NORTH CAROLINA REGISTER

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PUBLISHED BY
The Office of Administrative Hearings
Rules Division
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Raleigh, NC 27609
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Julie B. Eddins, Publications Coordinator
Serena Samuels, Publications Assistant

Contact List for Rulemaking Questions or Concerns

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

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

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Rule Review and Legal Issues

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1711 New Hope Church Road	984-236-1850	
Raleigh, North Carolina 27609	984-236-1947 FAX	
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Travis Wiggs, Commission Counsel	travis.wiggs@oah.nc.gov	984-236-1929
Christopher S. Miller, Commission Counsel	christopher.miller@oah.nc.gov	984-236-1935
Meghan E. Barney, Commission Counsel	meghan.barney@oah.nc.gov	984-236-1925
Alexander Burgos, Paralegal	alexander.burgos@oah.nc.gov	984-236-1940

Fiscal Notes & Economic Analysis

Office of State Budget and Management		
116 West Jones Street		
Raleigh, North Carolina 27603-8005		
Contact: Julie Ventaloro, Economic Analyst	osbmruleanalysis@osbm.nc.gov	984-236-0694
Fiscal Research Division		
Legislative Office Building		
300 N. Salisbury Street, Suites 619 and 400		
Raleigh, NC 27603-5925		
Contact: Brian Matteson	brian.matteson@ncleg.gov	919-733-4910
NC Association of County Commissioners	919-715-2893	
215 North Dawson Street		
Raleigh, North Carolina 27603		
contact: Amy Bason	amy.bason@ncacc.org	
NC League of Municipalities	919-715-2925	
424 Fayetteville Street, Suite 1900		
Raleigh, North Carolina 27601		
contact: Baxter Wells	bwells@nclm.org	

Legislative Process Concerning Rulemaking

545 Legislative Office Building	
300 North Salisbury Street	919-733-2578
Raleigh, North Carolina 27611	919-715-5460 FAX

Jason Moran-Bates, Staff Attorney
Chris Saunders, Staff Attorney
Aaron McGlothlin, Staff Attorney

NORTH CAROLINA REGISTER

Publication Schedule for January 2026 – December 2026

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

*Dates not approved by RRC

EXPLANATION OF THE PUBLICATION SCHEDULE

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

GENERAL

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

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

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

FILING DEADLINES

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

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

NOTICE OF TEXT

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

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

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

NORTH CAROLINA
STATE BOARD OF ELECTIONS
Office of Sam M. Hayes, Executive Director

(919) 814-0700
sam.hayes@ncsbe.gov
P.O. Box 27255
Raleigh, NC 27611

To:

Christian Fraley
Chief Counsel
NC Republican Party
P.O. Box 12905
Raleigh, NC 27605

August 14, 2026

Dear Mr. Fraley,

RE: Request for an advisory opinion under N.C.G.S. § 163-278.23 regarding online fundraising for candidate committees.

Thank you for your correspondence on behalf of the North Carolina Republican Party ("State Party"). The following written opinion is provided in accordance with N.C.G.S. § 163-278.23. Your question, which is fully outlined in the letter attached to this written opinion, seeks guidance on whether the State Party is permitted to host a fundraising page via the WinRed platform in support of expressly specified State House and/or State Senate candidates. Under the process described in your letter, WinRed will receive and disburse funds directly to the specified candidate committees. No funds will be received into or disbursed from the operating account or any separate segregated fund kept by the State Party.

I. Restrictions on Solicitations

In the scenario outlined in your letter, the State Party's role is in establishing the fundraising page to solicit contributions. While there is no definition of "solicit" in Article 22A, it has been defined as "to request a contribution." Written Opinion 2008-04-21 at p. 2. Political parties may solicit contributions on behalf of candidates in compliance with Article 22A. Namely, N.C.G.S. § 163-278.13(c), which says that no political committee shall solicit any contribution from any individual, other political committee, or other entity in excess of the monetary contribution limit. *Id.* While the State Party executive committees themselves are exempt from monetary contribution limits, when soliciting contributions in support of specific candidates, the State Party should ensure that it is clearly communicating the contribution limits that apply when individuals and other political committees contribute directly to candidates.

N.C.G.S. § 163-278.13B also imposes some restrictions on limited contributors and limited contributees soliciting contributions while the General Assembly is in regular session. While a State Party executive committee is unlikely to meet the definition of a limited contributor under N.C.G.S. § 163-278.13B(a)(1), lobbyist principals and qualifying political committees should exercise caution with regard to temporal limits when soliciting contributions.

II. Hosting Fundraising Pages on Donation Platforms

Donation platforms such as WinRed and ActBlue offer features that permit a user to configure and host a customized page for soliciting contributions on behalf of political committees registered with the platform. These pages may contain branding or messaging in support of the solicitation. In addition, these pages can be configured to enable a single contributor to make contributions to multiple, clearly identified, political committees simultaneously. Contributors can use something like a "split it" button to divide a sum of money equally among several political committees, or contributors can enter customized amounts.

Funds contributed through the page are transmitted directly from the contributor to each recipient political committee and do not flow through any financial account of the user. So long as funds flow directly from the contributor to recipient political committee, as directed by the contributor, N.C.G.S. § 163-278.14(a) is not implicated and there is no prohibited contribution in the name of another in the use of these fundraising pages. The State Party, individuals, and other political committee users may create and host this kind of a customized fundraising page to support State candidate committees via WinRed or another donation platform.

III. Reporting

The State Party's hosting of a customized fundraising page does not change the obligation of the candidate committee treasurer to report all contributions the committee receives via the WinRed platform consistent with N.C.G.S. § 163-278.11. As with all contributions received, the candidate committee treasurer should use the best efforts described in 08 NCAC 21 .0101 to obtain, maintain, and report contributor information such as address and principal occupation.

In general, Article 22A does not require the treasurer of a political committee to report solicitations. However, all expenditures of political committees must be reported consistent with N.C.G.S. § 163-278.11(a)(2). The term "expenditure" includes any payment or other transfer made by a political committee. *See* N.C.G.S. §163-278.6(51). To the extent WinRed charges the State Party user a fee to host a fundraising page, that fee is reportable. It is unclear the extent to which donation platforms require some permission or engagement of the candidate committee to establish the page. If the expenditure "is made in concert or cooperation with, or at the request or suggestion of, a candidate, a candidate campaign committee as defined in G.S. 163-278.38Z(3), the agent of the candidate, or the agent of the candidate campaign committee," then it must be reported as an in-kind contribution by both the State Party and the candidate committee. N.C.G.S. § 163-278.6(20).

This opinion will be filed with the Codifier of Rules for publication in the North Carolina Register and posted on the North Carolina State Board of Elections' website.

Regards,

Sam M. Hayes
Executive Director

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

TITLE 04 – DEPARTMENT OF COMMERCE

***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Office of the Commissioner of Banks intends to adopt the rules cited as 04 NCAC 03N .0101-.0107.*

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

Proposed Effective Date: *January 1, 2027*

Public Hearing:
Date: *November 5, 2026*
Time: *1:00 p.m.*
Location: *3100 Smoketree Court Suite 1100 (Conference Room) Raleigh, NC 27604*

Reason for Proposed Action: *In July 2026 the NC General Assembly passed Session Law 2026-45 Section 3.(a) SECTION 3.(a)*

Comments may be submitted to: *Marlika D. Hairston, 3100 Smoketree Court Suite 1100, Raleigh, NC 27604; phone (919) 733-3016; email mhairston@nccob.gov*

Comment period ends: *November 16, 2026*

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

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.
☐ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (>= $1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

CHAPTER 03 - BANKING COMMISSION

SUBCHAPTER 03N – VIRTUAL CURRENCY KIOSKS

04 NCAC 03N .0101 DEFINITIONS
In addition to the definitions in Chapter 53, Article 26, for purposes of this Subchapter the following definitions apply:
(1) "Act" means Article 26 of Chapter 53 of the North Carolina General Statutes, the Virtual Currency Kiosk Consumer Protection Act.
(2) "Financial institution" has the same meaning as in Section 3 of the Federal Deposit Insurance Act, as periodically amended, and includes any credit union whose share and deposit accounts are insured by the National Credit Union Administration under the Federal Credit Union Act, as periodically amended.

Authority Session Law 2026-45 Section 3.(a).

04 NCAC 03N .0102 FRAUD DETERMINATION
(a) The Commissioner, upon receipt of a consumer complaint alleging fraud, may consider any of the following to determine whether a virtual currency transaction is subject to a refund under G.S. 53-457:
(1) Consumer's narrative.
(2) Any relevant report filed with any law enforcement agency.
(3) Transaction receipt.
(4) Receipts for consumer's withdrawal of funds from one or more financial institutions or bank statements reflecting such transactions.
(5) Any documents, notices, call logs, text messages, or emails.
(6) Any response and documents from the licensee.
(7) Any other information the Commissioner deems relevant.
(b) The Commissioner, upon the receipt of a consumer complaint alleging fraud and filed within 30 days of the transmission, shall request from the licensee, who shall provide the following:
(1) Transaction data including but not limited to:
(A) Consumer account information.
(B) Account information for the recipient digital wallet of the subject transaction.
(C) Transaction details including the date, fees associated with the transaction, and transaction spread.
(D) Any internal review of the transaction by the licensee including but not limited to Blockchain analytics.

(2) Historical transaction data for the consumer complainant including:
(A) Volume of transactions.
(B) All digital wallet address(es) associated with the Consumer.
(C) All digital wallet address(es) associated with the Recipient.
(D) Timeline of transactions to establish the consumer as a new or existing customer as prescribed in G.S. 53-442.
(3) Historical transaction data for the recipient digital wallet and any internal flags pertaining to fraud.
(4) Any additional relevant information used to identify the consumer including:
(A) Verification of identification.
(B) Visual image at the time of transaction.
(C) Digital wallet verification process.
(D) User identification number.
(E) Images from prior transaction history if available.
(5) Any other information the Commissioner deems relevant.

(c) The Commissioner, upon determination of a transaction as fraud, will facilitate a refund to the consumer in accordance with G.S. 53-457.

Authority Session Law 2026-45 Section 3.(a) G.S. 53-457.

CHAPTER 03 - BANKING COMMISSION

04 NCAC 03N .0103 DISCLOSURES

The disclosures required by G.S. 53-446(c) shall be provided as follows:
(1) The disclosure required by G.S. 53-446(c) shall be physically and permanently displayed on the virtual currency kiosk, in no less than 12-point font, directly adjacent to the kiosk screen.
(2) The virtual currency kiosk operator shall provide a disclosure to the consumer upon opening a new account as follows:

Virtual Currency Kiosk Operator is a licensed money transmitter under G.S. 53-208.43 and is subject to the regulation of the North Carolina Office of the Commissioner of Banks. Transactions at virtual currency kiosks may be irreversible, and losses due to fraudulent transactions may not be recoverable. If you believe you are or may be a victim of fraud, please terminate your transaction immediately and file a complaint with the North Carolina Office of the Commissioner of Banks at nccob.nc.gov.

Authority Session Law 2026-45 Section 3.(a) G.S. 53-446(b).

04 NCAC 03N .0104 RECEIPTS

The receipts required by G.S. 53-448 shall include the following:
(1) Receipts must state in **BOLD** type face and a minimum 12-point font:

If you are concerned you may have been a victim of fraud, please submit a complaint to the North Carolina Office of the Commissioner of Banks through the website, nccob.nc.gov, within thirty (30) days of the transmission.
(2) Receipts must provide the spread for the transaction.

Authority Session Law 2026-45 Section 3.(a) G.S. 53-448(a)(15).

04 NCAC 03N .0105 TRANSACTION LIMITS

Virtual currency customer's daily transaction limits, as prescribed under G.S. 53-457, shall be calculated as transaction volume within a twenty-four (24) hour period starting at the time of the completed transaction as shown on the consumer's receipt.

Authority Session Law 2026-45 Section 3.(a) G.S. 53-457(a).

04 NCAC 03N .0106 COMPLAINTS ALLEGING FRAUD

(a) Upon receipt of a complaint from a customer alleging fraud, the licensee must provide the consumer with the following information:
(1) Refer the customer to the North Carolina Office of the Commissioner of Banks, including its telephone number, 919-733-3016, and website, nccob.nc.gov.
(2) Inform the consumer of the timeline specified in G.S. 53-457 to submit a complaint to the North Carolina Office of the Commissioner of Banks.

The licensee shall verbally convey all information required by this subsection to the consumer in response to a complaint taken over the phone. Within twenty-four (24) hours of receipt, regardless of the initial format of the consumer complaint, the virtual currency kiosk operator shall email the consumer the information required in Subparagraphs (a)(1) and (a)(2) of this Rule. A virtual currency kiosk operator shall request and verify the consumer's email when taking a complaint.

(b) A virtual currency kiosk operator shall retain all complaint records including any emails sent to consumers in accordance with this section for no less than three years.

Authority Session Law 2026-45 Section 3.(a) G.S. 53-457; 53-208.52; 53-208.60.

04 NCAC 03N .0107 NO WAIVER

The refund provisions set forth in G.S. 53-457(b) shall not be waived by agreement. Any waiver or release by a consumer of any refund provision of the Act is void.

Authority Session Law 2026-45 Section 3.(a) G.S. 53-457(b).

TITLE 08 – STATE BOARD OF ELECTIONS

***Notice** is hereby given in accordance with G.S. 150B-21.2 that the State Board of Elections intends to adopt the rule cited as 08 NCAC 21 .0605.*

Link to agency website pursuant to G.S. 150B-19.1(c): *https://www.ncsbe.gov/about-elections/legal-resources/rulemaking*

Proposed Effective Date: *January 1, 2027*

Public Hearing:
Date: *October 5, 2026*
Time: *10:00 a.m.*
Location: *State Board of Elections, Dobbs Building, 430 N. Salisbury St., Raleigh, NC 27603*

Reason for Proposed Action: *The proposed rule outlines what must be included in a political party exempt sales plan and the deadline for submission to the State Board of Elections for approval.*

Comments may be submitted to: *Adam Steele, P.O. Box 27255, Raleigh, NC 27611; email rulemaking.sboe@ncsbe.gov (Comments may be submitted online at https://www.ncsbe.gov/about-elections/legal-resources/rulemaking)*

Comment period ends: *November 16, 2026*

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

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.
☐ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (>= $1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

CHAPTER 21 - DEPARTMENTAL RULES

SECTION .0600 – POLITICAL PARTY COMMITTEES

08 NCAC 21 .0605 EXEMPT SALES PLANS
(a) A political party committee treasurer seeking approval of an exempt sales plan pursuant to G.S. 163-278.8A shall complete and file a Political Party Exempt Sales Plan with the State Board of Elections using the form available on the State Board's website or using any electronic portal made available by the State Board for this purpose at least 15 business days before the proposed start date of the sales.
(b) Forms shall be scanned and emailed to campaign.reporting@ncsbe.gov. The treasurer shall preserve and retain the original signed form for at least two years, counting from the period end date of the election cycle in which the exempt sales occur.
(c) The Political Party Exempt Sales Plan filed with the State Board of Elections shall include the following:
(1) The dates the exempt sales will be conducted.
(2) A general description of each item to be sold.
(3) The fair market value of each item to be sold.
(4) The price the political party will charge for each item sold.
(5) The estimated quantity of each item to be sold.
(6) The estimated sales receipts.
(7) A signed certification that the treasurer understands the following:
(A) No purchaser may make total purchases exceeding fifty dollars ($50.00);
(B) The total amount raised from all exempt sales cannot exceed twenty thousand dollars ($20,000) per election cycle; and
(C) The amount raised and number of purchases made from the sale must be disclosed on the disclosure report for the relevant time period.
(d) The Executive Director shall deny a Political Party Exempt Sales Plan that does not conform to G.S. 163-278.8A or this Rule, or if the political party committee has outstanding debts or liabilities related to anonymous contributions for which the State Board has issued penalty assessments or ordered forfeitures under G.S. 163-278.34(b).

Authority G.S. 163-278.21; G.S. 163-278.8A.

TITLE 11 – DEPARTMENT OF INSURANCE

***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Code Officials Qualification Board intends to amend the rules cited as 11 NCAC 08 .0604, .0704, .0706, and .0737-.0741.*

Link to agency website pursuant to G.S. 150B-19.1(c): *https://www.ncosfm.gov/about/rules-and-legislative-reports/rules#CodeOfficialsQualificationBoard-4075*

Proposed Effective Date: *January 1, 2027*
Public Hearing:
Date: *November 3, 2026*
Time: *10:00 a.m.*
Location: *Office of the State Fire Marshal 1429 Rock Quarry Road, Suite 105 Raleigh, NC 27610*

Reason for Proposed Action: *The proposed amendments to 11 NCAC 08 .0604 and .0704 update and modernize the Board's application procedures and application forms.*

The proposed amendments to 11 NCAC 08 .0706 and .0737 through .0741 remove the future dual-track certification structure scheduled to become operative on January 1, 2027 and retain the existing Level I, Level II, and Level Ill certification framework currently used throughout the State. The amendments are intended to preserve the Board's existing certification program while eliminating a future certification structure that would require additional administrative systems, educational materials, and certification examinations before implementation. The amendments also consolidate scope-of-practice provisions into Rule .0706, remove duplicative scope-of-practice language from the trade-specific qualification rules, and preserve the existing transition provisions applicable to photovoltaic systems and electrical power production facilities and equipment with a generating capacity of 5,000 kW or greater. A fiscal note approved by OSBM that describes the fiscal impact of these rule amendments is submitted herewith.

Comments may be submitted to: *Kyle Heuser, 1202 Mail Service Center, Raleigh, NC 27699; email OSFM.Rulemaking@ncdoi.gov*

Comment period ends: *November 16, 2026*

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

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

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

CHAPTER 08 - ENGINEERING AND BUILDING CODES DIVISION
SECTION .0600 - QUALIFICATION BOARD-PROBATIONARY CERTIFICATE

11 NCAC 08 .0604 APPLICATION FORM: CONTENTS

The application form requires the applicant to furnish all of the following pertinent information necessary to determine the qualifications of the applicant for a probationary certificate:

(1) the date;
(2) name, ~~address~~ address, email address, and telephone number where applicant can be reached;
(3) date of birth;
(4) education;
(5) work experience;
(6) military service status of applicant or applicant's spouse;
~~(6)~~(7) certificates and other professional licenses, if any, held previously or currently;
(8) certification of employment;
~~(7)~~(9) title of position to which appointed or promoted;
~~(8)~~(10) date of appointment or promotion to position;
~~(9)~~(11) governmental unit by which employed;
~~(10)~~(12) duties in a new position, in sufficient detail to determine appropriate type and level of certification;
~~(11)~~(13) name and title, certification, or other qualifications of persons to be responsible for supervision; and
~~(12)~~(14) Social Security ~~number.~~ number;
(15) any supporting data needed for verification of applicant's qualifications called for by Rules .0602 and .0737 through .0741 of this Section;
(16) prior felony criminal convictions; and
(17) results of a nationwide criminal history record check.

Authority G.S. 143-151.13; 143-151.17.

SECTION .0700 - QUALIFICATION BOARD-STANDARD CERTIFICATE

11 NCAC 08 .0704 APPLICATION FORM: CONTENTS

The application form requires the applicant to furnish all of the following pertinent information necessary to determine the qualifications of the applicant for a standard certificate:

(1) the date;
(2) name, address, email address, and telephone number where applicant can be reached;
(3) date of birth;
(4) education;
(5) work experience;
(6) military service status of applicant or applicant's spouse;
~~(6)~~(7) certificates and other professional licenses, if any, held previously or currently;
~~(7)~~(8) type and level of certificate for which application is made;
~~(8)~~(9) governmental unit by which currently employed;

~~(9)~~(10) supporting data needed for verification of applicant's qualifications called for by Rule .0706 or .0707 of this Section; ~~and~~
(11) supporting data needed for verification of applicant's qualifications called for by Rules .0737 through .0741 of this Section;
~~(10)~~(12) Social Security ~~number.~~ number;
(13) prior felony criminal convictions; and
(14) results of a nationwide criminal history record check.

Authority G.S. 143-151.13; 143-151.17.

11 NCAC 08 .0706 REQUIRED QUALIFICATIONS: TYPES AND LEVELS

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

(1) Fire inspectors shall be limited to occupancy classifications, Highrise, and plan review as follows, except all Levels include Business, Mercantile, Residential, and Utility and Miscellaneous:
  (A) Level I. Assembly (limited to 1 story/20,000 sf), Factory Industrial F-2, and Storage S-2. No Highrise or plan review.
  (B) Level II. Assembly, Educational, Factory Industrial F-1 and F-2, and Storage S-1 and S-2. Plan review.
  (C) Level III. Assembly, Educational, Factory Industrial F-1 and F-2, Hazardous, Institutional, and Storage S-1 and S-2. Highrise and plan review.
(2) Building, ~~Mechanical, Electrical and Plumbing~~ mechanical, electrical, and plumbing inspectors shall be limited to occupancy classifications, number of stories, and square feet (sf) per floor as follows, except for any Level, there shall be no number of stories or square footage limit for one and two family dwellings and townhouses or Utility and Miscellaneous.
  (A) Level I. Single (1) story/7,500 sf, for Assembly, Education, Institutional, and Residential Multi-unit. Single (1) story/20,000 sf, for Business, Factory Industrial, Mercantile, and Storage. Single (1) story/3,000 sf, for Hazardous.
  (B) Level II. Single (1) story/10,000 sf, for Institutional; 20,000 sf, for Assembly, Education, and Hazardous; and, 60,000 sf, for Business, Factory Industrial, and Mercantile. Multi-story: 2 stories, maximum 20,000 sf per floor for Education and Hazardous. Multi-story: 3 stories, maximum 10,000 sf per floor Institutional; and, unlimited sf Residential Multi- unit. Multi-story: 4 stories, maximum 20,000 sf per floor for Business, Factory Industrial, and Mercantile.
  (C) Level III. Unlimited stories and sf per floor.
(3) Notwithstanding Subparagraph (a)(2) of this Rule, photovoltaic systems and electrical power production facilities and equipment with a generating capacity of 5,000 kW or greater shall be inspected as follows:
  (A) Electrical inspectors, Levels I, II, or III certified on or before December 31, 2026 shall be qualified until December 31, 2032 to perform code-enforcement official duties for photovoltaic systems and electrical power production facilities and equipment with a generating capacity of 5,000 kW or greater, provided that the inspection is within the inspector's scope of authority under Subparagraph (a)(2) of this Rule.
  (B) Electrical inspectors, Level III certified on or after January 1, 2027 shall be qualified to perform code-enforcement official duties for photovoltaic systems and electrical power production facilities and equipment with a generating capacity of 5,000 kW or greater. Electrical inspectors, Levels I and II certified on or after January 1, 2027 shall not be qualified to perform code-enforcement official duties for photovoltaic systems and electrical power production facilities and equipment with a generating capacity of 5,000 kW or greater.

(C) As of January 1, 2033, only electrical inspectors, Level III shall be qualified to perform code-enforcement official duties for photovoltaic systems and electrical power production facilities and equipment with a generating capacity of 5,000 kW or greater.

~~With respect to all types of code-enforcement officials, except fire inspectors, newly certified by the Board on or after January 1, 2027, those with Level I, Level II, or Level III certificates are qualified to inspect and approve buildings as follows except for any Level there shall be no number of stories or square footage limit for one and two family dwellings and townhouses or Utility and Miscellaneous:~~

~~(A) Level I inspectors shall be qualified to perform code-enforcement official duties for residential buildings up to three stories in height with no more than four dwelling units subject to the limitations for the type of inspector.~~

~~(B) Level II inspectors shall be qualified to perform code-enforcement official duties for commercial buildings subject to the limitations for the type of inspector.~~

~~(C) Level III inspectors shall be qualified to perform code-enforcement official duties for any residential or commercial building or structure subject to the limitations for the type of inspector.~~

~~(4) With respect to fire inspectors newly certified by the Board on or after January 1, 2027, those with Level I, Level II, or Level III certificates are qualified to inspect and approve buildings as provided in Rule .0741 of this Section.~~

(b) Whenever a provision of the rules in this Section requires a supporting letter (maximum of two per level) from a supervisor, the letter(s) shall be notarized, shall state the supervisor's qualifications (i.e., what type and level of certificate or license the supervisor holds), shall state that the applicant has worked under the supervisor's direct supervision for a specified period of time, and shall recommend certification of the applicant as a specified type and level of inspector upon satisfaction of other required qualifications. The supervisor shall describe the name, floor area, and number of stories of the buildings worked on by the applicant and shall describe the work performed by the applicant.

