

NORTH CAROLINA REGISTER

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October 1, 2026

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PUBLISHED BY

*The Office of Administrative Hearings
Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
Telephone 984-236-1850
Fax 984-236-1947*

*Melissa Owens Lassiter, Director
Brian Liebman, Codifier of Rules
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.

Office of Administrative Hearings

Rules Division

1711 New Hope Church Road

984-236-1850

Raleigh, North Carolina 27609

984-236-1947 FAX

contact: Brian Liebman, Codifier of Rules
Julie B. Eddins, Publications Coordinator
Serena Samuels, Publications Assistant

brian.liebman@oah.nc.gov
julie.eddins@oah.nc.gov
serena.samuels@oah.nc.gov

984-236-1941
984-236-1937
984-236-1948

Rule Review and Legal Issues

Rules Review Commission

1711 New Hope Church Road

984-236-1850

Raleigh, North Carolina 27609

984-236-1947 FAX

contact: Seth M. Ascher, Commission Counsel
Travis Wiggs, Commission Counsel
Christopher S. Miller, Commission Counsel
Meghan E. Barney, Commission Counsel
Alexander Burgos, Paralegal

seth.ascher@oah.nc.gov
travis.wiggs@oah.nc.gov
christopher.miller@oah.nc.gov
meghan.barney@oah.nc.gov
alexander.burgos@oah.nc.gov

984-236-1934
984-236-1929
984-236-1935
984-236-1925
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	270 th day from publication in the Register
40:13	01/02/26	12/11/25	01/17/26	03/03/26	03/20/26	04/28/2026	05/01/26	09/29/26
40:14	01/15/26	12/23/25	01/30/26	03/16/26	03/20/26	04/28/2026	05/01/26	10/12/26
40:15	02/02/26	01/09/26	02/17/26	04/06/26	04/20/26	05/28/2026	06/01/26	10/30/26
40:16	02/16/26	01/26/26	03/03/26	04/17/26	04/20/26	05/28/2026	06/01/26	11/13/26
40:17	03/02/26	02/09/26	03/17/26	05/01/26	05/20/26	06/25/2026	07/01/26	11/27/26
40:18	03/16/26	02/23/26	03/31/26	05/15/26	05/20/26	06/25/2026	07/01/26	12/11/26
40:19	04/01/26	03/11/26	04/16/26	06/01/26	06/20/26	07/30/2026	08/01/26	12/27/26
40:20	04/15/26	03/24/26	04/30/26	06/15/26	06/20/26	07/30/2026	08/01/26	01/10/27
40:21	05/01/26	04/10/26	05/16/26	06/30/26	07/20/26	08/27/2026	09/01/26	01/26/27
40:22	05/15/26	04/24/26	05/30/26	07/14/26	07/20/26	08/27/2026	09/01/26	02/09/27
40:23	06/01/26	05/08/26	06/16/26	07/31/26	08/20/26	09/29/2026	10/01/26	02/26/27
40:24	06/15/26	05/22/26	06/30/26	08/14/26	08/20/26	09/29/2026	10/01/26	03/12/27
41:01	07/01/26	06/10/26	07/16/26	08/31/26	09/20/26	10/29/2026	11/01/26	03/28/27
41:02	07/15/26	06/23/26	07/30/26	09/14/26	09/20/26	10/29/2026	11/01/26	04/11/27
41:03	08/03/26	07/13/26	08/18/26	10/02/26	10/20/26	11/24/2026	12/01/26	04/30/27
41:04	08/17/26	07/27/26	09/01/26	10/16/26	10/20/26	11/24/2026	12/01/26	05/14/27
41:05	09/01/26	08/11/26	09/16/26	11/02/26	11/20/26	12/17/2026	01/01/27	05/29/27
41:06	09/15/26	08/24/26	09/30/26	11/16/26	11/20/26	12/17/2026	01/01/27	06/12/27
41:07	10/01/26	09/10/26	10/16/26	11/30/26	12/20/26	01/28/2027*	02/01/27	06/28/27
41:08	10/15/26	09/24/26	10/30/26	12/14/26	12/20/26	01/28/2027*	02/01/27	07/12/27
41:09	11/02/26	10/12/26	11/17/26	01/04/27	01/20/27	02/25/2027*	03/01/27	07/30/27
41:10	11/16/26	10/23/26	12/01/26	01/15/27	01/20/27	02/25/2027*	03/01/27	08/13/27
41:11	12/01/26	11/05/26	12/16/26	02/01/27	02/20/27	03/25/2027*	04/01/27	08/28/27
41:12	12/15/26	11/20/26	12/30/26	02/15/27	02/20/27	03/25/2027*	04/01/27	09/11/27

*Dates not approved by RRC

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

NORTH CAROLINA REGISTER
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41:14	01/15/27	12/23/26	01/30/27	03/16/27	03/20/27	04/29/2027	05/01/27	10/12/27
41:15	02/01/27	01/08/27	02/16/27	04/02/27	04/20/27	05/27/2027	06/01/27	10/29/27
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41:17	03/01/27	02/08/27	03/16/27	04/30/27	05/20/27	06/24/2027	07/01/27	11/26/27
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41:22	05/17/27	04/26/27	06/01/27	07/16/27	07/20/27	08/26/2027	09/01/27	02/11/28
41:23	06/01/27	05/10/27	06/16/27	08/02/27	08/20/27	09/28/2027	10/01/27	02/26/28
41:24	06/15/27	05/24/27	06/30/27	08/16/27	08/20/27	09/28/2027	10/01/27	03/11/28
42:01	07/01/27	06/10/27	07/16/27	08/30/27	09/20/27	10/28/2027	11/01/27	03/27/28
42:02	07/15/27	06/23/27	07/30/27	09/13/27	09/20/27	10/28/2027	11/01/27	04/10/28
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42:06	09/15/27	08/24/27	09/30/27	11/15/27	11/20/27	12/16/2027	01/01/28	06/11/28
42:07	10/01/27	09/10/27	10/16/27	11/30/27	12/20/27	01/20/2028*	02/01/28	06/27/28
42:08	10/15/27	09/24/27	10/30/27	12/14/27	12/20/27	01/20/2028*	02/01/28	07/11/28
42:09	11/01/27	10/11/27	11/16/27	12/31/27	01/20/28	02/17/2028*	03/01/28	07/28/28
42:10	11/15/27	10/22/27	11/30/27	01/14/28	01/20/28	02/17/2028*	03/01/28	08/11/28
42:11	12/01/27	11/05/27	12/16/27	01/31/28	02/20/28	03/16/2028*	04/01/28	08/27/28
42:12	12/15/27	11/22/27	12/30/27	02/14/28	02/20/28	03/16/2028*	04/01/28	09/10/28

*dates not yet approved by RRC

EXPLANATION OF THE PUBLICATION SCHEDULE

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

GENERAL

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

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

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

FILING DEADLINES

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

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

NOTICE OF TEXT

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

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

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



State of North Carolina

JOSH STEIN
GOVERNOR

AUGUST 26, 2026

EXECUTIVE ORDER NO. 40

ADVANCING THE JUVENILE JUSTICE PLANNING COMMITTEE

WHEREAS, effective juvenile justice policies and programs promote public safety, improve outcomes for juveniles and their families, and enhance juveniles' long-term educational, employment, and life prospects, making North Carolina safer and stronger; and

WHEREAS, the Executive Organization Act of 1973 established the Governor's Crime Commission; and

WHEREAS, N.C. Gen. Stat. § 143B-1102 establishes the Juvenile Justice Planning Committee (the "Committee") as an adjunct committee to advise the Governor's Crime Commission on matters referred to it that are relevant to juvenile justice; and

WHEREAS, the federal Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. No. 93-415 (1974), as amended through Pub. L. 115-385 (Dec. 21, 2018), requires each state to establish a State Advisory Group to advise on the administration of juvenile justice and delinquency prevention programs and federal grant funding administered by the United States Department of Justice; and

WHEREAS, the Committee is well-suited to serve as such an advisory board consistent with federal law; and

WHEREAS, Exec. Order No. 312, 39 N.C. Reg. 344-345 (October 1, 2024), which was issued on August 29, 2024, is set to expire on August 31, 2026; and

WHEREAS, the Governor has determined that extending Executive Order No. 312 is necessary to ensure the continued operation of the Committee as North Carolina's State Advisory Group and to maintain the State's compliance with applicable federal law; and

WHEREAS, pursuant to Article III § 1 of the North Carolina Constitution and N.C. Gen. Stat. §§ 143A-4 and 143B-4, the Governor is the chief executive officer of the state and is responsible for formulating and administering the policies of the executive branch of state government; and

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

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

Section 1. Extending Executive Order No. 312

Pursuant to N.C. Gen. Stat. § 147-16.2, Executive Order No. 312, which extended the Juvenile Justice Planning Committee is hereby extended to August 26, 2028.

Section 2. Effect and Duration

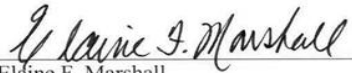
This Executive Order is effective immediately and shall remain in effect until August 28, 2028, or until rescinded or superseded by another applicable Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 26th of August in the year of our Lord two thousand and twenty-six.



Josh Stein
Governor

ATTEST:



Elaine F. Marshall
Secretary of State



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

**TITLE 02 – DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES**

Notice is hereby given in accordance with G.S. 150B-21.2 that the Pesticide Board intends to adopt the rule cited as 02 NCAC 09L .0319.

