential vapors from contamination entering buildings and other structures;
- (4) existing or potential exposure to contaminated soils;
- (5) the degree of contamination in soil, groundwater, and surface water; and
- (6) any other factor relevant to the degree of harm or risk to public health and the environment posed by the existence or migration of contamination at the facility or site.

(c) The priority ranking of facilities and sites shall be revised annually to reflect updated information.

Authority G.S. 143-215.104C; 143-215.104D.

15A NCAC 02S .0504 CONTAMINATED SITE CHARACTERIZATION

(a) A site assessment shall describe:

- (1) ~~The~~ the source, types and levels of contamination at the site;
- (2) ~~Any~~ any immediate actions required to abate any imminent hazard to public health, safety, or welfare or the environment;
- (3) ~~All~~ all receptors and exposure pathways;
- (4) ~~The~~ the horizontal and vertical extent of soil and groundwater contamination;
- (5) ~~The~~ the geology and hydrogeology of the contaminated site, and features influencing the movement, chemical, and physical character of the chemicals of concern; and
- (6) ~~The~~ the current and anticipated uses of property and groundwater at the site.

(b) The Division shall determine the scope of any assessment necessary to ~~adequately~~ adequately characterize a site.

Authority G.S. 143-215.104C; 143-215.104D; ~~150B-21.2.~~

15A NCAC 02S .0505 PRELIMINARY SOURCE REMOVAL

The Division may authorize the performance of preliminary source removal at a site that does not present an imminent hazard as set forth in Rule .0502 of this Section 15A NCAC 02S .0502 ~~prior to approval of a remedial action plan~~ if the Division determines that:

- (1) ~~The~~ the removal would eliminate or significantly reduce a continuing source of contamination at the site, thereby reducing the risk to public health and the environment;
- (2) ~~Current~~ current conditions at the site allow the removal to be conducted in a manner that will result in cost savings to the Fund; and
- (3) ~~There~~ there is sufficient money in the Fund to pay for the removal and funding is appropriate based on the relative priority of the site.

Authority G.S. 143-215.104D(b)(3); ~~150B-21.2.~~

15A NCAC 02S .0506 TIERED RISK ASSESSMENT

(a) A tiered risk assessment shall be conducted to establish risk-based screening levels or site-specific target levels for a site.

(b) A site conceptual model shall be developed including the following elements:

- (1) the type and distribution of chemicals of concern;
- (2) the geology and hydrogeology;
- (3) an exposure model that identifies the receptors, including sensitive subgroups, and the exposure pathways; and
- (4) land use classification as either residential or non-residential.

(c) Tier 1. A Tier 1 risk assessment is based on chemical-specific risk-based screening levels. The representative concentrations of chemicals of concern that exist at a site shall be compared to these risk-based screening levels for all complete and potentially complete exposure pathways. If the concentrations exceed the risk-based screening levels, the Division may require remediation of the site to risk-based screening levels or the performance of a Tier 2 risk assessment to establish site-specific target levels. Factors considered by the Division when determining if remediation or a Tier 2 assessment is warranted shall include:

- (1) whether the assumptions on which the risk-based screening levels are based are representative of the site-specific conditions;
- (2) whether the site-specific target levels developed under Tier 2 either are likely to be different than the risk-based screening levels or will modify remediation activities; or
- (3) whether the cost of remediation to achieve risk-based screening levels will likely be greater than the cost of further tier evaluation and subsequent remediation.

(d) Tier 2. A Tier 2 assessment shall allow consideration of site-specific information in order to calculate site-specific target levels. This information includes the locations of actual points of exposure and points of demonstration as well as site-specific geologic, hydrogeologic, and contaminant fate and transport

parameters. The representative concentrations of chemicals of concern that exist at a site shall be compared to these Tier 2 site-specific target levels for all complete and potentially complete exposure pathways. If the concentrations exceed the Tier 2 site-specific target levels, the Division may require remediation of the site to Tier 2 site-specific target levels or the performance of a Tier 3 risk assessment to establish alternative site-specific target levels. Factors considered by the Division when determining if remediation or a Tier 3 assessment is warranted shall include:

- (1) whether the assumptions on which the Tier 2 site-specific target levels are based are representative of the site-specific conditions;
- (2) whether the alternative site-specific target levels developed under Tier 3 either are likely to be different than the Tier 2 site-specific target levels or will modify remediation activities; or
- (3) whether the cost of remediation to achieve Tier 2 site-specific target levels will likely be greater than the cost of further tier evaluation and subsequent remediation.

(e) Tier 3. A Tier 3 risk assessment shall allow consideration of additional site-specific and toxicological data in order to calculate alternative site-specific target levels. This data may include alternative, technically defensible toxicity factors, physical and chemical properties, site-specific exposure factors, and alternative fate and transport models. The representative concentrations of chemicals of concern that exist at a site shall be compared to these Tier 3 site-specific target levels for all complete and potentially complete exposure pathways. If the concentrations exceed the Tier 3 site-specific target levels, the Division shall consider the results of the Tier 2 and Tier 3 assessments to determine the site-specific target levels.

(f) The determination of risk-based screening levels and site-specific target levels shall be based on the following assumptions and requirements:

- (1) concentrations of chemicals of concern in soil shall not exceed Tier 1 residential risk-based screening levels on land classified as residential land use. Concentrations in soil may exceed Tier 1 residential risk-based screening levels on property containing both residential and non-residential land use if the ground-level uses are non-residential and the potential for exposure to contaminated soil has been eliminated;
- (2) an ecological risk evaluation shall be conducted to determine the risk to plant and animal receptors and habitats;
- (3) the most recent versions of the following references, in order of preference, shall be used to obtain the quantitative toxicity values necessary to calculate risk to identified receptors:

- (A) Integrated Risk Information System (IRIS); (U.S. EPA);
- (B) Health Advisories (U.S. EPA Office of Drinking Water); ~~provisional peer reviewed toxicity values (PPRTVs); and~~

- (C) Other health risk assessment data published by the U.S. EPA; or
- (D)(C) Other relevant published health risk assessment data, and scientifically valid peer-reviewed published toxicological data;
- (4) all current and probable future use of groundwater shall be protected. If groundwater has been contaminated or is likely to be contaminated, a point of exposure shall be established to quantitatively evaluate the groundwater use pathway. The point of exposure shall be established at the nearest to the source of the following locations:
- (A) closest existing water supply well;
- (B) likely nearest future location of a water supply well;
- (C) hypothetical point of exposure located at a distance of 500 feet from the downgradient property boundary of the facility site; or
- (D) hypothetical point of exposure located at a distance of 1000 feet downgradient from the source;
- (5) for chemicals of concern for which there is a groundwater quality standard in 15A NCAC 02L, concentrations at the point of exposure shall not exceed the groundwater quality standards as specified in 15A NCAC 02L. For chemicals of concern for which there are no groundwater quality standards, concentrations at the point of exposure shall not exceed the risk-based screening levels or site-specific target levels for these chemicals of concern that assume ingestion based on domestic water use;
- (6) concentrations of chemicals of concern shall be measured and evaluated at a point of demonstration well to ensure that concentrations are protective of any point of exposure; and
- (7) surface water is protected. The standards for surface water shall be the water quality standards in 15A NCAC 02B.

Authority G.S. 143-215.104D.

15A NCAC 02S .0507 REMEDIAL ACTION PLAN

Authority G.S. 143-215.104D.

15A NCAC 02S .0508 LAND-USE RESTRICTIONS

The Division, pursuant to the risk assessment procedures of Rule .0506 of this Section, ~~15A NCAC 02S .0506~~, may require the imposition, recordation, and enforcement of land-use restrictions pursuant to G.S. 143-215.104M.

Authority G.S. 143-215.104D; 143-215.104M.

15A NCAC 02S .0509 NO FURTHER ACTION CRITERIA

(a) A "No Further Action" notice documents the Division's decision that the site has been assessed and remediated, and that the site conditions pose no unacceptable risks as long as the recorded land-use restrictions are maintained. The Division shall issue a "No Further Action" notice if each of the following criteria is met:

- (1) risk-based screening levels or site-specific target levels for each chemical of concern have been achieved, and, if applicable, plant and animal receptors and their habitats have been protected;
- (2) monitoring of the groundwater plume for at least one year following a complete site characterization as described in Rule .0504 of this Section ~~15A NCAC 02S .0504~~ shows that the plume is not expanding, and concentrations of chemicals of concern in groundwater exhibit a stable or decreasing trend based on all available data representative of the entirety of the groundwater plume; and
- (3) all required land-use restrictions and notices pursuant to G.S. 143-215.104M have been filed in the office of the register of deeds of the county or counties in which the property described is located.

(b) The Division shall not issue a "No Further Action" notice if the Division has determined that it is not possible technically ~~impracticable pursuant to 15A NCAC 02S .0507~~ to remediate the site to risk-based screening levels or site-specific target ~~levels~~. levels established pursuant to Rule .0506 of this Section.

(c) If site conditions change or additional information becomes available to the Division to indicate that the "No Further Action" notice no longer applies, the site poses an unacceptable risk to human health, safety, or the environment, or the land-use restrictions imposed in accordance with G.S. 143-215.104M are violated, the Division may rescind the "No Further Action" notice and require further remedial action at the site.

Authority G.S. 143-215.104D; 143-215.104M.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rule cited as 15A NCAC 10F .0354.

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

Proposed Effective Date: *February 1, 2027*

Public Hearing:

Date: *October 15, 2026*

Time: *2:00 p.m.*

Location: *Virtual public hearing via Zoom. Pre-registration is required: <https://ncwildlife->*

org.zoomgov.com/webinar/register/WN_e9gqNo4cR7eI39GbPxEXdQ, or join by phone toll free: (833) 568-8864, Webinar ID: 165 345 9211

Reason for Proposed Action: *The proposed amendments correct the name of the Grifton Boating Access Area on Contentnea Creek and add the Masons Landing Boating Access Area no-wake zone on Tranter's Creek to the Pitt County rule. Currently the Masons Landing Boating Access Area no-wake zone is only listed in 10F .0303 Beaufort County; however, the no-wake zone crosses the county line and is in both Beaufort and Pitt Counties. The correction closes a potential loophole when it comes to enforcing the no-wake zone.*

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

Comment period ends: November 2, 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)
☐ Approved by OSBM
☒ No fiscal note required

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

15A NCAC 10F .0354 PITT COUNTY

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

- (1) the waters of Hardee Creek in the City of Greenville, surrounding the waters within 50 yards of the Greenville Boating Access Area at 940 Port Terminal Road, shore to shore, west of a line at its confluence with the main course of Tar River from a point on the north shore at 35.59878 N, 77.31168 W to a point on the south shore at 35.59813 N, 77.31157 W;
 - (2) the waters of Barber Creek at Wildwood Park in the City of Greenville shore to shore, north of its confluence with Tar River at a point at 35.60719 N, 77.32890 W;
 - (3) the waters within 50 yards of the Falkland Boating Access Area on Tar River, 3013 NC Highway 222, Falkland; ~~and~~
 - (4) the waters within 50 yards of the ~~Contentnea Creek~~ Grifton Boating Access Area on Contentnea Creek, 510 Water Street, Grifton; ~~and Grifton~~;
 - (5) the waters within 50 yards of Masons Landing Boating Access Area on Tranter's Creek, 625 Clark Neck Road, Washington.
- (b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within the regulated areas described in Paragraph (a) of this Rule.
- (c) Placement of Markers.
- (1) ~~The the~~ City Council of the City of Greenville shall be the designated agency implementing the portion of Subparagraph (a)(1) of this Rule excluding the Greenville Boating Access Area, and Subparagraph (a)(2) of this Rule. ~~Rule~~; ~~and~~
 - (2) ~~The the~~ North Carolina Wildlife Resources Commission shall be the designated agency implementing the portion of Subparagraph (a)(1) of this Rule the waters of Hardee Creek surrounding the Greenville Boating Access Area, and Subparagraphs (a)(3) and (4) of this Rule.
 - (3) The City of Washington shall be the designated agency implementing Subparagraph (a)(5) of this Rule.

Authority G.S. 75A-3; 75A-15.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rules cited as 15A NCAC 10I .0103-.0105.

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

Proposed Effective Date: February 1, 2027

Public Hearing:
Date: October 14, 2026
Time: 6:00 p.m.

Location: Virtual public hearing via Zoom. Pre-registration is required: https://ncwildlife.org/zoomgov.com/webinar/register/WN_MaizdrtJRnqPn5sQgaaKHA, or join by phone toll free: (833) 568-8864, Webinar ID: 165 936 6161

Reason for Proposed Action: The proposed amendments to the state listing include 19 changes to the 15A NCAC 10I – Endangered and Threatened Species rules for additions, removals, shifting of species between lists, technical corrections, and name changes. The goal of these changes is to provide active and appropriate conservation for these species including research, land conservation, monitoring, and habitat restoration.

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

Comment period ends: November 2, 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)
☒ Approved by OSBM
☐ No fiscal note required

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10I - ENDANGERED AND THREATENED SPECIES

SECTION .0100 - ENDANGERED AND THREATENED SPECIES

15A NCAC 10I .0103 ENDANGERED SPECIES LISTED

(a) The following species of resident wildlife shall be designated as federally listed endangered species:

- (1) Amphibians: None listed.
- (2) Birds:
 - (A) ~~Bachman's warbler~~ (*Vermivora bachmanii*);
 - (B)(A) Ivory-billed woodpecker (*Campephilus principalis*);
 - (C)(B) Piping plover (*Charadrius melodus circumcinctus*); and
 - (D) ~~Red-cockaded woodpecker~~ (*Dryobates borealis*); and
 - (E)(C) Roseate tern (*Sterna dougallii dougallii*).
- (3) Crustacea: None listed.
- (4) Fish:
 - (A) Cape Fear shiner (*Miniellus mekistocholas*);
 - (B) Carolina madtom (*Noturus furiosus*);
 - (C) ~~Roanoke logperch~~ (*Percina rex*);
 - (D)(C) Shortnose sturgeon (*Acipenser brevirostrum*), when found in inland fishing waters as defined in G.S. 113-129(9); and
 - (E)(D) Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), when found in inland fishing waters as defined in G.S. 113-129(9).
- (5) Mammals:
 - (A) Carolina northern flying squirrel (*Glaucomys sabrinus coloratus*);
 - (B) Eastern cougar (*Puma concolor*);
 - (C) Gray bat (*Myotis grisescens*);
 - (D) Indiana bat (*Myotis sodalis*);
 - (E) Northern long-eared bat (*Myotis septentrionalis*); and
 - (F) Virginia big-eared bat (*Corynorhinus townsendii virginianus*).
- (6) Mollusks:
 - (A) Appalachian elktoe (*Alasmidonta raveneliana*);
 - (B) Carolina heelsplitter (~~*Lasmigona*~~ (*Platynaias decorata*);
 - (C) Dwarf wedgemussel (~~*Alasmidonta*~~ (*Prolasmidonta heterodon*);
 - (D) James spinymussel (*Parvaspina collina*);
 - (E) Littlewing pearlymussel (*Pegias fabula*);
 - (F) Magnificent ramshorn (*Planorbella magnifica*);
 - (F)(G) Tan riffleshell (*Epioblasma florentina walkeri*); and
 - (G)(H) Tar River spinymussel (*Parvaspina steinstansana*).
- (7) Reptiles:
 - (A) Kemp's ridley sea turtle (*Lepidochelys kempii*);
 - (B) Hawksbill sea turtle (*Eretmochelys imbricata*); and

- (C) Leatherback sea turtle (*Dermochelys coriacea*).
- (b) The following species of resident wildlife shall be designated as State-listed endangered species:
- (1) Amphibians:
 - (A) Gopher frog (*Rana* [=*Lithobates*] *capito*);
 - (B) Hickory Nut Gorge green salamander (*Aneides caryaensis*);
 - (C) Ornate chorus frog (*Pseudacris ornata*); and
 - (D) River frog (*Rana* [=*Lithobates*] *heckscheri*).
 - (2) Birds:
 - (A) American peregrine falcon (*Falco peregrinus anatum*);
 - (B) Common tern (*Sterna hirundo*);
 - (C) Henslow's sparrow (*Centronyx henslowii*); and
 - (D) Wayne's black-throated green warbler (*Setophaga virens waynei*).
 - (3) Crustacea:
 - (A) Bennett's Mill cave water slater (*Caecidotea carolinensis*); and
 - (B) ~~Waccamaw~~ Cedar Creek crayfish (*Procambarus braswelli*-*chacei*).
 - (4) Fish:
 - (A) Blotchside logperch (*Percina burtoni*);
 - (B) Bridle shiner (*Notropis bifrenatus*);
 - (C) Orange-fin madtom (*Noturus gilberti*);
 - (D) Paddlefish (*Polyodon spathula*);
 - (E) Robust redbreast (*Moxostoma robustum*);
 - (F) Rustyside sucker (*Thoburnia hamiltoni*);
 - (G) Sharpnose darter (*Percina oxyrhynchus*); and
 - (H) Stonecat (*Noturus flavus*).
 - (5) Mammals:
 - (A) Little brown bat (*Myotis lucifugus*); and
 - (B) Tricolored bat (*Perimyotis subflavus*).
 - (6) Mollusks:
 - (A) Barrel floater (*Utterbackiana couperiana*);
 - (B) Brook floater (*Alasmidonta varicosa*);
 - (C) Carolina creekshell (*Sagittunio vauhanianus*);
 - (D) Fragile glyph (*Pilsbryna clingmani*);
 - (E) Green floater (~~*Lasmigona*~~ (*Platynaias subviridis*);
 - (F) Greenfield ramshorn (*Helisoma eucosmium*);
 - (G) Knotty elimia (*Elimia christyi*);
 - (H) Longsolid (~~*Fusconaia subrotunda*~~);
 - (I) Magnificent ramshorn (~~*Planorbella magnifica*~~);
 - (J)(H) Purple wartyback (*Cyclonaias tuberculata*);

- (K)(I) Savannah lilliput (*Toxolasma pullus*);
 - (L)(J) Slippershell mussel (~~*Alasmidonta*~~ (*Pressodonata viridis*);
 - (M)(K) Tennessee clubshell (*Pleurobema oviforme*);
 - (N)(L) Tennessee heelsplitter (~~*Lasmigona*~~ (*Alasminota holstonia*);
 - (O)(M) Tennessee pigtoe (*Pleuronaia barnesiana*); and
 - (P)(N) Yellow lampmussel (*Lampsilis cariosa*).
- (7) Reptiles:
- (A) Eastern coral snake (*Micrurus fulvius fulvius*);
 - (B) Eastern diamondback rattlesnake (*Crotalus adamanteus*); and
 - (C) Mimic glass lizard (*Ophisaurus mimicus*).

Authority G.S. 113-134; 113-333.

15A NCAC 101 .0104 THREATENED SPECIES LISTED

(a) The following species of resident wildlife shall be designated as federally listed threatened species:

- (1) Amphibians: Neuse River waterdog (*Necturus lewisi*).
- (2) Birds:
 - (A) Eastern black rail (*Laterallus jamaicensis jamaicensis*);
 - (B) Piping plover (*Charadrius melodus melodus*);
 - (C) Red-cockaded woodpecker (*Dryobates borealis*); and
 - (D) Red knot (*Calidris canutus rufa*). (~~*Calidris canutus rufa*~~); and
 - (E) Wood stork (~~*Mycteria americana*~~).
- (3) Crustacea: None listed.
- (4) Fish:
 - (A) Spotfin chub (*Erimonax monachus*); and
 - (B) Waccamaw silverside (*Menidia extensa*).
- (5) Mammals: West Indian Manatee (*Trichechus manatus*), when found in inland fishing waters as defined in G.S. 113-129(9).
- (6) Mollusks:
 - (A) Atlantic pigtoe (*Fusconaia masoni*);
 - (B) Longsolid (*Fusconaia subrotunda*);
 - (C) Noonday globe (*Patera nantahala*); and
 - (D) Yellow lance (*Elliptio lanceolata*).
- (7) Reptiles:
 - (A) Bog turtle (*Glyptemys mühlenbergii*);
 - (B) American alligator (*Alligator mississippiensis*);
 - (C) Green sea turtle (*Chelonia mydas*); and

- (D) Loggerhead sea turtle (*Caretta caretta*).
- (b) The following species of resident wildlife are designated as State-listed ~~State-listed~~ threatened species:
- (1) Amphibians:
- (A) Eastern tiger salamander (*Ambystoma tigrinum tigrinum*);
- (B) Green salamander (*Aneides aeneus*);
- (C) Junaluska salamander (*Eurycea junaluska*);
- (D) Eastern long-tailed salamander (*Eurycea longicauda longicauda*);
- (E) Mabee's salamander (*Ambystoma mabeei*);
- (F) Pine Barrens tree frog (*Hyla andersonii*); and
- (G) Wehrle's salamander (*Plethodon wehrlei*).
- (2) Birds:
- (A) Bald eagle (*Haliaeetus leucocephalus*);
- (B) Black skimmer (*Rynchops niger*);
- (C) Caspian tern (*Hydroprogne caspia*);
- (D) Gull-billed tern (*Gelochelidon nilotica aranea*);
- (E) Northern saw-whet owl (*Aegolius acadicus*); and
- (F) Rusty blackbird (*Euphagus carolinus*).
- (3) Crustacea:
- (A) Broad River spiny crayfish (*Cambarus spicatus*);
- (B) French Broad crayfish (*Cambarus reburus*);
- (C) Pamlico crayfish (*Procambarus medialis*);
- (D) Sandhills crayfish (*Procambarus pearsei*); and
- (E) South Mountains crayfish (*Cambarus franklini*).
- (4) Fish:
- (A) Bigeye jumprock (*Moxostoma ariommum*);
- (B) Blotched chub (*Erimystax insignis*);
- (C) Carolina pygmy sunfish (*Elassoma boehlkei*);
- (D) Carolina redhorse (*Moxostoma ~~sp.~~ carolina*);
- (E) Ironcolor shiner (*Alburnops chalybaeus*);
- (F) Least brook lamprey (*Lampetra aepyptera*);
- (G) Logperch (*Percina caprodes*);
- (H) Mimic shiner (*Paranotropis volucellus*);
- (I) River redhorse (*Moxostoma carinatum*);
- (J) Roanoke logperch (*Percina rex*);
- (~~H~~)(K) Rosyface chub (*Hybopsis rubrifrons*);

- (~~J~~) ~~Sharphead darter (*Nothonotus acuticeps*)~~;
- (~~K~~)(L) Santee chub (*Cyprinella zanema*);
- (M) Sharphead darter (*Nothonotus acuticeps*);
- (~~L~~)(N) Sicklefins redhorse or Ugidatli (*Moxostoma ~~sp.~~ ugidatli*);
- (O) Siouan thinlip chub (*Cyprinella zanema*);
- (~~M~~)(P) Thicklip chub (*Cyprinella labrosa*);
- (~~N~~)(Q) Turquoise darter (*Etheostoma inscriptum*); and
- (~~O~~)(R) Waccamaw darter (*Etheostoma perlongum*).
- (5) Mammals:
- (A) Eastern woodrat (*Neotoma floridana floridana*);
- (B) Rafinesque's big-eared bat (*Corynorhinus rafinesquii rafinesquii*); and
- (C) Red wolf (*Canis rufus*).
- (6) Mollusks:
- (A) Alewife floater (*Utterbackiana implicata*);
- (B) Big-tooth covert (*Fumonelix jonesiana*);
- (C) Cape Fear threetooth (*Triodopsis soelneri*);
- (D) Eastern lampmussel (*Lampsilis radiata*);
- (E) Eastern pondmussel (*Sagittunio nasutus*);
- (F) Engraved covert (*Fumonelix orestes*);
- (G) Mountain creekshell (*Leaunio vanuxemensis*);
- (H) Notched rainbow (*Venustaconcha constricta*);
- (I) Rainbow (*Cambarunio iris*);
- (J) Roan supercoil (*Paravitrea varidens*);
- (K) Sculpted supercoil (*Paravitrea ternaria*);
- (L) Smoky Mountain covert (*Inflectarius ferrissi*);
- (M) Creeper (*Strophitus undulatus*);
- (N) Tidewater mucket (*Atlanticoncha ochracea*);
- (O) Triangle floater (*Alasmidonta undulata*); ~~and~~
- (P) Uwharrie elktoe (*Alasmidonta uwharriensis*); and
- (~~P~~)(Q) Waccamaw ambersnail (*Catinella waccamawensis*).
- (7) Reptiles:
- (A) Northern pine snake (*Pituophis melanoleucus melanoleucus*); and
- (B) Southern hognose snake (*Heterodon simus*).