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

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

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

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

(g) Every applicant for a standard certificate shall:

(1) provide documentation that the applicant possesses a minimum of a high school education or a high school equivalency certificate; and

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

(3) make a passing grade of at least 70 percent on a law and administration course administered and taught by a Board-approved sponsor; and

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

(5) make a passing grade of 70 percent on the state examination administered by the Board for each inspector type and level of certification, unless exempted by 11 NCAC 08.0707.

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

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

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

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

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

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

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

(1) A license as a professional engineer, architect, residential or building contractor or a registered interior designer;

(2) A one-year diploma in building construction from an accredited college or an equivalent apprenticeship or trade school program in building construction;

(3) A two-year degree from an accredited college or university in building construction, electrical, mechanical, or plumbing contracting, construction management or engineering technology;

(4) A four-year degree from an accredited college or university;

(5) At least six months of residential inspection experience, with a probationary Level I building inspection certificate, on a minimum of two Level I buildings while working under the direct supervision of a standard certified building inspector I, II, or III, with a supporting letter from the applicant's supervisor which complies with ~~of~~ Rule .0706(b) of this Section;

(6) At least one year of residential design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer, architect, or residential or building contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;

(7) At least two years of residential design, construction, or inspection experience while working under a licensed residential contractor;

(8) At least two years of experience as an owner, manager, supervisor, or qualifier, as that term is defined in G.S. 87-10(b), of a residential construction company, who has a license as a residential contractor, and who has construction experience on a minimum of two Level I buildings (this does not include a business partner providing monetary backing for the company);

(9) At least two years of construction experience as a subcontractor or employee of a residential contractor in the building trades, or work in building construction, on a minimum of two Level I buildings and under the direct supervision of a licensed residential contractor who at that time had at least three years of experience;

(10) At least one year of experience with a probationary Level I building inspection certificate inspecting residential construction on a minimum of two Level I buildings.

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

(1) A license as a professional engineer, architect, building contractor or registered interior designer;

(2) A one-year diploma in building construction from an accredited college or an equivalent apprenticeship or trade school program in building construction;

(3) A two-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, or construction management and

at least one year of building design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III, licensed engineer, architect, or building contractor;

(4) A four-year degree from an accredited college or university and at least one year of design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III, licensed professional engineer, architect, or building contractor;

(5) At least six months of commercial inspection experience with a probationary Level II building inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a standard certified building inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;

(6) At least one year of commercial design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer, architect, or building contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;

(7) At least two years of commercial building inspection experience including one year of inspection experience with a probationary Level II building inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;

(8) At least two years of commercial building design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed engineer, registered architect, or licensed intermediate or unlimited building contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or

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

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

(1) A license as a professional engineer, architect, or unlimited building contractor with design, construction, or inspection experience on a minimum of two Level III buildings and specialization in architecture, civil or architectural engineering, or fire protection engineering;

(2) A four-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction or construction management and at least one year of building design, construction, or inspection experience while working under the direct supervision of a certified building inspector III, licensed professional engineer, architect, or unlimited building contractor, at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;

(3) A two-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, or construction management and at least three years of building design, construction, or inspection experience while working under the direct supervision of a certified building inspector III, licensed professional engineer, architect, or unlimited building contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;

(4) At least four years of inspection experience including one year of building inspection experience with a probationary Level III building inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified building inspector III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;

(5) At least four years of building design, construction, or inspection experience while working under the direct supervision of a licensed engineer, architect, or unlimited building contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or

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

Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13.

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

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

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

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

~~(1) Photovoltaic systems~~

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

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

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

(1) A one-year diploma in electrical construction from an accredited college or an equivalent apprenticeship or trade school program in electrical construction;

(2) A four-year degree from an accredited college or university;

(3) At least six months of electrical inspection experience with a probationary Level I electrical inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified electrical inspector I or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;

(4) At least one year of electrical design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer or licensed electrical contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;

(5) A restricted (one family dwelling) license or license as an electrical contractor;

(6) At least two years of electrical installation or inspection experience while working under a licensed electrical contractor; or

(7) At least one year of experience with a probationary Level I electrical inspection certificate inspecting electrical installations on a minimum of two Level I buildings.

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

(1) A license as a professional engineer;

(2) A four-year degree from an accredited college or university in electrical engineering or electrical construction;

(3) A four-year degree from an accredited college or university and at least two years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III, licensed engineer, or intermediate or unlimited licensed electrical contractor;

(4) A two-year degree from an accredited college or university in electrical engineering or electrical construction and at least two years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III, licensed engineer, or intermediate or unlimited licensed electrical contractor;

(5) An intermediate or unlimited license as an electrical contractor with experience on a minimum of two Level II buildings;

(6) At least three years of electrical inspection experience including one year of inspection experience with a probationary Level II electrical inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section

(7) At least three years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer or licensed intermediate or unlimited electrical contractor, with a supporting letter from the applicant's supervisor which complies Rule .0706(b) of this Section; or

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

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

(1) A license as a professional engineer with design, construction, or inspection experience on Level III buildings and specialization in electrical engineering;

(2) A four-year degree from an accredited university in electrical engineering or electrical construction and at least one year of electrical design, installation, or inspection experience while working under the direct supervision of a certified electrical inspector III, licensed professional engineer, or licensed unlimited electrical contractor at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;

(3) A two-year degree from an accredited college or university in electrical engineering or electrical construction and at least three years of electrical design, installation, or inspection experience while working under the direct supervision of a certified electrical inspector III, licensed professional engineer, or licensed unlimited electrical contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;

(4) An unlimited license as an electrical contractor with experience on a minimum of two Level III buildings;

(5) At least four years of electrical inspection experience including one year of inspection experience with a probationary Level III electrical inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified electrical inspector III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;

(6) At least four years of electrical design, construction, or inspection experience while working under the direct supervision of a licensed professional engineer or licensed unlimited electrical contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or

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

Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13.

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

~~(a) A Mechanical Inspector, Level I (Residential), certified on or after January 1, 2027, shall be qualified to perform code-enforcement official duties in accordance with the provisions of the North Carolina Residential Code.~~

~~(b) A Mechanical Inspector, Level II (Commercial), certified on or after January 1, 2027, shall be qualified to perform code-enforcement official duties in accordance with the provisions of the North Carolina Mechanical Code, North Carolina Fuel Gas Code, and the North Carolina Energy Conservation Code.~~

~~(c) A Mechanical Inspector, Level III, shall be qualified to perform code-enforcement official duties in accordance with the provisions of the North Carolina Residential Code, North Carolina Mechanical Code, North Carolina Fuel Gas Code, and the North Carolina Energy Conservation Code for any residential or commercial building or structure.~~

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

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

(1) A one-year diploma in mechanical construction from an accredited college or an equivalent apprenticeship or trade school program in mechanical construction;

(2) A four-year degree from an accredited college or university;

(3) At least six months of mechanical inspection experience with a probationary Level I mechanical inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified mechanical inspector I or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;

(4) At least one year of mechanical design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer or licensed Class I mechanical contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;

(5) An H-1, H-2, or H-3 Class I license as a mechanical contractor;

(6) At least two years of mechanical installation or inspection experience while working under a Class I H-1, H-2, or H-3 licensed mechanical contractor; or

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

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

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

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

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

Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13.

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

~~(a) A Plumbing Inspector, Level I (Residential), certified on or after January 1, 2027 shall be qualified to perform code-enforcement official duties for residential buildings up to three stories in height with no more than four dwelling units in accordance with the provisions of the North Carolina Residential Code, including NFPA 13D residential sprinkler systems.~~

~~(b) A Plumbing Inspector, Level II (Commercial), certified on or after January 1, 2027 shall be qualified to perform code-enforcement official duties for commercial buildings up to four stories in height.~~

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

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

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

(1) A one-year diploma in plumbing construction from an accredited college or an equivalent apprenticeship or trade school program in plumbing construction;
(2) A four-year degree from an accredited college or university;
(3) At least six months of plumbing inspection experience with a probationary Level I plumbing inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified plumbing inspector I or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
(4) At least one year of plumbing design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer or licensed Class I plumbing contractor with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
(5) A Class I license as a plumbing contractor;
(6) At least two years of plumbing installation or inspection experience while working under a licensed Class I plumbing contractor; or
(7) At least one year of experience with a probationary Level I plumbing inspection certificate inspecting plumbing installations a minimum of two Level I buildings.

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

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

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

(1) A license as a professional engineer with design, construction, or inspection experience on Level III buildings and specialization in mechanical engineering;
(2) A four-year degree from an accredited university in mechanical engineering or mechanical or plumbing construction and at least one year of plumbing design, installation,

or inspection experience while working under the direct supervision of a certified plumbing inspector III, licensed professional engineer, or licensed Class I plumbing contractor at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;

(3) A two-year degree from an accredited college or university in mechanical engineering or plumbing construction and at least three years of plumbing design, installation, or inspection experience while working under the direct supervision of a certified plumbing inspector III, licensed professional engineer, or licensed Class I plumbing contractor, with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;

(4) A Class I license as a plumbing contractor with experience on a minimum of two Level III buildings;

(5) At least four years of plumbing inspection experience including one year of inspection experience with a probationary Level III plumbing inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified plumbing inspector III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;

(6) At least four years of plumbing design, construction, or inspection experience while working under the direct supervision of a licensed professional engineer or licensed Class I plumbing contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or

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

Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13.

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

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

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

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

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

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

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

(1) A one-year diploma in fire science from an accredited college or an equivalent certificate of completion from an apprenticeship or trade school program in fire science;

(2) A four-year degree from an accredited college or university;

(3) At least six months of fire inspection experience with a probationary Level I fire inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified fire inspector Level I, II, or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;

(4) At least one year of fire protection design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer, licensed architect, or licensed building, electrical, or fire sprinkler contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;

(5) A license as a fire sprinkler contractor;

(6) At least two years of construction or inspection experience in fire protection systems while working under a licensed building, electrical, or fire sprinkler contractor;

(7) At least one year of experience with a probationary Level I fire inspection certificate conducting fire inspections on a minimum of two Level I buildings;

(8) At least four years of experience in fire suppression activities for a city, county, volunteer, or other governmental fire department; or

(9) Firefighter Level II certification under the North Carolina State Fire and Rescue Commission with at least one year of fire inspection experience in Level I buildings.

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

(1) A license as a professional engineer or architect;

(2) A four-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, or fire science;

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

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

(5) A license as a fire sprinkler contractor with experience on a minimum of two Level II buildings;

(6) At least three years of fire inspection experience including at least one year of inspection experience with a probationary Level II fire inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified fire inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;

(7) At least three years of fire protection system design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer, architect, licensed intermediate or unlimited building contractor, or licensed fire sprinkler contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;

(8) At least one year of experience with a probationary Level II fire inspection certificate conducting fire inspections on a minimum of two Level II buildings; or

(9) Completion of the basic, intermediate, and advanced classes of the North Carolina Fire Prevention School with at least three years of fire inspection experience in Level II buildings.

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

(1) A license as a professional engineer or architect with design, construction, or inspection experience on Level III buildings and specialization in architecture, civil or architectural engineering, or fire protection engineering;

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

(3) A two-year degree from an accredited college or university in civil, architectural, or fire protection engineering and at least three years of fire protection design, installation, or inspection experience while working under the direct supervision of a certified fire inspector Level III, licensed professional engineer, architect, licensed unlimited building contractor, or licensed fire sprinkler contractor with at least one year in responsible charge of a minimum of two Level III buildings;

(4) A license as a fire sprinkler contractor with experience on a minimum of two Level III buildings;

(5) At least four years of fire inspection experience in fire protection systems including one year of inspection experience with a probationary Level III fire inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified fire inspector Level III, with a supporting letter from the applicant's supervisor

which complies with Rule .0706(b) of this Section;

(6) At least four years of fire protection system design, construction, or inspection experience while working under the direct supervision of a licensed professional engineer, architect, licensed intermediate or unlimited building contractor, or licensed fire sprinkler contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or

(7) At least one year of experience with a probationary Level III fire inspection certificate conducting fire inspections on a minimum of two Level III buildings.

Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13.

TITLE 12 – DEPARTMENT OF JUSTICE

***Notice** is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g that the Criminal Justice Education and Training Standards Commission intends to adopt the rules cited as 12 NCAC 09I .0115-.0118, amend the rule cited as 12 NCAC 09A .0204, readopt with substantive changes the rules cited as 12 NCAC 09B .0501- .0503; 09C .0103, .0205, .0208, .0304, .0306, .0307, .0309, .0401- .0404; 09E .0108, .0109; 09G .0101, .0102, .0405-.0407, readopt without substantive changes the rules cited as 12 NCAC 09C .0101, .0102, .0301, .0302; 09E .0110; 09G .0103 repeal through readoption the rule cited as 12 NCAC 09E .0101.*

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

Link to agency website pursuant to G.S. 150B-19.1(c): *https://ncdoj.gov/commission-meeting-information/*

Proposed Effective Date: *May 1, 2027*

Public Hearing:
Date: *November 16, 2026*
Time: *10:00 a.m.*
Location: *Microsoft Teams. Meeting information will be published on agency's website. https://ncdoj.gov/commission-meeting-information/*

Reason for Proposed Action: *To update and readopt rules as part of the periodic review process. To outline content requirements for criminal justice officer certification forms and in-service training coordinator forms. To update minimum standards for criminal justice officer certification. To clarify standards for divulging personnel information. To update record retention requirements for criminal justice agencies. To repeal unnecessary rules.*

Comments may be submitted to: *Holly Cardoza, 1700 Tryon Park Dr, Garner, NC 27529; phone (919) 661-5991; email hcardoza@ncdoj.gov*

Comment period ends: *November 16, 2026*

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

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

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

CHAPTER 09 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

SUBCHAPTER 09A - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

SECTION .0200 - ENFORCEMENT OF RULES

12 NCAC 09A .0204 SUSPENSION: REVOCATION: OR DENIAL OF CERTIFICATION

(a) The Commission shall revoke <u>or deny</u> the certification of a criminal justice officer when the Commission finds that the officer has committed, pursuant to 12 NCAC 09A .0103(6), or been convicted of:

(1) a felony offense; or

(2) a criminal offense for which the authorized punishment included imprisonment for more than two years.

(b) The Commission may suspend, revoke, or deny the certification of a criminal justice officer when the Commission finds that the applicant for certification or the certified officer:

(1) has not completed the required basic training course in its entirety within prescribed time periods relevant or applicable to a specified

position or job title, pursuant to 12 NCAC 09C .0303(d) and ~~09G .0304(a).~~ 09G .0304(a);

(2) fails to meet or maintain one or more of the minimum employment standards required by 12 NCAC 09B .0100 for the category of the officer's certification or fails to meet or maintain one or more of the minimum training standards required by 12 NCAC 09B .0200 or 12 NCAC 09B .0400 for the category of the officer's certification;

(3) has committed or been convicted of:

(A) a criminal offense or unlawful act defined in 12 NCAC 09A .0103(26)(b) as a Class B misdemeanor; or

(B) four or more criminal offenses or unlawful acts defined in 12 NCAC 09A .0103(26)(a) as a Class A misdemeanor, each of which occurred after the date of initial certification;

(4) has been separated by a criminal justice agency for commission or conviction of a motor vehicle offense requiring the revocation of the officer's driver's ~~license.~~ license;

(5) has been discharged by a criminal justice agency because the officer lacks the mental or physical capabilities to properly fulfill the responsibilities of a criminal justice officer;

(6) has knowingly made a material misrepresentation, including knowingly providing false or omitting information, of any information required for certification or accreditation;

(7) has knowingly and willfully, by any means of false pretense, deception, defraudation, misrepresentation, or cheating, obtained or attempted to obtain credit, training, or certification from the Commission;

(8) has knowingly and willfully, by any means of false pretense, deception, defraudation, misrepresentation, or cheating, aided another person in obtaining or attempting to obtain credit, training, or certification from the Commission;

(9) has failed to make either of the notifications as required by 12 NCAC 09B .0101(13);

(10) has been removed from office by decree of the Superior Court in accord with the provisions of G.S. 128-16 or has been removed from office by sentence of the court in accord with the provisions of G.S. 14-230;

(11) fails to satisfactorily complete the minimum in-service training requirements as prescribed in 12 NCAC 09E .0100;

(12) has refused to submit to a drug screen as required by 12 NCAC 09C .0310 and 09G .0211;

(13) has produced a positive result on a drug screen reported to the Commission as specified in 12 NCAC 09C .0310 or 09G .0211, where the positive result cannot be explained to the Commission's satisfaction;

(14) has been denied certification or had certification suspended or revoked by the North Carolina Sheriffs' Education and Training Standards Commission, the North Carolina Criminal Justice Education and Training Standards Commission; the North Carolina Company/Campus Police Program; or a similar North Carolina, out of state or federal approving, certifying or licensing agency;

(15) has performed activities or duties for which certification by the Commission is required without having first obtained the appropriate certification; ~~or~~

(16) has been convicted of any offense proscribed by 18 USC 922(g)(8) that would prohibit possession of a firearm or ammunition;

(17) has engaged in sexual activity, whether in uniform of the employing agency or out of uniform,

(A) while on duty;

(B) while on or off duty in a motor vehicle owned or under the control of a law enforcement agency;

(C) while on or off duty on the premises operated by the employing criminal justice agency;

(D) while in uniform of the employing agency in a public place;

(E) with an employee with whom the person had at the time supervisory responsibilities; or

(F) with a student who at the time is enrolled in a Commission-approved course in which the officer is an instructor, qualified assistant, or school director.

For purposes of this subsection, sexual activity includes any act defined as a sexual act or sexual contact per G.S. 14-27.20 and includes vaginal intercourse; or

(18) has been found to be untruthful during a criminal or internal formal investigation conducted by a law enforcement agency or during an investigation for a rules violation conducted by the North Carolina Criminal Justice Standards Division, North Carolina Sheriffs' Standards Division, or the North Carolina Company and Campus Police Administrator.

(c) Following suspension, revocation, or denial of the person's certification, the person may not remain employed or appointed as a criminal justice officer and the person may not exercise any authority of a criminal justice officer during a period for which the person's certification is suspended, revoked, or denied.

Authority G.S. 17C-6; 17C-10.

SUBCHAPTER 09B - STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT: EDUCATION: AND TRAINING

SECTION .0500 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE SCHOOL DIRECTORS

12 NCAC 09B .0501 CERTIFICATION OF SCHOOL DIRECTORS

(a) Any person designated to act as, or who performs the duties of, a School Director in the delivery or presentation of a Commission-approved criminal justice training course shall be and remain certified by the Commission as a school director while serving in such role.

(b) To qualify for initial certification as a School Director, an applicant shall:

(1) hold current ~~General~~ Criminal Justice Instructor certification as issued by the Commission, pursuant to 12 NCAC 09B .0302 and .0303;

(2) furnish documentary evidence to the Standards Division of high school, college, or university graduation as outlined in 12 NCAC 09B .0106;

(3) attend or have attended the most current offering of the School Director's orientation as developed and presented by the Commission staff, otherwise an individual orientation with a staff member shall be required; and

(4) submit a Form F-10 School Director/Qualified Assistant Application, pursuant to 12 NCAC 09I .0104, to the Commission for the issuance of such certification. This application shall be executed by the executive officer of the institution or agency currently accredited, or which may be seeking accreditation by the Commission to make presentation of Commission-approved training programs and for whom the applicant will be the designated School Director.

(c) In addition to the requirements identified in Paragraph (b) of this Rule, to qualify for certification as a School Director in the presentation of the Criminal Justice Instructor Training Course, an applicant shall document completion of the Instructor Training Orientation presented by the North Carolina Justice Academy on delivery of the instructor training course and ~~student~~ trainee evaluations.

Authority G.S. 17C-6.

12 NCAC 09B .0502 TERMS AND CONDITIONS OF SCHOOL DIRECTOR CERTIFICATION

(a) The term of certification as a School Director is two years from the date the Commission issues the certification, unless earlier terminated by action of the Commission. Upon application, the certification may subsequently be renewed by the Commission for three-year periods. The application for renewal, Form F-10 School Director/Qualified Assistant Application, shall meet the requirements as outlined in 12 NCAC ~~09B .0501(4).~~ 09I .0104.

(b) To retain certification as a School Director, the School Director shall:

(1) Participate in annual training conducted by Commission staff. This annual training shall be delivered in a conference, classroom, or virtual format and shall contain information relevant to the responsibilities of a School Director, as outlined in 12 NCAC 09B ~~.0202(a);~~ .0202;

(2) Submit a renewal application on Form F-10, executed by the executive officer of the institution or agency currently certified by the Commission to make presentation of certified training programs and for whom the applicant will be the designated School Director; and

(3) Hold current ~~General~~ Criminal Justice Instructor Certification pursuant to .0302 and .0303 of this Subchapter. ~~as issued by the North Carolina Criminal Justice Education and Training Standards Commission.~~

(c) The Director may grant a waiver of attendance at the annual training for just cause. For purposes of this Rule, just cause means accident, illness, emergency, or other circumstances, which precluded the School Director from attending the scheduled annual training. School Directors who receive a waiver of attendance shall be required to complete a make up training session prior to the end of the calendar year in which the training requirement applies.

Authority G.S. 17C-6.

12 NCAC 09B .0503 SUSPENSION: REVOCATION: DENIAL/SCHOOL DIR. CERTIFICATION

(a) The Commission may deny, suspend, or revoke certification of a school director when the Commission finds that the person has failed to meet or continuously maintain any of the requirements for ~~qualification~~ qualification, pursuant to .0501 and .0502 of this Subchapter, or through performance fails to comply with the rules of this Chapter.

(b) Prior to the Commission's action denying, suspending, or revoking a school director's certification, the Standards Division may notify the person that a deficiency appears to exist and may attempt, in an advisory capacity, to assist the person in correcting the deficiency.

(c) The Commission shall deny, suspend, or revoke the certification of a School Director when they have found the person has engaged in any conduct outlined in 12 NCAC 09B .0301(e) ~~and (f).~~ through (i).

Authority G.S. 17C-6.

SUBCHAPTER 09C - ADMINISTRATION OF CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

SECTION .0100 - RESPONSIBILITIES OF CRIMINAL JUSTICE STANDARDS DIVISION

12 NCAC 09C .0101 ADMINISTRATION OF PROGRAMS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

12 NCAC 09C .0102 DEVELOPMENT OF PROGRAMS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

12 NCAC 09C .0103 DIVULGING PERSONNEL INFORMATION

(a) ~~The~~ With the appropriate authorization for release, the head of a criminal justice agency may request in writing ~~and with the appropriate authorization for release,~~ information in the ~~Standards Division~~ Division's files regarding the suitability or qualifications of a criminal justice officer for employment or retention.

(b) The Director ~~of the Standards Division~~ shall evaluate the request to determine ~~what, if any,~~ what information the ~~Standards~~ Division files contain that is necessary to the retention or employment of the officer or applicant.

(c) ~~The Director shall divulge the information in the Standards Division files in accordance with State personnel laws.~~ The necessary information shall be provided to the head of the criminal justice agency verbally or in writing by email, personal ~~delivery~~ delivery, or personally addressed first class ~~mail.~~ mail, as determined by the Director and in accordance with State personnel laws.