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

Proposed Effective Date: February 1, 2027

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Any person may request a public hearing on the proposed rules by submitting a request in writing no later than October 16th, 2026 to Anna Hayworth, mailing address 1002 Mail Service Center, Raleigh, NC 27699.*

Reason for Proposed Action: *This Rule is being proposed to authorize the N.C. Pesticide Board to establish the pesticide environmental trust fund assessment fee, as directed in Senate Bill 401. The Bill amends GS 143 442 to require the Board to set an annual assessment fee for each registered pesticide brand or grade, not to exceed one hundred twenty five dollars (\$125.00).*

Comments may be submitted to: Anna Rebecca Hayworth, 1002 Mail Service Center, Raleigh, NC 27699; phone (919) 745-9356; email anna.hayworth@ncagr.gov

Comment period ends: November 30, 2026

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

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

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

CHAPTER 09 - FOOD AND DRUG PROTECTION

SUBCHAPTER 09L - PESTICIDE SECTION

SECTION .0300 – REGISTRATION

02 NCAC 09L .0319 ANNUAL ASSESSMENT OF REGISTERED PESTICIDES

Pursuant to G.S. 143-442, the Board established the annual assessment fee referenced in G.S. 143-442(b) for each brand or grade of registered pesticide at seventy-five dollars (\$75.00).

Authority G.S. 143-442.

TITLE 13 – DEPARTMENT OF LABOR

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Department of Labor intends to adopt the rules cited as 13 NCAC 15 .0209, .0439, readopt with substantive changes the rules cited as 13 NCAC 15 .0101- .0104, .0107, .0201- .0208, .0302, .0303, .0305- .0307, .0401, .0402, .0405- .0408, .0411, .0415, .0416, .0419, .0421, .0423, .0424, .0426, .0427, .0429, .0440; 20 .0101, .0203, .0301, .0304, .0305, .0501, .0503, .0602, readopt without substantive changes the rules cited as 13 NCAC 15 .0301, .0304, .0404, .0418, .0420, .0422, .0503; 20 .0201, .0306, .0401, .0402 repeal through readoption the rules cited as 13 NCAC 15 .0106, .0308, .0309, .0403, .0409, .0410, .0412-.0414, .0417, .0425, .0428, .0502; 20 .0202, .0502, and .0601.

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

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

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.labor.nc.gov/rules-and-regulations>

Proposed Effective Date: February 1, 2027

Public Hearing:

Date: November 2, 2026

Time: 8:00 a.m.

Location: North Carolina Department of Labor, 4 W. Edenton St, Raleigh, NC 27601

Reason for Proposed Action: *The Department proposes updates to 13 NCAC 15 and 13 NCAC 20 as part of the Periodic Review process.*

Comments may be submitted to: *Ashley Snyder, 1101 Mail Service Center, Raleigh, NC 27699; email dol.rules@labor.nc.gov*

Comment period ends: November 30, 2026

Procedure for Subjecting a Proposed Rule to Legislative Review:

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

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

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

**CHAPTER 15 - ELEVATOR AND AMUSEMENT DEVICE
DIVISION BUREAU**

SECTION .0100 - GENERAL PROVISIONS

**13 NCAC 15 .0101 ELEVATOR AND AMUSEMENT
DEVICE ~~DIVISION~~ BUREAU**

The main office of the Elevator and Amusement Device ~~Division~~, Bureau, which administers the provisions of Article 14, Article 14A, Article 14B and Article 15 of Chapter 95 of the North Carolina General Statutes, is located in the Raleigh office of the North Carolina Department of Labor. When documents are required to be submitted to the Bureau pursuant to the rules of this Chapter, the documents shall be submitted to the Bureau's mailing or email address: The mailing address and telephone number are:

Elevator and Amusement Device ~~Division~~ Bureau
North Carolina Department of Labor

1101 Mail Service Center
Raleigh, North Carolina 27699-1101
919-707-7927
dol.elevatormail@labor.nc.gov

Authority G.S. ~~95-110.4~~; 95-110.5; 95-111.4; 95-120.

13 NCAC 15 .0102 APPLICABILITY

The requirements of this Chapter shall be applicable to the design, construction, installation, plans review, testing, inspection, certification, operation, use, maintenance, alteration, and relocation of, and investigation of accidents involving devices and equipment subject to Articles 14, 14A, 14B and 15 of Chapter 95 of the North Carolina General Statutes ~~as hereinafter specified. Statutes.~~

Authority G.S. 95-110.5; 95-111.4; 95-120.

13 NCAC 15 .0103 DEFINITIONS

(a) The definitions ~~found~~ in G.S. 95-110.3, 95-111.3 and 95-117 ~~shall apply to the rules in this Chapter. are applicable throughout this Chapter unless a different meaning is plainly required by the context.~~

(b) The following definitions also apply throughout this Chapter.

- (1) ~~The term "alteration"~~ "Alteration" means any change made to an existing device or piece of equipment other than ~~the repair or replacement of damaged, worn or other parts necessary for operation.~~ general maintenance, repairs, or replacements which are not required to be tested in accordance with Part 8 of A17.1 - American National Standard Safety Code for Elevators and Escalators. This standard is hereby incorporated by reference, including subsequent amendments and editions. Copies are available for public inspection in the office of the Bureau, and may be obtained from the American Society of Mechanical Engineers (ASME), via U.S. Mail at Two Park Avenue, New York, New York 10016-5990, via telephone at (800) 843-2763, or via the internet at www.asme.org. The cost is four-hundred and twenty-five dollars (\$425.00) per copy.
- (2) ~~The term "division"~~ "Bureau" means the Elevator and Amusement Device ~~Division~~ Bureau of the North Carolina Department of Labor.
- (3) "Device" or "Equipment" means elevators, lifts, amusement devices, and all other items regulated by the Bureau pursuant to Chapter 95 of the General Statutes.
- (4) "Elevator Safety Code" means the standards set forth in the American National Standard Safety Code for Elevators and Escalators A17.1, A18.1, A17.8, A10.4, A90.1, and E1.42.
- (3)(5) ~~The term "existing"~~ "Existing installation" means any device or equipment, the application for the installation of which was filed with the department or the installation of which was

completed before the effective date of the rules and regulations which are currently in effect.

- (4)(6) ~~The term "new~~ "New installation" means any device or equipment, the application for the installation or relocation of which is filed with the department on or after the effective date of these rules and regulations.

Authority G.S. 95-110.3; 95-110.5; 95-111.3; 95-111.4; 95-117; 95-120.

13 NCAC 15 .0104 NOTIFICATION OF DECISION BY OWNER OR OPERATOR

~~(a) Whenever~~ If the owner or operator of any device or equipment ~~has received~~ receives an order from the Commissioner that the use of the device or equipment ~~should~~ shall be stopped or limited pursuant to G.S. 95-110.6, 95-111.6, or 95-123, he or she shall notify the Director in writing within 15 days of receipt of such order indicating compliance with the order and inspection report by:

- (1) certifying that the device or equipment has been repaired or altered in compliance with the inspection report; and Commissioner's specifications;
- (2) indicating his or her intention to comply with the rules of this Chapter standards of safety for such devices or ~~equipment~~ equipment, with the understanding

The certificate of operation shall be suspended or revoked until the device or equipment has been repaired or altered in compliance with the inspection report, that:

- (A) ~~the use of the device or equipment will be limited as specified by the Commissioner's order;~~
- (B) ~~the certificate of operation is suspended until the device or equipment has been repaired or altered in compliance with the Commissioner's specifications; or~~
- (C) ~~the certificate of operation has been permanently revoked; or~~
- (3) ~~requesting a hearing pursuant to Chapter 150B of the General Statutes.~~

~~(b) Where the owner or operator fails to notify the Director within 15 days of receipt of the order or refuses to discontinue or limit operation of the device or equipment, the Director may obtain injunctive relief on behalf of the Commissioner.~~

Authority G.S. 95-110.5; 95-110.6; 95-111.4; 95-111.6; 95-120; 95-123.

13 NCAC 15 .0106 OCCURRENCE REPORTING FOR TRAMWAYS

Authority G.S. 95-120; 95-122.

13 NCAC 15 .0107 EXCEPTIONS AND SPECIAL DEVICES

(a) To submit a request for an exception or use of another device pursuant to G.S. 95-110.5(14), 95-111.4(14), or 95-120, the owner or operator of the device or piece of equipment shall submit a request in writing to the Bureau. The written request shall contain the following information:

- (1) the owner or operator's name;
- (2) phone number, address, and email;
- (3) a description of the device or piece of equipment, including the device's State ID if applicable;
- (4) any photos, drawings, or schematics of the device or equipment; and
- (5) information detailing how the exception or use of a special device will provide equivalent safety as the original design or device, including documentation of evaluation by an independent engineer.

(b) The Bureau Chief shall review exception and special device requests within 10 days of receipt. The Director shall consider whether the exception or special device will expose the public, workers, operators, or riders to an unsafe condition likely to result in serious personal injury or property damage when reviewing the request. The Director shall also consider whether the proposed exception will provide an equivalent level of safety to that established by the standards set forth in the rules of this Chapter. Within the 10-day period, the Director shall notify the owner or operator in writing whether the request was granted, denied, or did not contain all of the information required in Paragraph (a) of this Rule.

~~The Director may at his discretion grant exceptions from the requirements of this Chapter or permit the use of other devices. Requests for exceptions or use of special devices shall contain specific information detailing how the exception or use of a special device will provide equivalent safety as the original design or device. Exceptions or the use of special devices shall be considered only when made by written request. All requests for exceptions or use of special devices shall be given due consideration by the Director and a decision rendered within ten days of receipt of such request whenever possible. Where the investigation of such requests makes it impossible to render a decision within the time specified, the person making the request shall be notified of the delay within ten days.~~

Authority G.S. 95-110.5; 95-111.4; 95-120; .