Authority G.S. 113-134; 113-333.

15A NCAC 10I .0105 SPECIAL CONCERN SPECIES LISTED

The following species of resident wildlife shall be designated as State-listed special concern species:

- (1) Amphibians:
 - (a) Collinses' mountain chorus frog (*Pseudacris collinsorum*);
 - (b) Crevice salamander (*Plethodon longicrus*);
 - (c) Dwarf salamander (*Eurycea quadridigitata*);
 - (d) Dwarf black-bellied salamander (*Desmognathus folkertsi*);
 - (e) Eastern hellbender (*Cryptobranchus alleganiensis alleganiensis*);
 - (f) Four-toed salamander (*Hemidactylium scutatum*);
 - (g) Gray treefrog (*Hyla versicolor*);
 - (h) Mole salamander (*Ambystoma talpoideum*);
 - (i) Mudpuppy (*Necturus maculosus*);
 - (j) Southern chorus frog (*Pseudacris nigrita*);
 - (k) Southern zigzag salamander (*Plethodon ventralis*); and
 - (l) Weller's salamander (*Plethodon welleri*).
- (2) Birds:
 - (a) American oystercatcher (*Haematopus palliatus*);
 - (b) Bachman's sparrow (*Peucaea aestivalis*);
 - (c) Barn owl (*Tyto alba*);
 - (d) Black-capped chickadee (*Poecile atricapillus*);
 - (e) Brown creeper (*Certhia americana nigrescens*);
 - (f) Cerulean warbler (*Setophaga cerulea*);
 - (g) Glossy ibis (*Plegadis falcinellus*);
 - (h) Golden-winged warbler (*Vermivora chrysoptera*);
 - (i) Least bittern (*Ixobrychus exilis*);
 - (j) Least tern (*Sternula antillarum*);
 - (k) Little blue heron (*Egretta caerulea*);
 - (l) Loggerhead shrike (*Lanius ludovicianus*);
 - (m) Painted bunting (*Passerina ciris*);
 - (n) Red crossbill (*Loxia curvirostra*);
 - (o) Snowy egret (*Egretta thula*);
 - (p) Swallow-tailed kite (*Elanoides forficatus*);
 - (q) Tricolored heron (*Egretta tricolor*);
 - (r) Vesper sparrow (*Poocetes gramineus*); and
 - (s) Wilson's plover (*Charadrius wilsonia*).
- (3) Crustacea:
 - (a) Carolina skistodiaptomus (*Skistodiaptomus carolinensis*);
 - (b) Carolina well diacyclops (*Dacyclops jeanneli putei*);
 - (c) Chowanoke crayfish (*Faxonius virginianensis*);
 - (d) Falls crayfish (*Cambarus burchfieldae*);
 - ~~(d)(e)~~ Graceful clam shrimp (*Lynceus gracilicornis*);
 - ~~(e)(f)~~ Greensboro burrowing crayfish (*Cambarus catagius*);
 - ~~(f)(g)~~ Hiwassee headwaters crayfish (*Cambarus parrishi*);
 - ~~(g)(h)~~ Little Tennessee River crayfish (*Cambarus georgiae*);
 - ~~(h)(i)~~ North Carolina spiny crayfish (*Faxonius carolinensis*); and
 - ~~(i)(j)~~ Oconee stream crayfish (*Cambarus chaugaensis*); and ~~(Cambarus chaugaensis)~~.
 - (k) Stony Fork crayfish (*Cambarus lapidosus*).
- (4) Fish:
 - (a) American brook lamprey (*Lethenteron appendix*);
 - (b) "Atlantic" Highfin carpsucker (*Carpionodes sp. cf. velifer*);
 - (c) Banded sculpin (*Cottus caroliniae*);
 - (d) Blue Ridge sculpin (*Cottus caeruleomentum*);
 - (e) Blueside darter (*Etheostoma jessiae*);
 - (f) Broadtail madtom (*Noturus sp.*);
 - (g) Carolina darter (*Etheostoma collis*);
 - (h) Cutlip minnow (*Exoglossum maxillingua*);
 - (i) Freshwater drum (*Aplodinotus grunniens*);
 - (j) Kanawha minnow (*Phenacobius teretulus*);
 - (k) Lake sturgeon (*Acipenser fulvescens*);
 - (l) Least killifish (*Heterandria formosa*);
 - (m) Mooneye (*Hiodon tergisus*);
 - (n) Mountain madtom (*Noturus eleutherus*);
 - (o) Ohio lamprey (*Ichthyomyzon bdellium*);
 - (p) Olive darter (*Percina squamata*);
 - (q) Pinewoods darter (*Etheostoma mariae*);
 - (r) River carpsucker (*Carpionodes carpio*);
 - (s) Sandhills chub (*Semotilus lumbee*);
 - (t) Seagreen darter (*Etheostoma thalassinum*);
 - (u) Sickie darter (*Percina williamsi*);
 - (v) Smoky dace (*Clinostomus sp.*);
 - (w) Sooty-banded darter (*Percina westfalli*);
 - (x) Striped shiner (*Luxilus chrysocephalus*);

- (y) Snubnose darter (*Etheostoma simoterum*);
- (z) ~~"Thinlip" chub (*Cyprinella* sp. cf. *zanema*);~~
- (aa)(z) Waccamaw killifish (*Fundulus waccamensis*);
- (bb)(aa) Wounded darter (*Nothonotus vulneratus*); and
- (cc)(bb) Yellowfin shiner (*Hydrophlox lutipinnis*).
- (5) Mammals:
- (a) Allegheny woodrat (*Neotoma magister*);
- (b) Buxton Woods white-footed mouse (*Peromyscus leucopus buxtoni*);
- (c) Coleman's oldfield mouse (*Peromyscus polionotus colemani*);
- (d) Eastern big-eared bat (*Corynorhinus rafinesquii macrotis*);
- (e) Eastern small-footed bat (*Myotis leibii leibii*);
- (f) Florida yellow bat (*Lasiurus intermedius floridanus*);
- (g) Southeastern bat (*Myotis austroriparius*);
- (h) Southern rock vole (*Microtus chrotorrhinus carolinensis*); and
- (i) Star-nosed mole (*Condylura cristata parva*).
- (6) Mollusks:
- (a) Appalachian gloss (*Zonitoides patuloides*);
- (b) Bidentate dome (*Ventridens coelaxis*);
- (c) Black mantleslug (*Pallifera hemphilli*);
- (d) Blackwater ancyliid (*Ferrissia hendersoni*);
- (e) Blue-foot lancetooth (*Haplotrema kendeighi*);
- (f) Cape Fear spike (*Elliptio marsupiobesa*);
- (g) Clingman covert (*Fumonelix wheatleyi clingmanicus*);
- (h) Dark glyph (*Glyphyalinia junaluskana*);
- (i) Dwarf proud globe (*Patera clarki clarki*);
- (j) Dwarf threetooth (*Triodopsis fulciden*);
- (k) Fringed coil (*Helicodiscus fimbriatus*);
- (l) Glossy supercoil (*Paravitrea placentula*);
- (m) Great Smoky slitmouth (*Stenotrema depilatum*);
- (n) High mountain supercoil (*Paravitrea andrewsae*);
- (o) Honey glyph (*Glyphyalinia vanattai*);
- (p) Lamellate supercoil (*Paravitrea lamellidens*);
- (q) Mirey Ridge supercoil (*Paravitrea clappi*);
- (r) Open supercoil (*Paravitrea umbilicaris*);
- (s) Pink glyph (*Glyphyalinia pentadelphina*);
- (t) Pink heelsplitter (*Potamilus alatus*);
- (u) Pod lance (*Elliptio folliculata*);
- (v) Queen crater (*Appalachina chillhoweensis*);
- (w) Ramp Cove supercoil (*Paravitrea lacteodens*);
- (x) Ridged lioplax (*Lioplax subcarinata*);
- (y) Roanoke slabshell (*Elliptio roanokensis*);
- (z) Saw-tooth disc (*Discus bryanti*);
- (aa) Seep mudalia (*Leptoxis dilatata*);
- (bb) Spike (*Euryntia dilatata*);
- (cc) Spiral coil (*Helicodiscus bonamicus*);
- (dd) Velvet covert (*Inflectarius subpalliat*);
- (ee) Waccamaw amnicola (*Amnicola* sp.);
- (ff) Waccamaw siltsnail (*Cincinnati* sp.); and
- (gg) Wavy-rayed lampmussel (*Lampsilis fasciola*).
- (7) Reptiles:
- (a) Carolina pigmy rattlesnake (*Sistrurus miliarius miliarius*);
- (b) Carolina swamp snake (*Liodytes pygaea paludis*);
- (c) Carolina watersnake (*Nerodia sipedon williamengelsi*);
- (d) Cumberland slider (*Trachemys scripta troostii*);
- (e) Diamondback terrapin (*Malaclemys terrapin*);
- (f) Eastern chicken turtle (*Deirochelys reticularia reticularia*);
- (g) Eastern coachwhip (*Coluber* [=Masticophis] *flagellum flagellum*);
- (h) Eastern slender glass lizard (*Ophisaurus attenuatus longicaudus*);
- (i) Eastern spiny softshell (*Apalone spinifera spinifera*);
- (j) Northern map turtle (*Graptemys geographica*);
- (k) Outer Banks kingsnake (*Lampropeltis getula sticticeps*);
- (l) Stripeneck musk turtle (*Sternotherus peltifer*); and
- (m) Timber rattlesnake (*Crotalus horridus*).

Authority G.S. 113-134; 113-333.

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 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY

Rule-making Agency: *Wildlife Resources Commission*

Rule Citation: *15A NCAC 10F .0303*

Effective Date: *August 10, 2026*

Findings Reviewed and Approved by the Codifier: *July 31, 2026*

Reason for Action: *The agency was recently notified by the NC Department of Transportation of a serious safety hazard related to bridge demolition and replacement work in Blounts Creek, Beaufort County. In-water work on the replacement bridge began on July 1, 2026, and involves pile driving operations where personnel are rigging, standing, and setting piles in the hammer leads on a floating work platform. Vessels moving under and around the bridge above no-wake speed endanger the safety of operators on the work platforms. Platform stability is critical to ensure that operators are not thrown from the platform, thrown into moving equipment, or crushed under falling equipment.*

The proposed amendment expands the no-wake zone in the waters of Blount Creek in Beaufort County, 140 yards south-southeast of the Mouth of the Creek Bridge on Mouth of the Creek Road.

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

15A NCAC 10F .0303 BEAUFORT COUNTY

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

- (1) Aurora.
 - (A) the waters within 50 yards of Smith Creek Boating Access Area on Smith Creek, 3484 NC Highway 33 E; and
 - (B) the waters within 50 yards of Aurora Boating Access Area on South Creek, 1 Main Street.
- (2) Belhaven.
 - (A) the waters within 50 yards of Belhaven Boating Access Area on Pantego Creek, 135 West Water Street; and

- (B) the waters within 50 yards of Wrights Creek Boating Access Area on Pungo Creek, 1922 Wilkins Road.
- (3) Chocowinity.
 - (A) the portion of Blounts Creek north of a line ~~35~~ 175 yards south-southeast of the Mouth of the Creek Bridge from a point on the east shore at 35.43187 N, 76.96823 W ~~35.43333 N, 76.96985 W~~ to a point on the west shore at 35.43212 N, 76.97193 W ~~35.43267 N, 76.97196 W~~ and south of a line 350 yards north-northeast of the Mouth of the Creek Bridge from a point on the east shore at 35.43553 N, 76.96962 W to a point on the west shore at 35.43679 N, 76.97011 W;
 - (B) the canals at the eastern end of the peninsula between Chocowinity Bay and the Pamlico River at Fork Point and Whichard Beach, beginning at the canal entrance off Chocowinity Bay at a point a 35.50296 N, 77.03043 W and beginning at the canal entrance off the Pamlico River at a point at 35.50340 N, 77.02364 W; and
 - (C) Blounts Creek south of a line 100 yards north of the Blounts Creek Boating Access Area at 350 Crisp Landing Road, from a point on the east shore at 35.40846 N, 76.96091 W to a point on the west shore at 35.40834 N, 76.96355 W, and north of a line 100 yards south of Cotton Patch Landing, from a point on the east shore at 35.40211 N, 76.96573 W to a point on the west shore at 35.40231 N, 76.96702 W.
- (4) Washington.
 - (A) the portion of Broad Creek south of a line from a point on the east shore at 35.49472 N, 76.95693 W to a point on the west shore at 35.49477 N, 76.96014 W and north of a line from a point on the east shore at 35.48894 N, 76.95052 W to a point on the west shore at 35.48660 N, 76.95879 W;
 - (B) the waters within 50 yards of Masons Landing Boating Access Area on Tranters Creek, 625 Clarks Neck Road; and

EMERGENCY RULES

- (C) the waters within 50 yards of Havens Garden Boating Access Area on Runyon Creek, 1053 East Main Street.
- (5) the navigable portion of Nevil Creek extending upstream from its mouth at the Pamlico River;
- (b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within the regulated areas identified in Paragraph (a) of this Rule.
- (c) Placement of Markers.
 - (1) the Board of Commissioners of Beaufort County shall be the designated agency implementing the portion of Parts (a)(3)(C) south of the Blounts Creek Boating Access Area; and Parts (a)(2)(A) and (B), (a)(3)(A) and (B), and (a)(5) of this Rule;

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

Authority G.S. 75A-3; 75A-15.

APPROVED RULES

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

Rules approved by the Rules Review Commission at its meeting on July 30, 2026 Meeting.

**REGISTER CITATION TO THE
NOTICE OF TEXT****AGRICULTURE, BOARD OF**

<u>Creation</u>	02 NCAC	31A	.0101*	40:13 NCR
<u>Enshrinement</u>	02 NCAC	31A	.0102*	40:13 NCR
<u>Qualifications</u>	02 NCAC	31C	.0101*	40:13 NCR
<u>Field of Activity</u>	02 NCAC	31C	.0102*	40:13 NCR
<u>Written Statement on Candidate</u>	02 NCAC	31C	.0103*	40:13 NCR
<u>Recipient</u>	02 NCAC	31C	.0104*	40:13 NCR
<u>Purpose</u>	02 NCAC	38	.0101*	40:13 NCR
<u>Definitions</u>	02 NCAC	38	.0102	40:13 NCR
<u>Adoption by Reference</u>	02 NCAC	38	.0201*	40:13 NCR
<u>Weighing and Measuring Devices</u>	02 NCAC	38	.0202*	40:13 NCR
<u>Type Approval of Weighing and Measuring Devices</u>	02 NCAC	38	.0203*	40:13 NCR
<u>Record of Approved Weighing and Measuring Devices</u>	02 NCAC	38	.0204	40:13 NCR
<u>Repairs to Rejected Weighing Devices</u>	02 NCAC	38	.0205*	40:13 NCR
<u>Adoption by Reference</u>	02 NCAC	38	.0301*	40:13 NCR
<u>Adoption by Reference</u>	02 NCAC	38	.0401*	40:13 NCR
<u>Tobacco Offered for Sale</u>	02 NCAC	38	.0501	40:13 NCR
<u>Baskets</u>	02 NCAC	38	.0502*	40:13 NCR
<u>Weighing</u>	02 NCAC	38	.0504	40:13 NCR
<u>Variations in Weight</u>	02 NCAC	38	.0505*	40:13 NCR
<u>Violations</u>	02 NCAC	38	.0507*	40:13 NCR
<u>Custodian of Tobacco</u>	02 NCAC	38	.0508*	40:13 NCR
<u>Retail Motor Fuel Dispensers/Half-Pricing</u>	02 NCAC	38	.0601	40:13 NCR
<u>Metric Sales of Retail Motor Fuel</u>	02 NCAC	38	.0602*	40:13 NCR
<u>Price and Volume Consistency</u>	02 NCAC	38	.0603	40:13 NCR
<u>Price Posting/Cash Discounts for Retail Motor Fuel Sales</u>	02 NCAC	38	.0604	40:13 NCR
<u>Adoption by Reference</u>	02 NCAC	38	.0701*	40:13 NCR
<u>Meters on Tank Trucks</u>	02 NCAC	38	.0702*	40:13 NCR
<u>LP Gas Inspection Report</u>	02 NCAC	38	.0703*	40:13 NCR
<u>Approved Third Party Testing Laboratories</u>	02 NCAC	38	.0704*	40:13 NCR
<u>Notification for Disconnection of Service</u>	02 NCAC	38	.0705	40:13 NCR
<u>Adoption by Reference</u>	02 NCAC	38	.0801*	40:13 NCR
<u>Approval for Anhydrous Ammonia Installations</u>	02 NCAC	38	.0802*	40:13 NCR
<u>Meters for Liquid Fertilizers</u>	02 NCAC	38	.0803*	40:13 NCR
<u>Use of Applicator Tanks as Measuring Devices</u>	02 NCAC	38	.0804*	40:13 NCR
<u>Definition</u>	02 NCAC	46	.0101	40:13 NCR
<u>Information Required</u>	02 NCAC	46	.0102*	40:13 NCR
	02 NCAC	60B	.2001*	40:12 NCR

COUNCIL OF STATE

<u>Declaratory Ruling Process</u>	06 NCAC	04	.0103*	40:11 NCR
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RADIATION PROTECTION COMMISSION

<u>Purpose and Scope</u>	10A NCAC	15	.0601	40:04 NCR
<u>Definitions</u>	10A NCAC	15	.0602	40:04 NCR
<u>Operating Requirements</u>	10A NCAC	15	.0605	40:04 NCR
<u>Area Requirements</u>	10A NCAC	15	.0606	40:04 NCR
<u>Radiation Machine Requirements</u>	10A NCAC	15	.0607	40:04 NCR
<u>Therapeutic X-Ray Installations: Less Than One Mev</u>	10A NCAC	15	.0608	40:04 NCR
<u>Veterinary Medicine Radiographic Installations</u>	10A NCAC	15	.0610	40:04 NCR

SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

<u>Time Req/Completion/Telecommunicator Certification Course</u>	12 NCAC	10B	.1303*	40:20 NCR
<u>Evaluation for Training Waiver</u>	12 NCAC	10B	.1304*	40:20 NCR
<u>Trainee Attendance</u>	12 NCAC	10B	.1305*	40:20 NCR
<u>Completion of Telecommunicator Certification Course</u>	12 NCAC	10B	.1306*	40:20 NCR
<u>Satisfaction of Minimum Training Requirements</u>	12 NCAC	10B	.1308	40:20 NCR

EDUCATION, STATE BOARD OF

<u>Qualifications of School Nurses</u>	16 NCAC	06C	.0110*	40:19 NCR
<u>Attendance Defined</u>	16 NCAC	06E	.0101	40:19 NCR
<u>Attendance Excused</u>	16 NCAC	06E	.0102*	40:19 NCR
<u>Enforcement</u>	16 NCAC	06E	.0103	40:19 NCR
<u>Involuntary Suspensions</u>	16 NCAC	06E	.0104	40:19 NCR
<u>Early Admission To Kindergarten</u>	16 NCAC	06E	.0105	40:19 NCR
<u>Technology Cost Considerations</u>	16 NCAC	06G	.0602	40:19 NCR

DENTAL EXAMINERS, BOARD OF

<u>Dental Licensure by Credentials</u>	21 NCAC	16B	.0501*	40:18 NCR
<u>Dental Radiology Course and Examination Requirements</u>	21 NCAC	16H	.0105*	40:18 NCR
<u>Dental Radiology Instructor Course Requirements</u>	21 NCAC	16H	.0106*	40:18 NCR
<u>Settlement Conferences</u>	21 NCAC	16U	.0204*	40:18 NCR

ELECTRICAL CONTRACTORS, BOARD OF EXAMINERS OF

<u>Bona Fide Employee</u>	21 NCAC	18B	.0306*	40:15 NCR
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MEDICAL BOARD

<u>Application for Internationally Trained Physician Employee...</u>	21 NCAC	32B	.1362*	40:17 NCR
<u>Team-Based Settings Practice</u>	21 NCAC	32S	.0227*	40:17 NCR

MEDICAL BOARD/BOARD OF PHARMACY

<u>Influenza Test and Treat</u>	21 NCAC	32U	.0103*	40:17 NCR
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PHARMACY, BOARD OF/MEDICAL BOARD

<u>Influenza Test and Treat</u>	21 NCAC	46	.2517*	40:17 NCR
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**TITLE 02 - DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES**

02 NCAC 31A .0101 CREATION

The Hall of Fame was created so that present and future generations will be encouraged to follow the examples of honored agriculturists.

*History Note: Authority G.S. 106-568.13;
Eff. February 1, 1976;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. September 23, 2017;
Readopted Eff. August 1, 2026.*

02 NCAC 31A .0102 ENSHRINEMENT

Individuals with outstanding achievements in which agriculture materially benefitted are recognized.

*History Note: Authority G.S. 106-568.16;
Eff. February 1, 1976;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. September 23, 2017;
Readopted Eff. August 1, 2026.*

02 NCAC 31C .0101 QUALIFICATIONS

(a) The North Carolina Agricultural Hall of Fame recognizes an individual born in North Carolina for outstanding performance in agriculture.

(b) The North Carolina Agricultural Hall of Fame recognizes an individual who was not born in North Carolina but has become a citizen of this state and has performed outstanding work in agriculture while a resident of North Carolina.

*History Note: Authority G.S. 106-568.16;
Eff. February 1, 1976;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. September 23, 2017;
Readopted Eff. August 1, 2026.*

02 NCAC 31C .0102 FIELD OF ACTIVITY

The field of activity of the recognized individual may be primarily scientific, practical farming, or a personality who led a great movement of agricultural progress.

*History Note: Authority G.S. 106-568.16;
Eff. February 1, 1976;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. September 23, 2017;
Readopted Eff. August 1, 2026.*

**02 NCAC 31C .0103 WRITTEN STATEMENT ON
CANDIDATE**

(a) The sponsor of the nominee submits a written statement (three copies) outlining as completely as possible the work of the candidate and evidence of its effect on the agricultural life of the State of North Carolina.

(b) The statement should also cover the biography of the person including the following:

- (1) his or her personality;
- (2) successes and failures;
- (3) obstacles overcome; and
- (4) any other information that would be of interest to the reader.

(c) The statement should be primarily in narrative form and the style attractive.

*History Note: Authority G.S. 106-568.16;
Eff. February 1, 1976;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. September 23, 2017;
Readopted Eff. August 1, 2026.*

02 NCAC 31C .0104 RECIPIENT

One year must have elapsed after death to be considered as recipient of the Hall of Fame Honor.

*History Note: Authority G.S. 106-568.16;
Eff. February 1, 1976;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. September 23, 2017;
Readopted Eff. August 1, 2026.*

02 NCAC 38 .0101 PURPOSE

The Standards Division protects buyers and sellers against misrepresentation of quantities by providing uniform standards for weights and measures, by inspecting all commercial weighing and measuring devices, and by inspecting packaged commodities to ensure that they are in compliance with the labeled net contents statement; and performs safety inspections of LP-Gas and anhydrous ammonia installations and vehicles to ensure that they are in compliance with established safety codes. The Standards Division enforces the rules and regulations of the North Carolina Gasoline and Oil Inspection Board, as found in 02 NCAC 42.

*History Note: Authority G.S. 81A-1;
Eff. May 1, 1983;
Amended Eff. June 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. March 22, 2015;
Readopted Eff. August 1, 2026.*

02 NCAC 38 .0102 DEFINITIONS

For purposes of this Chapter:

- (1) "A.N.S.I." means the American National Standards Institute, Inc.
- (2) "Basket" as used in 02 NCAC 38 .0500 means any container, sheet, or box used in tobacco auction warehouses.
- (3) "Board" means the North Carolina Board of Agriculture.
- (4) "Condemned Equipment" means equipment that is permanently out of service.
- (5) "Director" or "Director of Weights and Measures" means the Director of the Standards

- Division of the North Carolina Department of Agriculture.
- (6) "N.I.S.T." means the National Institute of Standards and Technology.
 - (7) "N.C.W.M." means the National Council on Weights and Measures.
 - (8) "Rejected Equipment" means equipment that is incorrect, which is considered susceptible to proper repair.
 - (9) "Weight(s) and/or Measure(s)" means all weights and measures of every kind, instruments, and devices for weighing and measuring, and any appliance and accessories associated with any or all such instruments and devices.

History Note: Authority G.S. 81A-1; Eff. May 1, 1983; Amended Eff. January 1, 1990; June 1, 1984; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015; Readopted Eff. August 1, 2026.