~~(d) The Standards Division shall maintain a copy of the letter divulging such information in the personnel file of the subject officer or applicant.~~

(d) The Director may divulge in writing or verbally any information in the Division's personnel file of a criminal justice officer or applicant for certification to the head of a criminal justice agency employing or considering employing the officer or applicant when the Director finds it necessary and essential to the retention or employment of the officer or applicant.

(e) Documentation of all information disclosed in accordance with this Rule and the reason for disclosing the information, as well as a copy of any written content provided to the agency head, shall be maintained in the Division's personnel file of the subject officer or applicant.

Authority G.S. 17C-9; 17C-10.2.

SECTION .0200 – FORMS

12 NCAC 09C .0205 APPLICATION FOR CERTIFICATION LAW ENFORCEMENT OFFICER

(a) The Application for Certification Law Enforcement Officer (Form ~~F-5A)~~ F-5A (Probationary)), pursuant to 12 NCAC 09I .0115, shall be used to request the probationary certification of law enforcement officers. ~~criminal justice officers. The Application for Certification Law Enforcement Officer (Form F-5A) shall contain the following information:~~

~~(1) Employing agency identification;~~

~~(2) Applicant's name, address, date of birth, driver's license number, and social security number;~~

~~(3) Position for which application is being submitted;~~

~~(4) Date of hire;~~

~~(5) Verification of the applicant's criminal history, pursuant to 12 NCAC 09B .0111, and~~

~~(6) Signature of the employing agency's executive officer or authorized representative.~~

(b) The Application for Certification Law Enforcement Officer (Form F-5A (General)), pursuant to 12 NCAC 09I .0115, shall be used to request the general certification of law enforcement officers who have a break in service pursuant to 12 NCAC 09B .0403.

(c) The following documents shall be submitted to the Division along with the Application for Certification Law Enforcement Officer (Form ~~F-5A):~~ F-5A (Probationary)) or (Form F-5A (General)):

(1) ~~Fingerprint Response Sheet,~~ Results of the fingerprint criminal history record check, pursuant to 12 NCAC 09B .0103;

(2) Firearms Qualification Record (Form F-9A), pursuant to 12 NCAC ~~09E .0104;~~ 09I .0114;

(3) Signed and notarized Release Authorization Form, pursuant to 12 NCAC ~~09B .0102;~~ 09I .0116; and

(4) Law Enforcement Application for Verification of Expunction AOC-CR-280, pursuant to 12 NCAC 09B .0102.

Authority G.S. 17C-6.

12 NCAC 09C .0208 AFFIDAVIT OF SEPARATION

(a) The Affidavit of Separation (Form ~~F-5B)~~ F-5B), pursuant to 12 NCAC 09I .0116, shall be used for reporting the date of and reason for the separation of a criminal justice officer from the employing agency. The date of separation shall be the date the criminal justice officer resigned or the date the employing agency terminated the employee. ~~The Affidavit of Separation (Form F-5B) shall contain the following information:~~

~~(1) separating agency;~~

~~(2) separating officer, address, date of birth, position, date of final separation;~~

~~(3) reason for separation;~~

~~(4) name and signature of separating officer; and~~

~~(5) name and signature of the employing agency's executive officer or authorized representative.~~

(b) An agency separating a person from employment or appointment as a criminal justice officer shall, not later than 10 days after separation, forward to the Commission a completed Affidavit of ~~Separation.~~ Separation (Form F-5B).

Authority G.S. 17C-6.

SECTION .0300 - CERTIFICATION OF CRIMINAL JUSTICE OFFICERS

12 NCAC 09C .0301 CERTIFICATION OF CRIMINAL JUSTICE PERSONNEL (READOPTION WITHOUT SUBSTANTIVE CHANGES)

12 NCAC 09C .0302 PROBATIONARY PERIOD (READOPTION WITHOUT SUBSTANTIVE CHANGES)

12 NCAC 09C .0304 GENERAL CERTIFICATION

(a) The Commission shall grant ~~an~~ a criminal justice officer general certification if evidence is received by the Standards Division that an officer has ~~successfully~~ completed the training requirements of 12 NCAC 09B .0400 within the officer's probationary period and that the officer has met all other requirements for general certification. General certification shall not be granted if the officer's department head submits a written request to the Director of the Standards Division to withhold general certification from the officer.

(b) The Commission shall honor a valid general certification issued to a deputy sheriff by the North Carolina Sheriffs' Education and Training Standards Commission for the purpose of lateral transfer, as provided for in 12 NCAC 09C .0306, to a law enforcement agency under the jurisdiction of G.S. 17C if evidence is received by the Standards Division that the officer has successfully completed the training requirements as mandated by the Sheriffs' Commission within the officer's probationary period and the officer has successfully completed the training requirements of 12 NCAC 09B .0205 in addition to complying with all other commission requirements for general certification.

~~(c) For local confinement personnel in service prior to June 1, 1986, the Commission shall grant General Certification to all local confinement personnel officially appointed and in local confinement facility service or county confinement facility service with any political subdivision of the state on May 31, 1986. Such personnel shall be exempt from the provisions of Rules .0301, .0302 and .0303 of this Section and from basic training requirements applicable to those certified as probationary officers. Any personnel wishing to take advantage of the privilege granted by this Paragraph shall apply on or before August 31, 1986 and all General Certification granted after that date shall be as prescribed in Subchapter 09C, Section .0300.~~

~~(d) For local confinement personnel of juvenile detention homes, either state or local, in service prior to January 1, 1990, the Commission shall grant General Certification to all local confinement personnel officially appointed and in juvenile detention homes with any political subdivision of the state on December 31, 1989. Such personnel shall be exempt from the provisions of Rules .0301, .0302 and .0303 of this Section and from basic training requirements applicable to those certified as probationary officers. Any personnel wishing to take advantage of the privilege granted by this Paragraph shall apply on or before March 31, 1990 and all General Certifications granted after that date shall be as prescribed in Subchapter 09C, Section .0300.~~

~~(e)~~(c) General certification is continuous from the date of issuance, so long as:

(1) The certified officer remains continuously employed or appointed as a criminal justice officer in good standing with an agency and the certification has not been terminated for cause; or

(2) The certified officer, having separated in good standing from a criminal justice agency, is re-appointed or re-employed as a criminal justice officer within one year, and the certification has not been terminated for cause; and

(3) The certified officer meets the in-service training requirements as prescribed in 12 NCAC 09E during each full calendar year of certification.

Authority G.S. 17C-2; 17C-6; 17C-10.

12 NCAC 09C .0306 LATERAL TRANSFER OF IN-STATE LAW ENFORCEMENT OFFICERS

(a) A North Carolina law enforcement officer is eligible to transfer from one state or local law enforcement agency to another and be certified by the Commission if the officer:

(1) has completed basic law enforcement training and holds a general certification or probationary certification from the Commission or the Sheriffs' Education and Training Standards Commission; and

(2) has not had more than a 12-month consecutive break in service immediately preceding the current application.

(b) Prior to certification being transferred per this Rule, a state or local law enforcement agency considering the applicant for employment as a law enforcement officer shall submit an Application for Lateral Certification, Form ~~F-5D,~~ F-5D (LE), pursuant to 12 NCAC 09I .0115, to the Division reporting that the employing agency has done the following:

(1) obtained and forwarded the applicant's fingerprints to the North Carolina State Bureau of Investigation, in compliance with the requirements set forth in 12 NCAC 09B ~~.0102(a) and (b),~~ .0103, reviewed the results of the criminal history record check provided as a result, and provided a copy of the results to the Division;

(2) completed the AOC-CR280 expungement form and provided the results to the Division;

(3) obtained a signed and notarized Authorization for Release of Information Form (F-36), pursuant to 12 NCAC 09I .0116, from the applicant, and reviewed the following documents of the applicant maintained by or on behalf of any North Carolina law enforcement agency where the applicant was employed for any part of the five-year period preceding the current ~~application;~~ application. The following information shall be reviewed, and completion of the review shall be documented on the Verification of Law Enforcement Background Review (Form F-41), pursuant to 12 NCAC 09I .0115:

(A) the personnel file including confidential information as defined by

G.S. 153A-98, G.S. 160A-168 and G.S. 126-24;
(B) Form F-5B, Affidavit of Separation, if the applicant has separated;
(C) Form F-8, Background Investigation; and
(D) any internal investigations.
(4) Confirmed that the applicant:
(A) has not had more than a 12-month consecutive break in service immediately preceding the current application;
(B) has completed all mandatory in-service training for the preceding calendar year;
(C) has no criminal convictions, outstanding criminal charges or an offense that would disqualify them from certification, pursuant to 12 NCAC 09B .0111, as verified through a comprehensive criminal background check;
(D) has not been the subject of any internal investigation, disciplinary proceeding or pre-disciplinary proceeding, within the last 18 months that contains allegations that could prevent the law enforcement officer's certification; and
(E) has qualified pursuant to 09E .0106 of this Subchapter, with the assigned duty weapon which has been recorded on the Firearms Qualification Record, Form F-9A pursuant to 09E .0104 of this Subchapter.

~~(c) The Application for Lateral Certification, Form F-5D, shall contain the following:~~
~~(1) officer's name, date of birth, Acadis ID number;~~
~~(2) former agency, current agency, and hire date with current agency;~~
~~(3) current certification held;~~
~~(4) dates the criminal history records check and psychological screening were conducted;~~
~~(5) date the officer's personnel record was reviewed; and~~
~~(6) the name and signature of the current employing agency's head or authorized representative~~

~~(d)~~(c) Officers previously certified who were not previously required to ~~meet the educational or basic training requirements~~ complete basic law enforcement training, pursuant to 12 NCAC 09B .0403, shall not be required to meet such requirements when laterally transferring to another agency with less than a 12-month break in law enforcement service.

Authority G.S. 17C-6; 17C-10; 17C-10.2.

12 NCAC 09C .0307 AGENCY RETENTION OF RECORDS OF CERTIFICATION

(a) Each criminal justice agency shall place information with respect to employment, education, retention, and training of its criminal justice officers in the criminal justice officer's personnel file as listed in Subparagraphs (a)(1) and (a)(2) of this Rule. The files shall be available for examination immediately upon request ~~in five days~~ by representatives of the Commission for verifying compliance with these Rules.
(1) Criminal Justice Officer with probationary certification:
(A) the officer's Personal History Statement (Form F-3), pursuant to 12 NCAC ~~09C .0201;~~ 09I .0116;
(B) the officer's Medical History Statement and Medical Examination Report (Form F-1 and F-2), pursuant to 12 NCAC 09B .0104;
(C) documentation of the officer's drug screening results, pursuant to 12 NCAC 09C .0310;
(D) the Commission's Mandated Background Investigation Form as completed by the agency's investigator, (Form F-8), pursuant to 12 NCAC ~~09B .0102;~~ 09I .0116;
(E) a summary of the officer's Qualifications Appraisal Interview, (Form F-4), prepared by the agency's interviewers, pursuant to 12 NCAC ~~09C .0204.~~ 09I .0116; ~~The Form F-4 identifies the officer candidate interviewed, the position interviewed for, and the interviewer(s)' comments regarding the applicant's appearance, manner, and bearing, ability to present ideas, social adaptability, alertness and judgment, and interviewer(s) recommendation for employment;~~
(F) a copy of all certificates or diplomas obtained, pursuant to 12 NCAC 09B .0106;
(G) ~~course listing(s) and completion date(s) of all criminal justice training completed by the officer;~~ a completed Agency Attestation of DCI Criminal History Record (Form F-40), pursuant to 12 NCAC 09I .0116;
(H) the results of the officer's fingerprint record check, pursuant to 12 NCAC 09B .0103;
(I) a written summary of the officer's psychological examination results, signed by the examining licensed psychologist, pursuant to 12 NCAC 09B .0101(7);
(J) for the law enforcement officer, records of all in-service training received by the officer, as set forth in

12 NCAC 09E .0100; ~~.0103(3) and .0110(5) that the officer has completed the minimum in-service training as required;~~

(K) certified copy of proof of age, citizenship, and educational requirements required in 12 NCAC 09B .0101;

(L) copy of ~~Report of Appointment/Application~~ Application for Certification (Form ~~F-5A),~~ F-5A (Probationary)), pursuant to 12 NCAC 09C .0205;

(M) oath of office, pursuant to 12 NCAC 09C .0303;

(N) copy of firearms qualification (Form F-9A), pursuant to 12 NCAC ~~09E .0106;~~ 09I .0114;

(O) once separated, a copy of the Affidavit of Separation, ~~Form~~ (Form F-5B), pursuant to 12 NCAC 09C .0208; and

(P) a copy of the electronic response for the AOC-CR-280, Law Enforcement Application for Verification of Expunction under G.S. 15A-151.

(2) Criminal Justice Officer with general certification:

(A) the officer's Medical History Statement and Medical Examination Report (Form F-1 and F-2), pursuant to 12 NCAC 09B .0104;

(B) documentation of the officer's drug screening results, pursuant to 12 NCAC 09C .0310;

(C) a copy of all certificates or diplomas obtained, pursuant to 12 NCAC 09B .0106;

(D) ~~course listing(s) and completion date(s) of all criminal justice training completed by the officer;~~ a completed Agency Attestation of DCI Criminal History Record (Form F-40), pursuant to 12 NCAC 09I .0116;

(E) the results of the officer's fingerprint record check, pursuant to 12 NCAC 09B .0103;

(F) for the law enforcement officer, records of all in-service training received by the officer, as set forth in 12 NCAC 09E ~~.0103(3) and .0110(5)~~ .0100 that the officer has completed the minimum in-service training as required;

(G) certified copy of proof of age, citizenship, and educational requirements required in 12 NCAC 09B .0101;

(H) copy of ~~Report of Appointment/Application~~ Application for Certification (Form ~~F-5A),~~ F-5A (Probationary) or F-5A (General)), pursuant to 12 NCAC 09C .0205;

(I) oath of office, pursuant to 12 NCAC 09C .0303;

(J) copy of firearms qualification (Form F-9A), pursuant to 12 NCAC ~~09E .0106;~~ 09I .0114;

(K) once separated, a copy of the Affidavit of Separation, ~~Form~~ (Form) F-5B), pursuant to 12 NCAC 09C .0208; and

(L) a copy of the electronic response for the AOC-CR-280, Law Enforcement Application for Verification of Expunction under G.S. 15A-151.

(3) Law Enforcement Officer hired as a lateral officer with probationary or general certification under the provisions of 12 NCAC 09C .0306;

(A) the results of the officer's fingerprint record check, pursuant to 12 NCAC 09B .0103;

(B) records of all in-service training received by the officer, as set forth in 12 NCAC 09E .0103(3) and .0110(5) that the officer has completed the minimum in-service training as required;

(C) copy of ~~Change of Name~~ Notification of Personnel Record Change (Form F-19) or Application for Lateral Certification (Form F-5D) pursuant to 12 NCAC ~~09C .0306;~~ 09I .0115;

(D) a copy of the electronic response for the AOC-CR-280, Law Enforcement Application for Verification of Expunction under G.S. 15A-151;

(E) copy of firearms qualification (Form F-9A), pursuant to 12 NCAC ~~09E .0106;~~ 09I .0114;

(F) once separated, a copy of the Affidavit of Separation (Form F-5B), pursuant to 12 NCAC 09C .0208;

(G) basic law enforcement training certificate or record of completion;

(H) copy of the signed ~~authorization to release records form; and~~ Authorization of Release of Records (Form F-36), pursuant to 12 NCAC 09I .0116;

(I) a completed Verification of Law Enforcement Background Review (Form F-41), pursuant to 12 NCAC 09I .0115;

(J) a completed Agency Attestation of DCI Criminal History Record (Form F-40), pursuant to 12 NCAC 09I .0116; and

~~(I)~~(K) the agency may have performed additional screening and selection tasks, and records for those optional tasks are required to be maintained in the employee's file for audit by the division.

(b) These records shall be maintained by the criminal justice agency in compliance with the North Carolina Department of Natural and Cultural Resources Retention and Disposition Schedule established pursuant to G.S. 121 and G.S. 132.

Authority G.S. 17C-2; 17C-6.

12 NCAC 09C .0309 LATERAL TRANSFER OF LOCAL CONFINEMENT PERSONNEL

(a) An ~~officer, supervisor or administrator~~ individual with general Local Confinement Personnel certification, pursuant to 12 NCAC 09C .0304, may transfer from one local confinement facility to another local confinement facility, or may transfer from one county confinement facility to another county confinement facility with less than a 12-month break in service.

(b) Prior to employing the individual, the employing agency shall:

(1) verify the certification, pursuant to 12 NCAC 09C .0304, of the individual with the Standards Division;

(2) submit ~~an up-to-date~~ a fingerprint check, pursuant to 12 NCAC 09B .0103;

(3) pursuant to 12 NCAC 09C .0302, advise the individual that he or she will be serving under a probationary appointment with the agency for one year;

(4) notify the Commission, by submitting a Report of Appointment, Form F-5A (LCP), pursuant to 12 NCAC 09I .0118, that the individual is being employed and stating the date on which employment will commence. ~~The Report of Appointment, Form F-5A (LCP) shall contain the following:~~

~~(A) Employing agency;~~

~~(B) Applicant's name, address, date of birth, and Social Security Number;~~

~~(C) Drug Screen result, pursuant to 12 NCAC 09C .0310; and~~

~~(D) Fingerprint Requirement, pursuant to 12 NCAC 09B .0103.~~

~~(b)~~(c) Prior to transfer of certification, local confinement personnel shall:

(1) complete ~~a Medical History Statement Form F-1~~ the medical examination and documentation outlined in 12 NCAC 09B .0104 within one year prior to the transfer to the employing agency; ~~agency. The Medical History Statement Form F-1 shall contain the following information regarding the local confinement person being transferred;~~

~~(A) name, date of birth, address, telephone number;~~

~~(B) current medications, allergies, and past medical history;~~

~~(C) occupational history; and~~

~~(D) name and signature of a physician, physician assistant, or nurse practitioner who holds a current license in the United States to practice medicine, as issued by a state medical board,~~

~~(2) submit to examination by a physician who holds a current license to practice medicine in the United States pursuant to 12 NCAC 09B .0104 within one year prior to the transfer to the employing agency;~~

~~(3)~~(2) submit results of the physical examination to the employing agency for placement in the individual's permanent personnel file; and

~~(4)~~(3) produce a negative result on a drug screen administered according to the specifications outlined in 12 NCAC ~~09B .0101(5).~~ 09C .0310.

~~(c)~~(d) Certified local confinement personnel who transfer to another agency within 12 months of leaving their previous position are exempt from meeting the educational or basic training requirements of local confinement personnel certification, pursuant to 12 NCAC 09B .0225, if the individual was not initially required to meet these requirements when they were first employed in a certified position at the agency from which the individual is transferring. ~~this Rule. This exemption applies only if they were not initially required to meet these requirements when they were first employed by the agency from which they were transferring.~~

~~(d)~~(e) No certification will be transferred if the holder has been convicted since initial certification of any offense for which revocation or suspension of certification is ~~authorized.~~ authorized, pursuant to 12 NCAC 09A .0204.

Authority G.S. 17C-2; 17C-6; 17C-10.

SECTION .0400 - ACCREDITATION OF CRIMINAL JUSTICE SCHOOLS AND TRAINING COURSES

12 NCAC 09C .0401 ACCREDITATION OF CRIMINAL JUSTICE SCHOOLS

(a) Any school applying for accreditation or re-accreditation, pursuant to G.S. 17C-6 shall submit a completed Request for School Accreditation, Form F-10 (SA), pursuant to 12 NCAC 09I .0104. ~~F-10(SA). The Form F-10(SA) is available on the agency's website: http://www.ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-b2bd807100c4/F-10(SA)-6-11.aspx. The F-10(SA) Request for School Accreditation shall contain the following:~~

~~(1) The name of the requesting institution/agency;~~

~~(2) The mailing address, phone number, and name of the institution head or executive officer;~~

~~(3) The name, title or rank, address and phone number of the School Director~~

~~(4) The type of Commission approved training course in which accreditation is being sought;~~

~~(5) The type and location of all facilities to be used in administering the Commission approved training course; and~~
~~(6) The signature of the institution head or executive officer.~~

(b) Upon receipt of a completed Request for School Accreditation application:

(1) The Standards Division staff reviews the application and conducts a site visit to tour facilities, confirm information on the application, and determine if and where deficiencies exist;
(2) The Standards Division Staff contacts the applying institution or agency concerning deficiencies and provides assistance on correcting problem areas;
(3) The Standards Division staff recommends to the Education and Training Committee when the accredited institution has satisfied the requirements outlined in 12 NCAC 09B .0200; and
(4) The Education and Training Committee recommends to the full Commission at its next regularly scheduled meeting the approval or denial of accreditation for the applicant institution or agency.

(c) Accreditation or re-accreditation of a school shall remain effective for five years from issuance unless earlier suspended or revoked for failure to maintain compliance with the requirements set forth in 12 NCAC 09B .0200, Minimum Standards for Criminal Justice Schools and Criminal Justice Training Programs or Courses of Instruction.

(d) In instances where the Education and Training Committee determines the school seeking reaccreditation is not in compliance with 12 NCAC 09B .0200, the school application and staff reports shall be reviewed by the Probable Cause Committee, as specified in 12 NCAC 09A .0201.

(e) The Commission, by and through the Probable Cause Committee, shall summarily suspend the accreditation of a criminal justice school if the public health, safety, or welfare requires action pursuant to G.S. 150B-3.

(1) For the purpose of considering a summary suspension of accreditation, the Probable Cause Committee shall meet only during its regularly scheduled quarterly meeting or upon notice given by mail, telephone, or other means not less than 48 hours in advance of the meeting;
(2) This summary suspension shall be effective on the date specified in the order of the summary suspension. A summary suspension becomes effective upon oral notification to the executive officer or officers of the institution or agency sponsoring any criminal justice training program or course of instruction by the Director that the accreditation of the school is being summarily suspended. The school shall not perform any duties or conduct any courses requiring accreditation by the Commission;
(3) The summary suspension shall remain effective during the proceedings for suspension and revocation, pursuant to 12 NCAC 09A .0201 and .0207; <u>and</u>
(4) The summary suspension shall be returned for a full hearing before the Probable Cause Committee at the next scheduled Commission meeting.

(f) The Commission shall suspend or revoke a school's accreditation when it finds that the school has failed to meet or continuously maintain any requirement, standard, or procedure for school or course accreditation.

Authority G.S. 17C-6; 17C-11.

12 NCAC 09C .0402 ACCREDITATION OF TRAINING COURSES

(a) ~~An accredited~~ <u>A Commission-accredited</u> criminal justice school shall apply for accreditation for each of its courses by submitting a completed Request for ~~Training Course Accreditation.~~ <u>School Accreditation, Form F-10 (SA), pursuant to 12 NCAC 09I .0104.</u>

(b) One of two types of accreditation may be sought by the school, depending upon the nature of the course for which accreditation is sought.

(1) Temporary accreditation shall apply to courses being offered by an accredited school on a one-time or infrequent basis and will remain effective for the duration of the specified course offering, not in excess of one year.
(2) Continuing accreditation shall apply to courses offered on a regular or continuous basis by an accredited school and will remain effective until surrendered, revoked, or the school's accreditation expires or is suspended or revoked.

(c) The Commission may suspend or revoke the accreditation of a course when it finds that the school has failed to meet or to continuously maintain any requirement, standard, or procedure for course accreditation.

Authority G.S. 17C-6.

12 NCAC 09C .0403 REPORTS OF TRAINING COURSE PRESENTATION AND COMPLETION

(a) Each presentation of a Commission-accredited training course shall be reported to the Commission as follows:

(1) After acquiring accreditation for the course and before commencing each delivery of the course, the school director shall notify the Commission of the school's intent to offer the training course by submitting a Form F-10A Pre-delivery Report of Training Course <u>Presentation, pursuant to 12 NCAC 09I .0102;</u> ~~Presentation. The Pre-Delivery Report of Training Course Presentation Form F-10A shall contain the number of training hours, training delivery period, location of training, and estimated number of attendees;~~ and

(2) Not more than 10 days after completing delivery of the accredited course, the school director shall notify the Commission regarding the progress and achievement of each enrolled trainee by submitting a Form F-10B Post-delivery Report of Training Course Presentation, pursuant to 12 NCAC ~~09C .0212,~~ 09I .0102, and entering all student scores and class documents in the ~~Acadis~~ North Carolina Justice Training and Certification platform.