SECTION .0200 – CODES AND STANDARDS

13 NCAC 15 .0201 NEW INSTALLATIONS OF ELEVATORS, ESCALATORS, DUMBWAITERS AND MOVING WALKS

(a) The design, construction, installation, inspection, and operation of all new installations of elevators, dumbwaiters, escalators, and moving walks, shall conform to the rules in this Section and the A17.1 - American National Standard Safety Code for Elevators and Escalators, which is incorporated by reference, including subsequent amendments and editions. Copies are available for public inspection in the office of the Bureau, and

may be obtained from the American Society of Mechanical Engineers (ASME), via U.S. Mail at Two Park Avenue, New York, New York 10016-5990, via telephone at (800) 843-2763, or via the internet at www.asme.org. The cost is ~~one hundred ninety-five~~ four-hundred and twenty-five dollars (\$425.00) per copy. ~~reference subject to the modifications provided in Paragraph (b) of this Rule. This incorporation includes subsequent amendments and editions of the Code.~~

~~(b) The provisions of the A17.1 - American National Standard Safety Code for Elevators and Escalators shall be subject to the following modifications:~~

- ~~(1) Rule 2.1.2.1 - Observation Elevators Not Fully Enclosed. Change the rule to read as follows: For observation elevators which are not fully enclosed, protection at landings shall be provided as follows:~~
 - ~~(A) An enclosure shall be provided which shall extend a minimum of ten (10) feet above the floor.~~
 - ~~(B) The enclosure shall be constructed of unperforated material.~~
 - ~~(C) Enclosures shall be located in the general line of the hoistway. Horizontal clearance shall be the same as stated in Section 2.5.~~
- ~~(2) Rule 3.18.3.4 - Safety Bulkhead. Change the rule to read as follows:~~
 - ~~(A) For new installations only, cylinders buried in the ground shall be provided with a safety bulkhead having an orifice of a size that would permit the car to descend at a speed not greater than 0.075 m/s (14 ft/min), nor less than 0.025 m/s (5 ft/min). A space of not less than 25 mm (1 in.) shall be left between the welds of the safety bulkhead and the other cylinder head. Safety bulkheads shall conform to 3.18.3.6.~~
 - ~~(B) For existing installations only, cylinders buried in the ground do not have to be provided with a safety bulkhead of the type referred to in Part (A) of this Paragraph, provided that the following conditions are met:~~
 - ~~(i) The relief valve setting and system pressure test prescribed by 8.11.3.2.1, and the cylinder test prescribed by 8.11.3.2.2, are each performed two times per year; and~~
 - ~~(ii) After each of the tests referred to Subpart (i) of this Part, have been performed successfully, the test tag prescribed by 8.11.1.6 shall be installed in the machine room.~~

~~(C) A safety bulkhead shall not be required where a double cylinder is used and where both inner and outer cylinders conform to 3.18.3.~~

~~(e)(b) The rules of this Chapter shall control when any conflict between these Rules and the A17.1 - American National Standard Safety Code for Elevators and Escalators exists.~~

~~(d) Copies of the A17.1 - American National Standard Safety Code for Elevators and Escalators are available for public inspection in the office of the Division, and may be obtained from the American Society of Mechanical Engineers (ASME), via U.S. Mail at Two Park Avenue, New York, New York 10016-5990, via telephone at (800) 843-2763, or via the internet at www.asme.org. The cost is one hundred ninety-five dollars (\$195.00) per copy. Authority G.S. 95-110.5.~~

13 NCAC 15 .0202 EXISTING INSTALLATIONS OF ELEVATORS, ESCALATORS, DUMBWAITERS AND MOVING WALKS, ALTERATIONS, REPAIRS AND EXCEPTIONS

~~(a) Existing Installations. Existing installations of elevators, escalators, dumbwaiters, and moving walks shall be maintained under the departmental standards (if any) rules in effect at the time of their installation. Existing installations shall also meet the following standards: standards, whether or not there were departmental standards in effect at the time of their installation:~~

- ~~(1) Electrically-powered elevator driving machines shall be equipped with a friction brake applied by a spring or springs or by gravity and released electrically.~~
- ~~(2) The car of every elevator suspended by wire ropes shall be provided with one or more safety devices. The safeties shall be attached to the car frame and one safety shall be located within or below the lowest members of the car frame (safety plank). All safeties shall be designed and installed in accordance with Section 2.17 of the A17.1 - American National Standard Safety Code for Elevators and Escalators.~~
- ~~(3) Operating devices for electrically-powered or electrically-controlled elevators shall be of the enclosed electric type. Rope or rod operating devices activated directly by hand, or rope operating devices activated by wheels, levers or cranks shall not be used.~~
- ~~(4) Elevator hoistways shall be enclosed throughout their height and all hoistway landing openings shall be protected with doors or gates. Hoistway enclosures shall be constructed to have a fire resistive rating of not less than one hour.~~
- ~~(5) Hoistway enclosure doors or gates shall be equipped with electric interlocks.~~
- ~~(6) Each elevator car shall be permanently enclosed on all sides and the top, except the sides for entrance and exit. Car side enclosures shall be of such strength and so designed and installed that when subjected to a pressure of 75 pounds applied horizontally at any point on the walls of~~

- the enclosure, the deflection will not exceed one inch.
- (7) Car top enclosures shall be so designed and installed as to be capable of sustaining a load of not less than 100 pounds at any one point.
 - (8) An emergency exit with a cover shall be provided in the top of all elevator cars. The exit opening shall have an area of not less than 400 square inches and shall not measure less than 16 inches on any side. The exit shall be so located as to provide a clear unobstructed passage through it. The exit cover shall open outward and be hinged or otherwise attached to the car top and arranged to be opened from the top of the car only.
 - (9) A door or gate shall be provided at each entrance to the car.
 - (10) Doors shall be of the horizontally or vertically sliding type. Gates shall be of the vertically sliding or horizontally sliding collapsible type located not more than 1-3/4 inches from the car sill. Gates shall extend from a point not less than one inch above the car floor to not less than six feet above the car floor.
 - (11) Vertically sliding gates when in the fully opened position shall provide an entrance of not less than six feet in height. Such gates shall be provided with pull straps to facilitate closing of the gate.
 - (12) Each car door shall be equipped with a car door or gate electric contact so located as to be inaccessible from inside the car door and shall stop the car when the gate is opened a maximum of two inches.
 - (13) Cylinders buried in the ground do not have to be provided with a safety bulkhead provided the following conditions are met:
 - (A) the relief valve setting and system pressure test prescribed by 8.6.5.14.1 of A17.1 and the cylinder test prescribed by 8.6.5.14.2 of A17.1 are each performed and passed every six months;
 - (B) after each of the tests referred to Part A of this Subparagraph have been performed successfully, the test tag prescribed by 8.6.1.7.2 of A17.1 shall be installed in the machine room; and
 - (C) the cylinder was not required to be provided with a safety bulkhead when it was originally installed.

The completion of any of the items in Subparagraphs (a)(1) through ~~(12)~~(13) of this Rule that increases the gross load of the elevator shall not reduce the safety factor of the driving machine below that required by Rule 2.24.3 of the A17.1 - American National Standard Safety Code for Elevators and Escalators.

(b) Exceptions. Existing elevators in warehouses of not more than two floors that are not accessible to the general public are exempt from Subparagraphs (a)(4) through ~~(12)~~(13) of this Rule providing that all of the following conditions are met

- (1) The warehouse shall be used solely for the purpose of storing materials and products.
- (2) Hoistways that are not fully enclosed shall be protected by guards to prevent access to the hoistways by other than elevator personnel.
- (3) All capabilities of operating the elevator from the car or platform shall be removed.
- (4) Riders shall not be permitted to ride the car or platform.
- (5) A sign stating "Absolutely No Riders Permitted" in letters no less than one inch high on a contrasting background shall be posted at each entrance to the elevator.

(c) If an existing installation meets the requirements of Paragraph (a) of this Rule, it shall be issued a regular certificate of operation pursuant to Rule .0306 of this Chapter. If an existing installation is maintained under the departmental ~~standards (if any)~~ rules in effect at the time of its installation and is not exposing the public to an unsafe condition likely to result in serious personal injury or property damage, but does not meet the ~~twelve~~ thirteen standards specifically set out in Paragraph (a) of this Rule, it shall be issued a certificate of operation containing the following statement:

"Warning: This elevator has been inspected and found to be in a reasonably safe condition; however, it is not equipped with some of the safety features now required by the Department of Labor." If the existing installation is not in compliance with the requirements of Paragraph (a) of this Rule, the following sign in letters no less than one inch high on a contrasting background shall be posted within and at each entrance to the elevator:

"Riders prohibited -- only a trained operator may ride this elevator."

(d) Units of existing installations which are out-of-service and not continuously maintained for a period exceeding one year shall be ~~properly~~ landed by complying with Rule 8.11.1.4 of A17.1, the following:

- ~~(1) Land both car and counterweight (if any) at the bottom of the hoistway. Elevators of the roped type shall have their hoist ropes disconnected at both ends.~~
- ~~(2) All electric power shall be removed by disconnecting and removing the power feeders.~~
- ~~(3) All hoistway entrances shall be permanently secured to prevent accidental or inadvertent entry into the hoistway.~~

Any elevator, dumbwaiter, ~~escalator~~ escalator, or moving walk that has been ~~properly~~ landed or otherwise removed from service for a period exceeding one year shall comply with the requirements of the A17.3 - American National Standard Safety Code for Existing Elevators and Escalators in effect at the time they are returned to service, which is hereby incorporated by reference. This incorporation includes subsequent amendments and editions of this Code.

Copies of the A17.3 - American National Standard Safety Code for Existing Elevators and Escalators are available for public inspection in the office of the ~~Division~~, Bureau, and may be

obtained from the American Society of Mechanical Engineers (ASME), via U.S. Mail at Two Park Avenue, New York, New York 10016-5990, via telephone at (800) 843-2763, or via the internet at www.asme.org. The cost is ~~seventy-five dollars (\$75.00)~~ one hundred and ninety-five dollars (\$195.00) per copy.

(e) Alterations, repairs, replacement, maintenance, ~~inspections~~ inspections, and operation of existing installations of elevators, escalators, ~~dumbwaiters~~ dumbwaiters, or moving walks shall conform to the requirements of Sections 8.6 and 8.7 of the A17.1 - American National Standard Safety Code for Elevators and Escalators.

Authority G.S. 95-110.5.