02 NCAC 38 .0201 ADOPTION BY REFERENCE

The Board incorporates by reference, including subsequent amendments and editions, NIST Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices" except as otherwise indicated in this Chapter. Copies of the above are available for inspection in the Office of the Director of the Standards Division, located at 4400 Reedy Creek Road, Raleigh, NC 27607, and may be obtained for free at <http://www.nist.gov/pml/wmd/pubs/index.cfm>.

History Note: Authority G.S. 81A-2; 150B-21.6; Eff. May 1, 1983; Amended Eff. January 1, 1990; June 1, 1988; April 1, 1987; May 1, 1986; Readopted Eff. August 1, 2026; March 1, 2017.

02 NCAC 38 .0202 WEIGHING AND MEASURING DEVICES

The requirements of NIST Handbook 44 shall apply to:

- (1) Commercial weighing and measuring equipment: weights and measures, and weighing and measuring devices commercially used or employed in establishing the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption purchased, offered, or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure;
- (2) Any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed that its operation affects the accuracy of the device; and

- (3) Weighing and measuring equipment in official use for the enforcement of law or for the collection of statistical information by government agencies.

History Note: Authority G.S. 81A-2; Eff. May 1, 1983; Amended Eff. January 1, 1990; Readopted Eff. August 1, 2026; March 1, 2017.

02 NCAC 38 .0203 TYPE APPROVAL OF WEIGHING AND MEASURING DEVICES

(a) Each type, model, pattern, design of weight or measure or weighing or measuring device intended for use in trade in this State, generally known as commercial use, shall first be submitted or demonstrated by the manufacturer for the purpose of approval, and be approved by the Director of the Standards Division in accordance with National Institute of Standards and Technology (NIST) Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices". The expense incurred in obtaining approval shall be paid by the manufacturer in accordance with G.S. 81A-10.

(b) The Director may accept in lieu of the requirement in Paragraph (a) of this Rule, a Certificate of Conformance issued by the National Council of Weights and Measures.

History Note: Authority G.S. 81A-2; Eff. May 1, 1983; Amended Eff. February 1, 2009; January 1, 1990; May 1, 1986; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015; Readopted Eff. August 1, 2026.

02 NCAC 38 .0204 RECORD OF APPROVED WEIGHING AND MEASURING DEVICES

The Director of Weights and Measures shall keep an accurate record and list of names of manufacturers, name, type or model of device, apparatus or equipment approved.

History Note: Authority G.S. 81A-1; 81A-15; Eff. May 1, 1983; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015; Readopted Eff. August 1, 2026.

02 NCAC 38 .0205 REPAIRS TO REJECTED WEIGHING DEVICES

A scale or weighing device which has been rejected for repairs by a duly authorized weights and measures inspector may be put back into service after having been serviced by a registered scale technician. The Director of Weights and Measures may grant permission for the renewed use of such equipment if:

- (1) The technician rendering service sealed the rejection notice in an envelope; and
- (2) The envelope bears the name, address, and registration number of the scale technician, date service was rendered, type of service rendered, and signature of scale technician.

*History Note: Authority G.S. 81A-2; 81A-76;
Eff. May 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. March 22, 2015;
Readopted Eff. August 1, 2026.*

02 NCAC 38 .0301 ADOPTION BY REFERENCE

The following are incorporated by reference, including subsequent amendments and editions, as standards for packaging and labeling and for determining compliance of packaged goods with net contents labeling requirements:

- (1) NIST Handbook 130, "Packaging and Labeling Regulation," with the exception of Sections 13, 14, and 15 of the "Packaging and Labeling Regulation" which are deleted; and
- (2) NIST Handbook 133, "Checking the Net Contents of Packaged Goods".

Copies of Handbook 130 and Handbook 133 are available for inspection in the Office of the Director of the Standards Division, located at 4400 Reedy Creek Road, Raleigh, NC 27607, and may be obtained for free at <http://www.nist.gov/pml/wmd/pubs/index.cfm>.

*History Note: Authority G.S. 81A-4; 150B-21.6;
Eff. May 1, 1983;
Amended Eff. January 1, 1990; December 1, 1988; June 1, 1988;
April 1, 1987;
Readopted Eff. August 1, 2026; March 1, 2017.*

02 NCAC 38 .0401 ADOPTION BY REFERENCE

The Board hereby incorporates by reference, including subsequent amendments and editions, the NIST Handbook 130, "Method of Sale of Commodities Regulation" with the following additions and exceptions:

- (1) The preferred method for measuring fireplace and stove wood is by the cord or fractional parts of a cord. However, nothing in Section 2.4, "Fireplace and Stove Wood," shall prevent the purchaser and seller of fireplace or stove wood from agreeing on a quantity other than a cord or fractional parts of a cord.
- (2) Section 2.20, "Gasoline-Oxygenate Blends" is omitted.
- (3) Section 1.19 shall apply only to kerosene sold in a container or kerosene sold through a retail device, as defined in NIST Handbook 44, Appendix D, A container or a device shall indicate for 1-K kerosene "SUITABLE FOR USE IN UNVENTED HEATERS" and for 2-K kerosene "MAY NOT BE SUITABLE FOR USE IN UNVENTED HEATERS".
- (4) In Section 2.21, the temperature compensation requirements shall not be mandatory. However, if a company elects to sell liquefied petroleum gas on a temperature compensated basis, then all meters in the truck fleet shall be equipped with an activated automatic temperature compensator that shall remain in continuous operation for a period of not less than one year.

- (5) The price for propane dispensed into containers of less than 240 pounds water capacity may be on a minimum price basis provided that the seller displays the minimum price at the point of container fill and the point of sale. This Rule shall not apply to propane container exchange sales where an empty or partially empty container is exchanged for a full one.

- (6) Any variety of potatoes, defined as Edible Tubers in Section 2.3.2 of the NCWM Policy Interpretations and Guidelines section, may also be sold by count provided they meet the corresponding standard of "US Grade No. 1" as found in the most current version of the United States Department of Agriculture (USDA) "United States Standards for Sweet Potatoes" or the USDA "United States Standards for Potatoes," as appropriate. Any commercial shipping boxes or other containers, shipping documents, and invoices shall be marked as "US Grade No. 1" potatoes.

Copies of NIST Handbook 130, "Method of Sale of Commodities Regulation" are available for inspection in the Office of the Director of the Standards Division and may be obtained for free at <http://www.nist.gov/pml/wmd/pubs/index.cfm>. Copies of the "United States Standards for Sweet Potatoes" and "United States Standards for Potatoes" are available for free at <http://www.ams.usda.gov/grades-standards/vegetables>.

*History Note: Authority G.S. 81A-4;
Eff. May 1, 1983;
Amended Eff. June 1, 1994; January 1, 1990; December 1, 1988;
June 1, 1988;
Readopted Eff. March 1, 2017;
Amended Eff. July 1, 2019;
Readopted Eff. August 1, 2026.*

02 NCAC 38 .0501 TOBACCO OFFERED FOR SALE

When leaf tobacco is placed on the floor of a leaf tobacco auction warehouse in a line or row according to custom in said warehouse, preceding the actual sale, such act on the part of any person, firm, or corporation shall be construed as offering the tobacco for sale, and that the tobacco is offered for sale and thus becomes subject to the conditions set forth in G.S. 81A-59.

*History Note: Authority G.S. 81A-2; 81A-4;
Eff. May 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. March 22, 2015;
Readopted Eff. August 1, 2026.*

02 NCAC 38 .0502 BASKETS

No basket shall be used in a tobacco auction warehouse which deviates in excess of one pound either over or under the established weight. The average total weight shall be established by weighing 100 baskets, picked at random, and this weight divided by 100. The said average basket weight shall be clearly stated and posted conspicuously on the scale or scale house Any

basket in said warehouse which does not conform to this requirement shall be moved from the premises or destroyed by the operators of the warehouse. Each warehouse shall be equipped with a metal test weight which shall be equal in weight to the established and posted average weight of basket. Said test weight shall be used by the weighmaster, as defined in NIST Handbook 130, Chapter III, Article B, Section 3, in making allowance for the basket when setting total tare on tare beams of scale and thereby protect themselves in the issuing of weight certificates provided in G.S. 81A-53.

History Note: Authority G.S. 81A-2; 81A-4; 81A-15(9); Eff. May 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015;
Readopted Eff. August 1, 2026.

02 NCAC 38 .0504 WEIGHING

All tobacco weighed in a tobacco warehouse for the purpose of sale shall be weighed accurately to the nearest one pound.

History Note: Authority G.S. 81A-2; 81A-4; 81A-15(9); Eff. May 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015;
Readopted Eff. August 1, 2026.

02 NCAC 38 .0505 VARIATIONS IN WEIGHT

A tolerance not exceeding two pounds on each basket of tobacco weighing not more than 175 pounds, and a tolerance of four pounds, on each basket of tobacco weighing more than 175 pounds shall be considered a reasonable variation in weight; provided, however, such variation shall be allowable only when the weight of each individual basket of tobacco is determined not to be consistently under its stated weight; and in no case shall any allowance be made for variation in weight on basket erroneously weighed or illegally packed; and also provided that consistent short weights on baskets peculiar to any warehouse on a given market shall raise a presumption of erroneous weighing.

History Note: Authority G.S. 81A-2; 81A-4; 81A-15(9); Eff. May 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015;
Readopted Eff. August 1, 2026.

02 NCAC 38 .0507 VIOLATIONS

Any weighmaster, or any custodian, or any employee of the custodian, who takes or attempts to take advantage of the variations or tolerance stated in Rule .0505 of this Chapter when issuing a weight certificate, or in the setting of tare beam on scale when making allowances for weight of truck and average weight of basket, or by removing, or permitting, or causing to be removed tobacco from any basket or pile, shall forfeit their right to the benefit of any of the variations or tolerance provided for in this Rule, and shall be subject to penalties as set forth in G.S. 81A-29 and G.S. 81A-55 as a result of the misrepresentation of the quantity.

History Note: Authority G.S. 81A-2; 81A-4; Eff. May 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015;
Readopted Eff. August 1, 2026.

02 NCAC 38 .0508 CUSTODIAN OF TOBACCO

It shall not be construed that the variations and tolerance stated in Rule .0505 of this Chapter do in any way relieve the custodian of the tobacco of their responsibility or liability in G.S. 81A-58.

History Note: Authority G.S. 81A-2; 81A-4; Eff. May 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015;
Readopted Eff. August 1, 2026.

02 NCAC 38 .0601 RETAIL MOTOR FUEL DISPENSERS/HALF-PRICING

- (a) All retail motor fuel dispensing outlets shall sell motor fuel by the full price per unit as stated in NIST Handbook 130 method for that fuel type.
- (b) Retail motor fuel dispensing outlets shall not sell motor fuel by the half-price per gallon method.

History Note: Authority G.S. 81A-2; Eff. May 1, 1983;
Amended Eff. February 1, 2009;
Readopted Eff. August 1, 2026; March 1, 2017.

02 NCAC 38 .0602 METRIC SALES OF RETAIL MOTOR FUEL

At those locations that dispense motor fuel by the liter, the following shall apply:

- (1) All streets, roadside, and similar advertising signs shall provide price per gallon information for all products for which prices are posted on said signs. Signs shall show complete dollar and cents numerals and they shall be clearly legible. Signs showing the equivalent price per liter may also be used. If a price per liter is also posted, it shall be adjacent to the gallon price.
- (2) Current and accurate price comparisons between gallon and liter values shall be posted by one of the following methods:
 - (a) a sign on the top of dispensers, positioned for clear view by the customer, and with values visible from either side of the island; or
 - (b) a decal affixed to each dispenser and positioned for clear view by the customer.
- (3) Equivalent quantity information shall also be posted on a sign that is positioned for clear view by the customer. This information may be posted on the same sign or decal described in Item (2) of this Rule.

- (4) The sign(s) or decal described in Items (2) and (3) of this Rule shall be composed of letters and numerals of at least three-fourths inch in height.

Note: (1): (The following example pertains to Item (2) of this Rule.) 27.1 cents per liter = \$1.026 per gallon.

Note: (2): (The following example pertains to Item (3) of this Rule.) 3.785 liters = 1 gallon.

History Note: Authority G.S. 81A-2; 81A-23;

Eff. May 1, 1983;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015;

Readopted Eff. August 1, 2026.

**02 NCAC 38 .0603 PRICE AND VOLUME
CONSISTENCY**

All retail motor fuel pumps at the same facility shall calculate price by the same method and volume by the same measure.

History Note: Authority G.S. 81A-2; 81A-22; 81A-23;

Eff. May 1, 1983;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015;

Readopted Eff. August 1, 2026.

**02 NCAC 38 .0604 PRICE POSTING/CASH
DISCOUNTS FOR RETAIL MOTOR FUEL SALES**

(a) If any condition or qualification is required to purchase fuel at the posted price, that condition or qualification shall be posted in conjunction with the advertised price.

(b) At those locations where separate dispensers or islands are established for credit card and cash sales, the dispensers or islands shall be identified to avoid customer confusion.

(c) At those locations where the same dispenser is used for cash and credit card sales, the following apply:

- (1) If the dispenser is capable of computing only one price, then the dispenser shall be set at the highest unit price and the unit discount rate (either per gallon, percentage, or per gallon credit price) shall be displayed. A receipt shall contain the total volume of the delivery, the unit price, the total computed price, an itemization of the discounts to the unit price, and the final total price;
- (2) If the dispenser is capable of computing both cash and credit sales, either the credit surcharge rate (either per gallon, percentage, or per gallon credit price) or the cash discount rate (either per gallon, percentage, or per gallon price) shall be displayed; and
- (3) The location must indicate whether "debit" transactions are treated as cash or credit transactions. Labels such as "cash/debit," "debit=cash," or "credit/debit" are acceptable.

History Note: Authority G.S. 81A-2; 81A-23;

Eff. May 1, 1983;

Amended Eff. October 1, 2011; December 1, 1987;

Readopted Eff. August 1, 2026; March 1, 2017.

02 NCAC 38 .0701 ADOPTION BY REFERENCE

The following are incorporated by reference, including subsequent amendments and editions, as standards for storage, handling and installation of liquefied petroleum gas:

- (1) National Fire Protection Association, document NFPA 58 "Liquefied Petroleum Gas Code," with the following additions and exceptions:
 - (a) "Firm Foundation" means that the foundation material has a level top surface, rests on solid ground, is constructed of a masonry material or wood treated to prevent decay by moisture rot, and will not settle, careen, or deteriorate;
 - (b) No person shall use liquefied petroleum gas as a source of pressure in lieu of compressed air in spray guns or other pressure operated equipment, except that liquefied petroleum gas may be used as a source of pressure for operating internal valves and emergency shutoff valves;
 - (c) Piping, tubing, or regulators shall be considered well supported when they are rigidly fastened in their intended position;
 - (d) At bulk storage installations, the bulkhead and the plant piping on the hose side of the bulkhead shall be designed and constructed so that an application of force from the hose side will not result in damage to the plant piping on the tank side of the bulkhead. In addition, the bulkhead shall incorporate a means, for instance, mechanical or pneumatic, to automatically close emergency valves in the event of a pull away;
 - (e) As an alternative to the requirement for a fire safety analysis, the owner, or his designee, of an LP-gas facility which utilizes individual storage containers in excess of 4,000 gallons water capacity, storage containers interconnected through the liquid withdrawal outlets of the containers with an aggregate water capacity in excess of 4,000 gallons, or storage containers interconnected through the vapor withdrawal outlets of the containers with an aggregate capacity in excess of 6,000 gallons, shall, for all installations of containers of such capacity or for additions to an existing LP-gas facility which result in containers in excess of such capacity, meet with fire officials for the jurisdiction in which the facility is located in order to:

- (i) review potential exposure to fire hazards to or from real property which is adjacent to such facility;
 - (ii) identify emergency access routes to such facility; and
 - (iii) review the equipment and emergency shut-down procedures for the facility. The owner of such facility or his designee shall document in writing the time, date, and place of such meeting(s), the participants in the meeting, and the discussions at the meeting in order to provide a written record of the meeting. This documentation shall be made available to the Department not later than 60 days after installation of the new or additional containers. Compliance with the availability requirement shall be met by having a copy of the documentation kept on site or at the owner's office and available for review by inspection personnel as soon as it is requested. This meeting, review, and documentation shall be repeated when the North Carolina Department of Agriculture and Consumer Services, (NCDA&CS), determines that the plant design has changed or that potential exposures have significantly changed, so as to increase the likelihood of injury.
- (f) An LP-gas facility which utilizes storage containers that are interconnected through the vapor withdrawal outlets of the containers only with an aggregate water capacity in excess of 4,000 gallons, but not in excess of 6,000 gallons, is exempt from the requirements of a fire safety analysis; and
- (g) A fire safety analysis as described in NFPA 58 may be prepared by the owner of an LP-Gas facility or by an employee of such owner in the course of the employee's employment, and the Department shall not require that it be prepared, approved, or sealed by a professional engineer. Note: This is in keeping with a formal interpretation (F.I. No.: 58-01-2) by the technical committee for Liquefied Petroleum Gases issued by the National Fire Protection Association on November 7, 2001, with an effective date of November 27, 2001. However, the North Carolina Board of Examiners for Engineers and Surveyors regulates the practice of engineering, and has taken the position that the preparation of a fire safety analysis constitutes the practice of engineering.
- (h) The posting of "No Smoking" signs in areas where LP-gas is transferred, dispensed, or stored is recognized as an effective means to control sources of ignition where specified.
- (i) Training records for each employee whose job requires the transfer and/or handling of LP-gas as a part of their assigned duties shall be stored or accessible onsite for inspectors. Training records shall at minimum include the following:
- (i) title of the training;
 - (ii) brief description of the training/topics covered;
 - (iii) the trainer's name;
 - (iv) the name of the employee being trained; and
 - (v) the date of the training.
- The record must be signed by both the trainer and the trainee to acknowledge the successful completion of the training. In addition, a post-training assessment should be administered to gauge the trainee's comprehension and the scored results included in their training record.
- (j) Where the end of the hose or dispensing nozzle can be extended to violate separation requirements in NFPA 58 Table 6.7.2.1, section 4.10(3), or section 6.28.3.10.2 (2024 edition), points of transfer shall be designated where the end of the hose or dispensing nozzle may be connected to a container for transfers. Such points of transfer shall meet the separation requirements specified in this table or these sections. The designated areas shall be easily identifiable by staff. Training documentation for these designated areas for staff shall be available onsite for inspectors.
- (2) National Fire Protection Association document NFPA 54, "National Fuel Gas Code," with the

addition that underground service piping shall rise above ground immediately (within six inches of wall) before entering a building.

- (3) National Fire Protection Association, document NFPA 30A, "Code for Motor Fuel Dispensing Facilities and Repair Garages," Chapter 12 (in 2024 Edition) as it applies to LP-Gas dispensers for motor vehicle fuel along with dispensers for other motor vehicle fuels.

Copies of NFPA 54, NFPA 58 and NFPA 30A are available for inspection in the Office of the Director of the Standards Division. NPA 30A and NFPA 58 may be obtained at a cost of one hundred fifty-seven dollars (\$157.00) and for two hundred and forty-six dollars (\$246.00) for NFPA 54, plus shipping, by contacting National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02269, by calling them at 617-770-3000 or 800-344-3555, or by accessing them on the Internet at www.nfpa.org/catalog.

*History Note: Authority G.S. 119-55;
Eff. May 1, 1983;
Amended Eff. November 1, 2011; April 1, 2009; September 1, 2002; August 1, 2002; January 1, 1994; June 1, 1993; December 1, 1988; December 1, 1987;
Readopted August 1, 2026; March 1, 2017.*

02 NCAC 38 .0702 METERS ON TANK TRUCKS

All tank trucks delivering through a liquid measuring device, defined in NIST Handbook 44 as a mechanism or machine designed to measure and deliver liquid by definite volume, into storage tanks, containers, or cylinders shall be equipped with a device which will print the quantity delivered on a ticket, a copy of which will be given to the consumer.

*History Note: Authority G.S. 119-55;
Eff. May 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015;
Readopted Eff. August 1, 2026.*

02 NCAC 38 .0703 LP GAS INSPECTION REPORT

Upon inspection pursuant to G.S. 119-57, a notice of violations shall be given to the violator upon inspection submission. The notice shall include, but is not limited to, repairs necessary to eliminate the violation(s) and a date by which repairs shall be made by the violator. An extension of time for repair is at the discretion of the Director of the Standards Division, upon written request.

*History Note: Authority G.S. 119-55;
Eff. May 1, 1983;
Amended Eff. June 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015;
Readopted Eff. August 1, 2026.*

02 NCAC 38 .0704 APPROVED THIRD PARTY TESTING LABORATORIES

In accordance with G.S. 119-58(a)(1), third party testing laboratories approved by the North Carolina Building Code Council are authorized to approve gas appliances that are designed or built for domestic use.

*History Note: Authority G.S. 119-58;
Eff. July 1, 1985;
Amended Eff. December 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015;
Readopted Eff. August 1, 2026.*

02 NCAC 38 .0705 NOTIFICATION FOR DISCONNECTION OF SERVICE

(a) This Rule contains additional standards relating to the requirements for disconnection of service contained in G.S. 119-58(b).

(b) To "notify the former supplier before disconnecting the former service and connecting the new service," as required by G.S. 119-58(b), means that the new supplier shall provide the former supplier with written notice containing the new supplier's name, address and telephone number, the consumer's name and address, and stating the date and time after which service is to be disconnected. The notice may be sent by mail, overnight mail, facsimile, email, or by hand-delivery, so long as it is received prior to the disconnection of the former service.

*History Note: Authority G.S. 119-55; 119-58;
Temporary Adoption Eff. January 1, 2003;
Eff. August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015;
Amended Eff. May 1, 2022;
Readopted Eff. August 1, 2026.*

02 NCAC 38 .0801 ADOPTION BY REFERENCE

The Board incorporates by reference the American National Standard, "Safety Requirements for the Storage and Handling of Anhydrous Ammonia", 1981 edition, (ANSI k61.1-1981), as well as subsequent amendments and editions, as published by the American National Standards Institute, Inc.

Copies from this Rule are available for inspection in the Office of the Director of the Standards Division, located at 4400 Reedy Creek Road, Raleigh NC 27699, and may be obtained by contacting the publisher at the following address: American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

*History Note: Authority G.S. 106-660;
Eff. May 1, 1983;
Amended Eff. June 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015;
Eff. August 1, 2026.*

02 NCAC 38 .0802 APPROVAL FOR ANHYDROUS AMMONIA INSTALLATIONS

Plans for fixed (stationary) anhydrous ammonia installations shall be submitted to the Commissioner of Agriculture in writing or his designated representative and approved before the installation is started.

*History Note: Authority G.S. 106-660;
Eff. May 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015;
Eff. August 1, 2026.*

02 NCAC 38 .0803 METERS FOR LIQUID FERTILIZERS

A meter used to measure liquid fertilizer shall be approved in accordance with 02 NCAC 38 .0200 and shall be equipped with a device which will print the quantity delivered on a ticket, a copy of which will be given to the consumer.

*History Note: Authority G.S. 106-660;
Eff. May 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015;
Readopted Eff. August 1, 2026.*

02 NCAC 38 .0804 USE OF APPLICATOR TANKS AS MEASURING DEVICES

A cylindrical applicator tank used as a measuring device in the distribution of liquid fertilizer shall be calibrated by liquid measure from zero to capacity with zero indicating empty. There shall be a graduation scale on each end of the applicator tank located at a distance of not more than 1/16 of an inch away from the sight glass or tube. The value of graduated intervals shall not exceed:

- (1) one gallon for a tank of a nominal capacity of 300 gallons or less; or
- (2) five gallons for a tank of a nominal capacity of 301 gallons or more.

*History Note: Authority G.S. 106-660;
Eff. May 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015;
Readopted Eff. August 1, 2026.*

02 NCAC 46 .0101 DEFINITION

"Scale Ticket" means a written document or documents provided to the producer by the grain dealer in conjunction with the delivery of grain.

*History Note: Authority G.S. 106-609;
Eff. August 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 24, 2019;
Readopted Eff. August 1, 2026.*

02 NCAC 46 .0102 INFORMATION REQUIRED

A grain dealer shall issue and make available to the producer a scale ticket within 24 hours after the delivery of grain. The scale ticket shall include at least the following information:

- (1) grain dealer's name and address;
- (2) producer's name and, where applicable, producer's address;
- (3) date;
- (4) consecutive ticket number;
- (5) type of grain;
- (6) gross, tare, and net weight;
- (7) whether the grain is inbound or outbound;
- (8) truck or trailer license number;
- (9) type of transaction, clearly indicating whether the grain is sold or stored;
- (10) signature of grain dealer or his agent, representative, or employee;
- (11) base price per bushel, where applicable;
- (12) grade factors, where applicable;
- (13) deductions, where applicable; and
- (14) net price and total amount paid, where applicable.