(b) Upon completion of a Commission-accredited training course by Juvenile Justice Officer and Chief/Juvenile Court Counselor trainees, the director of the school conducting such course shall notify the Commission of the achievement of trainees by submitting a Report of Training Course Completion Form F-11, pursuant to 12 NCAC ~~09B .0235.~~ 09I .0108 for each trainee.

Authority G.S. 17C-6; 17C-10.

12 NCAC 09C .0404 PILOT COURSE ~~PRESENTATION/PARTICIPATION~~ PRESENTATION AND PARTICIPATION

(a) Consistent with the curriculum development policy of the Commission, the Education and Training Committee shall recommend to the ~~commission~~ Commission the delivery system and the developer of course curricula. Designation of the developer of course curricula by the Commission shall be deemed as approval of the developer to conduct pilot courses.

(b) Individuals who successfully complete a pilot course offering shall not be required by other rules of this Chapter to complete additional training for that specific certification program. Such pilot training courses shall be recognized for purposes of certification or recertification.

Authority G.S. 17C-6.

SUBCHAPTER 09E - IN-SERVICE TRAINING PROGRAMS

SECTION .0100 - LAW ENFORCEMENT OFFICER'S IN-SERVICE TRAINING PROGRAM

12 NCAC 09E .0101 PURPOSE

~~In order to ensure a minimum level of proficiency in specific topical areas for law enforcement officers serving the governmental agencies within the state, the Commission establishes the law enforcement officers' annual in-service training program.~~

Authority G.S. 17C-6; 17C-10.

12 NCAC 09E .0108 FAILURE TO COMPLETE ANNUAL IN-SERVICE TRAINING

(a) Law enforcement officers certified by the ~~North Carolina Criminal Justice Education and Training Standards~~ Commission shall complete a minimum of 24 in-service training credits each year as published by the Commission.

(b) When the Commission specifies topics that total less than 24 credits for a specific year, the remaining training credits shall be in topics identified by their respective agency heads. In selecting the remaining training credits, the agency head may choose any topic, provided the lesson plan is written in Instructional Systems Design format and is taught by an instructor who is certified by the Commission, pursuant to 12 NCAC 09B .0301. Alternatively, in selecting the remaining training credits, the agency head may choose any topic: (1) delivered pursuant to Rule .0104(1) of this Section; or (2) National Certification Programs (NCP) administered by the International Association of Directors of Law Enforcement Standards and Training (IADLEST) completed during that specific year. These topics shall not be required to be written in Instructional Systems Design format or delivered by an instructor certified by the Commission.

(c) With the exception of those law enforcement officers who were hired on or after July 1st, pursuant to 12 NCAC 09E .0103(2), failure to successfully complete the annual in-service training within the calendar year shall result in suspension of the law enforcement officer's certification.

~~(c)~~(d) Completion of training shall be demonstrated by passing a written test for each in-service training topic, as follows:

(1) A written test comprised of at least five questions per credit shall be developed by the North Carolina Justice Academy or the approved curriculum developer having received NJP approval for each in-service topic requiring testing. The Firearms and Qualifications in-service course and topics delivered pursuant to Rule .0104 of this Section shall be exempt from this written test requirement;

(2) A student shall pass each test by achieving at least 70 percent correct answers; and

(3) A student who completes a topic of in-service training in a traditional classroom setting or online and fails the end-of-topic exam shall be given one attempt to re-test. If the student fails the exam a second time, the student shall complete the in-service training topic in a traditional classroom setting before taking the exam a third time.

~~(d)~~(e) Upon notification that a law enforcement officer who has been continuously employed with an agency during the 12 month calendar year has failed to meet the requirements for in-service training, as specified in 12 NCAC 09E .0103(2), the officer's certification shall be suspended by the Standards Division Director.

~~(e)~~(f) No officer suspended under Paragraph ~~(b)~~(c) of this Rule shall work as a certified law enforcement officer until:

(1) the department head or designated representative forwards to the Commission documentary evidence verifying that the officer has complied with the requirements for reinstatement of certification as specified in this subsection; and

(2) the agency head or designated representative and the officer receive from the Commission documentation that the Commission has terminated the suspension and reissued law

enforcement certification to the suspended officer.

~~(f)~~(g) If an officer has separated from an agency with less than a 12-month break in law enforcement service and is later reemployed as a law enforcement officer during the same calendar year, the officer shall complete the annual in-service training, as outlined in Paragraphs (a) and (b) of this Rule, by the end of that same calendar year. Upon notification by the agency head that such officer has failed to meet all the requirements for in-service training, the law enforcement officer's certification shall be suspended, pursuant to 12 NCAC 09A .0206(a)(2).

~~(g)~~(h) If an officer has separated from an agency with less than a 12 month break in law enforcement service and is later reemployed as a law enforcement officer during the subsequent calendar year, the officer shall complete the annual in-service training, as outlined in Paragraphs (a) and (b) of this Rule by the end of the subsequent calendar year. Upon notification by the agency head that such officer has failed to meet all the requirements for in-service training, the law enforcement officer's certification shall be suspended, pursuant to 12 NCAC 09A .0206(a)(2).

Authority G.S. 17C-6; 17C-10.

12 NCAC 09E .0109 IN-SERVICE TRAINING COORDINATOR REQUIREMENTS

(a) Any persons designated by an agency head to act as, or who perform the duties of, an In-Service Training Coordinator in the delivery or presentation of a Commission-mandated or Commission-recognized in-service training course shall have on file confirmation from the Commission acknowledging designation as In-Service Training Coordinator prior to acting in an official capacity as an In-Service Training Coordinator.

(b) To be eligible to serve as an In-Service Training Coordinator, an applicant shall:

(1) have four years of practical experience as a criminal justice officer or as an administrator or specialist in a field directly related to the criminal justice system;

(2) be certified by the Commission as a General Instructor; and

(3) have completed the Commission-approved "Coordinating In-Service Training" course presented by the Standards Division. ~~North Carolina Justice Academy for the purpose of familiarization with trainee and instructor evaluation.~~

(c) The agency head shall submit to the Criminal Justice Standards Division a Form F-18 Commission In-Service Training Coordinator Request ~~form containing the names and other requested information~~ form, pursuant to 12 NCAC 09I .0117, for the persons selected to act as In-Service Training Coordinators for the agency. ~~The Form F-18 is located on the agency's website: http://ncdoj.gov/getdoc/feb459d2-6db1-45be-94c8-a2e5305b350b/F-18(ITC)-6-11.aspx.~~ The agency head shall ensure that the persons selected meet the requirements set forth in Paragraphs (a) and (b) of this Rule.

Authority G.S. 17C-6.

12 NCAC 09E .0110 IN-SERVICE TRAINING COORDINATOR RESPONSIBILITIES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SUBCHAPTER 09G - STANDARDS FOR CORRECTIONS EMPLOYMENT, TRAINING, AND CERTIFICATION

SECTION .0100 - SCOPE, APPLICABILITY, AND DEFINITIONS

12 NCAC 09G .0101 SCOPE AND APPLICABILITY OF SUBCHAPTER

This Subchapter governs the implementation of minimum standards for employment, training, and certification of two classes of corrections officers: correctional officers and probation/parole officers, as well as the standards for corrections schools and the state corrections certificate program. Definitions and procedures contained within 12 NCAC 09A through 09F do not apply to these classes of corrections officers, unless referenced. Only rules included in Subchapter 09G apply to these employees of the North Carolina Department of ~~Public Safety, Division of Adult Correction and Juvenile Justice.~~ Adult Correction.

Authority G.S. 17C-1; 17C-6.

12 NCAC 09G .0102 DEFINITIONS

The following definitions apply throughout this Subchapter only:

(1) "Agency" means those state and local agencies identified in G.S. 17C-2(2).

(2) "Commission" means the North Carolina Criminal Justice Education and Training Standards Commission identified in G.S. 17C.

(3) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and Training Standards Commission or equivalent regulating body from another state that a person performed the acts necessary to satisfy the elements of a specified offense.

(4) "Convicted" or "Conviction" means, the entry of:

   (a) a plea of guilty;

   (b) a verdict or finding of guilt by a jury, judge, magistrate, or other duly constituted, established adjudicating body, tribunal, or official, either civilian or military; or

   (c) a plea of no contest, nolo contendere, or the equivalent.

(5) "Correctional Officer" means an employee of the North Carolina Department of Adult Correction, responsible for the custody of inmates or offenders.

(6) "Corrections Officer" means either or both of the two classes of officers employed by the North Carolina Department of Adult Correction: correctional officer or probation/parole officer.

(7) "Criminal Justice System" means the whole of the State and local criminal justice agencies including the North Carolina Department of Adult Correction.

(8) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina Department of Justice.

(9) "Educational Points" means points earned toward the State Correction Officers' Professional Certificate Program for studies completed, with passing scores achieved, for semester hour or quarter hour credit awarded from colleges or universities accredited by the Department of Education of the state in which the institution is located, from an accredited body recognized by either the U.S. Department of Education or the Council for Higher Education Accreditation, or from the state university of the state in which the institution is located. ~~Each semester hour of college credit equals one educational point and each quarter hour of college credit equals two-thirds of an educational point.~~

(10) "High School" means a high school that meets the compulsory attendance requirements in the jurisdiction in which the school is located.

(11) "In-Service Training Coordinator" means a person designated by a Criminal Justice Agency head to administer the agency's In-Service Training program.

(12) "Misdemeanor" means those criminal offenses not classified under the laws, statutes, or ordinances as felonies. Misdemeanor offenses are classified by the Commission as follows:

(a) "Class A Misdemeanor" means a misdemeanor committed or omitted in violation of any common law, duly-enacted ordinance, or criminal statute of this State that is not classified as a Class B Misdemeanor pursuant to Sub-item (12)(b) of this Rule. Class A Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of not more than six months. Excluded from "Class A Misdemeanor" criminal offenses for jurisdictions other than North Carolina are motor vehicle or traffic offenses designated as misdemeanors under the laws of other jurisdictions or duly enacted ordinances of an authorized governmental entity, with the exception of the offense of impaired driving that is included herein as a Class A Misdemeanor if the offender could have been sentenced for a term of not more than six months. Also included herein as a Class A Misdemeanor is the offense of impaired driving, if the offender was sentenced under punishment level three G.S. 20-179(i), level four G.S. 20-179(j), or level five G.S. 20-179(k). Class A Misdemeanor shall also include acts committed or omitted in North Carolina prior to October 1, 1994, in violation of any common law, duly enacted ordinance, or criminal statute of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of not more than six months.

(b) "Class B Misdemeanor" means an act committed or omitted in violation of any common law, criminal statute, or criminal traffic code of this State that is classified as a Class B Misdemeanor as set forth in the Department of Adult Correction section of the Class B Misdemeanor Manual as published by the North Carolina Department of Justice, incorporated herein by reference, and shall include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. The publication is available from the Commission's website: http://www.ncdoj.gov/getdoc/60bb12ca-47c0-48cb-a0e3-6095183c4c2a/Class-B-Misdemeanor-Manual-2005.aspx. Class B Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of more than six months but not more than two years. Excluded from this grouping of "Class B

Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as being misdemeanors under the laws of other jurisdictions with the following exceptions: Class B Misdemeanor includes the following:

(i) either first or subsequent offenses of driving while impaired if the maximum allowable punishment is for a term of more than six months but not more than two years;

(ii) driving while license permanently revoked or permanently suspended;

(iii) those traffic offenses occurring in other jurisdictions which are comparable to the traffic offenses specifically listed in the Class B Misdemeanor Manual; and

(iv) an act committed or omitted in North Carolina prior to October 1, 1994, in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of more than six months but not more than two years.

(13) "Pilot Courses" means those courses approved by the Education and Training Committee, consistent with 12 NCAC 09G .0404, which are used to develop new training course curricula.

(14) "Probation/Parole Officer" means an employee of the North Carolina Department of Adult Correction, whose duties include supervising, evaluating, or otherwise instructing offenders placed on probation, parole, post release supervision, or assigned to any other community-based program operated by the Department of Adult Correction.

(15) "Qualified Assistant" means an additional staff person designated as such by the School Director to assist in the administration of a course when a certified institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of a certified course.

(16) "School" means an institution, college, university, academy, or agency that offers penal or corrections training for correctional officers or probation/parole officers. "School" includes the corrections training course curricula, instructors, and facilities.

(17) "School Director" means the person designated by the Secretary of the North Carolina Department of Adult Correction to administer the School.

(18) "Standards Division" means the Criminal Justice Standards Division of the North Carolina Department of Justice.

Authority G.S. 17C-2; 17C-6; 17C-10; 153A-217.

12 NCAC 09G .0103 RULE-MAKING AND ADMINISTRATIVE HEARING PROCEDURES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0400 – MINIMUM STANDARDS FOR TRAINING OF CORRECTIONAL OFFICERS, PROBATION/PAROLE OFFICER, AND PROBATION/PAROLE OFFICERS-SURVEILLANCE

12 NCAC 09G .0405 CERTIFICATION OF SCHOOL DIRECTORS

(a) Any person designated to act as, or who performs the duties of, a School Director in the delivery or presentation of a Commission-certified corrections training course shall be and continuously remain certified by the Commission as a ~~School Director.~~ school director while serving in such role.

(b) To qualify for initial certification as a corrections School Director, an applicant shall:

(1) ~~Hold~~ hold current ~~General~~ Criminal Justice Instructor Certification as issued by the ~~North Carolina Criminal Justice Education and Training Standards Commission;~~ Commission, pursuant to .0308 and .0309 of this Subchapter;

(2) ~~Furnish~~ furnish documentary evidence to the Standards Division of high school, college, or university graduation as outlined in 12 NCAC 09G ~~.0204.~~ .0204;

(3) attend or have attended the most current offering of the School Director's orientation as developed and presented by the Commission staff, otherwise an individual orientation with a staff member shall be required; and

(4) submit a completed Form F-10 School Director/Qualified Assistant ~~Application~~ Application, pursuant to 12 NCAC 09I .0104, to the Commission for the issuance of such certification. This ~~request~~ application shall be executed by the executive officer of the Office of Staff Development and Training of the North Carolina Department of Adult Correction. ~~Correction, and shall contain the requirements as set forth in 12 NCAC 09B .0501(4).~~

(c) In addition to the requirements identified in ~~Subparagraph~~ Paragraph (b) of this Rule, to qualify for certification as a School Director in the presentation of the ~~"Criminal~~ Criminal Justice

Instructor Training ~~Course"~~ Course, an applicant shall document ~~successful~~ completion of the Instructor Training Orientation presented by the North Carolina Justice Academy on delivery of the instructor training course and trainee evaluation.

Authority G.S. 17C-6.

12 NCAC 09G .0406 TERMS AND CONDITIONS OF SCHOOL DIRECTOR CERTIFICATION

(a) The term of certification as a School Director is two years from the date the Commission issues the certification, unless earlier terminated by action of the Commission. Upon ~~application~~ application, the certification may subsequently be renewed by the Commission for ~~two-year~~ three-year periods. The application for renewal, F-10 School Director/Qualified Assistant Application, shall meet the requirements as outlined in 12 NCAC ~~09B .0501(4).~~ 09I .0104.

(b) To retain certification as School Director, the School Director shall:

(1) Participate in annual training conducted by Commission staff. This annual training shall be delivered in a conference, classroom, or virtual format and shall contain information relevant to the responsibilities of a School Director, as outlined in 12 NCAC 09G .0408;

(2) Submit a renewal application on Form F-10, executed by the executive officer of the institution or agency currently certified by the Commission to make presentation of certified training programs and for whom the applicant will be the designated School ~~Director.~~ Director; and

(3) Hold current ~~General~~ Criminal Justice Instructor Certification as issued by the ~~North Carolina Criminal Justice Education and Training Standards Commission.~~ Commission, pursuant to 12 NCAC 09G .0308 and .0309.

(c) The Director may grant a waiver of attendance at the annual training for just cause. For purposes of this Rule, just cause means accident, illness, emergency, or other circumstances, which precluded the School Director from attending the scheduled annual training. School Directors who receive a waiver of attendance shall be required to complete a make up training session prior to the end of the calendar year in which the training requirement applies.

Authority G.S. 17C-6.

12 NCAC 09G .0407 SUSPENSION: REVOCATION: DENIAL/SCHOOL DIRECTOR CERTIFICATION

(a) The Commission may deny, suspend, or revoke certification of a ~~School Director~~ school director when the Commission finds that the person has failed to meet or maintain any of the requirements for qualification or through performance fails to comply with the rules of this Chapter.

(b) Prior to the Commission's action denying, suspending, or revoking a ~~School Director's~~ school director's certification, the Standards Division may notify the person that a deficiency appears to exist and may attempt, in an advisory capacity, to assist the person in correcting the deficiency.

(c) The Commission shall deny, ~~suspend~~ suspend, or revoke the certification of a ~~School Director~~ school director when they have found the person has engaged in any conduct outlined in 12 NCAC ~~09B .0301(e) and (f).~~ 09G .0307(e) and (f).

Authority G.S. 17C-6.

SUBCHAPTER 09I – FORMS FOR CRIMINAL JUSTICE EMPLOYMENT, EDUCATION, AND TRAINING

SECTION .0100- FORMS FOR USE IN TRAINING PROGRAMS AND INSTRUCTOR CERTIFICATION

12 NCAC 09I .0115 CERTIFICATION FORMS – LAW ENFORCEMENT

The following are Commission-approved forms to be used by individuals certified as, or applicants for certification as, law enforcement officers:

(1) Form F-5A (Probationary), Application for Certification – Law Enforcement Officer, shall include the following:

(a) name, phone number, and address of employing agency;

(b) applicant's name, previous names used, social security number, home address, date of birth, driver's license number and issuing state, email address, and phone number;

(c) position type, hire date, and full-time or part-time status;

(d) verification that the applicant has completed certification requirements as set out in 12 NCAC 09B .0101, including:

(i) education information;

(ii) drug screening information;

(iii) date submitted fingerprints to State Bureau of Investigation and results shall be attached;

(iv) psychological screening information;

(v) medical examination information, pursuant to 12 NCAC 09B .0105;

(vi) indication that the background investigation and associated forms have been completed, pursuant to 12 NCAC 09B .0102;

(vii) firearms qualification information, and the Form F-9A per 12 NCAC 09I .0114 shall be attached;

(viii) prior law enforcement experience, if applicable;

(ix) basic law enforcement training information;

(x) attached Form F-36, pursuant to 12 NCAC 09I .0116;

(e) applicant's arrest, criminal, probation, and Domestic Violence Protective Order history, supported by Form F-3, pursuant to 12 NCAC 09B .0102, if applicable;

(f) date completed Application for Verification of Expungement AOC-CR-280;

(g) signature of applicant and date signed; and

(h) name, title, and signature of executive officer or authorized representative of the employing agency and date signed.

(2) Form F-5A (General), Application for Certification – Law Enforcement Officer, shall include the following:

(a) name, phone number, and address of employing agency;

(b) applicant's name, previous names used, social security number, home address, date of birth, driver's license number and issuing state, email address, and phone number;

(c) position type, hire date, and full-time or part-time status;

(d) verification that the applicant has completed certification requirements as set out in 12 NCAC 09B .0101, including:

(i) date submitted fingerprints to State Bureau of Investigation and results shall be attached;

(ii) psychological screening information;

(iii) medical examination information, pursuant to 12 NCAC 09B .0105;

(iv) indication that the background investigation and associated forms have been completed, pursuant to 12 NCAC 09B .0102;

(v) firearms qualification information, and the Form F-9A per 12 NCAC 09I .0114 shall be attached;

(vi) prior law enforcement experience;

(vii) attached Form F-36, pursuant to 12 NCAC 09I .0116;

(e) applicant's arrest, criminal, probation, and Domestic Violence Protective Order history, supported by Form F-3, pursuant to 12 NCAC 09B .0102, if applicable;

(f) date completed Application for Verification of Expungement AOC-CR-280;

(g) signature of applicant and date signed; and

(h) name, title, and signature of executive officer or authorized representative of the employing agency and date signed.

(3) F-5D (LE), Application for Lateral Certification, shall include the following:

(a) employing agency name and hire date;

(b) former agency name and date of separation;

(c) applicant's name, previous names used, date of birth, driver's license number, and Academy ID number;

(d) position type and full-time or part-time status;

(e) date submitted fingerprints to State Bureau of Investigation and results shall be attached;

(f) psychological screening information;

(g) attach Form F-9A, pursuant to 12 NCAC 09I .0114;

(h) attach Form F-36, pursuant to 12 NCAC 09I .0116;

(i) attach AOC-CR-280 results;

(j) attach Form F-41, pursuant to Item (7) of this Rule;

(k) signature of applicant and date signed; and

(l) name, title, and signature of executive officer or authorized representative of the employing agency and date signed.

(4) F-19, Notification of Personnel Record Change, shall include the following:

(a) agency name and ORI number;

(b) officer's name on file, Academy ID number, date of birth, and Social Security Number;

(c) for those notifying of a name change:

(i) new full name;

(ii) reason for name change; and

(iii) attached documentation, if applicable;

(d) for those notifying of a status change:

(i) current status;

(ii) new status;

(iii) effective date of status change;

(e) for those notifying of an undercover status change:

(i) new undercover status;

(ii) effective date of status change; and

(f) signature, signature date, name, and title or rank of agency head or authorized representative.

(5) F-21, Military Training Evaluation, shall include the following:
(a) name, mailing address, date of birth, social security number, phone number, and email address;
(b) dates and types of prior military training and experience;
(c) names and dates of training schools attended; and
(d) notarized signature of applicant.
(6) F-34, Oath of Office for Law Enforcement Officer, shall include the following:
(a) completed oaths of office required of law enforcement officers, pursuant to 12 NCAC 09C .0303, with name and position title of officer;
(b) name and signature of officer; and
(c) name, title, signature, and signature date of administering official.
(7) F-41, Verification of Law Enforcement Background Review, shall include the following:
(a) applicant name, Academy ID number, agency, and prior employing agency;
(b) verification that a review by the agency has completed a review of the documents and information outlined in 12 NCAC 09C .0306(b)(3);
(c) verification that the applicant has not been the subject of any internal investigation, disciplinary proceeding or pre-disciplinary proceeding, within the last 18 months that contains allegations that could prevent the law enforcement officer's certification; and
(d) name, title, signature, and signature date of authorized representative.

Authority G.S. 17C-6.

12 NCAC 09I .0116 CERTIFICATION FORMS

The following are Commission-approved forms to be used by individuals certified as, or applicants for certification as, criminal justice officers:
(1) Form F-3, Personal History Statement, shall include the following:
(a) agency name;
(b) position applying for;
(c) date of completion;
(d) personal information of the applicant, including:
(i) name, former or maiden names, nicknames or aliases, social security number;
(ii) present mailing address, permanent mailing address, phone numbers, email address;
(iii) date and place of birth;
(iv) citizenship;
(v) driver's license number, issuing state, and year issued;
(vi) driver's license history;
(vii) application history with the employing agency;
(e) education information, including:
(i) high schools attended, years attended, and when graduated;
(ii) universities or colleges attended, years attended, and degrees earned;
(iii) GED information, if applicable;
(iv) Basic Law Enforcement Training history, if applicable;
(f) marital status, name of spouse, and names of former spouses;
(g) family history, including names of any family members presently or previously employed by the agency and names and details of any immediate family members currently in prison or on probation or parole;
(h) all current and previous addresses;
(i) financial information and history;
(j) work history, including:
(i) details pertaining to prior positions which required licensing or certification;
(ii) details pertaining to prior positions from which the individual was discharged, requested to resign, or allowed to resign in lieu of termination due to criminal or personal misconduct or rules violations;
(iii) employment history encompassing the past ten years;
(k) military service history;
(l) illegal drug history;
(m) history of all criminal offenses and disciplinary actions, including those which have been expunged;
(n) documentation of current and past Domestic Violence Protective Orders and Civil No Contact Orders;
(o) names, addresses, email addresses, and phone numbers of four personal references; and
(p) notarized signature of the applicant.
(2) Form F-4, Qualifications Appraisal Interview, shall include the following:

(a) applicant name and position applied for;
(b) interviewer comments regarding the applicant's:
(i) appearance, manner, and bearing;
(ii) ability to present ideas;
(iii) social adaptability;
(iv) alertness;
(v) judgment;
(c) whether the interviewer recommends the applicant for appointment;
(d) additional notes and reasons for the recommendation; and
(e) interviewer name, signature, and signature date.