13 NCAC 15 .0203 SAFETY STANDARD FOR MANLIFTS

(a) The design, construction, installation, alteration, repair, replacement, inspection, maintenance and operation of all manlifts shall conform to the rules in this Section and the A90.1 - American National Standard Safety Standard for Manlifts, which is hereby incorporated by ~~reference.~~ reference, including subsequent amendments and editions. ~~Copies of the A90.1 - American National Standard Safety Standard for Manlifts are available for inspection at the offices of the Bureau, and may be obtained from the American Society of Mechanical Engineers (ASME), via U.S. Mail at Two Park Avenue, New York, New York 10016-5990, via telephone at (800) 843-2763, or via the internet at www.asme.org. The cost is eighty dollars (\$80.00) per copy.~~ reference. This incorporation includes subsequent amendments and editions of this Code.

(b) The rules of this Chapter shall control when any conflict between these rules and the A90.1 - American National Standard Safety Standard for Manlifts exists.

(c) ~~Copies of the A90.1 - American National Standard Safety Standard for Manlifts are available for inspection at the offices of the Division and may be obtained from the American Society of Mechanical Engineers (ASME), via U.S. Mail at Two Park Avenue, New York, New York 10016-5990, via telephone at (800) 843-2763, or via the internet at www.asme.org. The cost is fifty dollars (\$50.00) per copy.~~

Authority G.S. 95-110.5.

13 NCAC 15 .0204 PERSONNEL HOISTS CODE

(a) The design, construction, installation, alteration, repair, replacement, inspection and operation of all personnel hoists shall conform to the rules in this Section and the A10.4 - American National Standard Safety Requirements for Personnel Hoists, which is hereby incorporated by ~~reference. This incorporation includes subsequent amendments and editions of this Code.~~ reference, including subsequent amendments and editions. Copies of the A10.4 - American National Standard Safety Requirements for Personnel Hoists are available for inspection at the offices of the Bureau and may be obtained from the American National Standards Institute (ANSI), via U.S. Mail at 1899 L Street, NW, 11th Floor, Washington, DC 20036, via telephone at (202) 293-8020, or via the internet at www.ansi.org. The cost is one hundred and twenty-five dollars (\$125.00) per copy.

(b) The rules of this Chapter shall control when any conflict between these rules and the A10.4 - American National Standard Safety Requirements for Personnel Hoists exists.

(c) ~~Copies of the A10.4 - American National Standard Safety Requirements for Personnel Hoists are available for inspection at the offices of the Division and may be obtained from the American National Standards Institute (ANSI), via U.S. Mail at 1899 L Street, NW, 11th Floor, Washington, DC 20036, via telephone at (202) 293-8020, or via the internet at www.ansi.org. The cost is fifty-three dollars (\$53.00) per copy.~~

Authority G.S. 95-110.5.

13 NCAC 15 .0205 TRAMWAY REQUIREMENTS

(a) ~~The rules of this Chapter shall control when any conflict exists between these Rules and the American National Standards Institute (ANSI) standards that are incorporated by reference herein.~~

(b) The construction, operation, and maintenance of all passenger tramways shall conform to the ANSI B77.1, Passenger Ropeways-Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors, which is hereby incorporated by reference, including subsequent amendments and editions.

(c) The construction, operation, and maintenance of all funiculars shall conform to the rules in this Chapter and the ANSI B77.2 - Funiculars - Safety Requirements, which is hereby incorporated by reference, including subsequent amendments and editions.

(d) Copies of all ANSI standards incorporated by reference in this Rule may be obtained from the American National Standards Institute via U.S. Mail at 1899 L Street, NW, 11th Floor, Washington, DC 20036, via telephone at (202) 293-8020, or via the internet at www.ansi.org. The cost of each publication is as follows:

- (1) ANSI B77.1 is two hundred dollars (\$200.00); (\$200.00);
- (2) ANSI B77.2 is seventy-five dollars (\$75.00).

(d) The rules of this Chapter shall control when any conflict exists between these Rules and the American National Standards Institute (ANSI) standards incorporated by reference.

Authority G.S. 95-120.

13 NCAC 15 .0206 NATIONAL ELECTRICAL CODE

(a) All devices and equipment subject to this Chapter shall be designed, constructed, installed, maintained and operated in accordance with the rules in this Section and the requirements of the NFPA 70 - National Electrical Code, which is hereby incorporated by reference, including subsequent amendments and editions. ~~reference. This incorporation includes subsequent amendments and editions of this Code.~~ Copies of the NFPA 70 - National Electrical Code are available for inspection in the offices of the Bureau and may be obtained via the internet at www.nfpa.org at no cost.

(b) The rules of this Chapter shall control when any conflict between these rules and the NFPA 70 -National Electrical Code exists.

~~(c) Copies of the NFPA 70 – National Electrical Code are available for inspection in the offices of the Division and may be obtained from the North Carolina State Board of Examiners of Electrical Contractors, via U.S. Mail at 505 N. Greenfield Parkway, Suite 100, Garner, NC 27529, via telephone at (919) 733-9042, or via the internet at www.nebeec.org. The cost is fifty-nine dollars (\$59.00) per copy.~~

Authority G.S. 95-110.5; 95-111.4; 95-120.

13 NCAC 15 .0207 SAFETY STANDARDS FOR STAIRWAY CHAIRLIFTS, AND INCLINED AND VERTICAL WHEELCHAIR LIFTS

(a) The design, construction, installation, alteration, repair, replacement, inspection, maintenance and operation of all installations of inclined stairway chairlifts, and inclined and vertical wheelchair lifts shall conform to the rules in this Section and the A18.1 - American National Standard Safety Code for Platform Lifts and Stairway Chairlifts, which is hereby incorporated by reference, including subsequent amendments and editions. Copies of the A18.1 - American National Standard Safety Code for Platform Lifts and Stairway Chairlifts are available for inspection at the offices of the Bureau, and may be obtained from the American Society of Mechanical Engineers (ASME), via U.S. Mail at Two Park Avenue, New York, New York 10016-5990, via telephone at (800) 843-2763, or via the internet at www.asme.org. The cost is one-hundred and twenty-five dollars (\$125.00) per copy. ~~reference. This incorporation includes subsequent amendments and editions of this Code.~~

(b) The rules of this Chapter shall control when any conflict between these rules and the A18.1 - American National Standard Safety Code for Platform Lifts and Stairway Chairlifts exists.

~~(c) Copies of the A18.1 – American National Standard Safety Code for Platform Lifts and Stairway Chairlifts are available for inspection at the offices of the Division, and may be obtained from the American Society of Mechanical Engineers (ASME), via U.S. Mail at Two Park Avenue, New York, New York 10016-5990, via telephone at (800) 843-2763, or via the internet at www.asme.org. The cost is seventy-five dollars (\$75.00) per copy.~~

Authority G.S. 95-110.5.

13 NCAC 15 .0208 SAFETY STANDARDS FOR WIND TURBINE TOWER ELEVATORS

(a) The design, construction, installation, alteration, repair, replacement, inspection, maintenance, and operation of all installations of wind turbine tower elevators shall conform to the rules in this Section and Standard A17.8-Standard for Wind Turbine Tower Elevators A17.8-2016 of the American Society of Mechanical Engineers, incorporated by reference with subsequent amendments and editions. Copies of Standard A17.8 of the American Society of Mechanical Engineers are available for inspection at the offices of the Bureau and may be obtained from the American Society of Mechanical Engineers (ASME) via U.S. Mail at ASME Headquarters, Two Park Avenue, New York, New York 10016-5990, via telephone at (800) 843-2763; or via the internet at www.asme.org. The publication is available in print or digitally at a cost of ninety-eight dollars (\$98.00) per copy.

(b) The rules of this Chapter shall control if any conflict exists between these Rules and Standard A17.8 A17.8-2016 of the American Society of Mechanical Engineers.

~~(c) Copies of Standard A17.8 2016 of the American Society of Mechanical Engineers are available for inspection at the offices of the Division and may be obtained from the American Society of Mechanical Engineers (ASME) via U.S. Mail at ASME Headquarters, Two Park Avenue, New York, New York 10016-5990, via telephone at (800) 843-2763; or via the internet at www.asme.org. The publication is available in print or digitally at a cost of fifty-eight dollars (\$58.00) per copy.~~

Authority G.S. 95-110.5.

13 NCAC 15 .0209 ORCHESTRA LIFTS

(a) The design, construction, installation, alteration, repair, replacement, inspection, maintenance, and operation of orchestra lifts shall conform to the rules in this Section and ANSI E1.42, Entertainment Technology – Design, Installation, and Use of Orchestra Pit Lifts. ANSI E1.42 is hereby incorporated by reference, including subsequent amendment and editions. Copies of ANSI are available for inspection at the offices of the Bureau and at webstore.ansi.org for two hundred dollars (\$200.00).

(b) The rules of this Chapter shall control if any conflict exists between the Rules and ANSI E1.42.

Authority G.S. 95-110.5.

SECTION .0300 - ELEVATORS AND RELATED EQUIPMENT

13 NCAC 15 .0301 SECTION APPLICABILITY (READOPTION WITHOUT SUBSTANTIVE CHANGES)

13 NCAC 15 .0302 RESPONSIBILITY

Responsibility for the installation, alteration, operation, maintenance, and reporting of accidents for elevators, dumbwaiters, escalators, moving walks, personnel hoists, and special equipment shall be as follows:

- (1) The equipment manufacturer shall be responsible for designing and manufacturing equipment in compliance with the ~~applicable code.~~ rules of this Chapter.
- (2) The person or firm installing or altering elevators, dumbwaiters, escalators, moving walks, personnel hoists, and special equipment shall be responsible for obtaining all permits and ~~approvals.~~ approvals required by the Rules of this Chapter and Article 14A of Chapter 95 of the General Statutes. He or she shall be responsible for the safe operation of equipment during the installation until a certificate of operation has been issued and for conducting all tests required by ~~these rules.~~ the rules of this Chapter.
- (3) The owner, his duly appointed agent, or the lessee shall be responsible for the safe operation and proper maintenance of elevators, dumbwaiters, escalators, moving walks, personnel hoists, and special equipment after

the installation has been approved and a certificate has been issued. He shall be responsible for conducting all periodic or maintenance tests required by ~~these rules. the~~ rules of this Chapter.