*History Note: Authority G.S. 106-609;
Eff. August 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 24, 2019;
Readopted Eff. August 1, 2026.*

02 NCAC 60B .2001 ADMINISTRATION OF PROGRAM

(a) The purpose of the Program is to support prescribed burns on privately owned forestlands that will maximize the benefits set forth in Article 80 of Chapter 106. G.S. 106-966(2) states "'Prescribed burning' means the planned and controlled application of fire to naturally occurring vegetative fuels under safe and safe environmental and other conditions, while following appropriate precautionary measures that will confine the fire to a predetermined area and accomplish the intended management objectives."

(b) The manner and requirements of submitting an application for cost-sharing funds from the Prescribed Burning Cost Share Program are as follows:

- (1) Any eligible privately owned forestlands may apply for program cost-sharing funds. Privately owned forestlands include a private individual, group, association, or corporation owning land suitable for forestry purposes, and where forestland is owned jointly by tenants in common or other type of joint ownership, the joint owners shall be considered as one eligible landowner.
- (2) Application may be made by completing the required program application forms, which are available at North Carolina Forest Service ("NCFS") county and district offices as well as on the NCFS website at

- <https://www.ncagr.gov/divisions/nc-forest-service/prescribed-fire/prescribed-burning-cost-share-program>. Applications shall include identifying information from the landowner and/or consultant, a description of the practices needed, acres needed, practice rate, and applicant signature.
- (3) A written burn plan relating to the application shall be submitted as part of the application packet. The written burn plan shall comply with the requirements of G.S. 106-968.
 - (4) The program cost share allocation methodology will be determined by the NCFS and made available to landowners and stakeholders via the NCFS's website (<https://www.ncagr.gov/divisions/nc-forest-service/prescribed-fire/prescribed-burning-cost-share-program>) in advance of program application sign-ups.
 - (5) As part of the prescribed burn project, approved practices may include, but are not limited to:
 - (A) Silvicultural Burning – The use of prescribed fire to prepare areas for natural pine or oak regeneration, pre-commercial thinning to reduce competing tree density of undesirable species, and the use of prescribed fire to manage for insects or disease concerns to promote forest health.
 - (B) Hazard Reduction Burning – The use of prescribed fire for the purpose of mitigating forest fuels to reduce the forestland risk from potential damage from wildfires.
 - (C) Wildlife Habitat Burning – The use of prescribed fire for the purpose of maintaining or creating improved forest, or open field conditions for desired plants, species, and habitat.
 - (D) Fireline Installation - installation of firelines must be accompanied by a completed prescribed burn on the associated acres in order for cost-share reimbursement pay-out to the landowner.
 - (E) Other Practices - The Commissioner of Agriculture and Consumer Services ("Commissioner") may authorize additional practices associated with prescribed burning.
 - (6) The Commissioner or his or her designee shall review submitted applications requesting program funding. Applicants who start or complete installation of firelines and/or their prescribed burn without prior NCFS approval may not be eligible to receive funding. Landowners may not receive State cost-share funding on the same project acres where federal cost-share funds apply, or where burning is a federal program requirement for maintenance.
- (c) Cost-sharing payments shall be made upon certification by the NCFS following completion of the practice(s) as prescribed in the written burn plan. Certification of completion shall include an assessment of installed and completed practices in relation to the requirements outlined in the burn plan, installation of appropriate best management practices to ensure soil protection and water quality, and assurance that the installed practice(s) are meeting all applicable environmental rules found in 02 NCAC 60C (Forest Practices Guidelines Related to Water Quality). The maximum allowable cost share reimbursement to participating landowners is seventy-five percent based on program rate per acre caps.
 - (d) Allocated funding for approved applications may be withdrawn as follows:
 - (1) Funds may be withdrawn at the end of the second State fiscal year in which the funds were allocated if the prescribed burning practices have not been completed.
 - (2) A 12-month extension may be granted by the NCFS when a project cannot be completed due to circumstances beyond the control of the landowner, including adverse weather conditions or contractors. The landowner shall provide documentation to the NCFS requesting funds availability to continue into a third state fiscal year.
 - (3) Recapture – The landowner shall repay all or part of the cost share funds paid to them if there is a:
 - (A) Failure to maintain the cost-shared acreage as forestland for three consecutive years following project completion (project completion coincides with the cost-shared acreage being prescribed burned); and/or
 - (B) Change of ownership of the cost-shared acreage prior to the end of the three-year maintenance period following project completion and the new landowner does not agree in writing to maintain the cost-shared acreage as forestland for the remainder of the original three-year maintenance period.
 - (e) Per G.S. 106-977, in any State fiscal year, the NCFS may use up to five percent of program appropriations for program administration and support. Program appropriations may also be utilized for position and operating expenses associated with one NCFS Prescribed Burning Coordinator full-time employee position. The duties of this position shall include Prescribed Burning Program outreach, quality control assistance, and coordination of burning partners statewide.
 - (f) Program applicants/participants may appeal disagreements, disapproval of applications, or decisions on unsatisfactory completion of practices to the NCFS. Appeals must be delivered in writing to the applicable NCFS District Office within 30 days of the initial NCFS postmarked communication decision. Final

decisions on cost share reimbursement will be made by NCFS management.

History Note: Authority G.S. 106-968; 106-969;
Eff. August 1, 2026.

TITLE 06 - DEPARTMENT OF COUNCIL OF STATE

06 NCAC 04 .0103 DECLARATORY RULING PROCESS

Any person aggrieved by a rule approved or adopted by the Council of State may request a declaratory ruling as to either the manner in which the rule applies to a given factual situation, if at all, or as to whether a particular rule of the Council is valid. Such persons may also request a declaratory ruling concerning the applicability to a given factual situation of a statute administered by the Council. All requests for declaratory rulings shall be submitted to the executive department responsible for administering the statute to which the rule relates. All such requests shall be in accordance with the administrative procedures of the responsible executive department. The chief executive officer of the responsible executive department shall respond to the request in accord with the applicable administrative procedures of the department. The chief executive officer of the responsible department shall also notify the Council of any such request received and the department's proposed disposition thereof. The Council may, in its discretion, review and amend any such proposed departmental declaratory rulings. In its determination whether to review, whether to amend, and how to amend the proposed declaratory ruling, the Council shall consider at least the following factors: whether there is authority to adopt the rule; the effect of the rule on existing rules, programs, and practices; probable costs and cost factors of the rule; and the impact of the rule on the public and regulated entities. It may also take such other action in regard thereto as it deems necessary.

History Note: Authority G.S. 147-13; 150B-4;
Eff. August 1, 2026.

TITLE 10A - DEPARTMENT OF HEALTH AND HUMAN SERVICES

Codifier's Note: 10 NCAC 03G .2700 was transferred to 15A NCAC 11 .0600 effective January 4, 1990. Recodification pursuant to G.S. 143B-279.3.

10A NCAC 15 .0601 PURPOSE AND SCOPE

(a) Before installing a radiation machine for use, the registration process shall be initiated in accordance with Section .0200 of this Chapter.

(b) This Section applies to all facilities and service providers using radiation machines for the following:

- (1) educational facilities that provide clinical training;
- (2) human and veterinary use;

- (3) non-human use, used for forensic medicine, or used by service providers for demonstration purposes; and
- (4) service provider companies who provide operators to aid users.

(c) This Section provides additional requirements for the use of radiation machines by or under the supervision of a licensed practitioner authorized by and licensed, in accordance with State statutes, to practice medicine and provide professional services in chiropractic, dentistry, podiatry, research, and veterinary medicine.

(d) This Section provides additional operator requirements to use a radiation machine.

(e) The requirements of this Section are in addition to those in Sections .0100, .0200, .1000, .1100, and .1600 of this Chapter.

History Note: Authority G.S. 104E-7;

Eff. February 1, 1980;

Amended Eff. January 1, 1994;

Transferred and Recodified from 15A NCAC 11 .0601 Eff. February 1, 2015;

Readopted Eff. August 1, 2026.

10A NCAC 15 .0602 DEFINITIONS

In addition to definitions found in Rules .0104, .0607(b)(3), (18), and (19), .1001, and .1601 of this Chapter, the following definitions shall apply to this Section:

- (1) "Added filter" means the filter added to the inherent filtration.
- (2) "Advanced practitioner" means an individual performing medical acts, tasks, or functions as a licensed nurse practitioner in accordance with G.S. 90-18.2 or a licensed physician assistant in accordance with G.S. 90-18.1.
- (3) "Area radiation survey" means the evaluation of radiation levels around a radiation machine installation and adjacent areas to ensure compliance to dose limits in accordance with Section .1601 of this Chapter.
- (4) "Cone beam computed tomography" is a volumetric imaging modality. Volumetric data are acquired using two-dimensional digital detector arrays and a cone-shaped x-ray beam (instead of fan-shaped) that rotates around the patient. Reconstruction algorithms can be used to generate images of any desired plane.
- (5) "Clinical training" means hands-on experience or clinical simulation to gain practical knowledge, experience, and skills.
- (6) "CT qualified expert (CT QE)" means an individual who is registered or is providing service for a registered facility where they are employed, as required by Section .0200 of this Chapter. The individual shall have the following education and experience:
 - (a) a master's or doctoral degree in physics, medical physics, biophysics, radiological physics, medical health physics, or equivalent disciplines from

- a college or university accredited by an agency recognized by the U.S. Department of Education, and three years of work experience in a clinical CT environment. The work experience shall be supervised and documented by a medical physicist certified in the specialty area of diagnostic medical physics by the American Board of Radiology, the Canadian College of Physicists in Medicine, or the American Board of Medical Physics; or
- (b) certification in the specialty area of diagnostic medical physics by the American Board of Radiology, the Canadian College of Physicists in Medicine, or the American Board of Medical Physics and shall abide by the certifying body's requirements for continuing education.
- (7) "Dead-man switch" means a switch so constructed that a circuit closing contact can be maintained only by continuous pressure on the switch by the operator.
- (8) "Dental assistant" means an individual who works for licensed dentists and meets the education, training, and experience defined by the NC Board of Dental Examiners.
- (9) "Dental handheld radiation machine" means a radiation machine used to take dental radiographs, is designed to be handheld during operation, is operated by an individual authorized to take dental radiographs and may be used in multiple locations.
- (10) "Dental hygienist" means an individual licensed by the NC Board of Dental Examiners to practice dental hygiene.
- (11) "Diagnostic imaging" means visualizing the inside of the body using radiation exposures to determine the cause of illness or injury or to confirm a diagnosis.
- (12) "Diagnostic-type protective tube housing" means a tube housing so constructed that the leakage radiation measured at a distance of one meter from the source does not exceed 100 mR in one hour when the tube is operated at its leakage technique factors.
- (13) "Diagnostic radiation machine" shall have the same meaning as "Diagnostic x-ray system" as defined in Rule .0607(b)(19) of this Section.
- (14) "Entrance exposure rate" means the roentgen per unit time at the point where the center of the useful beam enters the patient.
- (15) "Exposure control" shall have the same means as "control panel" as defined in Rule .0607(b)(19) of this Section.
- (16) "Extra-oral" means outside the mouth. An extraoral image is produced by exposing, to x-rays, an image receptor positioned outside the mouth.
- (17) "Filter" means material placed in the primary beam to preferentially attenuate selected radiation energies.
- (18) "General supervision" means the activity is performed under the qualified supervisor's overall direction and control, but the qualified supervisor's physical presence shall not be required during the activity.
- (19) "Inherent filtration" means the filtration permanently in the useful beam, including the window of the X-ray tube and any permanent tube or source enclosure.
- (20) "Intra-oral" means inside the mouth. An intraoral image is produced by exposing a film, plate, or sensor placed within the mouth to X-rays.
- (21) "Lead equivalent" means the thickness of lead affording the same attenuation, under specified conditions, as the material in question.
- (22) "Licensed dentist" means an individual licensed by the NC Board of Dental Examiners to practice dentistry.
- (23) "Letter of Acknowledgement" means the correspondence provided by the agency acknowledging receipt of a shielding design, in accordance with Rule .0204(b) of this Chapter.
- (24) "Mobile radiation machine" shall have the same meaning as "Mobile equipment" in Rule .0607(b)(19) of this Section.
- (25) "Notice of Registration" means the correspondence provided by the agency, to the person completing the registration process, containing the information submitted on the agency forms in accordance with Rules .0203 and .0205 of this Chapter.
- (26) "Optimal" means desirable or satisfactory.
- (27) "Panoramic" means an imaging technique for producing a curved image layer radiograph of maxillary and mandibular dental arches and their supporting structures. This is a curvilinear variant of conventional tomography.
- (28) "Personal supervision" means overall direction, control, and training of an individual by a qualified supervisor who shall be physically present during the activities performed by the supervised individual.
- (29) "Phototimer" means a method for controlling radiation exposures to image receptors by the amount of radiation that reaches a radiation monitoring device(s). The radiation monitoring device(s) is part of an electronic circuit which controls the duration of time the tube is activated. See also "Automatic exposure control" in Rule .0607(b)(19) of this Section.
- (30) "Portable radiation machine" shall have the same meaning as "Portable equipment" in Rule .0607(b)(19) of this Section.

- (31) "Position indicating device (PID)" means a device on dental radiation machines used to indicate the beam position and to establish a definite source-skin distance. It may or may not incorporate or serve as a beam-limiting device.
- (32) "Primary beam" shall have the same means as "useful beam" as defined in Rule .0607(b)(19) of this Section and is the beam used to make radiographic images.
- (33) "Protective apparel" garments made of a radiation attenuating material used to potentially reduce radiation exposure to an individual wearing the item.
- (34) "Qualified expert" means an individual registered in accordance with Rule .0205 of this Chapter.
- (35) "Radiation machine" as defined in Rule .0103(b)(10) of this Chapter, shall have the same meaning as "x-ray equipment" as defined in Rule .0607(b)(19) of this Section.
- (36) "Radiation subsystem" shall have the same meaning as X-ray subsystem in Rule .0607(b)(19) of this Section.
- (37) "Radiation system" shall have the same meaning as X-ray system in Rule .0607(b)(19) of this Section.
- (38) "Radiograph" means an image receptor on which the image has been created directly or indirectly by an x-ray pattern and results in a permanent record.
- (39) "Radiographic imaging system" means any system whereby a permanent or semi-permanent image is recorded on an image receptor by the action of ionizing radiation.
- (40) "Scattered radiation" means radiation that, during passage through matter, has been deviated in direction.
- (41) "Secondary protective barrier" means a barrier sufficient to attenuate stray radiation.
- (42) "Secondary radiation" means the sum of leakage and scattered radiation.
- (43) "Shielding design" means the floor plan and structural shielding specifications in accordance with current national standards, demonstrating the barriers which will attenuate radiation so that the dose limit requirements of Rules .1601(a)(8) and .1601(a)(15) of this Chapter are not exceeded.
- (44) "Stationary radiation machine" means a radiation machine, components, or system installed and used in a fixed location.
- (45) "Structural shielding" means materials incorporated into ceilings, floors, walls, or other structures to ensure the dose limit requirements of Rules .1601(a)(8) and .1601(a)(15) of this Chapter are not exceeded.
- (46) "Veterinarian" means a veterinarian licensed pursuant to Article 11 of Chapter 90 of the General Statutes.

- (47) "Veterinary technician" means a veterinary technician registered pursuant to Article 11 of Chapter 90 of the General Statutes.

History Note: Authority G.S. 104E-7; Eff. February 1, 1980; Amended Eff. June 1, 1993; May 1, 1992; October 1, 1980; Transferred and Recodified from 15A NCAC 11 .0602 Eff. February 1, 2015; Readopted Eff. August 1, 2026.

10A NCAC 15 .0605 OPERATING REQUIREMENTS

- (a) Radiation machines shall only be operated by individuals who meet the operator requirements of Rule .0604 of this Section.
- (b) Exposures of individuals to the primary beam:
 - (1) Individuals shall not be exposed to the primary beam except for diagnostic imaging purposes. Such exposures shall have been authorized by a licensed practitioner as defined in Rule .0103(b)(7) of this Chapter.
 - (2) Students or candidates in training under the personal supervision of an individual that meets the requirements of Rule .0604 of this Chapter shall not be permitted to perform radiographic imaging unless such exposures have been authorized by a licensed practitioner as defined in Rule .0103(b)(7) of this Chapter.
 - (3) Deliberate exposure of an individual for training, demonstration, or other non-diagnostic imaging purposes is prohibited.
 - (4) Radiation exposures for non-human use, used for forensic medicine, or by service providers for demonstration purposes are exempt from Subparagraphs (b)(1) and (2) of this Rule.
- (c) The radiation exposure to the patient shall be the minimum exposure required to produce images of optimal diagnostic quality.
- (d) Individuals who operate radiation machines shall:
 - (1) be familiar with the radiation protection program procedures established in accordance with Rule .0603(d)(3) of this Section;
 - (2) use collimation to limit the primary beam to the area of clinical interest or to the image receptor, whichever is smaller;
 - (3) use technique factors and dose reduction technologies, according to patient sizes and clinical indication, to optimize patient dose while maintaining optimal image quality;
 - (4) use mechanical holding devices, whenever medical circumstances permit, when a patient or image receptor must be provided with auxiliary support during a radiation exposure; and
 - (5) control the area during radiation exposures.
- (e) Except for dental handheld radiation machines, individuals who operate radiation machines shall not hold either the X-Ray tube housing or the collimating device during radiation exposures.

(f) No occupational worker shall be designated as the individual who always holds patients or image receptors during radiation exposures. Operators of veterinary radiation machines are exempt from this Rule.

(g) If a human holder is required, they shall be provided with instructions:

- (1) for supporting the patient during the radiation exposure;
- (2) to wear a lead apron equivalent to 0.25 mm or greater for protection from scatter radiation during the exposure; and
- (3) to avoid extremity exposure to the primary beam, or to wear protective gloves equivalent to 0.5 mm of lead or more.

(h) Except for Dual Energy X-Ray Absorptiometry (DEXA or DXA) and intraoral dental handheld radiation machine operators, only the professional staff and individuals required for the medical procedure or those in training shall be in the room of the patient being examined during the radiographic and fluoroscopic exposures.

- (1) All individuals other than the patient being examined shall be:
 - (A) positioned such that no part of the body, including the extremities, which are not protected by 0.5 mm lead equivalent or greater material will be exposed to the primary beam; and
 - (B) protected from scatter radiation by protective apparel or whole-body protective equipment of 0.25 mm lead equivalent or greater material.
- (2) When a mobile or portable radiation machine is used during radiographic or fluoroscopy exposures, patients other than the individual examined who cannot be removed from the room shall be protected from the scatter radiation by:
 - (A) protective apparel or equipment; or
 - (B) be positioned so that the nearest portion of the body is six feet or greater from both the tube head and the nearest edge of the image receptor.

(i) CT operators shall have the following made readily accessible during the use of the CT radiation machine and while performing routine QC:

- (1) instructions on performing routine QC;
- (2) a schedule of routine QC;
- (3) any allowable variations set by the CT QE for the indicated parameters;
- (4) the results of the most recent routine QC completed on the system; and
- (5) established scanning protocols.

(j) Intraoral dental radiation machine operators shall use patient and film holding devices when the techniques permit.

(k) Intraoral dental handheld radiation machine operators shall ensure the following additional requirements are met:

- (1) When making an exposure, all individuals other than the patient undergoing the procedure

remain at a distance greater than six feet from the patient.

(2) Use an individual monitoring device. When protective apparel is required in accordance with Subparagraph (3) of this Rule, the individual monitoring device shall be used in accordance with Paragraph (m) of this Rule.

(3) Wear protective apparel of 0.25 mm or greater lead equivalent material when the backscatter shield is not parallel to the operator while making an exposure.

(l) Veterinary radiation machine operators shall ensure the following additional requirements are met.

(1) A dead-man type of exposure switch shall be provided, tethered with a cord of a length so that the operator can stand out of the primary beam and six feet or greater from the animal during all X-Ray exposures or behind a protective barrier adequate to assure compliance with dose limit requirements of Rules .1601(a)(8) and .1601(a)(15) of this Chapter are not exceeded.

(2) No individual other than the operator shall be in the X-ray room while exposures are being made unless such an individual's assistance is required.

(m) When protective apparel or equipment is used and an individual monitoring device(s) is required, at least one such monitoring device shall be used as follows:

(1) The individual monitoring device shall be worn at the collar, outside the apparel.

(2) If protective equipment is used in place of protective apparel, the individual radiation monitoring device shall be worn on the torso.

(3) A fetal monitoring device shall be worn at the waist. If protective apparel is worn, the individual radiation monitoring device shall be worn under the protective apparel at the waist.

(4) The dose to the whole body shall be recorded in the reports in accordance with Rule .1601(a)(53) of this Chapter. If more than one device is used, each dose shall be identified with the area where the device was worn on the body.

History Note: Authority G.S. 104E-7;

Eff. February 1, 1980;

Amended Eff. May 1, 1993; May 1, 1992; October 1, 1980;

Transferred and Recodified from 15A NCAC 11 .0605 Eff. February 1, 2015;

Readopted Eff. August 1, 2026.

10A NCAC 15 .0606 AREA REQUIREMENTS

(a) Structural barriers shall be installed so that the dose limits of Rule .1601(a)(8) and .1601(a)(15) of this Chapter are not exceeded.

(1) Stationary radiation machine systems shall be installed in areas with the following:

- (A) primary protective barriers for all walls, floor, ceiling, or other structures that will intercept the primary beam;
 - (B) secondary protective barriers in the walls, doors, floor, and ceiling areas or other structures that will intercept and attenuate leakage and scatter radiation; and
 - (C) a window, to include a frame and lead-equivalent glass, meeting the same structural barriers as required by the adjacent barrier, or a mirror system shall be provided so the operator can see the patient from behind the protective barrier during radiation exposures.
- (2) Intraoral dental handheld radiation machines shall be used in a controlled area, as defined in Rule .1601(a)(3) of this Chapter and controlled by separating adjacent uncontrolled areas six feet or greater from the patient.
- (b) The exposure switch for radiation machines shall be installed meeting the following requirements:
- (1) Stationary radiation machine systems shall have the exposure switch permanently mounted:
 - (A) behind a protected barrier 40 inches (1 meter) from the edge of the control booth; or
 - (B) so that the operator is required to remain behind the protective barrier area during the entire radiation exposure.
 - (2) Dental intraoral radiation machines shall have the exposure switch permanently installed so that the operator is required to be:
 - (A) behind a protective barrier height of 7 feet (2.3 meters) or greater; or
 - (B) located 6 feet (1.8 meters) or greater from the tube housing assembly.
 - (3) Mobile, portable, and veterinary radiation machines shall have an exposure switch that allows the operator to stand six feet or greater from the tube during radiation exposures.
- (c) Stationary CT radiation machine operators shall maintain aural communication with the patient while the operator is required to remain behind a protective barrier at the control panel.
- (d) Use of video monitors that do not have a direct power source is prohibited.
- (e) Any mobile or portable radiation machine used in one location or used as a primary imaging system shall have structural shielding in that location that meets the requirements for stationary diagnostic radiation machines for stationary diagnostic imaging systems in Subparagraph (a)(1) of this Rule.
- (f) An area radiation survey shall be performed for installations of radiation machines within 30 days following the initial use to show compliance with Paragraph (a) of this Rule.
- (1) This survey shall include:

- (A) a scaled drawing of the room in which the stationary radiation machine system is located;
 - (B) radiation levels in adjacent areas; and
 - (C) the name of the person, approved by the agency performing the survey, and the date the survey was performed.
- (2) Any modification that could increase the radiation dosage for any individual to the following shall require a new survey:
- (A) radiation machine configuration;
 - (B) radiation output; or
 - (C) occupancy factors if the x-ray room or adjacent areas are changed.
- (3) Area radiation survey records shall document compliance with dose limits in accordance with Rule .1601(a)(8) and (15) of this Chapter.
- (4) Records of the area radiation survey shall be maintained in accordance with Rule .0603(m) of this Section.
- (g) Technique Charts or imaging protocols for each radiation machine not equipped with an operational anatomic programming or phototimer option shall be readily available to the operator of the radiation machine(s). If pediatric and adult patients are imaged, a chart is required for both and shall include the following information:
- (1) patient's anatomical size;
 - (2) technique factors to be used;
 - (3) source to image receptor distance used; and
 - (4) type of image receptor.
- (h) Each area, as defined in Rule .1601(a)(3) of this Chapter, where a radiation machine is used shall be conspicuously posted with a sign, in accordance with the requirements of Rule .1601(a)(34) of this Chapter, bearing the words "CAUTION – RADIATION AREA", or words having a similar meaning.
- (i) Exemptions apply to the following:
- (1) intraoral dental radiation machines from Parts (a)(1)(A) and (C) of this Rule;
 - (2) Dual Energy X-Ray Absorptiometry (DEXA or DXA) and veterinary radiation machines from Subparagraph (b)(1) of this Rule;
 - (3) dental handheld radiation machines from Subparagraph (b)(2) of this Rule; and
 - (4) dental radiation machines from Subparagraph (g)(3) of this Rule.