(3) Form F-5B, Affidavit of Separation, shall include the following:
(a) separating agency name and address;
(b) separating officer's name, home address, phone number, date of birth, last four digits of social security number, Academy ID number, date of oath of office, length of service, full-time or part-time status, and date of final separation;
(c) reason for separation;
(d) agency knowledge of any allegations of potential criminal action or misconduct by the officer in the past 18 months, detailed explanation if applicable, and agency contact or investigator's name and phone number;
(e) agency knowledge of any allegations of untruthfulness by the officer, detailed explanation if applicable, and agency contact or investigator's name and phone number;
(f) indication of whether the officer has been informed of his or her option to provide a written statement;
(g) whether the officer was provided a copy of the completed Form F-5B and in what method; and
(h) name, title, signature, and signature date of agency head or authorized representative.

(4) Form F-8, Mandated Background Investigation Form, shall include the following:
(a) applicant name, address, email address, phone numbers, date of birth, race, sex, age, and position applied for;
(b) agency name;
(c) investigator name, signature, and date of report;
(d) checklist of documents obtained by the investigator;
(e) summary of the investigator's findings regarding:
(i) applicant interview;
(ii) criminal offense record;
(iii) credit report;
(iv) personal and family information obtained from interviews;
(v) employment history;
(vi) references; and
(f) investigator name, signature, and date completed the report.

(5) Form F-33, Officer Report of Charges or Orders, shall include the following:
(a) officer or applicant's name, phone number, date of birth, Academy ID number, email address, name of employing agencies, certification type, and whether the individual is already certified or an applicant;
(b) initial notification information, including:
(i) court issuing the charge or order;
(ii) date of arrest, charge, or service of order;
(iii) nature of charge or order;
(iv) attach documentation of arrest and charges or a copy of the order;
(c) final disposition information, including:
(i) date of final disposition;
(ii) details of final disposition;
(iii) attach certified copy of the order or other court documentation that shows the final disposition; and
(d) signature, signature date, and name of the officer or applicant or of the reporting agency head.

(6) Form F-36, Authorization for Release of Information, shall include the following:
(a) officer or applicant's name, date of birth, driver's license number and issuing state, address, and phone number; and
(b) notarized signature of applicant.

(7) Form F-40, Agency Attestation of DCI Criminal History Record, shall include the following:
(a) applicant information, including name, date of birth, agency, position applied for, and certification type;
(b) results of North Carolina Division of Criminal Information (DCI) criminal history inquiry, with supporting documentation, if applicable;

(c) date the Division was notified of criminal history, if applicable; and
(d) agency head or authorized representative name, title, agency, phone number, email address, signature, and date signed.

Authority G.S. 17C-6.

12 NCAC 09I .0117 IN-SERVICE TRAINING COORDINATOR FORMS

Form F-18, Agency Record of Person Designated as In-Service Training Coordinator, is a Commission-approved form to be used by criminal justice agencies and shall include the following:
(1) agency name, phone number, and address;
(2) applicant name, email address, Academy ID number, and date of birth;
(3) date and location of In-Service Training Instructor Coordinator course completed; and
(4) agency head name, email address, and signature.

Authority G.S. 17C-6.

12 NCAC 09I .0118 CERTIFICATION FORMS – LOCAL CONFINEMENT PERSONNEL

Form F-5A (LCP), Report of Appointment – Local Confinement Personnel, is a Commission-approved form to be used by individuals certified as, or applicants for certification as, local confinement personnel, pursuant to 12 NCAC 09B .0114. Form F-5A (LCP) shall include the following:
(1) name, phone number, address, and ORI number of employing agency;
(2) applicant's name, previous names used, social security number, home address, date of birth, driver's license number and issuing state, email address, and phone number;
(3) position type and full-time or part-time status;
(4) verification that the applicant has completed certification requirements as set out in 12 NCAC 09B .0114, including:
(a) education information;
(b) drug screening information;
(c) date submitted fingerprints to State Bureau of Investigation and results shall be attached;
(d) psychological screening information
(e) indication that medical forms, pursuant to Rule .0105 of this Subchapter, have been completed, date of medical examination, and name and license number of examining medical professional;
(f) indication that background investigation and associated forms, pursuant to 12 NCAC 09B .0102, have been completed;
(g) date of completion of AOC-CR-280;
(h) attached a completed Form F-36, pursuant to 12 NCAC 09I .0116;
(i) for applicants with prior experience, name of previous Local Confinement Facility and date of separation;
(5) applicant's arrest, criminal, probation, and Domestic Violence Protective Order history, supported by Form F-3, pursuant to 12 NCAC 09I .0116, if applicable;
(6) applicant's signature and date signed; and
(7) executive officer or authorized representative's signature, title, and date signed.

Authority G.S. 17C-6.

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

Notice *is hereby given in accordance with G.S. 150B-21.3A(c)(2)g that the Alcoholic Beverage Control Commission intends to readopt with substantive changes the rules cited as 14B NCAC 15A .0101-.0104, .0201-.0204, .0301, .0302, and .0401-.0404.*

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

Proposed Effective Date: *February 1, 2027*

Public Hearing:
Date: *October 14, 2026*
Time: *10:00 a.m.*
Location: *Hearing Room, ABC Commission, 400 East Tryon Road, Raleigh, NC 27610*

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

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

Comment period ends: *November 16, 2026*

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

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

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

CHAPTER 15 - ALCOHOLIC BEVERAGE CONTROL COMMISSION

SUBCHAPTER 15A - ORGANIZATIONAL RULES: POLICIES AND PROCEDURES

SECTION .0100 - GENERAL PROVISIONS

14B NCAC 15A .0101 PURPOSE

The ~~Alcoholic Beverage Control System~~ North Carolina Alcoholic Beverage Control Commission shall provide regulation and control of the manufacture, distribution, advertisement, sale, ~~possession~~ possession, and consumption of alcoholic beverages to serve the public health, ~~safety~~ safety, and welfare in accordance with this Chapter.

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

14B NCAC 15A .0102 LOCATION, ADDRESSES AND BUSINESS HOURS

The principal office of the ~~North Carolina Alcoholic Beverage Control~~ Commission is located at 400 East Tryon Road, Raleigh, North Carolina 27610. The mailing address is 4307 Mail Service Center, Raleigh, North Carolina 27699-4307. The telephone number is (919) 779-0700. The Commission's email address is contact@abc.nc.gov. The Commission's website address is https://abc.nc.gov. The principal office is open to the public during regular business hours, from 8:00 a.m. to 5:00 p.m., Monday through Friday. Permit applications received after 3:00 p.m. shall not be processed until the following business day.

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

14B NCAC 15A .0103 DEFINITIONS

(a) The following definitions apply in this Chapter:

(1) "Administrator" means the principal administrative officer of the Commission.

(2) "Alcohol law enforcement agent" or "ALE agent" means an enforcement agent of the Alcohol Law Enforcement ~~Branch,~~ Division of the North Carolina Department of Public Safety.

(3) "Applicant" means ~~any~~ a person who requests the issuance of a permit from the Commission, unless the context clearly means otherwise.

(4) "Brand," in relation to ~~wines,~~ alcoholic beverages, means the name under which ~~a wine~~ the alcoholic beverage is produced. A brand shall not be construed to mean a class or ~~type of wine,~~ type, but all classes and types ~~of wines~~ sold under the same brand label shall be considered a single brand. Differences in packaging such as a different style, type, or size of container shall not be considered different brands.

(5) "Branded merchandise" means items, including glassware, cups, signs, t-shirts, hats, and other apparel, ~~which~~ that bear the brand of the alcoholic beverage being served, or the ~~brand~~ name of the brewery, winery, or ~~distiller~~ distillery whose alcoholic ~~beverages~~ beverage is being served, at a tasting conducted pursuant to G.S. 18B-1114.1, ~~18B-1114.5~~ 18B-1114.5, or 18B-1114.7.

(6) "Brokerage" means a business that brokers in the State the sale of spirituous liquor on behalf of a spirituous liquor supplier.

(7) "Brokerage representative" means an individual who promotes spirituous liquor on behalf of a brokerage.

(8) "Chairman" means the chairman of the Commission.

(9) "Contractor" means the person or persons responsible for carrying out the storage and distribution of spirituous ~~liquors~~ liquor at the State ABC warehouse.

(10) "Distiller representative" means an individual who promotes spirituous liquor on behalf of a ~~distiller,~~ distillery, or otherwise represents a ~~distiller.~~ distillery.

(11) "Distressed liquor" means spirituous liquor which is not saleable due to adulteration or damage to the bottle, label, or tax seal.

(12) "Industry Member" means ~~any~~ a wholesaler, salesman, brewery, winery, bottler, importer, liquor importer/bottler, ~~distiller,~~ distillery, distiller representative, brokerage, brokerage representative, supplier representative, rectifier, nonresident vendor, vendor representative, or their ~~affiliate thereof,~~ affiliate, that sells or solicits orders for alcoholic beverages, whether or not licensed in this State.

(13) "Permittee" means a person ~~to whom a permit has been~~ who has a permit issued by the Commission.

(14) "Ready to pour cocktail" means a "premixed cocktail" as defined in G.S. 18B-101(12c) except with an alcohol by volume greater than thirteen percent.

~~(14)~~(15) "Rectifier" means a permittee that processes spirituous liquor by cutting, blending, mixing, or infusing the spirituous liquor with ~~any~~ an ingredient that reacts with the ~~constituents of the~~ distilled spirits and changes the ~~character and nature, or standards of identity,~~ character, nature, or standard of identity of the distilled spirits. "Rectifier" does not include a person who extracts spirituous liquor by original or continuous distillation, or who mixes spirituous liquor with other ingredients at the request of and for immediate ~~consumption.~~ consumption by a consumer.

~~(15)~~(16) "Retail permittee" or "retailer" means ~~any~~ a permittee holding a retail ~~alcoholic beverage~~ permit issued pursuant to ~~the authority of~~ G.S. 18B-1001 but does not include a ~~non-profit~~ nonprofit or political organization ~~that has been~~ issued a special one-time permit pursuant to ~~the provisions of~~ G.S. 18B-1002(a)(2) or (5).

~~(16)~~(17) "State ABC warehouse" means the contractor-operated facility or facilities storing spirituous ~~liquors~~ liquor on behalf of the Commission pursuant to G.S. 18B-204, or, in cases of emergency, the facility or facilities operated by the State for ~~the purpose of~~ storing spirituous ~~liquors.~~ liquor.

~~(17)~~(18) "Spirituous liquor supplier" means a ~~distiller,~~ distillery, liquor importer/bottler, ~~or rectifier.~~ nonresident spirituous liquor vendor, ~~or rectifier.~~ rectifier, or spirituous liquor wholesaler with a federal permit.

~~(18)~~(19) "Supplier representative" ~~means, as the term is used in G.S. 18B-1114.7,~~ means an individual who ~~promotes~~ markets on behalf of a spirituous liquor supplier, or otherwise represents a spirituous liquor supplier.

~~(19)~~(20) "Vendor" means ~~any~~ a brewery, winery, bottler, malt beverage or wine importer, or nonresident ~~malt beverage~~ vendor ~~or nonresident wine vendor~~ as those terms are used in G.S. 18B-1113 and 18B-1114.

~~(20)~~(21) "Vendor representative" means ~~any~~ a person who holds a permit issued pursuant to G.S. 18B-1112.

~~(21)~~(22) "Wine" means both fortified wine and unfortified wine.

(b) The definitions in Chapter 18B apply to the rules in this Chapter.

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

14B NCAC 15A .0104 PAYMENT OF FEES AND FINES

(a) Payment of fees and fines owed to the Commission ~~may~~ shall be paid by certified check, cashier's check, money order, electronic payment, ~~or~~ Discover, Mastercard, or ~~Visa credit cards.~~ Visa. However, payments for permit renewals for more than nine locations shall not be made by credit card.

(b) Credit card and electronic payments may be made online through the Commission's website.

(c) All payments shall be made payable to the North Carolina ABC Commission.

(d) Payments shall only be accepted and processed between 8:00 am and 3:00 p.m..

Authority G.S. 18B-100; ~~18B-104; 18B-206;~~ 18B-207; ~~18B-902; 18B-903.~~

SECTION .0200 - STRUCTURE

14B NCAC 15A .0201 COMMISSION

~~The North Carolina Alcoholic Beverage Control Commission shall be composed of a chairman and two associate members. The chairman shall have the powers and perform the duties prescribed by the Commission including the authority to appoint, promote, demote, and discharge all subordinate officers and employees of the Commission.~~ The Commission shall have ~~all~~ the authority and duties given ~~it~~ by the provisions of the North Carolina General Statutes. The Chairman shall have the powers and perform the duties prescribed by the Commission including the authority to appoint, promote, demote, and discharge all subordinate officers and employees of the Commission.

Authority G.S. 18B-100; 18B-200; 18B-207.

14B NCAC 15A .0202 COMMISSION MEETINGS

The Commission shall meet ~~in~~ monthly in sessions open to the public ~~in order~~ to make final decisions on hearing cases, to adopt, ~~amend~~ amend, or repeal alcoholic beverage control rules, and to consider and act upon ~~any~~ other business pending before the Commission. The Commission may call special meetings in addition to the monthly meetings to consider and act upon ~~any~~ unfinished business pending before the Commission.

The Commission ~~press~~ shall ~~be notified~~ notify the press of the time and place of both monthly and special meetings.

The Commission may hold executive sessions with regard to personnel matters. These sessions are not open to the public nor is the press notified of these sessions. The Commission shall keep minutes of all meetings on file in the Legal Section.

~~Minutes of all Commission meetings shall be kept on file.~~

Authority G.S. 18B-100; 18B-200; 18B-207.

14B NCAC 15A .0203 ADMINISTRATIVE FUNCTIONS

The ~~principal administrative officer~~ administrator shall be the ~~administrator~~ principal administrative officer who executes rules, ~~policies~~ policies, and procedures governing the sale of alcoholic beverages and coordinates the functions of the Commission with local boards and industry.

Authority G.S. 18B-100; ~~18B-200(d);~~ 18B-207.

14B NCAC 15A .0204 LEGAL FUNCTIONS

The Legal ~~Division~~ Section processes cases involving permittees charged with violations of the ABC ~~laws,~~ laws and rules, and represents the Commission in contested cases before the Office of Administrative Hearings. Legal Section attorneys ~~staff may~~ also serve as hearing officers in cases filed under Article 12 of Chapter 18B.

Authority G.S. 18B-100; ~~18B-200(d);~~ 18B-207.

SECTION .0300 - PUBLICATIONS: RECORDS: COPIES

14B NCAC 15A .0301 DISTRIBUTION, INSPECTION AND COPIES OF ABC LAWS

(a) Distribution of Rules and Statutes. The Commission shall distribute at no charge one copy of ~~Chapter 18B of the General Statutes and the Commission's Rules~~ "Alcoholic Beverage Control Laws and Rules of North Carolina" to ~~each~~ local ABC ~~board,~~ boards, ~~each~~ ALE ~~agent,~~ agents, ABC ~~officer~~ officers, and local law enforcement ~~officer~~ officers employed by a contracting agency pursuant to G.S. 18B-501(f).

(b) Purchasing ~~Copies of Documents.~~ Copies. Copies of the following ~~documents~~ items are available from the Commission:

(1) ~~Chapter 18B of the General Statutes and the Commission's Rules;~~ "Alcoholic Beverage Control Laws and Rules of North Carolina";

(2) ABC Retail Guide; and

(3) Public records retained by the Commission.

Copies of the above ~~documents~~ are available at ~~the~~ "actual cost" as defined in G.S. ~~132-6.2(b) for making the copies and the mailing cost, if applicable.~~ 132-6.2(b). The Commission shall provide its "actual cost" of ~~documents~~ items specified under Subparagraphs (b)(1) and (2) of this Rule on the Commission's website. Persons requesting copies of the ~~above documents~~ items shall make payment by certified check, cashier's check, money order, or credit card to the Commission prior to receiving ~~any~~ copies of the ~~above documents.~~ above.

(c) Online Documents. Copies of Chapter 18B of the General ~~Statutes and~~ Statutes, Commission rules, forms, ~~minutes~~ minutes, and reports shall be made accessible online on the Commission's website without charge at https://abc.nc.gov/.

Authority G.S. 12-3.1; 18B-100; 18B-207.

14B NCAC 15A .0302 FEE FOR COMPUTER SERVICES

The Commission shall determine fees ~~Fees~~ for data processing services ~~shall be determined by the Commission~~ in ~~accordance~~ compliance with G.S. ~~132-6.2(b)~~ 132-6.2(b). ~~and shall be paid in advance by certified check, cashier's check, money order, or credit card. The requester shall request and receive a quote from the Commission prior to payment of requested services.~~ The Commission shall provide a quote to the person requesting data processing services. If the person requesting services elects to proceed with the request, the person shall pay by certified check, cashier's check, money order, or credit card prior to receiving the requested items.

Authority 18B-100; 18B-207; ~~132.6.2; 150B-19(5)(e);~~ 132-6.2.

SECTION .0400 - ~~RULE-MAKING~~ RULEMAKING

14B NCAC 15A .0401 PETITION FOR ADOPTION OF RULES

(a) ~~Any~~ A person wishing to submit a petition requesting the adoption, amendment, or repeal of a rule by the Commission shall address the petition to the North Carolina Alcoholic Beverage Control Commission, ~~Chief Counsel,~~ Rulemaking Coordinator, 4307 Mail Service Center, Raleigh, North Carolina 27699-4307.

(b) Contents. In addition to the proposed text of the requested rule change, a statement of the effect of the change, and the name and address of each petitioner, the petition may also contain the following information:

(1) summary of the proposed rule's contents;

(2) reasons for the adoption, ~~amendment~~ amendment, or repeal of the proposed rule;

(3) citation of authorities showing the legality of the proposed adoption, ~~amendment~~ amendment, or repeal of the rule;

(4) effect of existing rules or orders;

(5) ~~any~~ data supporting the proposal; and

(6) effect of existing rules on existing practices in the area involved.

Authority G.S. 18B-100; 18B-207; 150B-20(a).

14B NCAC 15A .0402 ADMINISTRATIVE ACTION

~~Based on a study of the petition and other supporting material submitted in accordance with Rule .0401(b) of this Section, the Commission shall deny the petition or initiate rule-making proceedings within a reasonable time following submission of the petition.~~ The Commission shall place a petition received pursuant to 14B NCAC 15A .0401 on a monthly Commission agenda no later than 60 days from receipt of the petition. Upon review of the materials submitted, the Commission shall deny or accept the petition for rulemaking.

Authority G.S. 18B-100; 18B-207; 150B-20.

14B NCAC 15A .0403 NOTICE OF ~~RULE-MAKING~~ RULEMAKING HEARINGS; MAILING LIST

~~Mailing List. Any A person desiring to be placed on the mailing list in accordance with G.S. 150B-21.2(d) for the rule-making notices may file a request in writing, furnishing the person's name, email and mailing address to the Commission.~~ To be placed on the Commission's mailing list for notices of rulemaking as required by G.S. 150B-21.2(d), a person must submit a request in writing or via email including the person's name, email address, mailing address, and preferred method of notice to the Rulemaking Coordinator at the mailing address provided in 14B NCAC 15A .0102 or to the email address rules@abc.nc.gov.

Authority G.S. 18B-100; 18B-207; 150B-21.2.

14B NCAC 15A .0404 ~~RULE-MAKING~~ RULEMAKING HEARING

(a) Location. Unless otherwise stated in a ~~particular rule-making~~ rulemaking notice, ~~rule-making~~ rulemaking hearings shall be held in the administrative hearing room of the Commission's principal office.

~~(b) Oral Presentations. Any person desiring to present oral data, views or arguments on the proposed rule shall file a written notice of that desire with the Legal Division of the Commission. The notice of the oral presentation may contain a brief summary of the individual's or organization's views with respect to the proposed adoption, amendment or repeal of a rule, and a statement of the length of time the speaker would like to speak.~~

~~(c)~~(b) The Chairman shall preside at the ~~rule-making~~ rulemaking hearing and shall ensure that each person participating is given an opportunity to present oral arguments, ~~comments~~ comments, and data supporting the person's position. The Chairman in open session may set the time limits on oral presentations during the hearing based on the number of people wishing to speak and the amount of time allocated to the public hearing.

Authority G.S. 18B-100; 18B-207; 150B-21.2(e).

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 12 - GENERAL CONTRACTORS

***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Licensing Board for General Contractors intends to amend the rule cited as 21 NCAC 12A .0701.*

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

Proposed Effective Date: *January 1, 2027*

Public Hearing:
Date: *October 1, 2026*
Time: *11:00 a.m.*
Location: *5400 Creedmoor Road, Raleigh, NC 27612*

Reason for Proposed Action: *21 NCAC 12A .0701 - to clarify the impact of a licensee or qualifier's failure to respond to the notice of charge(s) when a complaint has been filed.*

Comments may be submitted to: *Anna Baird Choi, 5400 Creedmoor Road, Raleigh, NC 27604; email anna.choi@nclbgc.org*

Comment period ends: *November 16, 2026*

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

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.
☐ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (>= $1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

SUBCHAPTER 12A – GENERAL PROVISIONS

SECTION .0700 – BOARD DISCIPLINARY PROCEDURES

21 NCAC 12A .0701 IMPROPER PRACTICE

(a) Complaint. Any person who believes that a licensed general contractor is in violation of the provisions of G.S. 87-11 may file a complaint with the Board against a licensee, qualifier, or both by setting forth in writing those charges and swearing to their authenticity. The complaint shall be submitted to the Board and include the complainant's contact information, project location, and name of the licensee, qualifier, or both.

(b) Preliminary or Threshold Determination:

(1) A complaint filed in accordance with G.S. 87-11(a1) shall be forwarded to a staff investigator for investigation. Within 30 days, the Board shall forward a written notice of the complaint to the licensee and qualifier(s) against whom the charge is made. The notice shall request a response from the licensee and qualifier(s). The Board shall send notice of the charge and of the alleged facts or alleged conduct through the Board's licensure portal and by email to the address of the licensee and qualifier(s).

(2) Failure of a licensee with a valid license or failure of a qualifier of a licensee with a valid license to respond to the charges shall constitute a willful violation of the Board's rules.

(3)~~(2)~~ After the investigation is complete, the charge shall be referred to the review committee. The review committee shall consist of the following individuals:

- (A) one member of the Board;
- (B) the Secretary-Treasurer or his designee; and
- (C) a staff person agreed upon by the individuals listed above.

(4)~~(3)~~ Based upon the complaint and investigation, the review committee shall recommend to the Board that:

- (A) The charge be dismissed;
- (B) When the charge is admitted as true by the licensee and qualifier(s), the Board accept the licensee's and qualifier(s') admission of guilt and order the licensee and qualifier(s) not to commit in the future the act or acts admitted by him to have been violated and not to violate any of the acts of misconduct specified in G.S. 87-11 at any time in the future; or
- (C) The charge, whether admitted or denied, be presented to the full Board for a hearing and determination by the

Board on the merits of the charge in accordance with the substantive and procedural requirements of the provisions of Section .0800 of this Chapter and the provisions of G.S. 87-11. Prior to the charge's being heard and determined by the Board, it may be resolved by consent order.