- (4) ~~The owner shall also be responsible for having elevators in closed buildings inspected by North Carolina Department of Labor inspectors. The owner or agent shall contact the Elevator and Amusement Device Division to arrange a convenient time for inspection. Elevators not inspected shall be considered as being removed from service. The owner shall be responsible for contacting the Bureau to coordinate inspections on elevators, dumbwaiters, escalators, moving walks, personnel hoists, and special equipment located within a vacant building or building that is otherwise not in use. Elevators, dumbwaiters, escalators, moving walks, personnel hoists, and special equipment located within a vacant building or building that is otherwise not in use may be removed from service if not inspected and maintained. These devices shall comply with Rule .0202(d) of this Chapter to be returned to service.~~

Authority G.S. 95-110.5.

13 NCAC 15 .0303 CONSTRUCTION PERMITS

(a) Before erecting or constructing a new elevator, dumbwaiter, workman's hoist, escalator, moving walk, stairway inclined lift, or vertical wheelchair lift, or before moving such an apparatus from one location to another, or before making ~~alterations~~ repairs, or replacements to existing equipment in which testing is required in accordance with Part 8 of A17.1, to existing equipment, the owner or his authorized agent shall obtain a permit from the Director. ~~The owner or his authorized agent shall submit an application for a permit accompanied by duplicate plans and drawings showing the proposed construction, type of equipment and mode of operation. The owner or his or her authorized agent shall submit an application for a permit to install which consists of the original and three copies shall include the following information:~~

- (1) name and address of architect, owner, and installer;
- (2) type and design of equipment;
- (3) pertinent information as to the location of the equipment and such specifications as required by the Elevator Safety Code; ~~Code.~~
- (4) duplicate plans and drawings showing the proposed construction, type of equipment, and mode of operation; and
- (5) the fee required by G.S. 95-110.5A.

(b) Upon finding that the application is in compliance with the ~~regulations~~ rules of this Chapter, the Director ~~will~~ shall issue a permit, subject to final field inspection.

(c) The permit shall be posted in a conspicuous place on the job site prior to the start of any work to be done.

~~(d) Upon receiving information indicating violation of this Rule, the Director may cause the stoppage of all work on that job until a hearing, pursuant to the provisions of the Administrative Procedure Act, N.C. General Statutes, Chapter 150B Article 3 can be held to determine the reason for the violation.~~

~~(e)~~ (d) The operation or use of any new, altered, or relocated equipment subject to the Elevator Safety Code other than by the installer acting under the authority of a construction permit is prohibited until such equipment has passed tests and inspections as required by Rule .0305 of this Section and a certificate to this effect has been issued in accordance with Rule .0306 of this Section.

Authority G.S. 95-110.5.

13 NCAC 15 .0304 NUMBERING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

13 NCAC 15 .0305 ACCEPTANCE INSPECTION

(a) Notification. The person or firm installing, moving or altering any device or equipment shall notify the ~~Director~~ inspector listed on the permit at least five days before the inspection is desired. The notification shall be in writing and shall include the following:

- (1) name and address of the contractor,
- (2) name and address of the owner,
- (3) location of the device or equipment,
- (4) date of request for inspection.

If the person or firm installing, moving or altering the device or equipment will not be ready for inspection on the date requested, he or she shall ~~immediately~~ notify the Director assigned inspector as soon as possible and at least 24 hours prior to the scheduled inspection. so that an inspector will not be required to make an unnecessary trip.

(b) Inspections. The Director or an inspector of the ~~Division Bureau~~ shall inspect all new, ~~altered~~ altered, or relocated devices or equipment subject to this Chapter for conformity with the requirements of this Chapter. ~~these regulations.~~ The inspection shall be made made, when practicable, within two days of the date requested. requested subject to inspector schedules and availability.

(c) Elevators, Dumbwaiters, Escalators and Moving Walks. The person or firm installing, moving or altering an elevator, dumbwaiter, escalator, moving walk, inclined stairway chairlift, or inclined or vertical wheelchair lift, shall, in the presence of the Director or an inspector, subject the new, moved or altered portions of the equipment to an acceptance test as required by the Elevator Safety Code.

(d) Special Equipment. The person or firm installing, moving or altering any special equipment shall, in the presence of the Director or an inspector, subject the new, moved or altered portion of the equipment to such tests as may be required by the Director to ~~insure~~ ensure safe operation.

(e) Violations. If, after inspecting and performing tests on the equipment, the inspector determines that the condition of the equipment is not in full compliance with the rules of this Chapter, the inspector will inform the person or firm installing, moving or altering the device of any violations and will require compliance

before a certificate for of operation, as prescribed in Rule .0306 of this Section, will be issued.

Authority G.S. 95-110.5.

13 NCAC 15 .0306 CERTIFICATES OF OPERATION

(a) Issuing of Final Certificates of Operation. A certificate of operation shall be issued by the Director where the inspections and tests, required by Rule .0305 of this Section, show beyond a reasonable doubt that the equipment has been designed and installed in accordance with the requirements of these Rules.

(b) Framing of Certificates. The certificate furnished by the Director shall be maintained in a suitable 6 inch by 8.5 inch frame compliant with A17.1 frame and under a transparent cover.

(c) Numbering of Certificates. The final certificate of operation shall show the registration number of the equipment for which it is issued, as required in Rule .0304 of this Section.

(d) Posting of Certificates of Operation. The required certificates shall be posted conspicuously as follows:

- (1) inside elevator cars, or
- (2) inside dumbwaiter cars, or
- (3) inside escalator and moving walk machine rooms, or
- (4) ~~in locations designated by the Division~~ if the certificate is subject to vandalism, displayed in a location approved by the Bureau for the purpose of having the certificate displayed while limiting the possibility for vandalism.

(e) Limited Certificate of Operation.

- (1) Issuance for Elevator. ~~The Director may allow the temporary use of any elevator for passenger or freight service during its installation or alteration under the authority of a limited certificate, issued for each class of service. Such~~ The Bureau shall issue a limited certificate of operation for the temporary use of an elevator for passenger or freight service during its installation or alteration limited certificate shall not be issued for elevators until if the elevator has been tested with rated load, and the car safety, hoistway door interlocks, car door switch, and terminal stopping devices have been tested to determine the safety of the equipment for construction purposes. The installation must comply with all the requirements of Section 5.10 of A17.1.

- (2) Issuance for Personnel Hoist. The Director may allow the temporary use of any personnel hoist under the authority of a limited certificate. Such limited certificate shall not be issued until the personnel hoist has been tested with rated load, and the car safety, hoistway door interlocks, car door switch, and terminal stopping devices have been tested to determine the safety of the equipment.

- (3) Life of Limited Certificates of Operation. Limited certificates of operation ~~may in the case of an elevator~~ shall be issued for a period

not to exceed 90 days. Limited certificates of operation ~~for a personnel hoist~~ may be used for a period not exceeding the length of the applicable construction project. ~~Such certificates may be renewed upon receiving a written request showing cause for renewal. Such request must be received 15 days prior to the expiration of said limited certificate. Limited certificates of operation shall be renewed if the owner or operator submits a written request in writing showing cause for the renewal at least 15 days prior to the expiration of the limited certificate of operation. For purposes of this Subparagraph, cause includes the building being under construction or the elevator being installed or altered.~~

- (4) Posting of Limited Certificates of Operation. Limited certificates of operation shall be posted conspicuously on each elevator or personnel hoist. Such limited certificates for elevators shall bear a notice stating that the equipment has not been finally approved.

(f) Revocation of Certificate of Operation. The Director may revoke a certificate of operation for any of the following reasons:

- ~~(A)~~(1) Operation of an unsafe device or equipment which is likely to result in personal injury or property damage.
- ~~(B)~~(2) Failure to comply with the provisions of Article 14A of Chapter 95 of the North Carolina General Statutes or the rules in this Chapter.
- ~~(C)~~(3) Non-payment of the inspection fees established in ~~13 NCAC 15 .0702~~ G.S. 95-110.5A if payment is not received within 30 days of the date of invoice.
- ~~(2)~~ If the Director revokes a certificate of operation pursuant to 13 NCAC 15 .0306(f)(1), the affected party shall be given notice of the availability of an administrative hearing and of judicial review in accordance with Article 3 of Chapter 150B of the N.C. General Statutes.

(g) Reissuance of Revoked Certificate of Operation.

- (1) If the Director revokes a certificate of operation pursuant to 13 NCAC 15 .0306(f)(1)(a), .0306(f)(1) the owner or operator shall notify the Director in writing when the hazard has been abated and shall request a reinspection of the device or equipment. Once the Director or his assignee has conducted the requested reinspection and has determined that the hazard has been abated and the device may be operated safely, the certificate of operation shall be reissued upon payment of the inspection fee pursuant to ~~13 NCAC 15 .0702~~ G.S. 95-110.5A, ~~and the reissuance fee pursuant to 13 NCAC 15 .0706. Payment of the applicable fees shall be made in accordance with 13 NCAC 15 .0306(g)(4).~~

- (2) If the Director revokes a certificate of operation pursuant to 13 NCAC 15 .0306(f)(1)(b),

~~.0306(2)~~, the owner or operator shall notify the Director in writing when the provisions of Article 14A of Chapter 95 of the North Carolina General Statutes and the rules in this Chapter have been satisfied. Once the Director or his assignee has conducted the requested reinspection and determined that the provisions of Article 14A of Chapter 95 of the North Carolina General Statutes and rules of this Chapter have been satisfied, the certificate of operation shall be reissued upon payment of the inspection fee pursuant to G.S. 95-110.5A, ~~43 NCAC 15 .0702 and the reissuance fee pursuant to 13 NCAC 15 .0706~~. ~~Payment of the applicable fees shall be made in accordance with 13 NCAC 15 .0306(g)(4).~~

- (3) If the Director revokes a certificate of operation pursuant to 13 NCAC 15 ~~.0306(f)(1)(e)~~, .0306(f)(3), upon payment of the original inspection fee pursuant to G.S. 95-110.5A, ~~43 NCAC 15 .0702 and the reissuance fee pursuant to 13 NCAC 15 .0706~~, the certificate of operation shall be reissued. ~~Payment of the applicable fees shall be made in accordance with 13 NCAC 15 .0306(g)(4).~~
- (4) Payment of the fees referenced in this rule shall be made by credit card, certified check, bank check or money order payable to the North Carolina Department of Labor. The owner shall notify the Division in writing when payment has been made.