History Note: Authority G.S. 104E-7; Eff. February 1, 1980; Amended Eff. May 1, 1993; November 1, 1989; October 1, 1980; Transferred and Recodified from 15A NCAC 11 .0606 Eff. February 1, 2015; Readopted August 1, 2026.

10A NCAC 15 .0607 RADIATION MACHINE REQUIREMENTS

- (a) All radiation machines shall be:
- (1) registered with the agency in accordance with Rule .0203(a) of this Chapter; and

- (2) installed according to the manufacturer's specifications.
- (b) Each diagnostic radiographic and fluoroscopic radiation machine and associated components shall comply with the following provisions of 21 CFR Subchapter J, Diagnostic x-ray systems and their major components, which are hereby incorporated by reference, including subsequent amendments and editions. The following parts of 21 CFR Subchapter J apply:
- (1) Part 1000, "General";
 - (2) Subpart A 1000.1, "General Provisions - General";
 - (3) Subpart A 1000.3(a) through (1), and (n) through (s), "Definitions";
 - (4) Subpart A 1000.15, "Examples of electronic products subject to the Radiation Control for Health and Safety Act of 1968";
 - (5) Part 1002, "Records and Reports";
 - (6) Subpart A 1002.1(a) and (c)(4), "Applicability";
 - (7) Subpart D 1002.31, "Preservation and inspection of records";
 - (8) Part 1003, "Notification of Defects of Failures to Comply";
 - (9) Subpart A 1003.1, "Applicability";
 - (10) Subpart A 1003.2, "Defect in an electronic product";
 - (11) Subpart C 1003.21, "Notification by the manufacturer to affected persons";
 - (12) Part 1010, "Performance Standards for Electronic Products - General";
 - (13) Subpart A 1010.1, "Scope";
 - (14) Subpart A 1010.2 (a),(b), and (d), "Certification";
 - (15) Subpart A 1010.3, "Identification";
 - (16) Subpart A 1010.4(a) and (d), "Variances";
 - (17) Part 1020, "Performance Standards for Ionizing Radiation Emitting Products";
 - (18) Section 1020.20, "Cold-cathode gas discharge tubes";
 - (19) Section 1020.30, "Diagnostic x-ray systems and their main components";
 - (20) Section 1020.31, "Radiographic equipment";
 - (21) Section 1020.32, "Fluoroscopic equipment"; and
 - (22) Section 1020.33, "Computed tomography (CT) equipment".
- (c) The regulations incorporated by reference in Paragraph (b) of this Rule are available free of charge at <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-J> for Subparagraphs (a)(1) through (a)(22) of this Rule.
- (d) Diagnostic radiation machines and their associated components used on humans and certified in accordance with Paragraph (b)(17) of this Rule shall be maintained to ensure compliance with standards in accordance with Paragraph (b) of this Rule.
- (e) Radiation machines that do not meet the requirements of Paragraph (b)(1) of this Rule shall not be sold, installed, or used in this state prior to the agency completing a review of the

- radiation machine in accordance with Rule .0212(a) of this Chapter.
- (f) All radiation machines shall meet the following additional requirements:
- (1) The tube housing shall remain stable during radiation exposures unless tube housing movement is a designed function of the radiation machine.
 - (2) All position locking, holding, and centering devices on radiation machine components and systems shall function as intended by the manufacturer.
- (g) Veterinary. Radiation machines used in veterinary medicine are exempt from Paragraph (c) of this Rule. The requirements of this paragraph shall apply only to veterinary medicine radiographic installations. Veterinary radiation machine installations shall meet the following requirements:
- (1) The protective tube housing shall be of the diagnostic type.
 - (2) Diaphragms or cones shall be provided for collimating the useful beam to the area of the image receptor and shall provide the same degree of protection as is required in the housing.
 - (3) The total filtration permanently in the useful beam shall not be less than 0.5 millimeters aluminum equivalent for machines operating up to 50 kVp, 1.5 millimeters aluminum equivalent for machines operating between 50-70 kVp, and 2.5 millimeters aluminum equivalent for machines operating above 70 kVp.
 - (4) A device shall be provided to terminate the exposure after a preset time or exposure.
 - (5) A dead-man type of exposure switch shall be provided, together with an electrical cord of sufficient length, so that the operator can stand out of the useful beam and at least six feet from the animal during all x-ray exposures or behind a protective barrier adequate to assure compliance with dose limit requirements of Rule .1601(a)(8) and .1601(a)(15) of this Chapter.
- History Note: Authority G.S. 104E-7; Eff. February 1, 1980; Amended Eff. January 1, 1994; October 1, 1980; Transferred and Recodified from 15A NCAC 11 .0607 Eff. February 1, 2015; Readopted Eff. August 1, 2026.*
- 10A NCAC 15 .0608 THERAPEUTIC X-RAY INSTALLATIONS: LESS THAN ONE MEV**
- History Note: Authority G.S. 104E-7;104E-12(a); Eff. February 1, 1980; Amended Eff. January 1, 1994; May 1, 1992; November 1, 1989; Transferred and Recodified from 15A NCAC 11 .0608 Eff. February 1, 2015; Repealed Eff. August 1, 2026.*

**10A NCAC 15 .0610 VETERINARY MEDICINE
RADIOGRAPHIC INSTALLATIONS**

*History Note: Authority G.S. 104E-7; 104E-12(a);
Eff. February 1, 1980;
Amended Eff. January 1, 1994; May 1, 1992; November 1, 1989;
Transferred and Recodified from 15A NCAC 11 .0608 Eff.
February 1, 2015;
Repealed Eff. August 1, 2026.*

TITLE 12 - DEPARTMENT OF JUSTICE

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

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

*History Note: Authority G.S. 17E-4; 17E-7;
Temporary Adoption Eff. March 1, 1998;
Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. March 6, 2018;
Amended Eff. August 1, 2026; December 1, 2023.*

**12 NCAC 10B .1304 EVALUATION FOR TRAINING
WAIVER**

- (a) Applicants for certification with prior telecommunicating experience shall have been employed and certified in a telecommunicator position in order to be considered for training evaluation under this Rule.
- (b) Persons who separated from a telecommunicator position during their probationary certification period after having completed a commission-accredited Telecommunicator Certification Course and who have been separated from a telecommunicator position for one year or less shall serve the remainder of the initial probationary period, but need not complete an additional training program.
- (c) Persons who separated from a telecommunicator position during their probationary certification period without having completed a commission-accredited Telecommunicator Certification Course, or whose certification was suspended pursuant to 12 NCAC 10B .0204(b)(1), and who have remained separated or suspended for over one year shall complete a commission-accredited Telecommunicator Certification Course in its entirety and pass the State Comprehensive Examination, and shall be allowed a 12 month probationary period as prescribed in 12 NCAC 10B .1303(a).

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

*History Note: Authority G.S. 17E-4; 17E-7;
Temporary Adoption Eff. March 1, 1998;
Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. March 6, 2018;
Amended Eff. August 1, 2026.*

12 NCAC 10B .1305 TRAINEE ATTENDANCE

- (a) Each trainee enrolled in a certified "Telecommunicator Certification Course" shall attend all class sessions.
- (b) The school director may recognize valid reasons for class absences and may excuse a trainee from attendance at specific class sessions. However, excused absences shall not exceed ten percent of the total class hours for the course offering, except where the absence is due to religious observance as provided for in the community college policy, in which case the absence excused may be for an additional 11.3 hours.
- (c) If the school director grants an excused absence from a class session, he or she shall schedule an appropriate make-up and ensure the satisfactory completion of the classwork missed during the current course presentation or in a subsequent course delivery as is permissible under 12 NCAC 10B .1306.
- (d) A trainee is not eligible to take the State Comprehensive Examination or considered to have successfully completed the course if the cumulative total of class absences, with accepted make-up work, exceeds the amount of time allowed in Paragraph (b) of this Rule. The trainee shall be terminated from further course participation by the school director at the time the trainee becomes ineligible pursuant to Paragraph (b) of this Rule.

*History Note: Authority G.S. 17E-4; 17E-7;
Eff. April 1, 2001;
Amended Eff. August 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. March 6, 2018;
Amended Eff. August 1, 2026.*

**12 NCAC 10B .1306 COMPLETION OF
TELECOMMUNICATOR CERTIFICATION COURSE**

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

enrollment in a subsequent delivery of the same course where the school director provides evidence that:

- (1) the trainee attended and satisfactorily completed specified class hours and topics of the "Telecommunicator Certification Course" but through extended absence occasioned by illness, accident, or emergency was absent for more than 10 percent of the total class hours of the course offering;
- (2) the trainee was granted excused absences by the school director that did not exceed 10 percent of the total class hours for the course offering and the school director could not schedule appropriate make-up work during the current course offering as specified in 12 NCAC 10B .1305(c) due to valid reasons; or
- (3) the trainee participated in an offering of the "Telecommunicator Certification Course" but had an identified deficiency in essential knowledge or skill in either one or two, but no more than two, of the specified topic areas incorporated in the course content as prescribed under 12 NCAC 10B .1302(b).

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

- (1) the trainee submits a written request to the Director, justifying the limited enrollment and certifying that the trainee's participation shall be accomplished pursuant to Paragraph (c) of this Rule; and
- (2) the school director of the previous school offering submits to the director a certification of the particular topics and class hours attended and satisfactorily completed by the trainee during the original enrollment.

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

- (1) the trainee need only attend and satisfactorily complete those portions of the course which were missed or identified by the school director as areas of trainee deficiency in the proper course participation;
- (2) following proper enrollment in the subsequent course offering, scheduled class attendance and active participation with satisfactory achievement in the course, the trainee would be eligible for administration of the State Comprehensive Examination by the Commission and possible certification of successful course completion; and
- (3) a trainee shall be enrolled as a limited enrollee in only one subsequent course offering within the 120 calendar days from the last date of

trainee participation in prior course delivery. A trainee who fails to complete those limited portions of the course after one retest shall enroll in an entire delivery of the Telecommunicator Certification Course.

(d) A trainee who has an identified deficiency or in essential knowledge or skill in three or more subject-matter or topical areas at the conclusion of the course delivery shall complete a subsequent program in its entirety.

History Note: Authority G.S. 17E-4; 17E-7; Eff. April 1, 2001; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. August 1, 2026.

12 NCAC 10B .1308 SATISFACTION OF MINIMUM TRAINING REQUIREMENTS

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

- (1) Achieve a score of 70 percent correct answers on the Commission-administered comprehensive written examination; and
- (2) Demonstrate successful completion of a commission-approved offering of the "Telecommunicator Certification Course" as shown by the certification of the school director.

History Note: Authority G.S. 17E-4; 17E-7; Eff. April 1, 2001; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. August 1, 2026.

TITLE 16 - EDUCATION

16 NCAC 06C .0110 QUALIFICATIONS OF SCHOOL NURSES

(a) Any person employed or contracted to serve as a school nurse in a North Carolina public school shall meet all qualifications established by the State Board of Education ("SBE"). At minimum, the person shall:

- (1) Be licensed as a registered nurse under Chapter 90, Article 9A of the General Statutes and have at least two years of experience serving as a nurse in a hospital or health clinic; or
- (2) Be certified by the American Nurses Credentialing Center or the National Board for Certification of School Nurses.

(b) A school nurse employed by or under contract with a public school unit who meets either of these qualifications shall be paid under the certified school nurse pay scale as established by the SBE. A nurse employed by a local health department, as defined in G.S. 130A-2(5), and contracted to serve as a school nurse shall be paid according to the local pay schedule established by the county government.

(c) Any person employed or contracted to serve as a school nurse in a North Carolina public school shall complete all training requirements established by the SBE. At minimum, the person shall:

- (1) Within six months of starting employment or a contract with a public school unit ("PSU"), complete the School Nurse Orientation Modules offered by the North Carolina Department of Health and Human Services ("DHHS"); and
- (2) Within two years of starting employment or a contract with a PSU, complete the School Nurse Roles and Responsibilities course offered by DHHS.

(d) The person shall provide proof of completion of these training requirements to the employing or contracting PSU by the established deadline. If the person completed these requirements prior to employment or contract with the PSU, the person is not required to repeat those requirements so long as proof of completion is provided to the PSU.

(e) Nothing in this Rule shall be construed to prevent a PSU from requiring additional qualifications or training for a school nurse under its employment or contract.

(f) This Rule applies to school nurses initially hired or contracted for on or after July 1, 2025.

*History Note: Authority G.S. 115C-12(9); 115C-315;
Temporary Adoption Eff. November 7, 2025;
Eff. August 1, 2026.*

16 NCAC 06E .0101 DEFINITIONS

For purposes of this Section, the following definitions shall apply:

- (1) "Compulsory Attendance Law" means G.S. 115C-378.
- (2) "Homebound instruction" is defined in G.S. 115C-106.3(5a).
- (3) "Local superintendent" means the superintendent of a local school administrative unit, as provided in Chapter 115C, Article 18 of the General Statutes, or the staff member with the highest decision-making authority for a PSU, if there is no superintendent.
- (4) "Membership" means enrollment in a public school unit with a class schedule covering at least one half of the instructional day.
- (5) "Principal" means a school administrator employed as the principal of a school, as provided in Chapter 115C, Article 19 of the General Statutes, or the staff member with the highest decision-making authority at a school, if there is no principal.
- (6) "Remote academy" means:
 - (a) A remote academy approved by the State Board of Education under G.S. 115C-234.15; or
 - (b) A remote charter academy approved by the Charter Schools Review Board under G.S. 115C-218.123.

- (7) "Remote instruction" is defined in G.S. 115C-84.3(a).

*History Note: Authority G.S. 115C-378; 115C-379;
Eff. July 1, 1986;
Amended Eff. June 1, 1996;
Readoption Eff. August 1, 2026.*

16 NCAC 06E .0102 ATTENDANCE REQUIREMENTS

(a) To be considered in attendance on any given instructional day:

- (1) The student shall be physically present either:
 - (A) In the school under the supervision of school personnel for at least one-half of the instructional day; or
 - (B) In a place other than the school with the approval of the appropriate school official to attend a school-sponsored activity, such as a field trip, athletic contest, student convention, musical festival, or similar activity;

(2) If the student is enrolled in a remote academy, the student shall log into the assigned learning management system at least once per day consistent with the remote academy plan approved by the State Board of Education in accordance with G.S. 115C-234.15 or the Charter Schools Review Board in accordance with G.S. 115C-218.123; or

(3) If the student is participating in remote instruction other than through a remote academy, the student shall complete the student's assignments for each remote instruction day, either online or offline, consistent with the remote instruction plan approved by the State Board of Education in accordance with G.S. 115C-84.3.

(b) A student shall not be recorded as in attendance until the student has, following enrollment, attended at least one-half of an instructional day in accordance with Paragraph (a) of this Rule. If the student is enrolled in a remote academy, the student shall log into the assigned learning management system and be virtually present and responsive on the first instructional day. A student shall not participate in remote instruction other than through enrollment in a remote academy until the student has been in physical attendance for at least one instructional day.

(c) A public school unit ("PSU") shall excuse the temporary absence of a student if the principal, local superintendent, or designee of the principal or local superintendent determines by a preponderance of the evidence that the absence was for one of the following lawful reasons:

- (1) The student or, if the student is a custodial parent, a child in the student's care, has a physical or mental illness or injury that prevents the student from being able to attend school.
- (2) The student is isolating in accordance with directives from the local health department, the North Carolina Department of Health and

- Human Services, or the Centers for Disease Control and Prevention.
- (3) The student has suffered the death of an immediate family member. For purposes of this Rule, "immediate family member" means a spouse, parent, legal guardian or custodian, grandparent, child, grandchild, brother, sister, half-sibling, or step-sibling. The term applies to any such relationship whether by blood, adoption, or marriage.
 - (4) The student or, if the student is a custodial parent, a child in the student's care, has a medical or dental appointment.
 - (5) The student is a party to or is under subpoena as a witness in the proceedings of a court or administrative tribunal. For purposes of this Rule, an administrative tribunal shall include the governing body of the PSU.
 - (6) The student is absent due to a religious observance required by the faith of the student or the student's parent or legal guardian. A student is entitled to at least two absences for this purpose each school year, but the parent or legal guardian shall provide the PSU with notice of the intended absence at least one instructional day in advance. The PSU shall offer the student the opportunity to make up any tests or other assignments missed due to these absences.
 - (7) The student obtains prior approval from the local superintendent or designee to take advantage of an educational opportunity outside of school, such as service as a legislative page or Governor's page.
 - (8) The student cannot safely travel to school due to a natural disaster, provided the area in which the student resides or through which the student must travel has been declared a disaster area by the Federal Emergency Management Agency.
 - (9) The student is receiving educational services outside of school under one of the following conditions:
 - (A) Medical necessity initiated by a medical report or physician's orders and documented in the student's written homebound instruction plan, Section 504 plan, or Individualized Education Program ("IEP").
 - (B) The student's IEP Team has determined that placement of the student outside of school is the least restrictive environment available given the student's needs and has documented that need in the student's IEP or Section 504 plan.
 - (10) The student is receiving educational services through the Teacher-in-Treatment Program administered by the North Carolina Department of Health and Human Services.
 - (11) The student satisfies the following criteria for military-affiliated absences:
 - (A) The student's parent or legal guardian is an active-duty member of the uniformed services, as defined in G.S. 115C-407.5;
 - (B) The student's parent or legal guardian has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting; and
 - (C) The student has not been identified by the PSU as being at risk of academic failure due to unexcused absences.

A student is entitled to at least two absences for this purpose each school year, but the parent or legal guardian shall provide the PSU with notice of the intended absence at least one instructional day in advance.

 - (d) A PSU shall not excuse students for nonattendance due to immediate demands of the farm or the home, unless such demands satisfy one of the lawful reasons for absence listed in Paragraph (c) of this Rule.
 - (e) A PSU shall have the authority to excuse the temporary or occasional absence of a student for other reasons in accordance with policies adopted by the governing body of the PSU, provided that the student is currently in membership.
 - (f) A student's willful absence from school, with or without the knowledge of the student's parent or legal guardian, or a student's absence from school for any reason other than those permitted by this Rule or Rule .0104 of this Section, shall be deemed unlawful for purposes of the Compulsory Attendance Law.

History Note: Authority G.S. 115C-84.3; 115C-378; 115C-379;
Eff. July 1, 1986;
Amended Eff. June 1, 1996;
Readoption Eff. August 1, 2026.

16 NCAC 06E .0103 ENFORCEMENT

- (a) Each public school unit ("PSU") shall enforce within its jurisdiction the state laws and rules that relate to compulsory attendance. The PSU governing body may adopt policies that allow a teacher to consider a student's absences in the computation of the student's grades. Each PSU shall communicate all attendance obligations and procedures to students, parents, and legal guardians before the first day of each school year.
- (b) Duties of Teachers. It shall be the duty of each teacher to:
 - (1) Inform students and parents of the importance of regular school attendance through classroom activities, programs and announcements at parent-teacher association meetings and parent-teacher conferences, and other engagements with the school community;
 - (2) Record absences and reasons for those absences in accordance with the policies and procedures of the PSU; and
 - (3) Maintain accurate student attendance records.

(c) Duties of School Social Workers. It shall be the duty of each school social worker to:

- (1) Investigate potential violations of the Compulsory Attendance Law reported by a teacher or the principal;
- (2) Work with the student and the student's parent or legal guardian to determine the reasons for the absences and determine appropriate responsive measures, including adjustments to the school program or the provision of supplemental services; and
- (3) Report violations of the Compulsory Attendance Law to local law enforcement and provide all documentation necessary for prosecution under G.S. 115C-380.

(d) Duties of Principals. It shall be the duty of each principal to:

- (1) Execute the duties assigned to principals under G.S. 115C-378;
- (2) Inform students and parents of the importance of regular school attendance;
- (3) Inform teachers, social workers, and other staff under the principal's supervision of their obligations with respect to the Compulsory Attendance Law; and
- (4) Provide teachers with the necessary resources to document student attendance.

(e) Duties of Local Superintendents. It shall be the duty of each local superintendent to:

- (1) Enforce within the PSU those state laws, State Board of Education rules, and local policies of the PSU that relate to compulsory attendance;
- (2) Inform students, parents, and the general public of the importance of regular school attendance through PSU staff meetings, parent-teacher association meetings, press releases, and other public media;
- (3) Inform principals, teachers, social workers, and other staff under the superintendent's supervision of their obligations with respect to the Compulsory Attendance Law; and
- (4) Coordinate meetings between teachers, social workers, and principals as needed for discussions concerning school attendance and enforcement of the Compulsory Attendance Law.

*History Note: Authority G.S. 115C-378; 115C-379; G.S. 115C-380; 115C-381;
Eff. July 1, 1986;
Readoption Eff. August 1, 2026.*

16 NCAC 06E .0104 INVOLUNTARY SUSPENSIONS

The absence of a student which results from the suspension or expulsion of that student for disciplinary reasons pursuant to the provisions of Chapter 115C, Article 27 of the General Statutes shall not constitute a violation of the Compulsory Attendance Law.

*History Note: Authority G.S. 115C-378; 115C-379; 115C-380;
Eff. July 1, 1986;
Amended Eff. June 1, 1996;
Readoption Eff. August 1, 2026.*

16 NCAC 06E .0105 EARLY ADMISSION TO KINDERGARTEN

(a) A child who turns four years old on or before April 16 may be admitted to Kindergarten for the following school year pursuant to G.S. 115C-364(d) if the principal, after conferring with a committee of professional educators, determines at the student meets the following requirements:

- (1) Student Aptitude. The child is functioning at a level two to three years beyond peers of the same age in academic and social development and has scored at or above the 98th percentile on a standard individual test of intelligence such as:
 - (A) The Stanford-Binet;
 - (B) The Wechsler Preschool and Primary Scale of Intelligence;
 - (C) The Kaufman Anderson; or
 - (D) Any other comparable test administered by a licensed psychologist.
- (2) Achievement. The child is functioning at a level two to three years beyond peers of the same age. The child shall score at the 98th percentile on either reading or mathematics on a standard test of achievement such as:
 - (A) The Metropolitan Readiness Test;
 - (B) The Stanford Early School Achievement Test;
 - (C) The Mini Battery of Achievement;
 - (D) The Woodcock-Johnson;
 - (E) The Test of Early Mathematics Ability ("TEMA");
 - (F) The Test of Early Reading Ability ("TERA"); or
 - (G) Any other comparable test administered by a licensed psychologist, a member of the psychologist's professional staff, or a professional educator who is trained in the use of the instrument and who has no conflict of interest in the outcome of the assessment.
- (3) Performance. The child is able to perform tasks well above peers of the same age, as evidenced by behaviors in areas such as independent reading, problem solving skills, advanced vocabulary, and some writing fluency. The parents shall submit a sample of the child's work that shows outstanding ability in any area including art, mathematics, writing, dramatic play, creative productions, science, or social interactions. The principal may also require a

teacher to complete an informal reading assessment of the child.

- (4) **Observable Student Behavior/Student Interest.** The child demonstrates social and developmental maturity sufficient to participate in a structured setting for a full school day. The child shall be capable of following verbal instructions and functioning independently within a group. The parent shall provide two recommendation letters with specific documentation of physical and social maturity from preschool teachers, child care workers, pediatricians, or others who have direct knowledge of the child. Other useful documentation includes the child's performance on the California Preschool Competency Scale, the Teacher's Observation of Potential in Students ("TOPS") Scale, or any other comparable scale of early social development.
- (5) **Motivation/Student Interest.** The principal or principal's designee shall conduct an informal interview with the child and a more structured interview with the parent to determine if the child displays a desire for knowledge and seeks new and challenging learning situations.

(b) The parent or legal guardian of the child shall present all evidence in support of their child's early entry into Kindergarten to the principal within the first 30 calendar days of the school's instructional year. All testing shall be administered at the parent's or legal guardian's expense after the April 16th that follows the child's fourth birthday.