Authority G.S. 87-4; 87-11; 150B-3; 150B-38.

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CHAPTER 16 - DENTAL EXAMINERS

***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Board of Dental Examiners intends to amend the rule cited as 21 NCAC 16X .0101.*

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

Proposed Effective Date: *Pending Legislative Review*

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): A request for public hearing may be requested within 15 days of publication of this rule in the Register by submitting a request in writing to: Bobby White, 2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560; bwhite@ncdentalboard.org.*

Reason for Proposed Action: *In Session Law 2026-41, Section 38A.2, the legislature set forth the specific text required for amendments to this rule and directed the Board to adopt amendments substantively identical to those provisions.*

The rule will become effective according to the timeline in Session Law 2026-41, Section 38A.2.

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

Comment period ends: *November 16, 2026*

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

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

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

SUBCHAPTER 16X – MANAGEMENT ARRANGEMENTS

SECTION .0100 – MANAGEMENT ARRANGEMENTS

21 NCAC 16X .0101 MANAGEMENT ARRANGEMENTS

(a) No dentist or professional entity shall enter into a management arrangement, contractual agreement, stipulation, or other legal binding instrument with a business entity, corporation, proprietorship, or other business entity, for the provision of defined business services, bundled business services, or other business services, the effect of which may provide control of business activities or clinical/professional services of that dentist or professional entity, unless such management arrangement meets the requirements of Paragraphs (b) and (c) of this Rule. This Rule shall not apply to agreements for the provision of legal, financial, or other services not related to the provision of management services for a fee or to employment arrangements between an employee and the dentist or professional entity.

(b) Any management arrangement, contractual agreement, stipulation, or other binding instrument ~~shall:~~ <u>shall be in a writing that complies with all of the following:</u>

~~(1)~~ ~~be in a writing that:~~

~~(A)~~<u>(1)</u> ~~is~~ <u>Is</u> signed by all parties to the agreement;

~~(B)~~<u>(2)</u> ~~sets~~ <u>Sets</u> forth all material terms of the arrangement between or among the parties thereto;

~~(C)~~<u>(3)</u> ~~describes~~ <u>Describes</u> all of the types of services to be provided by the management company and the time periods during which those services will be provided; and

~~(D)~~<u>(4)</u> ~~sets~~ <u>Sets</u> forth the aggregate compensation to be paid under the management arrangement, contractual agreement, stipulation, or other legal binding instrument with a business entity or the precise methodology for calculating such compensation.

~~(2)~~ ~~be reviewed by the Board.~~

<u>(b1) Any management arrangement, contractual agreement, stipulation, or other binding instrument shall be executable by the dentist or professional entity and the management company without pre-approval, approval, determination of compliance, or review by the Board; however, the Board may review said document separately during the normal course of investigation pursuant to a valid complaint.</u>

(b2) The Board shall retain the authority to investigate and proceed under G.S. 90-40.1 for alleged violations of the Dental Practice Act, none of which is altered except as included herein.

(c) No management arrangement shall provide for or permit any of the following:

(1) direct or indirect ownership of, or control over clinical aspects of, the dental business of a dentist or professional entity by a management company or the grant to the management company or another non-professional entity control over the distribution of a revenue stream or control over a line of business of the professional entity except for the sale of fixed assets of a dentist or professional entity permitted under the laws of the State of North Carolina;

(2) ownership or exclusive control of patient records by a management company;

(3) direct or indirect control over, or input into, the clinical practices of the professional entity or its dentists or ancillary personnel by a management company;

(4) direct or indirect control over the hiring and firing of clinical personnel or material terms of clinical personnel's relationship with the dentist or professional entity by a management company or a related person;

(5) authority in the management company to enter into or approve any contract or other arrangement, or material terms of such contract or arrangement, between the professional entity and a dentist for the provision of dental services or the requirement that the management company or related person approve or give input into such contract or arrangement;

(6) direct or indirect control over the transfer of ownership interests in the professional entity by a management company or other non-professional entity including, without limitation, any agreement or arrangement limiting or requiring in whole or in part the transfer of ownership interests in a professional entity;

(7) payment to the management company of anything of value based on a formula that will foreseeably increase or decrease because of the increase or decrease in profitability, gross revenues or net revenues of the dentist or professional entity; or

(8) payments to the management company that, at the time of execution of an agreement as required under Paragraph (b) of this Rule, are likely, foreseeably and purposely in excess of the likely profits of the professional entity not taking into account the compensation to be paid to the management company under the management arrangement.

(d) Notwithstanding Subparagraphs (c)(7) and (c)(8) of this Rule, a management arrangement may provide for the following:

(1) increased payments to the management company based upon the lowering of costs to the professional entity or dentist;

(2) decreased payments to the management company based upon increases in costs to the professional entity or dentist; or

(3) collection of monies, or payment of costs, of the professional entity or dentist by the management company so long as the amounts retained by the management company following payment of any costs of the professional entity or dentist comply with the provisions of this Rule relating to compensation to the management company and all sums collected or retained by the management company in excess of costs paid by the management company plus its compensation are paid at least monthly and at regular intervals to the professional entity.

(e) No dentist or professional entity shall enter into an oral or written arrangement or scheme that the dentist or professional entity knows or should know has a material purpose of creating an indirect arrangement that, if entered into directly, would violate this Rule.

(f) For purposes of this Rule, the following terms shall have the following meanings:

(1) "Ancillary personnel" shall mean any individual that regularly assists a dentist in the clinical aspects of the practice of dentistry;

(2) "Clinical" shall mean of or relating to the activities of a dentist as described in G.S. 90-29(b)(1)-(10);

(3) "Employment arrangement" shall mean an arrangement between a professional entity or dentist and an individual who is considered an employee of the professional entity or dentist under the common law test of an employer/employee relationship, or a leased employee working under a written employee leasing agreement which provides that:

(A) the individual, although employed by the leasing company, provides services as the leased employee of the dentist or professional entity; and

(B) the dentist or professional entity exercises control over all actions taken by the leased employee with regard to the rendering of services to the same extent as the dentist or professional entity would exercise such control if the leased employee were directly employed by the dentist or professional entity;

(4) "Management arrangement" shall mean any one or more agreements, understandings or arrangements, alone or together, whether written or oral, between a management company and a dentist or professional entity whereby:

(A) a management company regularly provides services for the clinical-related business of a dentist or professional entity; or
(B) a management company exerts control over the management or clinical aspects of the business of a dentist or professional entity or its or their employees or contractors; or
(C) a management company receives a percentage of the net or gross revenues or profits of a dentist or professional entity.

(5) "Management company" shall mean any individual, business corporation, nonprofit corporation, partnership, limited liability company, limited partnership or other legal entity that is not a professional entity or dentist;
(6) "Professional entity" shall mean a professional corporation, nonprofit corporation, partnership, professional limited liability company, professional limited partnership or other entity or aggregation of individuals that is licensed or certified or otherwise explicitly permitted to practice dentistry under North Carolina General Statutes; and
(7) "Related person" shall mean any person or entity, other than a dentist or professional entity, that owns, is employed by, or regularly receives consideration from, a management company or another related person.

Authority G.S. 90-29(b)(11); 90-48; SL 2026-41.

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CHAPTER 23 - IRRIGATION CONTRACTORS'

***Notice** is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Irrigation Contractors' Licensing Board intends to adopt the rules cited as 21 NCAC 23 .0105, .0106, readopt with substantive changes the rules cited as 21 NCAC 23 .0102- .0104, .0208, .0401, .0406, .0502, and readopt without substantive changes the rules cited as 21 NCAC 23 .0101, .0201-.0207, .0301, .0402-.0405, .0407, .0501, .0503-.0511, .0601-.0603, and .0701.*

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

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

Proposed Effective Date: *January 1, 2027*

Public Hearing:
Date: *November 10, 2026*
Time: *2:00 p.m.*
Location: *Conference Room, ICLB Office 3733 Benson Drive Raleigh, NC 27609*

Reason for Proposed Action: *Numerous rules are being amended during the periodic review, and two (2) rules are being adopted. New .0105 was the previous .0103(d) and new .0106 is adopted to facilitate cooperation in investigations. 21 NCAC 23 .0104 is being amended to place licensees on notice of the annual random audit of CE attendance; .0208 is being amended to give the Board more flexibility in closing complaints; .0401 is being amended to conform the Board's rule to current industry practice; .0406 is being amended to provide the source for determining soil infiltration rates; and .0502 is being amended to update the underground utilities contact information and other methods of confirming possible location.*

Comments may be submitted to: *Margaret Geiger, P.O. Drawer 41421, Raleigh, NC 27629; phone (919) 872-2229; email ncielbadmin@nciclb.org*

Comment period ends: *November 16, 2026*

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

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

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

CHAPTER 23 – IRRIGATION CONTRACTORS' LICENSING BOARD

SECTION .0100 – LICENSING

21 NCAC 23 .0101 DEFINITIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 23 .0102 SURETY BONDS AND LEGAL STATUS

(a) For purposes of this Section a corporate entity is a person as defined in G.S. 89G-1(5) who engages in irrigation contracting, other than natural persons. A natural person licensed by the Board shall post a surety bond or irrevocable letter of credit for his or her individual license listing his or her name and the name of any corporation, partnership, limited liability corporation, limited liability partnership, or assumed or registered business name under which he or she does business.

(b) If any licensed individual employed by a corporate entity does irrigation contracting on his or her own behalf, outside the scope of his or her employment, agency, or other relationship with the corporate entity named on the surety bond or irrevocable letter of credit submitted to the Board, that individual licensee must obtain and post a separate surety bond or irrevocable letter of credit with the Board, naming himself or herself as principal.

(c) When a licensed individual terminates his or her relationship (e.g. employment, partnership, or agency) with a corporate entity that lists the individual on a surety bond or irrevocable letter of credit, the licensed individual shall purchase and post his or her own surety bond or irrevocable letter of credit with the Board. The licensed individual shall report the termination to the Board within ~~five~~ 15 business days of its effective date.

(d) If a licensed individual uses a corporate entity to engage in irrigation contracting and is required to file any corporate documents with the North Carolina Secretary of State pursuant to North Carolina law or rules, the individual licensee who qualifies said corporate entity to engage in irrigation contracting shall notify the Board of having filed corporate documents by providing the Board with copies of the same within ~~five~~ 15 business days of the filing date. In lieu of submitting paper copies of such filings, the individual licensee may submit an e-mail to the Board's administrator including a link to the filed corporate documents on the North Carolina Secretary of State's website within ~~24 hours~~ 15 business days of those documents being available on said website.

(e) If a corporate entity's ownership changes or the right to control the corporate entity passes from one person or group to another person, group, or receiver, the individual licensee who qualifies that corporate entity to engage in irrigation contracting shall notify the Board within ~~five~~ 15 business days of the date when the change in the right of control becomes effective. Such changes include the addition of or termination of partnerships, changes in corporate form such as from corporation to limited liability company, sale or transfer of a controlling interest in the corporate entity, merger of the corporate entity with another person, or dissolution of the person's corporate or other legal status.

(f) An individual licensee who qualifies a corporate entity to engage in irrigation contracting shall notify the Board in a timely fashion of the beginning of any of the following legal actions in which the corporate entity, as the petitioner or respondent:

(1) has been named a respondent under an action for legal dissolution by the North Carolina Department of Justice or by a partner, shareholder, or such other person that may have the right or authority to bring such action;

(2) has been notified of its administrative dissolution by the North Carolina Secretary of State; or

(3) has been notified of the initiation of any legal proceeding that may affect its corporate form, ownership, right of control, or otherwise affect its status or ability to comply with G.S. 89G and the Board's rules. Notice to the Board shall be timely if the Board receives written notice or e-mail of such action within ~~10~~ 15 business days of the receipt of notice or service of legal process by the individual licensee or the registered agent of the corporate entity.

(g) Any individual licensee whose license has been suspended solely due to cancellation of his or her surety bond or irrevocable letter of credit may apply for reinstatement upon providing the following to the Board:

(1) a valid surety bond or irrevocable letter of credit naming him or her as principal;

(2) an affidavit affirming that the suspended licensee has otherwise complied with all obligations of a licensee under G.S. 89G and has refrained from practicing irrigation construction or contracting except as may be subject to a statutory exemption;

(3) proof of compliance with the licensee's continuing education requirements for each calendar year in which the suspension has been in force; and

(4) a reinstatement fee.

Authority G.S. 89G-5; 89G-6; 89G-10.

21 NCAC 23 .0103 LICENSING OF ACTIVE DUTY PERSONS

~~(a) Individual applicants for an irrigation contractor's license who can document to the Board's satisfaction that, during the entirety of the period from January 1 to June 29, 2009, the applicant was serving on active duty in the Armed Forces of the United States and, for that reason, could not prepare and submit an application for licensure until after being released from active duty are excused from taking the Board's licensing examination and shall be granted a license upon fulfilling all other licensing requirements.~~

~~(b) The Board shall deem an individual to have been unable to prepare and submit an application for licensure due to being on active duty upon receiving a letter or e-mail from the officer or senior non-commissioned officer commanding the unit in which the applicant served during the above-referenced period, certifying this to be the case.~~

~~(c) The Board shall also accept and consider other documentation in determining whether active military service made it impossible for the applicant to submit that application during that period of time.~~

~~(d) All licensees shall notify the Board of any change in their mailing address or location of their office within five days.~~

Members of the armed forces whose licenses are in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return are granted that same extension of time to pay the license renewal fee and to complete the continuing education requirement prescribed in 21 NCAC 23 .0104. A copy of military orders or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue must be furnished to the Board.

Authority G.S. 89G-5; 89G-6; 89G-6.1; 93B-15; 93B-15.1; 105-249.2; S.L. 2008-177, s. 2; S.L. 2009-458; Section 7508 of the Internal Revenue Code; 10 U.S.C. 101.

21 NCAC 23 .0104 CONTINUING EDUCATION

(a) Continuing Education (CE ~~U~~) credit shall not be obtained for the same course more frequently than once every three years.
(b) Each individual licensee must earn ten (10) hours of approved continuing education each calendar year. The 10 hours shall include four (4) hours of business education. The remaining six (6) hours of continuing education shall consist of training in landscape and turf irrigation technology.
(c) A licensed contractor shall provide proof of attendance for all continuing education upon request by the Board. A random audit of 10 percent of all licensees shall be conducted annually.
(d) Only continuing education classes or activities that have been approved by the Board as providing adequate education regarding the requirements of this Chapter shall satisfy the licensee's continuing education requirement.

Authority G.S. 89G-5; 89G-9.

21 NCAC 23 .0105 CHANGE OF ADDRESS OR OFFICE LOCATION

All licensees shall notify the Board of any change in their mailing address or location of their office within 15 business days.

Authority G.S. 89G-5.

21 NCAC 23 .0106 COOPERATION WITH BOARD AND CONDUCT

It shall be a violation of the Board's law and rules to:

(1) Fail or refuse to reasonably cooperate with the Board or its agent during an investigation of any complaint, allegation, suspicion of wrongdoing, or violations of this Chapter.
(2) Fail to properly make any disclosure to the Board or provide documents or information required by this Chapter or rules adopted by the Board.
(3) Engage in conduct constituting dereliction of duty or otherwise deceived, defrauded, or harmed the public in the course of professional activities or services.

Authority G.S. 89G-5.

SECTION .0200 - HEARING RULES OF THE NORTH CAROLINA IRRIGATION CONTRACTORS LICENSING BOARD

21 NCAC 23 .0201 NOTICE OF HEARING: ANSWER (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 23 .0202 RIGHT TO HEARING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 23 .0203 LOCATION OF HEARING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 23 .0204 INTERVENTION; DISCOVERY (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 23 .0205 SUBPOENAS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 23 .0206 CONDUCT OF HEARING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 23 .0207 DECISION OF BOARD (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 23 .0208 COMPLAINT PROCESS

(a) An individual who wishes to make a complaint alleging violation of G.S. 89G or the Board's rules shall submit a complaint form online through the Board's website (http://www.nciclb.org) or by printing the form from the Board's website and mailing it to the Board office at P.O. Box 41421 Raleigh, N.C. 27629. The following information shall be included in the complaint form:

(1) date of complaint;
(2) complainant name;
(3) complainant mailing address;
(4) complainant contact number;
(5) alleged violator name;
(6) location of violation site, including city;
(7) date alleged violation was noted;
(8) how complainant became aware of alleged violation;
(9) description of the work being performed; and
(10) statement that the information provided by the complainant is true and accurate to the best of his or her knowledge.

(b) The Board shall not respond to or investigate anonymous complaints or inquiries.
(c) The Board office shall administratively close any complaint that:

(1) is anonymously submitted;
(2) is withdrawn by the complainant at any stage of the investigation; ~~or~~
(3) is submitted more than two years after the irrigation system was completed by a licensee of the ~~Board.~~ Board; or
(4) the Board agrees to administratively close by majority vote.

(d) If the complaint is not administratively closed pursuant to Paragraph (c) of this Rule, the Board's Investigative Committee shall determine whether further investigation is necessary to resolve the complaint based on the type and nature of the complaint. If further investigation is necessary, the Investigative Committee shall refer the matter to the Board's investigator.

(e) Upon completion of the investigation into the complaint, the Investigative Committee shall:

(1) find that there is probable cause to believe a violation occurred and send the respondent a notice of violation; ~~or~~

(2) find that there is no probable cause to believe a violation occurred and send the respondent and complainant notification of the ~~same.~~ same; or

(3) find there is no probable cause for disciplinary action but issue a letter of caution to the respondent.

(f) If the Investigative Committee finds that there is probable cause to believe a violation occurred, then the complaint shall be resolved in the following manner:

(1) settlement agreement; or

(2) hearing in accordance with the rules of this Section and as required by G.S. 150B, Article 3A.

Authority G.S. 89G-2; 89G-5; 89G-11; 89G-12; 150B.

SECTION .0300 - IRRIGATION RECORD DRAWING MINIMUM STANDARDS

21 NCAC 23 .0301 IRRIGATION RECORD DRAWING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0400 - IRRIGATION DESIGN MINIMUM STANDARDS

21 NCAC 23 .0401 SYSTEM DESIGN OBJECTIVES AND REQUIREMENTS

(a) An irrigation contractor shall design an irrigation system so that it uniformly distributes water.

(b) When designing an irrigation system, an irrigation contractor shall consider the following criteria:

(1) the soil type;

(2) the slope;

(3) the plant root depth;

(4) the water requirements of different plants;

(5) microclimates;

(6) weather conditions;

(7) the quantity, quality, and delivery pressure of the water source; and

(8) the long-term management of the system and the landscape it serves.

(c) When designing an irrigation system, an irrigation contractor shall select equipment components and installation techniques that meet state and local code requirements and site requirements.

(d) When designing an irrigation system, an irrigation contractor shall ~~to~~ ensure that the irrigation system is designed to uniformly distribute the water, conserve and protect water resources, and function well as a component of the overall landscape by doing the following:

~~(1)~~ ~~obtaining direct knowledge of site conditions by visiting it. Viewing and relying solely on plot plans to generate a design is not adequate preparation for designing an irrigation system.~~

~~(2)~~(1) producing a design that meets all applicable state and local codes, including plumbing and electrical ~~codes.~~ codes;

~~(3)~~(2) when allowable by law, specifying in the plan the manufacturer, model, type, and size of all components to eliminate ambiguity during construction and to facilitate management of the ~~system.~~ systems;

~~(4)~~(3) selecting pipe, electrical wire, and other materials based on design parameters, environmental conditions, code requirements, and long-term management requirements of the ~~system.~~ system; and

~~(5)~~(4) designing the irrigation system to minimize installation and maintenance difficulties.

~~(6)~~ ~~selecting and placing shrubs, trees, and groundcover sprinkler and microirrigation components according to the expected size of larger specimen plants through a minimum three-year establishment period for shrubs and 10-year establishment period for trees.~~

Authority G.S. 89G-5.

21 NCAC 23 .0402 PIPING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 23 .0403 WATER SOURCE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 23 .0404 WATER PRESSURE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 23 .0405 MICROIRRIGATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 23 .0406 COMPONENTS AND ZONE DESIGN

When designing an irrigation system, an irrigation contractor shall:

(1) Design the layout of heads and other emission devices to reduce evaporation loss, reduce surface run-off, and limit overspray across or onto a street, public driveway or sidewalk, parking area, building, fence, or adjoining property.

(2) Design sprinkler head spacing with an approximate "head-to-head" coverage.

(3) Use separate stations or zones for areas with dissimilar environmental conditions or dissimilar water or scheduling requirements (hydrozones). These conditions or requirements include sun exposure, plant type, soil type, varying wind conditions, grades, and dimensional issues. When not practicable due to accessibility, dimensional issues, or other

constraints, practical modifications to this standard may be acceptable.

(4) When selecting system components:
(a) select components to avoid surface runoff;
(b) select components to keep the sprinkler precipitation rate below the infiltration rate of the ~~soil;~~ soil as defined by the Natural Resource Conservation Service (websoilsurvey.nrcs.usda.gov);
(c) specify the use of repeat cycles to allow the water to soak into the root zone; and
(d) specify stations or zones for sprinklers at the top and toe of sloped areas.

(5) Place sprinkler heads based on an evaluation of physical, environmental, and hydraulic site conditions, including typical wind conditions during the normal irrigation period.

(6) Select sprinkler heads and nozzles to achieve an approximate matched precipitation rate within each zone.

(7) Plan to use the following water conserving equipment:
(a) check valves to minimize low-head drainage when grades exceed five percent;
(b) pressure regulators or pressure compensating devices when pressures exceed manufacturer's recommendations;
(c) rain sensors to suspend irrigation during rain or other forms of precipitation;
(d) a controller that has multi-program capability with at least four start times (for multiple repeat soak cycles) and run time adjustments in one-minute increments;
(e) low-trajectory sprinkler nozzles and modified head spacings to mitigate the effects of wind; and
(f) components that do not mist when manufacturer's pressure specifications are met.

(8) Offset turf grass sprinklers a minimum of two inches from pavement edges to allow for edging of the turf.

(9) Offset sprinklers from vertical walls to limit spray on the walls.

(10) Ensure that valves are located so as to allow reasonable access for maintenance or service.

(11) Ensure that the roots of existing trees are protected by:
(a) Planning pipe system layout to limit its effect on existing trees and other planting.
(b) When necessary to trench into the root zone of an established plant in order to provide irrigation within the root zone:
(i) planning to dig the trench so as to minimize the effect on the roots (for example, by digging the trench in a straight line towards the base of the tree or shrub such that, if the line of the trench were extended, it would intersect with the base of the tree or shrub); or
(ii) planning to use direct boring or hand-trenching. An irrigation contractor shall use hand-trenching techniques that dig a trench without damaging roots having a diameter of one-half inch or more.
(c) In the event of trenching, maintaining a distance of one foot from the tree trunk for every inch of tree diameter at a height of four feet six inches above the ground. For example, piping shall be kept at least 20 feet away from the trunk of a tree having a 20 inch diameter at four feet six inches above the ground.
(d) In the event of boring, maintaining a distance of at least one-half foot from the tree trunk for each inch of tree diameter at a height of four feet six inches above the ground and, in any event, maintaining a distance of at least five feet from the tree trunk. When direct boring, an irrigation contractor shall bore to a minimum of 36 inches.
(e) Avoiding placing sprinklers in a position to directly spray water on tree trunks of mature trees by placing them no closer to a tree than one-third of the sprinkler spray radius.