Authority G.S. 95-110.5; 95-110.5A; 95-110.6; 95-110.7.

13 NCAC 15 .0307 MAINTENANCE AND PERIODIC INSPECTIONS AND TESTS

(a) Inspections and Tests. Devices and equipment shall be subject to maintenance and periodic inspections and tests in accordance with the requirements of the A17.1 - American National Standard, incorporated by reference under Rule .0201 of this Chapter; and in accordance with the National Electric Code, incorporated by reference under Rule .0206 of this Chapter. Special equipment as defined by G.S. 95-110.4(n) shall be subject to periodic and to maintenance inspections and tests in accordance with A17.1 of the ASME Safety Code for Elevators and Escalators, the National Electric Code, and manufacturers' specifications.

(b) ~~Inspections.~~

- (1) ~~Advance Notice.~~ Advance Notice of Inspections. Inspections shall be accomplished without advance notice, except ~~where the Director determines that~~ advance notice of an inspection is necessary to complete the inspection.
- (2) ~~Inspection Report Forms.~~ The inspector shall note findings of his inspection and tests on the inspection report form.

(c) Certificate of Operation Issuance.

- (1) Closing Conference. After the inspections and tests of the equipment prescribed in this Rule,

the inspector shall, when possible, hold a closing conference with the owner or his representative. If a closing conference is not held, the report shall be transmitted to the owner in writing.

- (2) Approval. When the inspector has determined that the equipment is in compliance with the rules in this Chapter and G.S. 95 Article 14A, the inspector ~~may~~ shall reissue the certificate of operation.

- (3) Violations creating unsafe conditions. When the inspector has determined the equipment is not in compliance with the ~~regulations~~ rules of this Chapter and all applicable law, and that the non-compliance creates an unsafe condition that exposes the public to an unsafe condition likely to result in serious personal injury or property damage, the inspector shall immediately order, in writing, that the use of the equipment be stopped until such time as it is determined that the equipment has been made safe for use by the public. The inspector shall provide the owner or his representative with a description of all violations and necessary repairs.

(A) Notice. After an inspector has issued a written order which stops or limits the use of the equipment, the owner or his representative shall notify the Division, in writing, when the equipment is brought into compliance with the ~~regulations~~ rules of this Chapter and G.S. 95 Article 14A.

(B) Reinspection. After receipt of written notice from the owner or his representative that the equipment has been brought into compliance with the regulations of this Chapter and all applicable law, an inspector shall reinspect to determine if all violations have been corrected and necessary repairs have been made and the equipment is in compliance with the rules in this Chapter and G.S. 95 Article 14A.

- (4) Violations not creating unsafe conditions. When the inspector has determined the equipment is not in compliance with the ~~regulations~~ rules of this Chapter and G.S. 95 Article 14A, and that the non-compliance does not create an unsafe condition which is exposing the public to an unsafe condition likely to result in serious personal injury or property damage, the inspector shall provide the owner or his representative with a description of all violations and necessary repairs.

(A) Corrective action. The owner or his representative shall have 60 calendar

days from receipt of written notice of all violations and necessary repairs to comply with the regulations of this Chapter and all applicable law, correct violations and complete necessary repairs.

(B) Notice. The owner or his representative shall notify the Division in writing within 60 calendar days of receiving written notification of the violations and necessary repairs that the equipment has been brought into compliance with the ~~regulations~~ rules of this Chapter and G.S. 95 Article 14A.

(C) Follow-up Inspection. If the owner or his representative fails to provide notice of abatement as required by Part (B) of this Subparagraph, and an inspection is required to determine status of abatement, then the owner or his representative shall pay ~~a follow-up inspection fee of two hundred dollars (\$200.00).~~ an applicable inspection fee as required by G.S. 95-110.5A.

(d) Tests. Periodic tests required by the A17.1 - American National Standard Safety Code for Elevators and Escalators shall be performed in the presence of an elevator inspector whenever possible. In the absence of an inspector, a signed copy of the test report shall be sent to the Director of the Division without delay. The report shall be signed by the person conducting such tests.

Authority G.S. 95-110.5; 95-110.5A.

13 NCAC 15 .0308 WIRING DIAGRAMS

Authority G.S. 95-110.5.

13 NCAC 15 .0309 LIMITATIONS ON WHEELCHAIR LIFTS

Authority G.S. 95-110.5.

SECTION .0400 - AMUSEMENT DEVICES

13 NCAC 15 .0401 APPLICABILITY AND DEFINITIONS

~~The~~ (a) This Section is applicable to all amusement devices within the scope of Article 14B of Chapter 95 of the General Statutes.

(b) For purposes of this Section, the definitions in ASTM F747-21A are hereby incorporated by reference, including subsequent amendments and editions, and are available at www.astm.org for eighty-six dollars (\$86.00). If there is any conflict between ASTM F747-21A and the rules of this Section, the rules of this Section apply.

Authority G.S. 95-111.4.

13 NCAC 15 .0402 RESPONSIBILITY FOR COMPLIANCE

(a) Every owner, operator, manufacturer, or designer of an amusement device shall comply with the rules of this Section.

(b) Designers and manufacturers of amusement devices shall follow the procedures of the ASTM F2291 ~~ASTM F1159 – Standard Practice for Design of Amusement Rides and Devices, Devices that are Outside the Purview of Other F24 Design Standards,~~ which is hereby incorporated by reference, including all subsequent amendments and editions.

(c) Designers and manufacturers of amusement devices shall follow the procedures of the ASTM F1193 – Standard Practice for Quality, Manufacture, and Construction of Amusement Rides and Devices, which is hereby incorporated by reference, including all subsequent amendments and editions.

(d) Owners of amusement devices shall follow the procedures of ASTM F770 – Standard Practice for Ownership, Operation, Maintenance, and Inspection of Amusement Rides and Devices, which is hereby incorporated by reference, including all subsequent amendments and additions.

(e) Owners and operators shall comply with the manufacturer's design and instructions for an amusement device.

~~(e)(f)~~ Copies of all ASTM International standards incorporated by reference in this Rule may be obtained from ASTM International via U.S. Mail at P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959, via telephone at (610) 832-9500, or via the internet at www.astm.org. The cost of each publication is as follows:

- (1) ~~ASTM F1159~~ ASTM F2291 is ~~forty four dollars (\$44.00)~~ one-hundred and fifteen dollars (\$115.00) per copy;
- (2) ASTM F1193 is ~~fifty six dollars (\$56.00)~~ seventy-six dollars (\$76.00) per copy; and
- (3) ASTM F770 is ~~forty four dollars (\$44.00)~~ sixty-nine dollars (\$69.00) per copy.

~~(f) An engineering analysis prepared by the manufacturer of each ride or device shall be submitted to the North Carolina Department of Labor, Elevator and Amusement Device Bureau, prior to the time of inspection and before the ride or device is operated in North Carolina.~~

Authority G.S. 95-111.4.

13 NCAC 15 .0403 LOAD TESTS

Authority G.S. 95-111.4.

13 NCAC 15 .0404 LOCATION NOTICES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

13 NCAC 15 .0405 INSPECTIONS

An inspector shall inspect each amusement device at each location to determine if the device:

- (1) ~~has been soundly constructed and properly erected;~~ has been constructed and erected in accordance with one of the following:
 - (a) the device's manufacturer's instructions;
 - (b) the device's engineering plans; or

- (c) if instructions or plans do not exist, an evaluation by a licensed engineer for compliance with standard engineering practices;
- (2) has been modified to comply with any changes in safety requirements prescribed by the ~~manufacturer,~~ manufacturer;
- (3) has complied with the rules ~~and regulations of this Section, and Section;~~ and
- (4) has in existence a policy of insurance as required by G.S. 95-111.12.

Authority G.S. 95-111.4; 95-111.12.

13 NCAC 15 .0406 UNSAFE DEVICES

~~If the inspector finds that the amusement device presents an imminent danger, he may attach to such device a notice warning all persons against the use thereof. Such notice shall not be removed until the device is made safe, and then only by a representative of the Director. In the meantime, the device shall not be used. If a device is determined to be noncompliant in accordance with G.S. 95-111.6, the inspector shall attach a notice to the device warning persons against use of the device.~~

Authority G.S. 95-111.4; 95-111.6; 95-111.9.

13 NCAC 15 .0407 IDENTIFICATION AND RATING PLATES

Every amusement device shall be identified by a trade or descriptive name and an identification number, and there shall be ~~firmly~~ attached to the device in a ~~readily~~ visible location a metal plate upon which there is ~~legibly~~ impressed the name and number of the device, its model ~~number~~ number, if any, and the name and address of its manufacturer. Upon the same or another metal plate so attached there shall be ~~legibly~~ impressed the maximum safe number of passengers, and the maximum safe speed.

Authority G.S. 95-111.4.

13 NCAC 15 .0408 REBUILT AND MODIFIED DEVICES

~~If an amusement device which has withstood a performance test as required in Rule .0403 of this Section is thereafter materially rebuilt or so modified to change its original action, has undergone a rebuild, alteration, or modification to change the device's original design:~~

- (1) The device shall be re-identified by a different name or identification number or both.
- (2) The device shall be subject to ~~all other the~~ rules of this Section as if it were a new device not previously used.

Authority G.S. 95-111.4.

13 NCAC 15 .0409 ASSEMBLY AND DISASSEMBLY

Authority G.S. 95-111.4.