(c) The principal shall decide whether to grant the request for enrollment within three weeks after receiving the evidence provided by the parent or legal guardian. The principal may conditionally enroll the child for up to 90 days to observe whether the child is able to adjust to the school setting. If the principal determines that the child has not adjusted to the school setting, the principal shall deny the request for enrollment.

(d) Before removing the child from school, the principal shall invite the parent or legal guardian to assist in the development of intervention strategies for the child. If those strategies are not successful, the principal shall provide the parent or legal guardian at least 10 days' notice before removing the child from school.

(e) Nothing in this Rule shall preclude a local board of education from adopting policies that require a parent or legal guardian to provide additional information beyond the requirements of this Rule, including results of other standardized tests or measures related to the child's giftedness or maturity.

(f) After the child has been enrolled for 90 calendar days, or at any earlier time that the principal has determined that the child has adjusted and shall be allowed to remain in school, the local school administrative unit shall review the child's information to determine if the child shall receive services for academically or intellectually gifted students in accordance with the local plan developed under G.S. 115C-150.9.

History Note: Authority G.S. 115-150.6; 115C-364(d); Temporary Adoption Eff. August 18, 1997; Eff. March 15, 1999;

Readoption Eff. August 1, 2026.

SECTION .0600 – TECHNOLOGY AND INFORMATION SERVICES

16 NCAC 06G .0602 TECHNOLOGY COST CONSIDERATIONS

(a) Each public school unit ("PSU") shall evaluate the following factors when acquiring technology, computer hardware, or computer software.

- (1) The long-term cost of ownership of the technology, hardware, or software, including anticipated costs of maintenance, support, licensing, subscription renewals, and repair.
- (2) Any flexibility for innovation in the use of the technology, hardware, or software to support instructional innovation, software upgrades, and evolving educational needs.
- (3) Any anticipated resale or salvage value at the end of the target lifecycle for the technology, hardware, or software. The anticipated value shall be calculated as a percentage of the initial purchase cost based on the comparable market value of the technology, hardware, or software at the end of its useful life.

(b) The PSU shall retain documentation of the evaluation for a minimum of three years and shall provide such documentation to the State Board of Education upon request.

(c) Each PSU shall submit the report required by G.S. 115C-102.11 no later than June 30th of each school year.

History Note: Authority G.S. 115C-13; 115C-102.10; 115C-102.11; Eff. August 1, 2026.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 16 - DENTAL EXAMINERS

21 NCAC 16B .0501 DENTAL LICENSURE BY CREDENTIALS

(a) Except for instructors applying under Rule .0502 of this Section, an applicant for a dental license by credentials shall submit to the Board:

- (1) a notarized application form provided by the Board at www.ncdentalboard.org that includes the information and materials required by Rule .0301(a) of this Subchapter;
- (2) the non-refundable licensure by credentials fee set forth in 21 NCAC 16M .0101(10);
- (3) an affidavit from the applicant stating for the five year period set out in G.S. 90-36(c)(1):
 - (A) the dates that and locations where the applicant has practiced dentistry;
 - (B) that the applicant has provided at least 5,000 hours of clinical care to patients. Applicants applying under G.S. 90-

36(b1)(2) may rely upon the hours of clinical care provided to patients during their participation in an advanced dental education program to meet the 5,000-hour requirement of this Part;

(C) that the applicant has held an active, unrestricted dental license issued by another U.S. state or U.S. territory, without any period of interruption; and

(4) a statement disclosing and explaining any investigations, malpractice claims, or state or federal agency complaints, judgments, or settlements that are related to licensure and are not disclosed elsewhere in the application.

(b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for a dental license by credentials shall request the applicable entity to send the following required information or documents, in a sealed envelope or via secure electronic transmission, directly from the entity to the Board office:

(1) the applicant's official transcripts from a dental school or college accredited by the Commission on Dental Accreditation of the American Dental Association ("CODA") showing the applicant graduated with a DDS or DMD degree, except that for applicants applying under G.S. 90-36(b1)(2), a copy of the applicant's general dental degree and the applicant's official transcripts from an advanced dental education program accredited by CODA that issued either a certificate or a degree to the applicant;

(2) a certificate of the applicant's licensure status from the dental regulatory authority or other occupational or professional regulatory authority and a disclosure of any disciplinary action taken or investigation pending, from all licensing jurisdictions where the applicant holds or has ever held a dental license or other occupational or professional license;

(3) scores from:

(A) the National Board Dental Examination administered by the Joint Commission on National Dental Examinations; and

(B) a clinical examination accepted by the Board based on the criteria set out in Rule .0303(d) of this Subchapter;

(4) a report of any pending or final malpractice actions against the applicant verified by any malpractice insurance carrier covering the applicant; and

(5) a letter of coverage history from all current and all previous malpractice insurance carriers covering the applicant.

(c) An application shall be complete when the Board receives all information and documentation set forth in Paragraphs (a) and (b) of this Rule and the applicant's passing scores on all examinations required by this Rule. Partial applications that are not completed within one year of the date the first document is submitted to the

Board shall be disregarded as expired without a refund of the application fee.

(d) An applicant for dental licensure by credentials shall pass the Board's written examinations in sterilization and jurisprudence as set out in Rule .0303(a) of this Subchapter. Individuals who do not pass either written examination after three attempts within one year in accordance with Rule .0317(b) of this Subchapter shall not be eligible for reexamination under Rule .0317(c) of this Subchapter and may not reapply for licensure by credentials.

(e) If an applicant graduated with a certificate or a degree from a CODA-accredited advanced dental education program, the applicant shall be subject to all the requirements of this Rule, except:

(1) the applicant is not required to hold a dental license issued by any U.S. state or territory; and

(2) the applicant shall satisfy the educational credentials requirement set out in Subparagraph (b)(1) of this Rule by requesting the applicable entity to send directly to the Board office, in a sealed envelope or via secure electronic transmission:

(A) official transcripts from any school or college showing the applicant graduated with a general dental degree; and

(B) official transcripts from a school or college showing the applicant graduated with a certificate or a degree from a CODA-accredited advanced dental education program in the school.

(f) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

(g) Any license obtained through fraud or by any false representation, as determined by the Board, shall be revoked.

History Note: Authority G.S. 90-28; 90-36; 90-41; 90-48;

Temporary Adoption Eff. January 1, 2003;

Eff. January 1, 2004;

Recodified from 21 NCAC 16B .0401 Eff. March 1, 2006;

Amended Eff. September 1, 2014; February 1, 2010;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;

Amended Eff. August 1, 2026; December 1, 2023; March 1, 2020.

21 NCAC 16H .0105 DENTAL RADIOLOGY COURSE AND EXAMINATION REQUIREMENTS

(a) If a dental radiology course and the course's final examination meet the requirements of this Rule, the Board will recognize the course and final examination as satisfying the dental radiology training and equivalency examination requirements set out in G.S. 90-29(c)(12).

(b) For the Board to recognize a dental radiology course and its final examination:

(1) The course shall include at least 7 hours of didactic, lecture-based instruction and at least 14 hours of laboratory instruction.

(2) The course curriculum shall include instruction and training in clinical dental radiology, in the

production and use of dental x-rays, and on digital x-ray equipment. The course shall enable the student to:

- (A) identify in sequence the steps necessary for operating dental x-ray equipment;
- (B) identify the requirements of a diagnostic digital image;
- (C) differentiate the effect of variations in amperage, kilo-voltage, distance, and exposure time on the resulting digital images;
- (D) identify the terms used to measure radiation;
- (E) establish guidelines for maintaining radiation safety and the ALARA ("as low as reasonably achievable") principle;
- (F) follow principles of radiologic health practices and radiation biology;
- (G) identify radiation safety techniques and monitoring devices;
- (H) identify the parts and identification marks on dental x-ray sensors;
- (I) identify and compare intraoral sensors according to size and customary usage;
- (J) identify methods of sensor handling and storage;
- (K) identify and perform in sequence the steps in processing digital images;
- (L) differentiate between preliminary interpretation and diagnosis of the digital images;
- (M) identify the anatomical landmarks of the face and skull;
- (N) identify any dental radiograph according to its location in the maxilla or mandible, and position it on a digital image mount;
- (O) identify the types of radiographic errors caused by faulty exposure techniques;
- (P) identify the types of radiographic errors caused by incorrect digital mount positioning and angulation of the central ray;
- (Q) identify the types of radiographic errors caused by faulty digital processing techniques;
- (R) identify the conditions that cause digital images to be fogged;
- (S) identify the advance preparations necessary before exposing digital images;
- (T) carry out the task of digital image exposure to completion;
- (U) use the paralleling technique to produce digital images of diagnostic

quality addressing contrast, density, and definition;

- (V) explain the principles of digital imaging and quality assurance;
 - (W) identify errors when using digital imaging in technique and processing;
 - (X) explain the utilization of beam aligning devices; and
 - (Y) describe the use of hand-held radiation exposure devices following guidelines from the Radiation Protection Section of the Department of Health and Human Services, Radiology Compliance Branch ("Radiation Protection Section"), which are incorporated by reference, including subsequent amendments and editions, and are available at no cost online at www.ncradiation.net/Xray/dentdose.htm.
- (3) The laboratory portion of the course shall have no more than six students per instructor, and shall include practice on dental radiography manikins. Students shall not practice on peer students unless the unit is turned off and all requirements of the Board's sterilization and infection control Rule, 21 NCAC 16J .0103, are satisfied. Students shall be required to achieve a passing score of at least 80 percent on a written examination on radiation safety prior to taking radiographs.
- (4) To complete the course, students shall be required to achieve a passing score of at least 80 percent on a written examination upon completion of the didactic, lecture-based portion of the course and to achieve a passing score of at least 80 percent on a final laboratory examination. The final laboratory examination shall be conducted on a manikin and include completion of a full mouth series.
- (5) The facility used as the training location for the course shall:
- (A) assume all overhead costs involved in offering the course;
 - (B) comply with the Board's rules regarding sanitation, sterilization, and infection control set out in 21 NCAC 16J, the applicable guidelines of the Radiation Protection Section, and the OSHA guidelines and standards related to dentistry, which are incorporated by reference, including subsequent amendments and editions, and are available at no cost online at www.osha.gov/dentistry/standards;
 - (C) provide access to a room large enough to accommodate the number of participants for lecture purposes;

- (D) have the number of x-ray machines necessary based on the course curriculum and enrollment to ensure there are no more than two students per machine; and
- (E) have facilities for digital radiography.
- (6) The didactic and laboratory portions of the course shall be taught by:
 - (A) an instructor of dental radiography at an institution accredited by the Commission on Dental Accreditation ("CODA"), a list of which is available at no cost at www.ada.org/coda and is incorporated by reference, including subsequent amendments and editions; or
 - (B) an instructor who has successfully completed a Board-approved radiology instructor course set forth in 21 NCAC 16H .0106 and has completed three hours of continuing education in the area of radiology every other year. The continuing education courses shall be offered by Board-approved continuing education course sponsors as set out in 21 NCAC 16I .0202 or 21 NCAC 16R .0202.
- (7) The course sponsor shall provide students with all supplies.
- (8) Course advertising shall comply with the Board's rules regarding advertisement of dental services set out in 21 NCAC 16P.

(c) A course sponsor seeking Board recognition of a dental radiology course shall submit to the Board office:

- (1) the course outline, syllabus, and handouts;
- (2) slides and other lecture materials;
- (3) examinations and grading criteria; and
- (4) the name, resume, and verification of credentials satisfying Subparagraph (b)(6) of this Rule for all course instructors.

(d) After the course sponsor submits all the information and documents required by Paragraph (c) of this Rule, the course will be reviewed by the Board for compliance with this Rule at the next scheduled Board meeting. The Board may delay reviewing a course until a later meeting if the Board's workload makes the review impracticable. If the Board delays reviewing a course, it shall notify the course sponsor. A course shall be recognized by a majority vote of the Board. A list of recognized courses is available on the Board's website at www.ncdentalboard.org.

(e) Upon receipt of evidence that a previously recognized course is not in compliance with this Rule, the Board will notify the course sponsor in writing of each item of noncompliance. Within 30 days from the date of the notice of noncompliance, the course sponsor shall provide a written response to the Board office which shall respond to each item of noncompliance. The response shall provide documentation of corrections made, and shall show each item is in compliance with this Rule. If the course sponsor fails to respond or correct noncompliance, the Board's recognition of the course shall be withdrawn. As of the date recognition is

withdrawn, the course and its examination shall not satisfy the dental radiology training and equivalency examination requirements set out in G.S. 90-29(c)(12).

History Note: Authority G.S. 90-29(c)(12); 90-48; Eff. July 1, 2023; Amended Eff. August 1, 2026.

21 NCAC 16H .0106 DENTAL RADIOLOGY INSTRUCTOR COURSE REQUIREMENTS

(a) All instructors of a dental radiology course shall successfully complete a Board-approved instructor's course that covers the following topics:

- (1) foundational concepts of teaching including developing a syllabus, establishing course objectives, adjusting to different learning styles, and developing grading criteria;
- (2) a review of basic radiography, including:
 - (A) radiation history and physics;
 - (B) radiography techniques;
 - (C) radiography errors;
 - (D) radiography equipment, including hand-held devices;
 - (E) patient protection; and
 - (F) anatomy;
- (3) a review of sanitation, sterilization, and infection control standards and techniques, including the Rules in Subchapter 16J;
- (4) guidance on educational activities designed for the laboratory portion of the dental radiography course including demonstrations of shadow casting, paralleling technique, patient shielding and safe operator distancing; evaluation of occupational dose limits, and labeling diagrams of radiography equipment;
- (5) administration of written examinations to students;
- (6) examination of students' clinical skills in the laboratory including:
 - (A) evaluation and correction of student errors in radiographs;
 - (B) explanation of the physics and geometry of bisecting and paralleling techniques; and
 - (C) demonstration and explanation to students of inaccuracies in angulation;
- (7) a review of the requirements set forth in the following:
 - (A) 21 NCAC 16H .0105 of this Section;
 - (B) 10A NCAC 15;
 - (C) The Radiation Protection Guide for medical, dental, and veterinary arts published by the Radiation Protection Section of the Division of Health Services of the North Carolina Department of Health and Human Services available at no cost at

<https://radiation.ncdhhs.gov/xray/documents/healartsprog.pdf>;

- (D) The Hand-Held Dental X-Ray Guide published by the Radiation Protection Section of the Division of Health Services of the North Carolina Department of Health and Human Services available at no cost at <https://radiation.ncdhhs.gov/xray/documents/handhelddentgud.pdf>; and
- (E) Entrance Skin Exposure Facts - Dental published by the Radiation Protection Section of the Division of Health Services of the North Carolina Department of Health and Human Services available at no cost at <https://radiation.ncdhhs.gov/xray/documents/eseguide.pdf>

(b) The instructor course may apply toward fulfillment of the continuing education requirements, including the requirements of 21 NCAC 16H .0105(b)(6)(B), and all existing dental radiology instructors must successfully complete the instructor course on or before December 31, 2028.

(c) Beginning on January 1, 2029, all instructors must complete a Board-approved instructor's course before teaching a dental radiology course.

History Note: Authority G.S. 90-29(c)(12); 90-48;
Eff. August 1, 2026.

21 NCAC 16U .0204 SETTLEMENT CONFERENCES

(a) A settlement conference shall not be conducted unless the Respondent agrees to participate and to waive any objection to the Board members being provided a forecast of the evidence.

(b) A settlement conference shall be conducted before the Board or a panel of the Board appointed by the President. At the settlement conference, the Board's investigative panel shall summarize the information obtained during the course of the investigation and present a forecast of the Board's evidence. The Respondent shall have an opportunity to forecast his or her evidence. The settlement conference shall not be recorded nor open to the public.

(c) If the Board determines that sanctions, discipline, or other action is necessary, a Consent Order or other written disposition shall be prepared and proposed to Respondent. If the Respondent rejects the proposed Consent Order or other disposition, a contested case hearing shall be scheduled.

History Note: Authority G.S. 90-28; 90-41; 90-41.1; 90-48; 90-223; 90-229; 90-231; 150B-41;
Eff. October 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;
Amended Eff. August 1, 2026.

CHAPTER 18 - ELECTRICAL CONTRACTORS

21 NCAC 18B .0306 BONA FIDE EMPLOYEE

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

- (1) The restrictions of the employing licensee's license apply to any employee of the licensee.
- (2) The employing licensee shall have control and direction of the details, methods, and manner of performing the electrical work being done by the employee.
- (3) The electrical work shall be performed under the supervision and direction of a listed qualified individual who is the employing licensee, or under the supervision and direction of a listed qualified individual, as defined by G.S. 87-41.1, regularly employed by the employing licensee, and issued a W-2 by the employing licensee.
- (4) Persons acting as independent contractors, consultants, or subcontractors, or paid in cash without tax withholding, or issued a 1099 form, are not bona fide employees.
- (5) Licensed contractors may utilize employees shared with a labor supplier but only under a written contract. That written contract must allocate payroll or tax withholding obligations to the labor supplier while also placing the responsibilities of control and supervision of all electrical work upon the listed qualified individual and licensed firm. The listed qualified individual and licensed firm shall remain obligated to the owner or general contractor for all electrical installations, and the listed qualified individual must be a bona fide employee of the licensed firm.

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

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

History Note: Authority G.S. 87-42; 87-43.1(3);
Eff. October 1, 1988;
Amended Eff. April 1, 1993; February 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest
Eff. February 2, 2026;
Amended Eff. August 1, 2026.

CHAPTER 32 - NORTH CAROLINA MEDICAL BOARD

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

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

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

- (1) a completed application containing the following information from the applicant:
 - (A) personal mailing, physical address;
 - (B) work mailing, physical, and email address;
 - (C) telephone number;
 - (D) social security number;
 - (E) chronological history of education and employment from your first day of medical school to present;
 - (F) history of government investigations, substance use history for the past five years, military service, professional liability insurance history, investigations for employment misclassification for the past five years, and history of disciplinary actions and pending investigations by any state, federal, or foreign regulatory agency, hospital privilege, and malpractice; and
 - (G) an attestation under oath or affirmation that the information on the application is true and complete, and authorize the release to the Board of all information pertaining to the application.
- (2) a completed form from (1) a hospital located and licensed in North Carolina attesting to an offer of full-time employment, or (2) a NC licensed supervising physician located at a medical practice in a North Carolina rural county with a population of less than 500 people per square mile attesting to an offer of full-time employment where the supervising physician is physically practicing on-site;
- (3) documentation of a legal name change, if applicable;
- (4) a photograph, two inches by two inches, affixed to the oath or affirmation that has been attested to by a notary public;
- (5) proof of licensure in good standing from the medical licensing authority in a foreign country as required by G.S. 90-12.03(a)(2);
- (6) proof of 130 weeks of medical education from a medical school as described in G.S. 90-12.03(a)(3);
- (7) furnish an original Educational Commission for Foreign Medical Graduates certification status report;

- (8) proof of ECFMG eligibility, which shall include furnishing an original ECFMG certification status report and successful passage of United States Medical Licensing Examination Step 1 and Step 2;
- (9) proof of either (1) two years of graduate medical education approved by the applicant's country of licensure or (2) active practice in country of licensure for at least 10 years after graduation. Proof of graduate medical education will require verification from both the graduate medical education program regarding attendance and applicant's country of licensure of approval. Proof of active practice will require verification from employers, with applicable dates, positions and responsibilities; if the applicant was self-employed, the Board may require business documents, tax records, and patient attestations for the 10-year period to confirm the active practice of medicine;
- (10) examination transcripts from the examining body that meet one of the requirements of G.S. 90-12.03(a)(4):
 - (A) if applying on the basis of the USMLE, the USMLE transcript shall show a score on USMLE Step 3 and the applicant must have passed within three attempts;
 - (B) if applying on the basis of the COMLEX, the COMLEX transcript shall show a score on COMLEX Level 1, Level 2 (cognitive evaluation), and Level 3 and the applicant must have passed each level within three attempts;
 - (C) if applying on the basis of any other board-approved examination under G.S. 90-10.1 or 21 NCAC 32B .1303, the transcript must be received from the examining body and must show a passing score of each part;
 - (D) if applying on the basis of a comprehensive assessment, the applicant should submit a proposal to the Board prior to undergoing the assessment to ensure approval. The comprehensive assessment must be performed by independent licensed physicians or medical educators. The assessment must evaluate the applicant's clinical knowledge, skills and judgment, as well as their cognitive state and safety to practice. The assessment must perform the evaluation through multiple choice examination, neuro-cognitive screen, structured clinical interviews, simulated patient encounters, and procedure simulations. The

- assessment must evaluate and specify all current strengths and weaknesses in the intended area(s) of practice. The assessment must include testing and evaluation by licensed physicians or medical educators. The Board must receive an assessment report from the independent evaluators indicating the applicant's competence, all strengths and weaknesses in practice, and the ability to practice safely; or
- (E) if the applicant does not qualify for any of the examinations listed in G.S. 90-12.03(a)(4), the Board may waive the requirement as long as the applicant satisfies all other requirements of G.S. 90-12.03, holds an O-1 visa, and submits the same supporting documentation provided to the US Citizenship and Immigration Services indicating their extraordinary ability is relevant to the practice of medicine. The applicant must successfully pass the Special Purpose Examination or Post Licensure Assessment Systems within one year or the temporary license is rendered inactive.
- (11) confirmation from all jurisdictions where the applicant holds, or has held a license, that the applicant has not had a license revoked, suspended, restricted, denied or otherwise acted against and is not the subject of any pending investigation as required by G.S. 90-12.03(a)(5);
- (12) criminal background check translated into English and submitted by country of licensure directly to the Board;
- (13) submit two completed fingerprint record cards;
- (14) submit a signed consent allowing a search of local, state, and national files for any criminal record;
- (15) confirmation that the applicant has practiced medicine for at least five years. Proof of active practice will require verification from employers, with applicable dates, positions and responsibilities; if the applicant was self-employed, the Board may require business documents, tax records, and patient attestations;
- (16) demonstration of proficiency in English by:
- (A) successfully passing an examination required under G.S. 90-10.1;
- (B) licensure from a country where English is the primary language utilized by medical education programs; or,
- (C) completing the Occupational English Test (OET) Medicine. The transcript for OET Medicine must be received from OET.
- (17) supply a certified copy of applicant's birth certificate or a certified copy of a valid and unexpired U.S. passport if the applicant was born in the U.S. If the applicant does not possess proof of U.S. citizenship, the applicant must provide information about applicant's immigration status which the Board will use to verify applicant's lawful presence in the U.S.;
- (18) valid social security number;
- (19) pay to the Board a non-refundable fee pursuant to G.S. 90-13.1(a) plus the costs of a United States criminal background check; and,
- (20) upon request, supply any additional information the Board deems necessary to evaluate the applicant's competence and character.
- (c) All information submitted under Paragraph (b) of this Rule must be delivered to the Board from the primary originating source in English in order to verify the accuracy and authenticity of the information.
- (d) An applicant may be required to appear in person for an interview with the Board or its agent if the Board determines it needs more information to evaluate the applicant based on the information provided and the Board's concerns.
- (e) An application must be completed within one year of the date of the applicant's oath.
- (f) The holder of an internationally trained physician employee license who meets the requirements of G.S. 90-12.03(d) may submit an application to convert their license to a full license after four years of active practice . The Board must receive the following from the applicant or the primary source:
- (1) a completed application containing the information listed above in Parts (b)(1)(A) through (b)(1)(H) of this Rule;
- (2) submit to a criminal background check, and pay the cost of the criminal background check;
- (3) submit a signed consent allowing a search of local, state, and national files for any criminal record; and
- (4) report their practice plans, including geographic location of practice, practice setting, and area of specialty.

History Note: Authority G.S. 90-5.1(a)(3); 90-8.1; 90-12.03; 90-13.1; Eff. August 1, 2026.