(12) With respect to wiring:
(a) install control wires in the same trench along the side of the main line piping;
(b) allow slack in the wiring;
(c) bundle an expansion coil for all wires at each valve location;
(d) use the appropriate size American Wire Gauge ("AWG") wire, as noted by the manufacturer, to operate a valve;
(e) indicate common wiring (wire that runs through the entire circuit of valves) by using a different colored wire from all other wire connections;

(f) provide additional wire along the irrigation wire path for future expansion or replacement of damaged wires;
(g) design irrigation systems with control wire splices made with a waterproof wire splice kit that is UL listed for underground applications. For two-wire control systems, the design shall specify the manufacturer's recommended splice kits; and
(h) follow the manufacturer's recommendation for all wiring and grounding, including two-wire control systems.

(13) Use valve boxes that are large enough to provide sufficient space for servicing the valve housed inside. For single valve boxes, valve boxes shall be at least 10 inches in diameter for both manual and automatic valves.

Authority G.S. 89G-5.

21 NCAC 23 .0407 IRRIGATION SYSTEM DISCLOSURE CHECKLIST (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0500 - IRRIGATION SYSTEM INSTALLATION MINIMUM STANDARDS

21 NCAC 23 .0501 GENERAL REQUIREMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 23 .0502 SITE CONSIDERATIONS

(a) An irrigation contractor shall confirm all property corners and lines that will determine the borders of landscaped or irrigated areas, including any right of way (local, state or federal).
(b) The irrigation contractor shall comply with the terms of any encroachment ~~agreements~~ agreements, public right-of-way, and other easement requirements.
(c) Before the irrigation contractor and those working under his or her supervision do any excavation he or she shall call ~~1-800-632-4949 or~~ 811 or go to ~~www.ncocc.org~~ nc811.org to have major utilities located on the subject property by the appropriate utility companies. Installation shall not be started until all underground utilities are located and marked.
(d) An irrigation contractor shall review the site where the irrigation system is to be installed with the owner or owner's representative to identify any known private underground lines or structures and locate those that present a potential problem before digging (e.g. low voltage lighting wires, propane gas tanks and lines, private power lines to out-buildings, and drainage lines, septic field lines, and tanks).
(e) In the case of new landscape construction where a landscape plan is provided, an irrigation contractor shall ~~verify~~ confirm that the landscape plan is the most current plan available and is not subject to change before starting the installation.
(f) If no landscape plan exists or the landscaping is in place, an irrigation contractor shall review the site with the owner or landscape designer to determine the irrigation needs of the site. The irrigation contractor shall address specific issues, including:
(1) the plant water needs;
(2) the soil type;
(3) the root depth;
(4) microclimates; and
(5) slopes.
(g) An irrigation contractor shall inform the owner or landscape designer of the importance of designing the irrigation system to meet the needs of the landscape.
(h) An irrigation contractor shall review planting plans prior to installation of the irrigation system to minimize conflicts between larger plants, existing root zones, and irrigation heads and review construction plans for conflicts between hardscape and sprinkler head placement.
(i) An irrigation contractor shall inform the property owner and irrigation designer of unusual or abnormal soil conditions which may affect the design and management of the irrigation system.
(j) Where deviations from the design are required (e.g., routing pipe around a tree or other structure or adding sprinklers to an area larger than the plan shows), an irrigation contractor shall consult with the designer prior to making the change to ensure that the change is within the design performance specifications.

Authority G.S. 89G-5.

21 NCAC 23 .0503 WATER SUPPLY (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 23 .0504 SYSTEM LAYOUT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 23 .0505 TRENCHING AND PIPING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 23 .0506 ELECTRICAL (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 23 .0507 GROUNDING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 23 .0508 SPRINKLERS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 23 .0509 CONTROLLER (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 23 .0510 INITIAL SYSTEM START UP (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 23 .0511 OWNER'S MANUAL (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0600 - IRRIGATION SYSTEM MANAGEMENT FOR WATER EFFICIENCY STANDARDS

21 NCAC 23 .0601 PURPOSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 23 .0602 BASIC SYSTEM MAINTENANCE PRACTICES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 23 .0603 SCHEDULING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0700 – FEES

21 NCAC 23 .0701 FEE SCHEDULE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

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CHAPTER 36 - NURSING

***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Board of Nursing intends to amend the rules cited as 21 NCAC 36 .0120, .0211, and .0218.*

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

Proposed Effective Date: *January 1, 2027*

Public Hearing:
Date: *October 20, 2026*
Time: *1:00 p.m.*
Location: *4516 Lake Boone Trail, Raleigh NC 27607*

Reason for Proposed Action: *.0120: Defines "substantial equivalency" based on amendments to .0211 and .0218. Proposed amendment to (44) was published in NC Register, Volume 41 Issue 01 on July 1, 2026*

.0211: Programs across jurisdictions vary significantly in course titles, sequencing, instructional methods, clinical and laboratory requirements, and the timing of didactic and lab components. While the overall content of an out-of-state program may be comparable to a NC program, it may not be identical in form, organization, or delivery. The Board is amending the rule to allow consideration of programs that are substantially equivalent to NC programs, recognizing legitimate differences in program design while focusing on whether the program's education, clinical preparation, and learning outcomes are comparable in substance to those required in NC. This approach supports fairness to applicants and preserves the Board's public protection role by ensuring that only programs meeting the level of educational comparability to NC prelicensure programs are accepted.

.0218: The proposed amendment strengthens the Board's ability to protect the public while preserving a pathway to licensure by endorsement that takes into account the applicant's length of licensure and evidence of competency. The amendment reinforces the Board's responsibility to ensure that nurses licensed in NC meet standards substantially comparable to those required of graduates of NC programs. The new language requires an applicant to hold licensure in another NCSBN member board approved jurisdiction for at least one year before applying for licensure by endorsement. Exceptions to the year restriction are made for active-duty military personnel and military spouses, provided the applicant's education remains substantially equivalent to NC program requirements. Additionally, applications submitted by nurses licensed five years or greater by another NCSBN member board shall not undergo a transcript review for substantial equivalency.

Comments may be submitted to: *Angela Ellis, PO Box 2129, Raleigh, NC 27602-2129; email lawsrules@ncbon.com*

Comment period ends: *November 16, 2026*

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

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

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

SECTION .0100 - GENERAL PROVISIONS

The language italicized below was published as a proposed amendment to Item (44) of this Rule in the North Carolina Register, Volume 41, Issue 01, on July 1, 2026.

21 NCAC 36 .0120 DEFINITIONS

The following definitions apply throughout this chapter unless the context indicates otherwise:

(1) "Administrative Law Counsel" means an attorney licensed to practice in this State whom the Board has retained to serve as procedural officer for contested cases.

(2) "Academic term" means one semester of a school year.

(3) "Accountability/Responsibility" means being answerable for action or inaction of self, and of

others in the context of delegation or assignment.

(4) "Accredited institution" means an institution accredited by a United States Department of Education-approved institutional accrediting body.

(5) "Active Practice" means activities that are performed, either for compensation or without compensation, consistent with the scope of practice for each level of licensure as defined in G.S. 90-171.20(4), (7), and (8).

(6) "Advanced Practice Registered Nurse (APRN)" means a nurse practitioner, nurse anesthetist, nurse-midwife, or clinical nurse specialist.

(7) "Assigning" means designating responsibility for implementation of a specific activity or set of activities to an individual licensed and competent to perform such activities.

(8) "Bulletin" means the official publication of the Board.

(9) "Chief Nursing Administrator" means a senior level executive within the healthcare organization responsible for overseeing the practice of nursing to ensure consistency in practice standards and to facilitate an interdisciplinary team approach to the delivery of care.

(10) "Clinical Agency" means an agency established to administer or provide health care services in which a student provides care to clients under the supervision of faculty or a preceptor.

(11) "Clinical experience" means application of nursing knowledge demonstrating clinical judgment in a current or evolving practice setting in which a student provides care to clients under the supervision of faculty or a preceptor.

(12) "Clinical judgment" means the observed outcome of critical thinking and decision-making. It is an iterative process that uses nursing knowledge to observe and assess presenting situations, identify a prioritized client concern, and generate the best possible evidence-based solutions in order to deliver safe client care.

(13) "Competent" means having the knowledge, skills, and ability to safely perform an activity or role.

(14) "Continuing Competence" means on-going acquisition and application of knowledge and the decision-making, psychomotor, and interpersonal skills expected of the licensed nurse resulting in nursing care that contributes to the health and welfare of clients served.

(15) "Contact Hour" means 60 minutes of an organized learning experience.

(16) "Continuing Education Activity" means a planned, organized learning experience that is related to the practice of nursing or contributes to the competency of a nurse as outlined in 21 NCAC 36 .0223(a)(2).

(17) "Controlling institution" means the degree-granting organization or hospital under which a nursing education program is operating or seeking to establish a new nursing education program. The controlling institution shall hold approval or applicable licensure by the appropriate North Carolina agency, the University of North Carolina System, or North Carolina Community College System and be accredited by an accrediting body recognized by the United States Secretary of Education.

(18) "Curriculum" means an organized system of teaching and learning activities directed toward the achievement of specified learning objectives and outcomes.

(19) "Delegation" means transferring to a competent individual the authority to perform a specific nursing activity in a selected situation. The nurse retains accountability/responsibility for the delegation.

(20) "Debriefing" means an organized learning activity that follows a clinical or simulated experience and is led by a trained faculty facilitator. Students' reflective thinking is encouraged and feedback is provided regarding the students' performance during discussion of various aspects of the completed experiences.

(21) "DHSR" means Division of Health Service Regulation.

(22) "Dimensions of Practice" means aspects of nursing practice, including professional responsibility, knowledge-based practice, ethical and legal practice, and collaborating with others, consistent with G.S. 90-171.20(4), (7), and (8).

(23) "Distance education" means teaching and learning strategies used to meet the learning needs of students when the students and faculty are not in the same location.

(24) "External standardized examination" means a commercially available standardized predictive test that provides individual student scores that are linked to a probability of passing the NCLEX™ examination.

(25) "Faculty directed clinical practice" means clinical experiences provided under the accountability/responsibility and direction of program faculty.

(26) "Focused client care experience" means a clinical experience that emulates an entry-level work experience in nursing, assisting the student in transitioning to an entry-level nursing practice. Supervision may be by faculty and preceptor dyad or direct faculty supervision.

(27) "Full Approval" is the status assigned to a program following graduation by the first cohort of students, evidence of compliance with

Section .0300 of this Chapter, and an NCLEX® examination pass rate that meets or exceeds 90 percent of the national pass rate for licensure level on first writing of the licensure examination for calendar years ending December 31.

(28) "Initial Approval" means the status assigned to a nursing education program following submission of a new, complete application and documented evidence of compliance with Section .0300 of this Chapter.

(29) "Interdisciplinary faculty" means faculty from professions other than nursing.

(30) "Interdisciplinary team" means all individuals involved in providing a client's care who cooperate, collaborate, communicate, and integrate care to ensure that care is continuous and reliable.

(31) "Learning resources" means materials that faculty use to assist students in meeting the expectations for learning defined by the curriculum.

(32) "Level of Licensure" means practice of nursing by either a licensed practical nurse or a registered nurse, as defined in G.S. 90-171.20(7) and (8).

(33) "Level of student" means the point in the program to which the student has progressed.

(34) "Maximum enrollment" means the total number of pre-licensure students that can be enrolled in the program at any one time. The number reflects the capacity of the program based on demonstrated resources sufficient to implement the curriculum.

(35) "Methods of Instruction" means the planned process through which teacher and student interact with selected environment and content so that the response of the student gives evidence that learning has taken place, based upon stated course objectives and outcomes for learning experiences in classroom, laboratory, simulation, and clinical settings.

(36) "National Credentialing Body" means a credentialing body that offers certification or recertification in the licensed nurse's or Advanced Practice Registered Nurse's specialty area of practice.

(37) "NCLEX-PN™" means the National Council Licensure Examinations for Practical Nurses.

(38) "NCLEX-RN™" means the National Council Licensure Examinations for Registered Nurses.

(39) "Nursing Accreditation body" means a national nursing accrediting body that is recognized by the United States Department of Education.

(40) "Program faculty" means individuals employed full or part-time by an academic institution responsible for developing, implementing, evaluating, and updating nursing curricula.

(41) "Nursing project" means a project or research study of a topic related to nursing practice that includes a problem statement, objectives, methodology, and summary of findings.

(42) "Participating in" means to have a part in or contribute to the elements of the nursing process. As defined by the legal scope of practice, the licensed practical nurse role for participating in the nursing process is dependent upon the assignment and supervision by the registered nurse, physician, dentist, or other person authorized by State law to provide the supervision.

(43) "Pattern of noncompliance" means episodes of recurring non-compliance with one or more Rules in Section .0300.

(44) "Preceptor" means a registered nurse ~~at or above the level of licensure~~ that an assigned student is seeking who may serve as a teacher, mentor, role model, and supervisor for the student in a faculty-directed clinical experience.

(45) "Prescribing Authority" means the legal permission granted by the Board of Nursing and Medical Board for the nurse practitioner and nurse midwife to procure and prescribe legend and controlled pharmacological agents and devices to a client in compliance with Board rules and other applicable federal and State law, regulations, and rules.

(46) "Program Closure" means to cease operation of a program.

(47) "Program Description Report" means a written assessment of a program designed to detail program features and operations which support Board evaluation of compliance with established regulations as set forth in Section .0300 of this Chapter.

(48) "Program" means a course of study that prepares an individual to function as an entry-level practitioner of nursing. The four types of programs are:

(a) Bachelor of Science Degree in Nursing (BSN) - Curriculum components for the BSN provide for the attainment of knowledge and skill sets in the current practice in nursing, nursing theory, nursing research, community and public health, health care policy, health care delivery and finance, communications, therapeutic interventions, and current trends in health care. For this program type, the client is the individual, family, group, and community;

(b) Associate Degree in Nursing (ADN) – Curriculum components for the ADN provide for the attainment of knowledge and skill sets in the current practice in nursing, community concepts, health care delivery, communications, therapeutic interventions, and current trends in health care. For this program type, client is the individual, group of individuals, and family;

(c) Practical Nurse Diploma (PN) - Curriculum components for the PN diploma prepare for providing direct nursing care under the supervision of a registered nurse or other health care provider as defined by the Nursing Practice Act. Curriculum components provide for the attainment of knowledge and skill sets in the current practice of practical nursing, communications, therapeutic interventions, including pharmacology, growth and development, and current trends in health care. For this program type client is the individual or group of individuals; and

(d) Direct Master's Entry (DME) – Curriculum components for a DME provide for the attainment of knowledge and skill sets in the current practice in nursing, nursing theory, nursing research, community and public health, health care policy, health care delivery and finance, communications, therapeutic interventions, and current trends in health care. For this program type, the client is the individual, family, group, and community. The DME will provide additional education for strengthened competencies in organizational and systems thinking, quality improvement and safety, care coordination, interprofessional communication, and team-based care and leadership for students with a non-nursing baccalaureate degree.

(49) "Review" means collecting and analyzing information to assess compliance with Section .0300 of this Chapter. Information may be collected by multiple methods, including review of written reports and materials, on-site observations, review of documents, and in-person or telephone interviews and conferences.

(50) "Self-Assessment" means the process whereby an individual reviews their own nursing practice and identifies the knowledge and skills possessed as well as those skills to be strengthened or acquired.

(51) "Simulation" means a technique, not a technology, to replace or amplify clinical experiences with guided experiences that evoke or replicate substantial aspects of the real world of nursing practice in a fully interactive manner.

(52) "Specialty" means a broad, population-based focus of study encompassing the common health related problems of a particular group of patients and the likely co-morbidities, interventions, and responses to those problems.

(53) "Substantially Equivalent" means:

(a) content in the biological, physical, social, and behavioral sciences to provide a foundation for competent and effective nursing practice;

(b) provide students with the opportunity to acquire and demonstrate, through didactic content and a concurrent clinical experience under faculty supervision, the knowledge, skills, and abilities required for effective and competent nursing practice in the areas of medical/surgical, obstetric, pediatric, psychiatric/mental health, and community health, across the lifespan; and

(c) a focused client care experience provided in the final semester of the curriculum for programs preparing practical nurses or in the final year of curriculum for programs preparing registered nurses.

~~(53)~~(54) "Supervision" means the provision of guidance or direction, evaluation, and follow-up by a licensed nurse to accomplish an assigned or delegated nursing activity or set of activities.

~~(54)~~(55) "Survey" means an on-site visit for the purpose of gathering data in relation to reviewing a program's compliance with Section .0300 of this Chapter.

~~(55)~~(56) "Traditional clinical experience" means a clinical experience where the student provides in-person care to patients/clients under the guidance of an instructor or preceptor.

~~(56)~~(57) "Warning Status" means the status assigned to a nursing education program found to be noncompliant with any provision in Section .0300 of this Chapter.

Authority G.S. 90-171.23; 90-171.38.

SECTION .0200 – LICENSURE

21 NCAC 36 .0211 ELIGIBILITY AND APPLICATION FOR LICENSURE BY EXAMINATION

(a) An applicant seeking ~~nurse~~ licensure by examination shall ~~meet the educational requirements of a prelicensure nursing program that is equivalent or greater to the requirements for NC nursing prelicensure programs as required in Section .0300 of this~~

~~Chapter and apply to take the NCLEX™.~~ submit an application to the Board. The Board shall review the application and ~~applicant's educational requirements. Once~~ determine whether the applicant ~~has passed~~ meets the requirements to be eligible to take the ~~NCLEX™,~~ NCLEX™. Once the applicant has passed the NCLEX™, the Board shall then consider the applicant's qualifications for licensure as outlined in Paragraph ~~(e)~~(g) of this ~~Rule.~~ Rule and determine whether the applicant has satisfied all requirements of this Rule prior to the issuance of a license.

(b) Applications for licensure by examination shall be posted on the Board's website at www.ncbon.com and shall contain the following information:

(1) The applicant's name, social security number, telephone number, and email address;
(2) The applicant's primary address of residence;
(3) The educational degrees obtained by the applicant with the program name and completion date; and
(4) Other professional or occupational licenses held by the applicant with the licensure number and jurisdiction in which the license was issued, if applicable.

(c) Applications for licensure by examination shall be denied if the applicant's graduation date from the nursing program is greater than five years from the date the application is submitted to the Board.

~~(c)~~(d) An applicant shall meet one of the following educational requirements:

(1) Complete a Board-approved nursing prelicensure program as outlined in Rule .0302 and .0303 of this Chapter. Evidence of completion of the program shall be an electronic verification submitted from the program director that the applicant has satisfied the educational requirements of the program pursuant to Section .0300 of this ~~Chapter.~~ Chapter; or
(2) Complete ~~a~~ an out-of-state National Council State Board of Nursing (NCSBN) member ~~board approved~~ nursing prelicensure program that is substantially equivalent or greater to the requirements for NC nursing prelicensure programs as required in Section .0300 of this Chapter. ~~Evidence of completion shall be a transcript. Educational transcripts shall be submitted directly to the Board from the program, National Student Clearinghouse, or Parchment.~~ When substantial equivalency cannot be determined, applicant shall be ineligible for testing and the application shall be denied; or
(3) Complete ~~a~~ an international nursing prelicensure program ~~outside the United States that provides graduates with comparable education~~ that is substantially equivalent or greater to the requirements for NC nursing prelicensure programs as required in Section .0300 of this Chapter. ~~Foreign-educated~~ Internationally-educated applicants shall:
   (A) provide electronic verification from ~~the Commission on Graduates of Foreign Nursing Schools (CGFNS) or~~ TruMerit™, International Education Evaluation ~~(IEE)~~(IEE), or either of its successors, demonstrating the applicant's education is substantially equivalent or greater to the requirements for NC nursing prelicensure programs as required in Section .0300 of this ~~Chapter;~~ Chapter; and
   (B) Demonstrate proficiency in the English Language. Proof of English language proficiency is either an overall score of 6.5 and minimum of 6.0 on all modules on the exam administered by the International English Language Testing System ~~(IELTS) or~~ (IELTS), an overall score of ~~83~~ 4.5 or higher on the exam administered by Test of English as a Foreign Language ~~(TOEFL); and~~ (TOEFL), or their successors.
   ~~(C) Be eligible for licensure as an RN or LPN in the country where the nursing educational program was completed.~~
(4) ~~Complete~~ For applicants seeking practical nurse licensure, complete a ~~one of the following~~ military ~~courses~~ course of study ~~for practical nursing equivalent or greater to the requirements for NC prelicensure nursing programs~~ as evidenced by a ~~transcript:~~ transcript submitted directly to the Board from Joint Services Transcript for Military Personnel. The following military courses of study are accepted by the Board: Army Practical Nursing; Army MOS 68C Practical Nursing; Air Force Practical Nursing ~~Technology Associate Degree;~~ Technology; or Medical Corpsman to Practical Nurse.

(e) Evidence of completion of a program or military course of study shall be a transcript submitted directly to the Board from the program or military course of study, Joint Services Transcript for Military Personnel, National Student Clearinghouse®; Parchment; or any of its successors.

~~(d)~~(f) To be eligible for Board approval to take the ~~NCLEX™ examination,~~ NCLEX™, an applicant shall:

(1) Submit an Application for Licensure by Examination as outlined in SubParagraphs (b)(1)-(4) of this Rule to the Board, attesting under oath or affirmation that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;
(2) Meet the educational requirements of a nursing prelicensure program as required in Paragraph ~~(c)~~(d) of this Rule;

(3) Provide electronic confirmation from Pearson ~~VUE,~~ or its successor, the testing agency which administers the ~~NCLEX™, as proof~~ NCLEX™ demonstrating applicant is registered to take the NCLEX™.

(4) Pay the application fee as established in G.S. 90-171.27(b).

~~(e)~~(g) To be eligible for ~~nurse~~ licensure by examination, an applicant shall:

(1) Submit an application for licensure as outlined in SubParagraphs (b)(1)-(4) of this Rule to the ~~Board;~~ Board, attesting under oath or affirmation that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;

(2) ~~Possess~~ Submit and possess a valid social security number issued by the U.S. Social Security ~~Administration;~~ Administration (SSA) for verification of authenticity and complete SSA form 89 Authorization For The Social Security Administration To Release Social Security Number (SSN) Verification located at www.ssa.gov.com;

(3) Pass the ~~NCLEX™ examination results submitted electronically from Pearson VUE;~~ NCLEX™;

(4) Hold an unencumbered license in all jurisdictions in which a license is or has been held. Applicants whose license is under investigation shall not be eligible for licensure. If applicant has any disciplinary history on a license or has participated in a drug monitoring program, the applicant shall submit written explanation and all related documents to the Board;

(5) Complete a criminal background check in accordance with G.S. 90-171.48;

(6) Not be subject to probationary conditions or monitoring by the court as a result of any misdemeanor or felony ~~convictions;~~ convictions, conditional discharge agreement or deferred prosecution;

(7) Submit a written explanation and certified court documents regarding all criminal convictions, conditional discharge agreements, or deferred prosecution, if applicable; ~~and~~

(8) Submit a written explanation and all related documentation if the applicant has been listed as a nurse aide and there have been substantiated findings pursuant to G.S. 131E-255 and 10A NCAC 13O .0101(4). An applicant shall not be licensed while an investigation is ~~pending.~~ pending; and

(9) Pay the application fee as established in G.S. 90-171.27(b).

~~(f) An application is valid for one year from the date the application is filed with the Board or when the Board is notified by Pearson VUE that the applicant has passed or failed the NCLEX™ whichever comes first.~~

(h) An applicant seeking approval to transfer the NCLEX™ results shall submit an electronic request to the Board to transfer the NCLEX™ results to another jurisdiction. The Board shall only approve NCLEX™ score transfers to jurisdictions which accept electronic NCLEX™ score transfers. Requests for NCLEX™ score transfers shall not be granted while the application is under review or the applicant is under investigation.

~~(g)~~(i) An applicant shall be required to appear in person for an interview with the Board if there is a discrepancy in the information submitted.

(j) An application remains active for one year from the date the application is filed with the Board or until:

(1) the applicant's NCLEX™ results are transferred to another NCSBN member board jurisdiction;

(2) the applicant is ineligible to take the NCLEX™;

(3) the applicant fails the NCLEX™; or

(4) the Board issues or denies the applicant licensure by examination.