13 NCAC 15 .0410 DAILY INSPECTION AND TEST

Authority G.S. 95-111.4; 95-111.5.

13 NCAC 15 .0411 CONTROL OF OPERATION

Every operator shall have knowledge of the use and function of all normal and emergency operation controls and of the proper use in accordance with the manufacturer's instructions of the device. An operator shall be ~~in the immediate vicinity of~~ directly adjacent to the operating controls during operation and no other person shall be permitted to handle such controls during ~~normal~~ operation. ~~This provision does not apply to amusement devices designed to be operated or controlled by a passenger.~~

Authority G.S. 95-111.4; 95-111.11.

13 NCAC 15 .0412 OVERLOADING AND OVERSPEEDING

Authority G.S. 95-111.4.

13 NCAC 15 .0413 WIND AND STORM HAZARDS

Authority G.S. 95-111.4.

13 NCAC 15 .0414 LIGHTING

Authority G.S. 95-111.4.

13 NCAC 15 .0415 DESIGN AND CONSTRUCTION REQUIREMENTS

- ~~(a) All structures~~ structures, including foundations, used in connection with amusement devices shall be so designed and constructed as to carry safely all loads to which such structures may ~~normally~~ be subjected.
- ~~(b) All amusement devices shall be designed, constructed and installed so as to withstand any normal stresses to which they may be subjected.~~
- ~~(c) Before being used by the public, amusement devices shall be so placed or secured with blocking, cribbing, outriggers, guides or other means as to be stable under all operating conditions.~~

Authority G.S. 95-111.4.

13 NCAC 15 .0416 NUMBER OF EXITS

At least two ~~exits remote from each other~~ separate exits which are not directly adjacent shall be provided from each floor, tier, ~~room~~ room, or balcony in structures which house amusement ~~devices,~~ and which are not places of public assembly. devices. No exit shall be less than 20 inches wide.

Authority G.S. 95-111.4.

13 NCAC 15 .0417 ACCESS AND EGRESS

Authority G.S. 95-111.4.

13 NCAC 15 .0418 EMERGENCY BRAKES AND ANTI-ROLLBACK DEVICES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

13 NCAC 15 .0419 SIGNAL SYSTEMS

Signal systems for the starting and stopping of amusement devices shall be provided where the operator of the device does not have a clear view of the point at which passengers are loaded or unloaded. Any code of signals adopted shall be printed and kept posted at both operator's and signalman's stations. All persons who may use these signals shall be ~~carefully~~ instructed in their use. Signals for the movement or operation of an amusement device shall not be given until all passengers and other persons who may be endangered are in a position of safety.

Authority G.S. 95-111.4.

13 NCAC 15 .0420 PUBLIC PROTECTION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

13 NCAC 15 .0421 GUARDING OF MACHINERY

Machinery used in or with an amusement device shall be enclosed, ~~barricaded~~ barricaded, or otherwise ~~effectively~~ guarded against ~~contact~~. any contact. Guards removed for maintenance purposes shall be replaced before normal operation is resumed.

Authority G.S. 95-111.4.

13 NCAC 15 .0422 SPEED-LIMITING DEVICES REQUIRED (READOPTION WITHOUT SUBSTANTIVE CHANGES)

13 NCAC 15 .0423 PASSENGER-CARRYING DEVICES

The interior and exterior parts of all passenger-carrying amusement devices with which a passenger may come in contact shall be smooth and rounded, free from sharp, rough or splintered edges and corners, with no protruding studs, bolts, screws or other projections which might cause injury. Interior parts upon or against which a passenger may be forcibly thrown by the action of the ride shall be ~~adequately~~ padded. Devices which are self-powered and which are operated by a passenger shall have the driving mechanism so guarded and the guards so locked in place as to prevent passengers from gaining access to the mechanism. ~~Such belts, bars, foot rests and other equipment as may be necessary for safe entrance and exit and for support while the device is in operation shall be provided. Such equipment and the fastenings thereof shall be of sufficient strength to retain the passengers. The fastenings shall be of a type which cannot be inadvertently released.~~

Authority G.S. 95-111.4.

13 NCAC 15 .0424 ELECTRICAL SAFETY REQUIREMENTS

~~(a) General Requirements. All electrical wiring, equipment and apparatus used for amusement devices or for lighting shall comply with the National Electrical Code, NFPA 70. 70 and shall be properly and legally installed, operated and maintained. The~~

National Electrical Code, NFPA 70 is hereby incorporated by reference, including subsequent amendments and editions, and is available at <https://www.nfpa.org/codes-and-standards/nfpa-70-standard-development/70> for one-hundred and sixty-one dollars (\$161.00).

- ~~(1) Branch Circuits. The circuit for each ride shall be protected by fuses or a circuit breaker at the junction box or at the generator.~~
- ~~(2) Disconnecting Means. Each ride shall be provided with a main line disconnect switch or breaker. The disconnect switch or breaker shall be located at the ride. Each branch circuit on a ride shall be further provided with a disconnecting means.~~
- ~~(3) Conductors. Conductors supplying current to rides shall be of moisture resistant construction and insulated for the maximum voltage supplied to the ride.~~
- ~~(4) Grounding. Grounding of rides shall be by means of one or more grounding electrodes driven at the generator or other service. The grounding conductor to each junction box shall be of sufficient size to carry the maximum voltage generated by the system. Grounding conductors to each ride shall not be less than No. 8 awg. wire size.~~

~~(b) Protection of Employees. No employee shall be suffered or permitted to work in such proximity to any part of an electric power circuit that he may contact the same in the course of his work unless he is protected against shock by de energizing the circuit, grounding it or guarding it, by effective insulation. If protection is supplied by de energizing the circuit, the switch controlling the circuit shall be locked out to prevent inadvertent closing.~~

~~(c) High Voltage Lines. The outlets of electric power lines carrying more than 120 volts shall be clearly marked to show their voltage.~~

~~(d) Transformers. All electrical transformer sub-stations shall be properly enclosed and proper warning signs posted.~~

~~(e) Outdoor Apparatus and Wiring. Electrical apparatus and wiring located outdoors shall be of such quality and so constructed or protected that exposure to weather will not interfere with its normal operation.~~

~~(f) Elevated Lines. Elevated power lines crossing access or other roads within the grounds of a carnival, fair or amusement park shall be so suspended as to provide minimum vertical clearance of 12 feet from the road surface and minimum horizontal clearance of three feet on each side of the normal passage space of vehicles.~~

~~(g) Grounding. Temporary electric installations shall be properly grounded.~~

~~(h) Exposed Conductors. Bare wires and other uninsulated current-carrying parts shall be guarded against inadvertent contact by means of proper location or by fence or other barrier.~~

~~(i) Overcurrent Protection. Conductors shall be provided with overcurrent protective devices according to load. No such device shall be installed in neutral or grounding conductors.~~

~~(j) Generator Grounding. Where electrical power is supplied for an amusement device or a temporary structure by a privately~~

operated generating system, the generator and all equipment shall be properly grounded if the system incorporates a ground.

(k) ~~Receptacles and Caps.~~ All receptacles and attachment caps shall be of the ground type.

(l) ~~Abrasion Protection.~~ Wiring laid on surfaces traversed by vehicular or pedestrian traffic shall be adequately protected against wear and abrasion.

Authority G.S. 95-111.4.

13 NCAC 15 .0425 AIR COMPRESSORS AND EQUIPMENT

Authority G.S. 95-111.4.

13 NCAC 15 .0426 FIRE PREVENTION AND PROTECTION

(a) Fire Resistance of Fabrics. Fabrics constituting part of an amusement device shall be fire-resistant in accordance with NFPA 701 Standard Methods of Fire Tests for Flame Propagation of Textiles and Films. This standard is hereby incorporated by reference, including subsequent amendments and editions, and is available at www.nfpa.org for one-hundred and fifty-seven dollars (\$157.00). ~~to meet the following standard: Two strips or test sections either of the fabric used or of other fabric identical therewith shall be tested. Each strip shall be not less than six inches wide and 12 inches long. Each strip shall be thoroughly dry and shall then be subjected to an open flame applied to the lower edge while the strip is held vertically for 12 seconds. Neither strip shall flame for more than two seconds after the test flame is removed from contact nor shall the average length of char exceed 2 1/2 inches. Such a test is not required by this Section if other evidence of the required degree of fire resistance is accepted by the Commissioner as sufficient.~~

(b) Fire Extinguishers. ~~Approved fire extinguishers shall be provided where necessary to secure reasonable and adequate protection from fire hazards. At least a 10 pound A.B.C. fire extinguisher shall be provided at gas-powered amusement devices or generators.~~

(c) Flammable Waste. Flammable waste such as oily rags and other flammable materials shall be placed in a covered metal container which shall be kept in easily accessible locations, in a location accessible to the ride operator. Such containers shall not be kept at or near exits.

(d) ~~Flammable Liquids, Liquids and Gases.~~ Flammable and combustible liquids shall be stored in accordance with NFPA 30, Flammable and Combustible Liquids Code. NFPA 30 is hereby incorporated by reference, including subsequent amendments and editions, and is available at nfpa.org for one hundred and fifty-seven dollars (\$157.00). ~~Gasoline and other volatile liquids and flammable gases when stored shall be kept in reasonably cool and ventilated places. Such liquids shall be in approved safety cans. They shall not be stored on or near a device while it is in operation. Smoking and the carrying of lighted cigar, cigarettes or pipes is prohibited in any area where such liquids or gases are stored or are transferred from one container to another.~~

Authority G.S. 95-111.4.

13 NCAC 15 .0427 CLEANLINESS

~~A suitable number of metal containers for refuse shall be provided in and around all amusement devices. Excessive accumulations of trash or rubbish shall be promptly removed. All parts of amusement devices used by passengers or customers shall be maintained in a clean condition. Any accumulation of trash or rubbish shall be removed.~~

Authority G.S. 95-111.4.

13 NCAC 15 .0428 SUBSTITUTE DEVICES AND PARTS

Authority G.S. 95-111.4.