21 NCAC 32S .0227 TEAM-BASED SETTINGS PRACTICE

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

- (1) provides health services to patients in the team-based setting or team-based practice;
- (2) is available, whether in person or by telecommunication, for collaboration, consultation, or referral during the times the

- team-based physician assistant is performing medical acts, tasks, or functions;
- (3) participates in determining and documenting of how the team will continuously function, including (i) the roles of each member of the team; (ii) the manner in which the team will collaborate, consult, and refer; (iii) a continuous process for ensuring patient safety; and (iv) implementation of any quality improvement measures. These records and documents shall be shared and acknowledged by all team members. The records and documents shall be provided to the Board upon request. For purposes of this section, "team" shall refer to team-based physician assistants and physicians; and
 - (4) is engaged in shared governance within the organization that enables site-based decision-making.
- (b) For purposes of G.S. 90-9.3A(a)(2), "clinical practice experience" means direct patient care as a physician assistant performing medical acts, tasks, and functions, including diagnosing, treating, and prescribing.
- (c) For purposes of G.S. 90-9.3A(a)(b), in determining whether team-based physician assistants have appropriately collaborated, consulted, and referred to members of the health care team, the Board will take into consideration all documents and records under Subparagraph (a)(3) of this Rule. These records and documents shall be made available to the Board if requested.
- (d) Prior to practicing as a team-based physician assistant, a physician assistant shall submit to the Board a registration for a Team-Based Practice , by logging into their Licensure Gateway account at <https://portal.ncmedboard.org/index.aspx>, that includes the following information:
- (1) the physician assistant's name, mailing address, and telephone number;
 - (2) the address of all the team-based settings in which the physician assistant practices;
 - (3) an attestation, signed by the physician assistant, under oath and affirmation that the physician assistant:
 - (A) has at least 4,000 documented hours of clinical practice experience as a licensed physician assistant. Documentation shall be made available to the Board if requested;
 - (B) has at least 1,000 documented hours of clinical practice experience within each specified medical specialty area of practice in which the team-based physician assistant will be practicing. Documentation shall be made available to the Board if requested; and
 - (C) will be working in a team-based setting or team-based practice as defined by G.S. 90-1.1(4d).
- (e) The physician assistant shall not commence practice as team-based physician assistant until they receive acknowledgement

from the Board, or confirm on its website, that the Board has received and processed the Team-Based Practice Registration. The Team-Based Practice Registration is limited to the medical specialty and team-based setting registered with the Board. A team-based physician assistant shall notify the Board of any changes to the information required in Subparagraphs (d)(1) and (d)(2) of this Rule within 60 days of the change. Physician assistants shall update all information under Paragraph (d) when the team-based physician assistant changes team-based practices under a different employer or their medical specialty before initiating practice.

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

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

- (1) the physician assistant practices within the scope of their education, experience, competence, as well as within the functions of the team as established in Subparagraph (a)(3) of this Rule;
- (2) that there are physicians who have consistent and meaningful participation in the design and implementation of health services to patients as defined in Paragraph (a) of this Rule; and
- (3) that there are means for collaboration, consultation, and referral, as indicated by the patient's condition, as well as the education, experience, and competencies of the physician assistant, and the applicable standard of care.

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

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

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

this Paragraph, a plain film radiograph includes a Dual-Energy X-Ray Absorptiometry ("DEXA") scan.

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

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

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

History Note: Authority G.S. 90-1.1; 90-5.1(a)(3); 90-9.3A; 90-18.1;
Eff. August 1, 2026.

21 NCAC 32U .0103 INFLUENZA TEST AND TREAT
Pharmacists may, in accordance with 21 NCAC 46 .2517, initiate Clinical Laboratory Improvement Amendments waived testing and treatment for influenza, as defined in G.S. 90-85.3(b2), per the protocols available at the Board of Pharmacy's office and on its website, (www.ncbop.org/protocols), including prophylactic treatment for high-risk patients who have been exposed to influenza, as set forth in the protocols.

History Note: Authority G.S. 90-85.3(b2), S.L. 2025-37, s. 5.3;
Eff. August 1, 2026.

CHAPTER 46 - PHARMACY

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

- (1) Order and perform a CLIA-waived test for influenza, which is a laboratory test authorized by the Food and Drug Administration and waived under the Clinical Laboratory Improvement Amendments of 1988, and initiate treatment pursuant to the results of the CLIA-waived test; or
- (2) Initiate prophylactic treatment for high-risk patients who have been exposed to influenza, as set forth in the protocols.

These protocols are available at the Board of Pharmacy's office and on its website (www.ncbop.org/protocols). The pharmacist shall maintain records of compliance with the protocols for three years, pursuant to Section .2300 of this Chapter.

History Note: Authority G.S. 90-85.3(b2); 90-85.3A(e); 90-85.6; 90-85.32; 90-85.36; S.L. 2025-37, s. 5.3;
Eff. August 1, 2026.

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
Wesley B. Jones

COMMISSION COUNSEL

Seth M. Ascher	984-236-1934
Travis Wiggs	984-236-1929
Christopher S. Miller	984-236-1935
Meghan E. Barney	984-236-1925

RULES REVIEW COMMISSION MEETING DATES

September 29, 2026	November 24, 2026
October 29, 2026	December 17, 2026

RULES REVIEW COMMISSION MEETING**MINUTES*****July 30, 2026***

The Rules Review Commission met on Thursday, July 30, 2026, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and the meeting was streamed for the public via Webex.

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

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

The meeting was called to order at 10:02 a.m. with Chair Parker presiding.

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

Chair Parker introduced Administrative Law Judge Christopher C. Loutit with the Office of Administrative Hearings to the Commission.

Judge Loutit administered the Oath of Office to reappointed Commissioners Jeanette Doran, John Hahn, and Jeff Hyde.

The Chair notified the Commission that the following agenda item will be taken up at the end of the meeting: Permanent Rules from the Mining Commission.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the June 25, 2026 meeting. There were none, and the minutes were unanimously approved as distributed.

FOLLOW-UP MATTERS**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; and 60B .2001 were unanimously approved.

Council of State

06 NCAC 04 .0103 was unanimously approved.

Child Care Commission

10A NCAC 09 .2102 – The time for the agency to respond to the Commission's objection from the May meeting has not expired. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)**Child Care Commission**

The Commission voted to extend the period of review for 10A NCAC 09 .1101, .1102, .1703, .1729, and .2101 until the August 27, 2026 meeting.

Radiation Protection Commission

10A NCAC 15 .0601, .0602, .0605, .0606, .0607, .0608, and .0610 were unanimously approved.

10A NCAC 15 .0611 was withdrawn at the request of the agency. No action was required by the Commission.

Sheriffs' Education and Training Standards Commission

12 NCAC 10B .1303, .1304, .1305, .1306, and .1308 were unanimously approved.

Mining Commission

The Commission voted to extend the period of review for 15A NCAC 05A .0101, .0202; 05B .0103, .0104, .0105, .0106, .0110, .0111, .0112, .0113, .0114, .0115, .0116, .0117; 05F .0101, .0103, .0105, .0106, .0111, .0112; 05G .0103, .0104, and .0105 until the August 27, 2026 meeting.

The Chair waived 26 NCAC 05 .0103, permitting the written comments from Mara Frank and William Doucette to be accepted into the record.

Natalie Lew, a concerned citizen and member of The Umstead Coalition, addressed the Commission.

Elizabeth Adams, a concerned citizen and member of The Umstead Coalition, addressed the Commission.

Dr. Jean Spooner, Chair of The Umstead Coalition, addressed the Commission.

Holly Neal, a concerned citizen and member of The Umstead Coalition, addressed the Commission.

Mark Stohlman, a concerned citizen and member of The Umstead Coalition, addressed the Commission.

Hwa Huang, a concerned citizen and member of The Umstead Coalition, addressed the Commission.

State Board of Education

16 NCAC 06C .0110; 06E .0101, .0102, .0103, .0104, .0105, and 06G .0602 were unanimously approved.

Board of Dental Examiners

21 NCAC 16B .0501; 16H .0105, .0106, and 16U .0204 were unanimously approved.

Board of Examiners of Electrical Contractors

21 NCAC 18B .0306 was unanimously approved.

Medical Board

21 NCAC 32B .1362 and 32S .0227 were unanimously approved.

Board of Pharmacy - Medical Board

21 NCAC 32U .0103 was unanimously approved.

Board of Pharmacy - Medical Board

21 NCAC 46 .2517 was unanimously approved.

LOG OF FILINGS (TEMPORARY RULES)

Wildlife Resources Commission

15A NCAC 10B .0203 and .0502 were unanimously approved.

EXISTING RULES REVIEW

Pesticide Board

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

Department of Commerce

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

Office of the Commissioner of Banks

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

Commission for Public Health

10A NCAC 39A, C - The Commission unanimously approved the report as submitted by the agency.

Commission of Anatomy

10A NCAC 39B - The Commission unanimously approved the report as submitted by the agency.

Commission for Public Health

10A NCAC 43G - The Commission unanimously approved the report as submitted by the agency.

10A NCAC 43H - The Commission unanimously approved the report as submitted by the agency.

10A NCAC 43I - The Commission unanimously approved the report as submitted by the agency.

10A NCAC 43J - The Commission unanimously approved the report as submitted by the agency.

Appraisal Board

21 NCAC 57 - The Commission unanimously approved the report as submitted by the agency.

Housing Finance Agency

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

READOPTIONS

HHS - Division of Employment and Independence for People with Disabilities

10A NCAC 89 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than January 1, 2030, pursuant to G.S. 150B-21.3A(d)(2).

Department of Labor

13 NCAC 07A, 07F, 07G;12 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than November 1, 2031, pursuant to G.S. 150B-21.3A(d)(2).

Department of Public Safety

14B NCAC 11A, B, C, D - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than August 1, 2030, pursuant to G.S. 150B-21.3A(d)(2).

Department of Transportation

19A NCAC 01, 04, 05 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than November 1, 2030, pursuant to G.S. 150B-21.3A(d)(2).

19A NCAC 06 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than May 1, 2031, pursuant to G.S. 150B-21.3A(d)(2).

Medical Board

21 NCAC 32 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than July 1, 2030, pursuant to G.S. 150B-21.3A(d)(2).

COMMISSION BUSINESS

The Commission informed the Mining Commission that the RRC will table the Mining Commission's request to amend the 2024–2027 Periodic Review Schedule for 15A NCAC 05A, 05B, 05F, and 05G until the August 27, 2026 meeting. No action was required by the Commission.

Staff presented the Commission with the proposed 2027 RRC Meetings Schedule. The Commission will vote on the approval of the 2027 meeting schedule at the next meeting.

The Chair gave updates on the CRC v. RRC and CJETS v. RRC litigation.

The meeting adjourned at 11:21 a.m.

The next regularly scheduled meeting of the Commission is Thursday, August 27, 2026, at 10:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:

Jake Parker, Chair

July 30, 2026

Rules Review Commission
Meeting
Please **Print** Legibly

Name	Agency
Ismael Bill Doucette	Unstead Coalition Citizen
Jennifer Everett	DEQ
Jean Spooner	Unstead Coalition
STEVE BRAPER	NC DOJ
Emily Wiley	NCDOT
Elly Young	NCDOT
Victor Unno	NCDOT
Robin Pendergraft	NCDOT
Sarah Tackett	NC DOJ
MARK STOLMAN	Citizen
Alison Keisler	NCDCLC
Shanah Black	DHSR
Kal Smith	NC DPH
Denise Cloninger	NC MPS
Katie Sue Bridges	NCCOB
Blake Thomas	OSBM/Council of State
Marcus Timmer	NC MB
Hwa Hwang	Citizen
Julie Ventaloro	OSBM
Shanah	NCDOT

41:005

NORTH CAROLINA REGISTER

455

[illegible]

Rules Review Commission Meeting July 30, 2026 Via Webex

Name	Agency
Dina Recinos	ncsbe.gov
Christina Young	dhhs.nc.gov
Kimberly Mallady	dhhs.nc.gov
Dana McGhee	ic.nc.gov
Devon Horine	dhhs.nc.gov
Nancy Hunter	dhhs.nc.gov
Brian Liebman	oah.nc.gov
Vinson, Christy T	dhhs.nc.gov
Christy Vinson	dhhs.nc.gov
Lorie Pugh	dhhs.nc.gov
Carrie Ruhlman	ncwildlife.gov
Laura Rowe	nctreasurer.com
Adam Parr	deq.nc.gov
Thomas, Sidney A	nccob.gov
Jennifer Temple	dhhs.nc.gov
Parker, Sonya M	dhhs.nc.gov
Sonya Parker	dhhs.nc.gov
Wendy Moore	dhhs.nc.gov
Harper Buskirk	commerce.nc.gov
Amanda Reeder	nc.gov
Marcus Helfrich	ncagr.gov
Anna Hayworth	ncagr.gov
Virginia Niehaus	dhhs.nc.gov
Julie Eddins	oah.nc.gov
Catherine Blum	@deq.nc.gov
Marilyn Smalls	abc.nc.gov
Wes Jones	chalmersadams.com
Elizabeth Adams	Gmail
Whitney Waldenberg	brockrlawfirm.com
Bettie Teasley	nchfa.com
NC Appraisal Board	ncab.org
Serena Samuels	oah.nc.gov
Ron Myers	ncagr.gov
Max D	dhhs.nc.gov
Brian ODonnell	nchfa.com
Kyle Lockhart/Spectrum News 1	spectrum.com
Misty Piekaar	dhhs.nc.gov
Ashley Morris	ncdps.gov
Brian North	gmail.com
Jean Spooner	gmail.com
Renee Metz	abc.nc.gov
WTVD News	wtvdassignmentdesk@abc.com

RULES REVIEW COMMISSION

Name	Agency
Hope Ascher	gmail.com
Elizabeth Pope	ncswboard.gov
Tiffany Lucas	dpi.nc.gov
Angela Ellis	ncbon.com
Ryan Wytam	gmail.com
Sean Brogan	ncagr.gov
Emily Adams	ncapa.org
Jasper Stem	ncaggregates.org
Tia Pulikal	roboro.ai
Sarah DuBose	mwcllc.com
Ken Schuesselin	bcbsnc.com
Natalie Lew	mindspring.com
Beth Leonard McKay	hntb.com



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

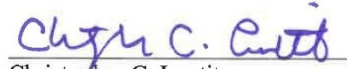
OATH OF OFFICE

I, Jeffrey T. Hyde, do solemnly swear (affirm) that I will support the Constitution of the United States.

I, Jeffrey T. Hyde, do solemnly swear (affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of said state, not inconsistent with the Constitution of the United States.

I, Jeffrey T. Hyde, do solemnly swear (affirm) that I will well and truly execute the duties of my office as a member of the Rules Review Commission according to the best of my skill and ability, according to law, so help me God.


SIGNATURE

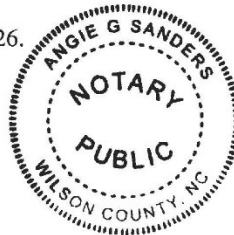

Christopher C. Loutit
Administrative Law Judge
Office of Administrative Hearings
State of North Carolina

Wake County, North Carolina

Sworn and subscribed before me this the 30th day of July 2026.


ANGIE G. Sanders, Notary Public

My Commission Expires: 2/17/2031



1711 NEW HOPE CHURCH ROAD / TELEPHONE: (984) 236-1850 / RALEIGH, NORTH CAROLINA 27609



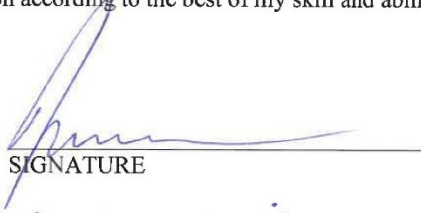
STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

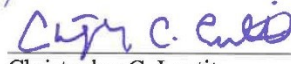
OATH OF OFFICE

I, Jeanette K. Doran, do solemnly swear (affirm) that I will support the Constitution of the United States.

I, Jeanette K. Doran, do solemnly swear (affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of said state, not inconsistent with the Constitution of the United States.

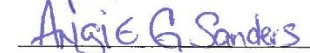
I, Jeanette K. Doran, do solemnly swear (affirm) that I will well and truly execute the duties of my office as a member of the Rules Review Commission according to the best of my skill and ability, according to law, so help me God.


SIGNATURE

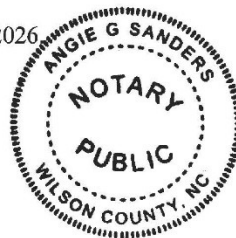

Christopher C. Loutit
Administrative Law Judge
Office of Administrative Hearings
State of North Carolina

Wake County, North Carolina

Sworn and subscribed before me this the 30th day of July 2026.


 , Notary Public

My Commission Expires: 2-17-2031



1711 NEW HOPE CHURCH ROAD / TELEPHONE: (984) 236-1850 / RALEIGH, NORTH CAROLINA 27609



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

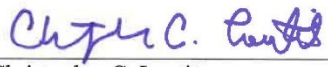
OATH OF OFFICE

I, John S Hahn, do solemnly swear (affirm) that I will support the Constitution of the United States.

I, John S Hahn, do solemnly swear (affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of said state, not inconsistent with the Constitution of the United States.

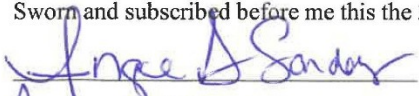
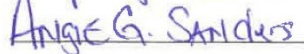
I, John S Hahn, do solemnly swear (affirm) that I will well and truly execute the duties of my office as a member of the Rules Review Commission according to the best of my skill and ability, according to law, so help me God.


SIGNATURE

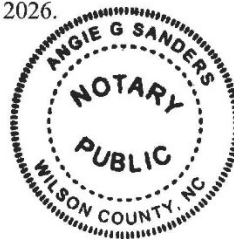

Christopher C. Loutit
Administrative Law Judge
Office of Administrative Hearings
State of North Carolina

Wake County, North Carolina

Sworn and subscribed before me this the 30th day of July 2026.


 Angie G. Sanders, Notary Public

My Commission Expires: 2-17-2031



1711 NEW HOPE CHURCH ROAD / TELEPHONE: (984) 236-1850 / RALEIGH, NORTH CAROLINA 27609



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

July 30, 2026

Joy Tribble

Sent via email to: joy.tribble@dhhs.nc.gov

Re: Readoption deadline for 10A NCAC

Dear Ms. Tribble:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on July 30, 2026.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **January 1, 2030**.

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

Sincerely,

/s/ Travis Wiggs

Travis Wiggs
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

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

RRC Determination

Periodic Rule Review

February 26, 2026

APO Review: April 29, 2026

HHS - Employment and Independence for People with Disabilities, Division of

Total: 90

RRC Determination:

10A	NCAC 89A	.0101	Necessary	10A	NCAC 89C	.0104	Necessary
10A	NCAC 89A	.0102	Necessary	10A	NCAC 89C	.0105	Necessary
10A	NCAC 89B	.0101	Necessary	10A	NCAC 89C	.0106	Necessary
10A	NCAC 89B	.0102	Necessary	10A	NCAC 89C	.0107	Necessary
10A	NCAC 89B	.0103	Necessary	10A	NCAC 89C	.0109	Necessary
10A	NCAC 89B	.0104	Necessary	10A	NCAC 89C	.0201	Necessary
10A	NCAC 89B	.0106	Necessary	10A	NCAC 89C	.0202	Necessary
10A	NCAC 89B	.0107	Necessary	10A	NCAC 89C	.0203	Necessary
10A	NCAC 89B	.0108	Necessary	10A	NCAC 89C	.0204	Necessary
10A	NCAC 89B	.0201	Necessary	10A	NCAC 89C	.0205	Necessary
10A	NCAC 89B	.0202	Necessary	10A	NCAC 89C	.0206	Necessary
10A	NCAC 89B	.0203	Necessary	10A	NCAC 89C	.0301	Necessary
10A	NCAC 89B	.0204	Necessary	10A	NCAC 89C	.0302	Necessary
10A	NCAC 89B	.0205	Necessary	10A	NCAC 89C	.0303	Necessary
10A	NCAC 89B	.0206	Necessary	10A	NCAC 89C	.0304	Necessary
10A	NCAC 89B	.0207	Necessary	10A	NCAC 89C	.0305	Necessary
10A	NCAC 89B	.0208	Necessary	10A	NCAC 89C	.0306	Necessary
10A	NCAC 89B	.0209	Necessary	10A	NCAC 89C	.0307	Necessary
10A	NCAC 89B	.0210	Necessary	10A	NCAC 89C	.0308	Necessary
10A	NCAC 89B	.0211	Necessary	10A	NCAC 89C	.0309	Necessary
10A	NCAC 89B	.0212	Necessary	10A	NCAC 89C	.0310	Necessary
10A	NCAC 89B	.0213	Necessary	10A	NCAC 89C	.0311	Necessary
10A	NCAC 89B	.0214	Necessary	10A	NCAC 89C	.0312	Necessary
10A	NCAC 89B	.0215	Necessary	10A	NCAC 89C	.0313	Necessary
10A	NCAC 89B	.0216	Necessary	10A	NCAC 89C	.0314	Necessary
10A	NCAC 89B	.0217	Necessary	10A	NCAC 89C	.0315	Necessary
10A	NCAC 89B	.0218	Necessary	10A	NCAC 89C	.0316	Necessary
10A	NCAC 89B	.0219	Necessary	10A	NCAC 89C	.0401	Necessary
10A	NCAC 89B	.0220	Necessary	10A	NCAC 89C	.0402	Necessary
10A	NCAC 89B	.0221	Necessary	10A	NCAC 89C	.0403	Necessary
10A	NCAC 89B	.0222	Necessary	10A	NCAC 89C	.0404	Necessary
10A	NCAC 89B	.0223	Necessary	10A	NCAC 89C	.0501	Necessary
10A	NCAC 89B	.0224	Necessary	10A	NCAC 89C	.0502	Necessary
10A	NCAC 89B	.0225	Necessary	10A	NCAC 89C	.0601	Necessary
10A	NCAC 89B	.0226	Necessary	10A	NCAC 89C	.0602	Necessary
10A	NCAC 89B	.0227	Necessary	10A	NCAC 89C	.0603	Necessary
10A	NCAC 89C	.0103	Necessary	10A	NCAC 89C	.0604	Necessary

10A	NCAC 89C	.0605	Necessary
10A	NCAC 89C	.0607	Necessary
10A	NCAC 89D	.0101	Necessary
10A	NCAC 89D	.0201	Necessary
10A	NCAC 89D	.0202	Necessary
10A	NCAC 89D	.0203	Necessary
10A	NCAC 89D	.0204	Necessary
10A	NCAC 89D	.0205	Necessary
10A	NCAC 89D	.0206	Necessary
10A	NCAC 89D	.0301	Necessary
10A	NCAC 89D	.0302	Necessary
10A	NCAC 89D	.0303	Necessary
10A	NCAC 89D	.0304	Necessary
10A	NCAC 89D	.0305	Necessary
10A	NCAC 89D	.0306	Necessary
10A	NCAC 89D	.0307	Necessary



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

July 30, 2026

Ashley Snyder

Sent via email to: Ashley.Snyder@labor.nc.gov

Re: Readoption deadline for 13 NCAC 07A, 07F, 07G, 12

Dear Mrs. Snyder:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on July 30, 2026.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **November 1, 2031**.