~~(h)~~(k) A license issued pursuant to this Rule shall be for the remainder of the biennial period.

Authority G.S. 90-171.23(15); 90-171.29; 90-171.30; 90-171.37(1); 90-171.48; 93B-14.

21 NCAC 36 .0218 LICENSURE BY ENDORSEMENT

(a) An applicant seeking licensure by endorsement shall submit an application to the Board. The Board shall review the application and determine whether the applicant has satisfied all requirements of this Rule prior to the issuance of a license.

~~(a)~~(b) Applications for licensure by endorsement shall be posted on the Board's website at www.ncbon.com and shall contain the following information:

(1) The applicant's name, social security number, telephone number, and email address;

(2) The applicant's primary address of residence;

(3) The educational degrees obtained by the applicant with the program name and completion date;

(4) State or Country, license number, and year of licensure by examination in the original jurisdiction of licensure;

(5) State or Country and license number ~~of~~ for an active license or any license held under which the applicant worked within the previous five years;

(6) Other professional or occupational licenses held by the applicant with the licensure number and jurisdiction in which the license was issued, if applicable; and

(7) Dates of employment and position(s) held for the last two nursing employers.

(c) Applications for licensure by endorsement shall be denied if the applicant's original licensure date is less than one year prior to the date the application is submitted to the Board.

~~(b)~~(d) To be eligible for licensure by endorsement, an applicant shall:

(1) ~~submit a completed Application for Endorsement,~~ Submit an application for licensure as outlined in subparagraphs (b)(1)-(7) of this rule to the Board, attesting under oath or affirmation that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;

(2) Submit and possess a valid social security number issued by the U.S. Social Security ~~Administration;~~ Administration (SSA) for verification of authenticity and complete SSA 89 Authorization For The Social Security Administration To Release Social Security Number (SSN) Verification located at www.ssa.gov;

(3) ~~submit~~ Submit the licensure application fee as established in G.S. 90-171.27(b);

(4) ~~have~~ Hold an unencumbered license in all jurisdictions in which a license is or has ever been held. Applicants holding any license is under investigation shall not be eligible for licensure. If applicant has any disciplinary history on a license or has participated in a drug monitoring program, the applicant shall submit written explanation and all related documents to the Board;

(5) ~~request~~ Request electronic verification of nurse licensure from the jurisdiction of original nurse ~~licensure.~~ licensure as well as the jurisdiction where applicant holds or last held an active license via the Nursys Licensure Verification System (Nursys®), at www.nursys.com. If the license has been inactive for five or more years, the applicant shall be required to complete a refresher course pursuant to G.S. 90-171.35 and G.S. 90-171.36;

(6) ~~request verification of nurse licensure from the jurisdictions where applicant holds or last held an active license;~~ Complete a Board-approved nursing prelicensure program that is substantially equivalent, as defined in Rule .0120 of this Chapter, or greater to the requirements for NC nursing prelicensure programs as required in Section .0300 of this Chapter. When substantial equivalency cannot be determined, applicants shall be ineligible for licensure, and the application shall be denied. Transcripts submitted by applicants who completed an NCSBN member board-approved nursing prelicensure program and have been licensed greater than five years shall not be reviewed for substantial equivalency;

(7) ~~complete a prelicensure nursing~~ Evidence of completion of a nursing prelicensure program ~~which is approved by the jurisdiction of original licensure at the time of program completion and is equivalent or greater to the requirements for NC prelicensure nursing programs as required in Section .0300 of this Chapter.~~ or military course of study shall be a transcript submitted directly to the Board from the ~~Applicant shall provide an educational transcript submitted directly to the Board from the program,~~ program or military course of study, National Student ~~Clearinghouse,~~ Clearinghouse®, or Parchment ~~upon request of the Board;~~ or their successors;

(8) ~~Upon request of the Board, if applicant completed a nursing program outside of the United States, applicant~~ Internationally educated applicants ~~shall~~ shall:

(A) provide electronic verification from ~~the Commission on Graduates of Foreign Nursing Schools (CGFNS)~~ TruMerit™, ~~or~~ International Education Evaluation ~~(IEE)~~(IEE), or their successors, demonstrating the applicant's education is substantially equivalent or greater to the requirements for NC nursing prelicensure programs as required in Section .0300 of this Chapter; and

(B) Demonstrate proficiency in the English Language. Proof of English language proficiency is either an overall score of 6.5 and minimum of 6.0 on all modules on the exam administered by the International English Language Testing System (IELTS) or an overall score of 4.5 or higher on the exam administered by Test of English as a Foreign Language (TOEFL) or their successors.

(9) Submit evidence of passing State Board Pool Test Examination from the Board of original licensure if licensed prior to 1994.

(10) Applicants licensed by another NCSBN member board less than one year shall not be eligible for endorsement. Active-duty military licensees and their spouses shall be exempt from this rule.

~~(9)~~(11) Complete a criminal background check in accordance with G.S. 171.48. ~~The applicant shall provide a written explanation and all investigative reports or court documents evidencing the circumstances of the crime(s) upon request of the Board. The Board shall use these documents when determining if a license should be denied pursuant to G.S. 90-171.48 and G.S. 90-171.37; and~~

~~(10)~~(12) Not be subject to probationary conditions or monitoring by the court as a result of any misdemeanor or felony ~~convictions.~~ convictions, conditional discharge agreement, or deferred prosecution.

(13) Submit a written explanation and certified court documents regarding all criminal convictions,

conditional discharge agreements, or deferred prosecution, if applicable; and

(14) Submit a written explanation and all related documentation if the applicant has been listed as a nurse aide and there have been substantiated findings pursuant to G.S. 131E-255 and 10A NCAC 13O .0101(4). An applicant shall not be licensed while an investigation is pending.

~~(c)~~(e) In addition to the requirements in Paragraph ~~(b)~~(d) of this Rule, ~~should~~ a licensed practical nurse ~~seeking licensure by endorsement who obtained licensure~~ licensed in ~~a~~ another jurisdiction that ~~does not require program completion, the applicant~~ has not completed a nursing prelicensure program ~~shall:~~ shall have:

(1) ~~have~~ been licensed for five years and provide verification from their employers of full-time nursing employment for the previous two calendar years immediately preceding filing of the application; or

(2) ~~complete~~ completed ~~one of the following~~ a military ~~courses~~ course of study ~~for practical nursing equivalent or greater to the requirements for NC prelicensure nursing programs~~ as evidenced by a ~~transcript:~~ transcript submitted directly to the Board from Joint Services Transcript or Air University Transcript for military personnel. The following military courses of study are those accepted by the Board: Army Practical Nursing; Army MOS 68C Practical Nursing; Air Force Practical Nursing Technology Associate Degree; or Medical Corpsman to Practical Nurse.

~~(d)~~(f) An applicant shall be required to appear in person for an interview with the Board if there is a discrepancy in the information submitted.

~~(e)~~(g) An application ~~is valid for:~~ shall remain active for one year from the date the application is filed with the Board or until

~~(1) One year from the date the application is filed with the Board; or~~

~~(2) A license is issued.~~ the Board issues or denies the applicant licensure by endorsement.

(h) A license issued pursuant to this Rule shall be for the remainder of the biennial period.

Authority G.S. 90-171.23(b); 90-171.32; 90-171.33; 90-171.37; 90-171.48; 93B-14.

This Section contains information for the meeting of the Rules Review Commission on September 29, 2026, 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

AGENDA
RULES REVIEW COMMISSION
Tuesday, September 29, 2026, 10:00 A.M.
1711 New Hope Church Rd., Raleigh, NC 27609

I. Ethics reminder by the chair as set out in G.S. 138A-15(e)

II. Approval of the minutes from the last meeting

III. Follow-up matters
1. Child Care Commission -10A NCAC 09 .2102(Miller)

IV. Review of Log of Filings (Permanent Rules) for rules filed July 21, 2026 through August 20, 2026
1. Medical Care Commission (Ascher)
2. Medical Care Commission/ Department of Health and Human Services (Ascher)
3. HHS - Division of Health Service Regulation (Ascher)
4. Radiation Protection Commission (Miller)
5. Commission for Public Health (Ascher)
6. Criminal Justice Education and Training Standards Commission (Wiggs)
7. Security Systems Licensing Board (Barney)
8. Board of Chiropractic Examiners (Barney)
9. Clinical Mental Health Counselors, Board of Licensed (Barney)
10. Board Of Examiners for Speech and Language Pathologists and Audiologists (Miller)

V. Log of Filings (Temporary Rules) for any rule filed within 15 business days before the RRC Meeting
1. Medical Care Commission - 10A NCAC 13E .0302, .0303, .0305, .0306, .0308, .0309, .0312, .0316, .0317, .0318, .0403, .0601 (Barney)

VI. Existing Rules Review
- Review of Reports
  1. 07 NCAC 13A, 13B, 13C, 13D, 13F, 13G, 13I, 13K - Department of Natural and Cultural Resources (Ascher)
  2. 10A NCAC 41A, 41B, 41D, 41F, 41G, 42, 44 - Commission for Public Health (Wiggs)
  3. 10A NCAC 43D - Commission for Public Health (Ascher)

4. 11 NCAC 08 .1000 - .1300 - Home Inspector Licensure Board (Ascher)
5. 12 NCAC 02I, J - Department of Justice - Company and Campus Police Program (Ascher)
6. 12 NCAC 06 - Justice Academy (Wiggs)
7. 21 NCAC 64 - Board of Examiners for Speech-Language Pathologists and Audiologists (Wiggs)

- Readoptions
  1. 21 NCAC 46 – Board of Pharmacy (Wiggs)

VII. Commission Business
- Election of Commission Officers
- Closed session, to consult with attorneys regarding CRC v. RRC and CJETS v. RRC
- Next meeting: Thursday, October 29, 2026

Commission Review

Log of Permanent Rule Filings
July 21, 2026 through August 20, 2026

MEDICAL CARE COMMISSION

The rules in Subchapter 13L concern nursing pool licensure including general information (.0100); licensing (.0200); and administration (.0300)

Definitions Readopt without Changes*	10A	NCAC	13L	.0101
Application for License Readopt without Changes*	10A	NCAC	13L	.0201
Issuance of License Readopt without Changes*	10A	NCAC	13L	.0202
Program Compliance Readopt without Changes*	10A	NCAC	13L	.0203
Public Display Readopt without Changes*	10A	NCAC	13L	.0204
Written Policies and Procedures Readopt without Changes*	10A	NCAC	13L	.0301
Personnel Records Readopt without Changes*	10A	NCAC	13L	.0302
Insurance Required Readopt without Changes*	10A	NCAC	13L	.0303

the rules in subchapter 13m conclude: pap smear certification (.0100)

State Certification for Laboratories Conducting Pap Smears Readopt without Changes*	10A	NCAC	13M	.0101
State Certification of Screening Mammography Readopt without Changes*	10A	NCAC	13M	.0201

The rules in Subchapter 13O deal with the registries maintained by the Department of Health and Human Services including the healthcare personnel registry (.0100); medication aide registry (.0200); nurse aide I registry (.0300).

Definitions Readopt with Changes*	10A	NCAC	13O	.0101
Investigating and Reporting Health Care Personnel Readopt without Changes*	10A	NCAC	13O	.0102
Medication Aide Competency Evaluation Readopt without Changes*	10A	NCAC	13O	.0201

Registry of Medication Aides Readopt without Changes*	10A NCAC 13O .0202
Nurse Aide I Training and Competency Evaluation Readopt without Changes*	10A NCAC 13O .0301

MEDICAL CARE COMMISSION/HEALTH AND HUMAN SERVICES, DEPARTMENT OF

The rules in Subchapter 14A concern rulemaking (.0100); contested cases (.0200); and hearings, transfers and discharges (.0300).

Petitions Readopt without Changes*	10A NCAC 14A .0101
Declaratory Rulings Readopt without Changes*	10A NCAC 14A .0103
Definitions Readopt with Changes*	10A NCAC 14A .0301
General Readopt without Changes*	10A NCAC 14A .0302
Initiating a Hearing Readopt without Changes*	10A NCAC 14A .0303

HHS - HEALTH SERVICE REGULATION, DIVISION OF

The rules in Subchapter 14E concern licensure of suitable facilities for the performance of surgical abortions including licensure procedure (.0100); minimum standards for construction and equipment (.0200); governing authority (.0300); and medical staff (.0400).

Definitions Readopt without Changes*	10A NCAC 14E .0101
Application Readopt without Changes*	10A NCAC 14E .0106
Issuance of License Readopt without Changes*	10A NCAC 14E .0107
Renewal Readopt without Changes*	10A NCAC 14E .0109
Inspections Readopt without Changes*	10A NCAC 14E .0111

RADIATION PROTECTION COMMISSION

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

Definitions Amend*	10A NCAC 15 .0103
Incorporation By Reference Amend*	10A NCAC 15 .0104
Registration of Radiation Machines: Facilities and Services Amend*	10A NCAC 15 .0201
Exemptions	10A NCAC 15 .0202

Amend*				
Application for Registration Process: General Requirement...	10A	NCAC	15	.0203
Amend*				
Facility Responsibilities	10A	NCAC	15	.0204
Amend*				
Service Provider Responsibilities	10A	NCAC	15	.0205
Amend*				
Training and Educational Requirements to Provide Services	10A	NCAC	15	.0206
Amend*				
Additional Requirements to Provide Services	10A	NCAC	15	.0207
Amend*				
Individual Responsible for Radiation Protection Requireme...	10A	NCAC	15	.0211
Amend*				
Radiation Machines and Radiation Generating Devices That ...	10A	NCAC	15	.0212
Amend*				
Training and Educational Requirements for Equipment Services	10A	NCAC	15	.0214
Repeal*				
General Rules Applicable to the Specific Licensing of Byp...	10A	NCAC	15	.0301
Amend*				
General Domestic Licenses for Byproduct Material	10A	NCAC	15	.0302
Amend*				
Specific Licenses: Manufacture or Transfer Certain Items ...	10A	NCAC	15	.0304
Amend*				
Specific Domestic Licenses of Broad Scope for Byproduct M...	10A	NCAC	15	.0305
Amend*				
Specific Licenses: Sealed Sources in Industrial Radiograp...	10A	NCAC	15	.0306
Amend*				
Medical Use of Byproduct Material in Humans	10A	NCAC	15	.0307
Amend*				
Licenses and Radiation Safety Requirements for Irradiators	10A	NCAC	15	.0308
Amend*				
Domestic Licensing of Source Material	10A	NCAC	15	.0309
Amend*				
Domestic Licensing of Special Nuclear Material	10A	NCAC	15	.0310
Amend*				
Packing and Transportation of Radioactive Material	10A	NCAC	15	.0311
Amend*				
Exemptions and Continued Regulatory Authority in Agreemen...	10A	NCAC	15	.0313
Amend*				
License Required: Land Disposal of Low-Level Radioactive ...	10A	NCAC	15	.1203
Amend*				
Well Logging, Wireline-Service Operations, and Subsurface...	10A	NCAC	15	.1301
Amend*				
Standards for Protection Against Radiation	10A	NCAC	15	.1601
Amend*				
Additional Requirements for Licensees Possessing Category...	10A	NCAC	15	.1701
Amend*				

PUBLIC HEALTH, COMMISSION FOR

The rules in Chapter 41 concern epidemiology health. The rules in Subchapter 41C concern occupational health including general provisions (.0100); dusty trades program (.0200); industrial hygiene consultation program (.0300); occupational health nursing consultation program (.0400); asbestos hazard management program (.0600); occupational health surveillance (.0700); lead-based paint hazard management program (.0800); lead-based paint hazard management program for renovation, repair and painting (.0900); and lead and asbestos inspection, testing, abatement, and remediation in North Carolina public schools and licensed child care facilities (.1000).

Funding Amend*	10A	NCAC	41C	.1002
Asbestos Inspections and Abatement in North Carolina Publ... Amend*	10A	NCAC	41C	.1003
Lead-Based Paint Inspections and Abatement in North Carol... Amend*	10A	NCAC	41C	.1004
Lead Poisoning Hazards in Drinking Water in North Carolin... Amend*	10A	NCAC	41C	.1005

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

The rules in Chapter 9 are from the Criminal Justice Education and Training Standards Commission. This Commission has primary responsibility for setting statewide education, training, employment, and retention standards for criminal justice personnel (not including sheriffs). The rules in Subchapter 9A cover the Commission organization and procedure (.0100) and enforcement of the rules (.0200).

Location Readopt with Changes*	12	NCAC	09A	.0101
Purpose Readopt without Changes*	12	NCAC	09A	.0102
Definitions Readopt with Changes*	12	NCAC	09A	.0103
Criminal Justice Standards Division Readopt without Changes*	12	NCAC	09A	.0106
Rule-Making and Administrative Hearing Procedures Readopt without Changes*	12	NCAC	09A	.0107
Investigation of Violation of Rules Readopt without Changes*	12	NCAC	09A	.0201
Sanctions for Violations by Agencies or Schools Readopt without Changes*	12	NCAC	09A	.0202
Sanctions for Violations by Individuals Readopt without Changes*	12	NCAC	09A	.0203
Suspension: Denial: or Revocation of Certification Readopt with Changes*	12	NCAC	09A	.0204
Period of Suspension: Revocation: or Denial Readopt with Changes*	12	NCAC	09A	.0205
Administrative Hearing Procedures Readopt without Changes*	12	NCAC	09A	.0207

The rules in Chapter 9 are from the Criminal Justice Education and Training Standards Commission. This Commission has primary responsibility for setting statewide education, training, employment, and retention standards for criminal justice personnel (not including sheriffs). The rules in Subchapter 9B cover minimum standards for: employment (.0100); schools and training programs (.0200); criminal justice instructors (.0300); completion of training (.0400); school directors (.0500); and certification of post-secondary criminal justice education programs (.0600).

Fingerprint Criminal History Record Check Readopt without Changes*	12	NCAC	09B	.0103
Medical Examination Readopt without Changes*	12	NCAC	09B	.0104

Employment Interview Readopt without Changes*	12	NCAC	09B	.0105
Documentation of Educational Requirements Readopt without Changes*	12	NCAC	09B	.0106
Criminal History Record Readopt without Changes*	12	NCAC	09B	.0111
Responsibilities of the School Director Readopt with Changes*	12	NCAC	09B	.0202
Certification Training for Radar Operators Readopt without Changes*	12	NCAC	09B	.0212
Supplemental SMI Training Readopt without Changes*	12	NCAC	09B	.0215
Certification Training for LIDAR Operators Readopt with Changes*	12	NCAC	09B	.0238
Certification Training for Radar/Lidar Operators Readopt without Changes*	12	NCAC	09B	.0242
Specialized Instructor Certification Readopt with Changes*	12	NCAC	09B	.0304
Radar Instructor Readopt with Changes*	12	NCAC	09B	.0308
Comprehensive Written Examination - Basic SMI Certification Readopt without Changes*	12	NCAC	09B	.0408
Satisfaction of Training - SMI Operators Readopt without Changes*	12	NCAC	09B	.0409
Comprehensive State Exam - Specialized Instructor Training Readopt with Changes*	12	NCAC	09B	.0414

The rules in Subchapter 9C concern the administration of criminal justice education and training standards including responsibilities of the criminal justice standards division (.0100); forms (.0200); certification of criminal justice officers (.0300); accreditation of criminal justice schools and training courses (.0400); minimum standards for accreditation of associate of applied science degree programs incorporating basic law enforcement training (.0500); and equipment and procedures (.0600).

Probationary Certification Readopt with Changes*	12	NCAC	09C	.0303
Speed Measurement Instrument (SMI) Operators Certificatio... Readopt without Changes*	12	NCAC	09C	.0308
Approved Speed-Measuring Instruments Readopt without Changes*	12	NCAC	09C	.0601
Speed-Measuring Annual Accuracy Tests and Daily Operation... Readopt without Changes*	12	NCAC	09C	.0607

The rules in Subchapter 9G are the standards for correction including scope, applicability and definitions (.0100); minimum standards for certification of correctional officers, probation/parole officers, and probation/parole officers-intermediate (.0200); certification of correctional officers, probation/parole officers, probation/parole officers intermediate and instructors (.0300); minimum standards for training of correctional officers, probation/parole officers, and probation/parole officers-intermediate (.0400); enforcement of rules (.0500); professional certification program (.0600); and forms (.0700).

Probationary Certification Readopt with Changes*	12	NCAC	09G	.0303
General Certification Readopt with Changes*	12	NCAC	09G	.0304

The rules in Subchapter 9G are the forms for use in training programs and instructor certification (.0100).

Basic Training Forms - Adult Correction and Juvenile Justice	12	NCAC	09I	.0108

Adopt*

Certification Forms - Adult Correction 12 NCAC 09I .0109
Adopt*

Certification Forms - Juvenile Justice 12 NCAC 09I .0110
Adopt*

ALARM SYSTEMS LICENSING BOARD

The rules in Chapter 17 are from the N.C. Alarm Systems Licensing Board and cover the organization and general provisions (.0100); provisions for licensees (.0200); provisions for registrants (.0300); the recovery fund (.0400); and continuing education for licensees (.0500).

Purpose 14B NCAC 17 .0101
Amend*

Non-Resident Licensee or Registrant Continuing Education ... 14B NCAC 17 .0504
Amend*

CHIROPRACTIC EXAMINERS, BOARD OF

The rules in Chapter 10 include organization of the Board (.0100); the practice of chiropractic (.0200); rules of unethical conduct (.0300); rule-making procedures (.0400); investigation of complaints (.0500); contested cases and hearings in contested cases (.0600-.0700); and miscellaneous provisions (.0800).

North Carolina Examination 21 NCAC 10 .0203
Amend*

CLINICAL MENTAL HEALTH COUNSELORS, BOARD OF LICENSED

The rules in Chapter 53 are from the Board of Licensed Professional Counselors and include general information (.0100); definitions and clarification of terms (.0200); how to obtain licensure (.0300); disciplinary procedures (.0400); fees (.0500); renewal of license (.0600); rules specific to licensed professional counselor associates (.0700); licensed professional counselor supervisors (.0800); and registration for a professional entity (.0900).

Licensure by Virtual of Privilege and Change of Residency... 21 NCAC 53 .0312
Adopt*

SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS, BOARD OF EXAMINERS FOR

The rules in Chapter 64 are from the Board of Examiners for Speech and Language Pathologists and Audiologists and include general provisions (.0100); interpretative rules (.0200); code of ethics (.0300); rulemaking petitions (.0400); notice of rulemaking (.0500); conduct of rulemaking hearings (.0600); declaratory rulings (.0700); contested case hearings (.0800); other matters relating to administrative hearings (.0900); use of speech/language pathology assistants (.1000); and requirements for the use of audiology assistants in direct service delivery.

Licensee Requirements 21 NCAC 64 .1003
Amend*

Commission Review

Log of Temporary Rule Filings
September 01, 2026 through September 09, 2026

MEDICAL CARE COMMISSION

The rules in Subchapter 13E concern the licensing of overnight respite services including definitions (.0100); licensing (.0200); physical plant rules (.0300); staff qualifications and staffing (.0400); program policies (.0500); enrollment and service planning (.0600); medication administration (.0700); nutrition and food service (.0800); and program activities (.0900).

Capacity Amend*	10A NCAC 13E .0302
Design and Construction Amend*	10A NCAC 13E .0303
Living Room Amend*	10A NCAC 13E .0305
Dining Room Amend*	10A NCAC 13E .0306
Bedrooms Amend*	10A NCAC 13E .0308
Bathroom Amend*	10A NCAC 13E .0309
Outside Entrance and Exits Amend*	10A NCAC 13E .0312
Fire Safety and Disaster Plan Amend*	10A NCAC 13E .0316
Building Service Equipment Amend*	10A NCAC 13E .0317
Outside Premises Amend*	10A NCAC 13E .0318
Staff and Staffing Amend*	10A NCAC 13E .0403
Enrollment of Participants Amend*	10A NCAC 13E .0601