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

Sincerely,

/s/ Travis Wiggs

Travis Wiggs

Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer

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

RRC Determination
 Periodic Rule Review
 February 26, 2026
 APO Review: April 29, 2026
 Labor, Department of
 Total: 125

RRC Determination:

13	NCAC 07A	.0101	Necessary	13	NCAC 07A	.0718	Necessary
13	NCAC 07A	.0102	Necessary	13	NCAC 07A	.0801	Necessary
13	NCAC 07A	.0103	Necessary	13	NCAC 07A	.0802	Necessary
13	NCAC 07A	.0301	Necessary	13	NCAC 07A	.0804	Necessary
13	NCAC 07A	.0303	Necessary	13	NCAC 07A	.0901	Necessary
13	NCAC 07A	.0501	Necessary	13	NCAC 07A	.0902	Necessary
13	NCAC 07A	.0502	Necessary	13	NCAC 07A	.0903	Necessary
13	NCAC 07A	.0503	Necessary	13	NCAC 07A	.0904	Necessary
13	NCAC 07A	.0504	Necessary	13	NCAC 07A	.0905	Necessary
13	NCAC 07A	.0507	Necessary	13	NCAC 07F	.0101	Necessary
13	NCAC 07A	.0508	Necessary	13	NCAC 07F	.0103	Necessary
13	NCAC 07A	.0512	Necessary	13	NCAC 07F	.0201	Necessary
13	NCAC 07A	.0513	Necessary	13	NCAC 07F	.0202	Necessary
13	NCAC 07A	.0601	Necessary	13	NCAC 07F	.0203	Necessary
13	NCAC 07A	.0602	Necessary	13	NCAC 07F	.0204	Necessary
13	NCAC 07A	.0603	Necessary	13	NCAC 07F	.0205	Necessary
13	NCAC 07A	.0604	Necessary	13	NCAC 07F	.0207	Necessary
13	NCAC 07A	.0605	Necessary	13	NCAC 07F	.0301	Necessary
13	NCAC 07A	.0606	Necessary	13	NCAC 07F	.0302	Necessary
13	NCAC 07A	.0607	Necessary	13	NCAC 07F	.0501	Necessary
13	NCAC 07A	.0701	Necessary	13	NCAC 07F	.0502	Necessary
13	NCAC 07A	.0702	Necessary	13	NCAC 07F	.0601	Necessary
13	NCAC 07A	.0703	Necessary	13	NCAC 07F	.0602	Necessary
13	NCAC 07A	.0704	Necessary	13	NCAC 07F	.0603	Necessary
13	NCAC 07A	.0705	Necessary	13	NCAC 07F	.0604	Necessary
13	NCAC 07A	.0706	Necessary	13	NCAC 07F	.0605	Necessary
13	NCAC 07A	.0707	Necessary	13	NCAC 07F	.0606	Necessary
13	NCAC 07A	.0708	Necessary	13	NCAC 07F	.0607	Necessary
13	NCAC 07A	.0709	Necessary	13	NCAC 07F	.0608	Necessary
13	NCAC 07A	.0710	Necessary	13	NCAC 07F	.0609	Necessary
13	NCAC 07A	.0711	Necessary	13	NCAC 07F	.0701	Necessary
13	NCAC 07A	.0712	Necessary	13	NCAC 07F	.0702	Necessary
13	NCAC 07A	.0713	Necessary	13	NCAC 07F	.0703	Necessary
13	NCAC 07A	.0714	Necessary	13	NCAC 07F	.0704	Necessary
13	NCAC 07A	.0715	Necessary	13	NCAC 07F	.0705	Necessary
13	NCAC 07A	.0716	Necessary	13	NCAC 07F	.0706	Necessary
13	NCAC 07A	.0717	Necessary	13	NCAC 07F	.0707	Necessary

13	NCAC 07F	.0708	Necessary	13	NCAC 12	.0807	Necessary
13	NCAC 07F	.0709	Necessary	13	NCAC 12	.0901	Necessary
13	NCAC 07F	.0710	Necessary	13	NCAC 12	.0902	Necessary
13	NCAC 07F	.0711	Necessary	13	NCAC 12	.0903	Necessary
13	NCAC 07F	.0712	Necessary	13	NCAC 12	.0904	Necessary
13	NCAC 07F	.0713	Necessary	13	NCAC 12	.0905	Necessary
13	NCAC 07F	.0714	Necessary	13	NCAC 12	.0906	Necessary
13	NCAC 07F	.0715	Necessary				
13	NCAC 07F	.0716	Necessary				
13	NCAC 07G	.0101	Necessary				
13	NCAC 12	.0102	Necessary				
13	NCAC 12	.0103	Necessary				
13	NCAC 12	.0201	Necessary				
13	NCAC 12	.0301	Necessary				
13	NCAC 12	.0302	Necessary				
13	NCAC 12	.0303	Necessary				
13	NCAC 12	.0304	Necessary				
13	NCAC 12	.0305	Necessary				
13	NCAC 12	.0306	Necessary				
13	NCAC 12	.0307	Necessary				
13	NCAC 12	.0308	Necessary				
13	NCAC 12	.0309	Necessary				
13	NCAC 12	.0310	Necessary				
13	NCAC 12	.0401	Necessary				
13	NCAC 12	.0402	Necessary				
13	NCAC 12	.0403	Necessary				
13	NCAC 12	.0404	Necessary				
13	NCAC 12	.0405	Necessary				
13	NCAC 12	.0406	Necessary				
13	NCAC 12	.0407	Necessary				
13	NCAC 12	.0408	Necessary				
13	NCAC 12	.0501	Necessary				
13	NCAC 12	.0601	Necessary				
13	NCAC 12	.0602	Necessary				
13	NCAC 12	.0604	Necessary				
13	NCAC 12	.0701	Necessary				
13	NCAC 12	.0702	Necessary				
13	NCAC 12	.0703	Necessary				
13	NCAC 12	.0801	Necessary				
13	NCAC 12	.0802	Necessary				
13	NCAC 12	.0803	Necessary				
13	NCAC 12	.0804	Necessary				
13	NCAC 12	.0805	Necessary				
13	NCAC 12	.0806	Necessary				



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

July 31, 2026

Will Polk, Department of Public Safety
Sent via email only to: will.polk@ncdps.gov

Re: Readoption deadline for 14B NCAC 11A, B, C, D

Dear Mr. Polk,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the July 30, 2026, Rules Review Commission meeting.

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

Subchapter	Readoption Deadline
14B NCAC 11A, B, C, D	August 1, 2030

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

Sincerely,

/s/ Seth Ascher
Seth Ascher
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

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

RRC Determination
 Periodic Rule Review
 March 26, 2026
 APO Review: May 27, 2026
 Public Safety, Department of
 Total: 43

Rule	Determination						
14B	NCAC 11A	.0201	Necessary with	14B	NCAC 11C	.0501	Necessary
14B	NCAC 11A	.0204	Necessary with	14B	NCAC 11C	.0502	Necessary
14B	NCAC 11A	.0301	Necessary with	14B	NCAC 11D	.0101	Necessary
14B	NCAC 11A	.0302	Necessary with	14B	NCAC 11D	.0102	Necessary
14B	NCAC 11B	.0101	Necessary with	14B	NCAC 11D	.0103	Necessary
14B	NCAC 11B	.0102	Necessary with	14B	NCAC 11D	.0104	Necessary
14B	NCAC 11B	.0103	Necessary with	14B	NCAC 11D	.0105	Necessary
14B	NCAC 11B	.0104	Necessary with	14B	NCAC 11D	.0106	Necessary
14B	NCAC 11B	.0105	Necessary with				
14B	NCAC 11B	.0106	Necessary with				
14B	NCAC 11B	.0107	Necessary with				
14B	NCAC 11B	.0108	Necessary with				
14B	NCAC 11B	.0109	Necessary with				
14B	NCAC 11B	.0110	Necessary with				
14B	NCAC 11B	.0201	Necessary with				
14B	NCAC 11B	.0202	Necessary with				
14B	NCAC 11B	.0203	Necessary with				
14B	NCAC 11B	.0204	Necessary with				
14B	NCAC 11C	.0101	Necessary with				
14B	NCAC 11C	.0102	Necessary with				
14B	NCAC 11C	.0301	Necessary with				
14B	NCAC 11C	.0302	Necessary with				
14B	NCAC 11C	.0303	Necessary with				
14B	NCAC 11C	.0304	Necessary with				
14B	NCAC 11C	.0305	Necessary with				
14B	NCAC 11C	.0306	Necessary with				
14B	NCAC 11C	.0307	Necessary with				
14B	NCAC 11C	.0308	Necessary with				
14B	NCAC 11C	.0309	Necessary with				
14B	NCAC 11C	.0401	Necessary with				
14B	NCAC 11C	.0402	Necessary with				
14B	NCAC 11C	.0403	Necessary with				
14B	NCAC 11C	.0404	Necessary with				
14B	NCAC 11C	.0405	Necessary with				
14B	NCAC 11C	.0406	Necessary with				



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

July 31, 2026

Emily Wiley, Department of Transportation
Sent via email only to: rulemaking@ncdot.gov

Re: Readoption deadline for 19A NCAC 01, 04, 05, 06

Dear Ms. Wiley,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the July 30, 2026, Rules Review Commission meeting.

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

Subchapter	Readoption Deadline
19A NCAC 01, 04, 05	November 1, 2030
19A NCAC 06	May 1, 2031

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

Sincerely,

/s/ Seth Ascher
Seth Ascher
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

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

RRC Determination
Periodic Rule Review
August 28, 2025
APO Review: October 29, 2025
Transportation, Department of
Total: 76

RRC Determination:

19A	NCAC 01A	.0101	Necessary	19A	NCAC 05C	.0602	Necessary
19A	NCAC 01A	.0104	Necessary	19A	NCAC 05C	.0603	Necessary
19A	NCAC 01A	.0201	Necessary	19A	NCAC 05C	.0701	Necessary
19A	NCAC 01A	.0401	Necessary	19A	NCAC 05C	.0702	Necessary
19A	NCAC 01B	.0102	Necessary	19A	NCAC 05C	.0703	Necessary
19A	NCAC 01B	.0103	Necessary	19A	NCAC 05D	.0201	Necessary
19A	NCAC 01B	.0201	Necessary	19A	NCAC 05D	.0205	Necessary
19A	NCAC 01B	.0202	Necessary	19A	NCAC 05D	.0207	Necessary
19A	NCAC 01B	.0203	Necessary	19A	NCAC 05D	.0208	Necessary
19A	NCAC 01B	.0301	Necessary	19A	NCAC 05D	.0211	Necessary
19A	NCAC 01B	.0302	Necessary	19A	NCAC 05D	.0301	Necessary
19A	NCAC 01B	.0401	Necessary	19A	NCAC 05D	.0302	Necessary
19A	NCAC 01B	.0402	Necessary	19A	NCAC 05D	.0303	Necessary
19A	NCAC 01B	.0403	Necessary	19A	NCAC 05D	.0402	Necessary
19A	NCAC 01B	.0501	Necessary	19A	NCAC 05D	.0403	Necessary
19A	NCAC 01B	.0502	Necessary	19A	NCAC 06B	.0101	Necessary
19A	NCAC 01C	.0102	Necessary	19A	NCAC 06B	.0201	Necessary
19A	NCAC 01C	.0209	Necessary	19A	NCAC 06B	.0202	Necessary
19A	NCAC 04A	.0102	Necessary	19A	NCAC 06B	.0203	Necessary
19A	NCAC 04A	.0104	Necessary	19A	NCAC 06B	.0204	Necessary
19A	NCAC 04A	.0105	Necessary	19A	NCAC 06B	.0205	Necessary
19A	NCAC 04A	.0106	Necessary	19A	NCAC 06B	.0301	Necessary
19A	NCAC 04A	.0107	Necessary	19A	NCAC 06B	.0302	Necessary
19A	NCAC 04A	.0108	Necessary	19A	NCAC 06B	.0303	Necessary
19A	NCAC 04A	.0109	Necessary	19A	NCAC 06B	.0304	Necessary
19A	NCAC 05B	.0101	Necessary	19A	NCAC 06B	.0401	Necessary
19A	NCAC 05B	.0104	Necessary	19A	NCAC 06B	.0402	Necessary
19A	NCAC 05B	.0201	Necessary	19A	NCAC 06B	.0403	Necessary
19A	NCAC 05B	.0202	Necessary	19A	NCAC 06B	.0404	Necessary
19A	NCAC 05B	.0203	Necessary	19A	NCAC 06B	.0405	Necessary
19A	NCAC 05B	.0204	Necessary	19A	NCAC 06B	.0406	Necessary
19A	NCAC 05B	.0301	Necessary	19A	NCAC 06B	.0407	Necessary
19A	NCAC 05C	.0501	Necessary	19A	NCAC 06B	.0408	Necessary
19A	NCAC 05C	.0502	Necessary	19A	NCAC 06B	.0409	Necessary
19A	NCAC 05C	.0601	Necessary	19A	NCAC 06B	.0410	Necessary

19A	NCAC 06B	.0411	Necessary
19A	NCAC 06B	.0413	Necessary
19A	NCAC 06B	.0415	Necessary
19A	NCAC 06B	.0416	Necessary
19A	NCAC 06B	.0417	Necessary
19A	NCAC 06B	.0418	Necessary



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

July 30, 2026

Leigh Anne Satterwhite

Sent via email to: leigh.satterwhite@ncmedboard.org

Re: Readoption deadline for 21 NCAC 32

Dear Ms. Satterwhite:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on July 30, 2026.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **July 1, 2030**.

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

Sincerely,

/s/ Travis Wiggs

Travis Wiggs
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

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

RRC Determination
 Periodic Rule Review
 February 26, 2026
 APO Review: April 29, 2026
 Medical Board
 Total: 137

RRC Determination:

21	NCAC 32A	.0101	Necessary	21	NCAC 32K	.0201	Necessary
21	NCAC 32A	.0104	Necessary	21	NCAC 32K	.0202	Necessary
21	NCAC 32A	.0111	Necessary	21	NCAC 32K	.0203	Necessary
21	NCAC 32A	.0112	Necessary	21	NCAC 32K	.0204	Necessary
21	NCAC 32A	.0113	Necessary	21	NCAC 32K	.0206	Necessary
21	NCAC 32A	.0114	Necessary	21	NCAC 32K	.0207	Necessary
21	NCAC 32A	.0115	Necessary	21	NCAC 32K	.0209	Necessary
21	NCAC 32B	.1301	Necessary	21	NCAC 32M	.0101	Necessary
21	NCAC 32B	.1302	Necessary	21	NCAC 32M	.0102	Necessary
21	NCAC 32B	.1303	Necessary	21	NCAC 32M	.0103	Necessary
21	NCAC 32B	.1350	Necessary	21	NCAC 32M	.0104	Necessary
21	NCAC 32B	.1360	Necessary	21	NCAC 32M	.0105	Necessary
21	NCAC 32B	.1361	Necessary	21	NCAC 32M	.0106	Necessary
21	NCAC 32B	.1370	Necessary	21	NCAC 32M	.0107	Necessary
21	NCAC 32B	.1401	Necessary	21	NCAC 32M	.0108	Necessary
21	NCAC 32B	.1402	Necessary	21	NCAC 32M	.0109	Necessary
21	NCAC 32B	.1501	Necessary	21	NCAC 32M	.0110	Necessary
21	NCAC 32B	.1502	Necessary	21	NCAC 32M	.0111	Necessary
21	NCAC 32B	.1601	Necessary	21	NCAC 32M	.0112	Necessary
21	NCAC 32B	.1602	Necessary	21	NCAC 32M	.0115	Necessary
21	NCAC 32B	.1701	Necessary	21	NCAC 32M	.0116	Necessary
21	NCAC 32B	.1702	Necessary	21	NCAC 32M	.0117	Necessary
21	NCAC 32B	.1703	Necessary	21	NCAC 32M	.0118	Necessary
21	NCAC 32B	.1704	Necessary	21	NCAC 32N	.0106	Necessary
21	NCAC 32B	.1706	Necessary	21	NCAC 32N	.0107	Necessary
21	NCAC 32B	.2001	Necessary	21	NCAC 32N	.0108	Necessary
21	NCAC 32C	.0102	Necessary	21	NCAC 32N	.0109	Necessary
21	NCAC 32C	.0103	Necessary	21	NCAC 32N	.0110	Necessary
21	NCAC 32C	.0104	Necessary	21	NCAC 32N	.0111	Necessary
21	NCAC 32C	.0105	Necessary	21	NCAC 32N	.0112	Necessary
21	NCAC 32C	.0106	Necessary	21	NCAC 32N	.0113	Necessary
21	NCAC 32C	.0108	Necessary	21	NCAC 32N	.0114	Necessary
21	NCAC 32C	.0109	Necessary	21	NCAC 32P	.0101	Necessary
21	NCAC 32F	.0106	Necessary	21	NCAC 32P	.0102	Necessary
21	NCAC 32K	.0101	Necessary	21	NCAC 32P	.0103	Necessary

21	NCAC 32P	.0104	Necessary	21	NCAC 32V	.0115	Necessary
21	NCAC 32P	.0105	Necessary	21	NCAC 32W	.0101	Necessary
21	NCAC 32P	.0106	Necessary	21	NCAC 32W	.0102	Necessary
21	NCAC 32R	.0101	Necessary	21	NCAC 32W	.0103	Necessary
21	NCAC 32R	.0102	Necessary	21	NCAC 32W	.0104	Necessary
21	NCAC 32R	.0103	Necessary	21	NCAC 32W	.0105	Necessary
21	NCAC 32R	.0104	Necessary	21	NCAC 32W	.0106	Necessary
21	NCAC 32S	.0201	Necessary	21	NCAC 32W	.0107	Necessary
21	NCAC 32S	.0202	Necessary	21	NCAC 32W	.0108	Necessary
21	NCAC 32S	.0203	Necessary	21	NCAC 32W	.0109	Necessary
21	NCAC 32S	.0204	Necessary	21	NCAC 32W	.0110	Necessary
21	NCAC 32S	.0206	Necessary	21	NCAC 32W	.0111	Necessary
21	NCAC 32S	.0207	Necessary	21	NCAC 32W	.0112	Necessary
21	NCAC 32S	.0209	Necessary	21	NCAC 32W	.0113	Necessary
21	NCAC 32S	.0210	Necessary	21	NCAC 32W	.0114	Necessary
21	NCAC 32S	.0212	Necessary	21	NCAC 32W	.0115	Necessary
21	NCAC 32S	.0213	Necessary	21	NCAC 32W	.0116	Necessary
21	NCAC 32S	.0215	Necessary	21	NCAC 32X	.0101	Necessary
21	NCAC 32S	.0216	Necessary	21	NCAC 32X	.0102	Necessary
21	NCAC 32S	.0217	Necessary	21	NCAC 32X	.0103	Necessary
21	NCAC 32S	.0218	Necessary	21	NCAC 32X	.0104	Necessary
21	NCAC 32S	.0219	Necessary	21	NCAC 32X	.0105	Necessary
21	NCAC 32S	.0220	Necessary	21	NCAC 32Y	.0101	Necessary
21	NCAC 32S	.0221	Necessary				
21	NCAC 32S	.0222	Necessary				
21	NCAC 32S	.0224	Necessary				
21	NCAC 32S	.0225	Necessary				
21	NCAC 32S	.0226	Necessary				
21	NCAC 32T	.0101	Necessary				
21	NCAC 32U	.0101	Necessary				
21	NCAC 32U	.0102	Necessary				
21	NCAC 32V	.0102	Necessary				
21	NCAC 32V	.0103	Necessary				
21	NCAC 32V	.0104	Necessary				
21	NCAC 32V	.0105	Necessary				
21	NCAC 32V	.0106	Necessary				
21	NCAC 32V	.0107	Necessary				
21	NCAC 32V	.0108	Necessary				
21	NCAC 32V	.0109	Necessary				
21	NCAC 32V	.0110	Necessary				
21	NCAC 32V	.0111	Necessary				
21	NCAC 32V	.0112	Necessary				
21	NCAC 32V	.0113	Necessary				
21	NCAC 32V	.0114	Necessary				

LIST OF APPROVED PERMANENT RULES

July 30, 2026 Meeting

AGRICULTURE, BOARD OF

<u>Creation</u>	02 NCAC 31A .0101
<u>Enshrinement</u>	02 NCAC 31A .0102
<u>Qualifications</u>	02 NCAC 31C .0101
<u>Field of Activity</u>	02 NCAC 31C .0102
<u>Written Statement on Candidate</u>	02 NCAC 31C .0103
<u>Recipient</u>	02 NCAC 31C .0104
<u>Purpose</u>	02 NCAC 38 .0101
<u>Definitions</u>	02 NCAC 38 .0102
<u>Adoption by Reference</u>	02 NCAC 38 .0201
<u>Weighing and Measuring Devices</u>	02 NCAC 38 .0202
<u>Type Approval of Weighing and Measuring Devices</u>	02 NCAC 38 .0203
<u>Record of Approved Weighing and Measuring Devices</u>	02 NCAC 38 .0204
<u>Repairs to Rejected Weighing Devices</u>	02 NCAC 38 .0205
<u>Adoption by Reference</u>	02 NCAC 38 .0301
<u>Adoption by Reference</u>	02 NCAC 38 .0401
<u>Tobacco Offered for Sale</u>	02 NCAC 38 .0501
<u>Baskets</u>	02 NCAC 38 .0502
<u>Weighing</u>	02 NCAC 38 .0504
<u>Variations in Weight</u>	02 NCAC 38 .0505
<u>Violations</u>	02 NCAC 38 .0507
<u>Custodian of Tobacco</u>	02 NCAC 38 .0508
<u>Retail Motor Fuel Dispensers/Half-Pricing</u>	02 NCAC 38 .0601
<u>Metric Sales of Retail Motor Fuel</u>	02 NCAC 38 .0602
<u>Price and Volume Consistency</u>	02 NCAC 38 .0603
<u>Price Posting/Cash Discounts for Retail Motor Fuel Sales</u>	02 NCAC 38 .0604
<u>Adoption by Reference</u>	02 NCAC 38 .0701
<u>Meters on Tank Trucks</u>	02 NCAC 38 .0702
<u>LP Gas Inspection Report</u>	02 NCAC 38 .0703
<u>Approved Third Party Testing Laboratories</u>	02 NCAC 38 .0704
<u>Notification for Disconnection of Service</u>	02 NCAC 38 .0705
<u>Adoption by Reference</u>	02 NCAC 38 .0801
<u>Approval for Anhydrous Ammonia Installations</u>	02 NCAC 38 .0802
<u>Meters for Liquid Fertilizers</u>	02 NCAC 38 .0803
<u>Use of Applicator Tanks as Measuring Devices</u>	02 NCAC 38 .0804
<u>Definition</u>	02 NCAC 46 .0101
<u>Information Required</u>	02 NCAC 46 .0102
	02 NCAC 60B .2001

COUNCIL OF STATE

<u>Declaratory Ruling Process</u>	06 NCAC 04 .0103
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RADIATION PROTECTION COMMISSION

<u>Purpose and Scope</u>	10A NCAC 15 .0601
<u>Definitions</u>	10A NCAC 15 .0602
<u>Operating Requirements</u>	10A NCAC 15 .0605

<u>Area Requirements</u>	10A NCAC 15 .0606
<u>Radiation Machine Requirements</u>	10A NCAC 15 .0607
<u>Therapeutic X-Ray Installations: Less Than One Mev</u>	10A NCAC 15 .0608
<u>Veterinary Medicine Radiographic Installations</u>	10A NCAC 15 .0610

SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

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

MINING COMMISSION

<u>Permit Application Processing Fees</u>	15A NCAC 05B .0112
<u>Response Deadline to Department's Request(s)</u>	15A NCAC 05B .0113
<u>Blasting</u>	15A NCAC 05B .0114
<u>Mining Permit Transfers</u>	15A NCAC 05B .0115
<u>Permit Transfers Due to Corporate Name Changes</u>	15A NCAC 05B .0116
<u>Draft Permits</u>	15A NCAC 05B .0117
<u>Purpose and Scope</u>	15A NCAC 05F .0101
<u>Who May Assess</u>	15A NCAC 05F .0103
<u>Civil Penalty For Mining Without a Permit</u>	15A NCAC 05F .0105
<u>Civil Penalty for Violating Operating Permit</u>	15A NCAC 05F .0106
<u>Referral to Attorney General</u>	15A NCAC 05F .0111
<u>Further Remedies</u>	15A NCAC 05F .0112
<u>Procedures for Obtaining Permit</u>	15A NCAC 05G .0103
<u>Abandonment Plan: Bonding Requirements</u>	15A NCAC 05G .0104
<u>Drilling: Casing: Testing and Abandonment</u>	15A NCAC 05G .0105

EDUCATION, STATE BOARD OF

<u>Qualifications of School Nurses</u>	16 NCAC 06C .0110
<u>Attendance Defined</u>	16 NCAC 06E .0101
<u>Attendance Excused</u>	16 NCAC 06E .0102
<u>Enforcement</u>	16 NCAC 06E .0103
<u>Involuntary Suspensions</u>	16 NCAC 06E .0104
<u>Early Admission To Kindergarten</u>	16 NCAC 06E .0105
<u>Technology Cost Considerations</u>	16 NCAC 06G .0602

DENTAL EXAMINERS, BOARD OF

<u>Dental Licensure by Credentials</u>	21 NCAC 16B .0501
<u>Dental Radiology Course and Examination Requirements</u>	21 NCAC 16H .0105
<u>Dental Radiology Instructor Course Requirements</u>	21 NCAC 16H .0106
<u>Settlement Conferences</u>	21 NCAC 16U .0204

ELECTRICAL CONTRACTORS, BOARD OF EXAMINERS OF

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

<u>Application for Internationally Trained Physician Emplo...</u>	21 NCAC 32B .1362
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RULES REVIEW COMMISSION

<u>Team-Based Settings Practice</u>	21 NCAC 32S .0227
MEDICAL BOARD/BOARD OF PHARMACY	
<u>Influenza Test and Treat</u>	21 NCAC 32U .0103
PHARMACY, BOARD OF/MEDICAL BOARD	
<u>Influenza Test and Treat</u>	21 NCAC 46 .2517

LIST OF APPROVED TEMPORARY RULES
July 30, 2026 Meeting

WILDLIFE RESOURCES COMMISSION

<u>White-Tailed Deer</u>	15A NCAC 10B .0203
<u>CWD Surveillance Areas Defined</u>	15A NCAC 10B .0502