13 NCAC 15 .0429 GO KARTS

(a) Go Karts shall comply with ASTM F2007, Standard Practice for Design, Manufacture, and Operation of Concession Go-Karts and Facilities. ATSM F2007-18 is hereby incorporate by reference, including subsequent amendments and editions, and is available at www.astm.org for eighty-six dollars (\$86.00).

~~(a)(b)~~ Go Kart Design. All go karts shall comply with the following standards.

- (1) Numbering of Go Karts. Each shall be provided an identifying number that can be easily seen by the operator. A corresponding number shall be stamped or attached to the frame of the go kart.
- (2) Speed. Go kart speed shall not exceed the maximum speed for which the track is designed. The speed of adult go karts shall be set not to exceed 28 miles per hour. ~~hour unless approved by the Department.~~ Kiddie go karts shall not exceed 10 miles per hour. When a go kart is designed to permit the readjustment of its maximum speed, the means of adjustment shall not be accessible to the driver of the go kart.
- (3) Seats, Seat Belts and Shoulder Straps. All go karts shall meet one of the following requirements:
 - (A) The seat, back rest, and leg area shall be designed to retain the driver/occupants inside the go kart in the event of a rollover or a collision at the front, rear, or side of the go kart; or
 - (B) The go kart shall be equipped with seat belts and shoulder straps mounted in a manner that will restrain the occupant(s) in the vehicle in case of a collision or rollover. ~~Properly mounted~~ Mounted safety harnesses as effective as seat belts and shoulder straps may be substituted for seat belts and shoulder straps.
- (4) Occupancy. Go karts shall be occupied by only one person at a time unless the go kart is designed and equipped with a seat and safety belt system that is intended for and is suitable for two persons.

- (5) Guarding of Parts. Rotating, moving, hot ~~engine engine~~, or muffler parts shall be guarded to prevent contact or entanglement of the occupant's hair, clothing, or other body parts.
- (6) Brakes. Go karts shall have a braking system designed and adjusted to permit them to be brought to a complete stop within 40 feet from maximum speed with their maximum weight on board.
- (7) Brake and Throttle Controls. Go karts shall have brake and throttle controls that are readily recognizable as to their function. The operator shall also instruct each driver on the operation of the brake and throttle controls before each operation. The controls shall return automatically to their non-operational position when released.
- (8) Padding of Exposed Protruding Components. Go karts shall have their steering wheel hub and all other protruding exposed parts within the driving compartment padded to minimize the risk of injury to an occupant in the event of a collision or overturn.
- (9) Roll Bars and Head Rests. All adult go karts must be provided with a roll bar of sufficient height and strength to provide the occupant with protection in the event of a roll over. Seats of all go karts must be provided with a padded head rest. The head rest may substitute as a roll bar if it is of sufficient height and strength.
- (10) Bumpers. Go karts shall be provided with bumpers or energy absorption body parts.
- (11) Wheel Guards. The wheels of every go kart shall be enclosed or guarded in such a manner that the wheels of another go kart cannot interlock with or ride over them.
- (12) Fuel Tanks. Go kart fuel tanks shall be designed and mounted so that the tank cannot be ruptured in the event of a collision or a roll over.
- (13) Noise Level. Go karts shall be provided with muffler systems capable of limiting sound from the engine to 75 dBA when measured at a distance of 50 feet from the outer edge of the go kart track.
- (14) Spark Arrester. All gas powered go karts shall have a spark arrester and deflector on the exhaust.

~~(b)(c)~~ Track Design. Plans for proposed construction of go kart tracks in the State of North Carolina shall be submitted to the North Carolina Department of Labor, Elevator and Amusement Device Bureau Division, 1101 Mail Service Center, Raleigh, North Carolina 27699, before construction begins. Buildings on the track site ~~must~~ shall be submitted to the local building inspection agency for approval. The design of the track shall be consistent with go kart manufacturer's recommendations for the speed of the go kart and be approved by the ~~department~~ Department. ~~The following requirements for track layout, track surface and track materials contained in Paragraphs~~ The Department shall issue a certificate of operation if the track design

meets the manufacturer's recommendations and the track meets the requirements of (e), (d) and (e), of this Rule. Rule, shall be ~~complied with before certificates of operation will be issued.~~

~~(e)(d)~~ Track Layout. Go kart tracks may be oval shaped or of road course configurations. They ~~may~~ shall not be constructed in the shape of a figure eight or have any cross connected points. Straight portions of the track shall be flat except that 2 degrees of banking may be provided for drainage. The width of all tracks shall be a minimum of 16 feet wide. Road courses may continue the same width for their entire length. Oval tracks shall have turns at least five feet wider than the straight portions and the minimum radius of the turns shall be 15 feet. Turns of oval tracks may be banked to a maximum of one inch for each one foot of track width. Any variation from the minimum track width shall be approved in advance, in accordance with 13 NCAC 15 .0107.

~~(d)(e)~~ Track Surface. A go kart track shall have a hard smooth surface. It shall provide sufficient road grip to be driven throughout the course at maximum speed. It shall be free of obstacles such as holes or bumps, or water or oil.

~~(e)(f)~~ Track Materials. Materials used in the surfacing of go kart tracks shall be asphalt, concrete, or other solid and binding materials. Proposals to use dirt track surfaces shall be submitted for special consideration and evaluation, in accordance with 13 NCAC 15 .0107.

~~(f)(g)~~ Track Safety and Guarding.

(1) Barriers. Every go kart track shall provide ~~properly~~ constructed barriers along the entire course on both inside and outside of the track. Barriers shall be so constructed that a go kart colliding with a barrier at maximum speed will come to a safe stop or be guided back to the track. Earthen berms may be used as a barrier provided they will stop a go kart safely. Bales of hay, straw, or other materials capable of being ignited may not be used as a barrier.

(2) Track Lanes. White or yellow lines, at least four inches wide, shall mark all inside and outside edges of the track.

(3) Fencing. The outside perimeter of a go kart track shall be protected by a fence at least 48 inches in height. The fence shall be set back at least 36 inches from the inside face of the track barrier. Gates shall be located for easy supervision by track attendants when the facility is open and they shall be kept locked when it is closed. The fence may be omitted where natural barriers provide the same degree of protection as the fence. Where two separate tracks are operated inside a single perimeter fence all go karts on both tracks shall start and stop at the same time.

(4) Fire Extinguishers. Every go kart track shall be equipped with ABC Dry Chemical Fire Extinguishers. The extinguishers shall have a minimum capacity of ~~five~~ ten pounds, in accordance with NFPA 10 – Standard for Portable Fire Extinguishers. At least one extinguisher shall be located in the following locations:

- (A) Within seventy feet of every track section;
- (B) In each pit area;
- (C) In each refueling stop;
- (D) In each go kart storage area; and
- (E) In the maintenance shop.

Each fire extinguisher location shall be prominently marked and the extinguisher shall be easily accessible.

- (5) Refueling Area. Refueling of go karts shall be carried out at a designated area remote from any area accessible to the public. Refueling areas shall comply with the requirements of the NFPA 70 - National Electrical Code, Sections 510, 511, and 514.
- (6) Track Lighting. Go kart tracks equipped for night operation shall have sufficient illumination at all sections of the track for drivers to be able to negotiate the entire course safely. It shall also be sufficient for operators to monitor the go karts on each section of the course. Lighting shall comply with the NFPA 70 - National Electrical Code and all other state and local requirements.
- (7) Pits or Pit Areas. Where provided, pits must be fenced or provided with a sufficient barrier to prohibit the entry of spectators. Pits shall have separate entrance and exit lanes.
- (8) Spectator Areas. Spectator areas shall be separated from the track and pit areas by a fence or barrier sufficient to withstand the impact of a go kart traveling at full speed. It shall be approximately level and free of holes or debris.

~~(f)(h)~~ Track Operation. The following standards of operation shall apply to electric or fuel powered go karts, dune buggies, auto racers, and all terrain vehicles.

- (1) All go karts must start and stop operation at the same time or a separate pit area shall be provided for loading and unloading purposes.
- (2) Drivers of adult go karts must be at least 48 inches (4 feet) tall and have a leg length sufficient to reach the brake and throttle controls when seated.
- (3) Drivers of kiddie go karts shall not exceed 54 inches (4 feet 6 inches) tall and must have a leg length sufficient to reach the brake and throttle controls when seated.
- (4) Adult go karts and kiddie go karts shall not be operated simultaneously on the same track.
- (5) No go kart may be operated when weather conditions are such that it may affect the safe operation of the go kart or when visibility on the track is less than 150 feet.
- (6) Each section of a go kart track shall be monitored during the time that any go kart is in operation. Monitoring shall be by direct visual contact by the operator or track attendants or by electronic visual surveillance.

- (7) A go kart that is losing oil or fuel shall be immediately removed from the track.
- (8) When the noise level of any go kart exceeds the requirements of Subparagraph (a)(13) of this Rule, it shall be immediately removed from the track until it has been repaired.
- (9) Safety equipment such as helmets (when used) and seat restraints shall be utilized in accordance with the manufacturer's recommendations for the type of use or operation and be of correct size for the person using it.
- (10) Persons with hair longer than shoulder length or wearing loose clothing that could obstruct the vision of the driver or become entangled in any moving part shall not be permitted to drive or ride a go kart. Hair that is longer than shoulder length may be tied up to reduce its length.
- (11) Persons whose behavior appears to be impaired by such as the use of drugs or alcohol shall not be permitted to drive a go kart.
- (12) Smoking shall not be permitted within 30 feet of a go kart.
- (13) Track regulations shall not permit persons to leave their go karts while any go kart is in operation on the track.
- (14) Signs containing the following information and other track regulations shall be posted at the track entrance or ticket window and conspicuously in the pit area.

- (A) To drive or ride an adult go kart you must be at least 48 inches tall.
- (B) To drive a kiddie go kart you may not be taller than 54 inches.
- (C) Keep both hands on the wheel at all times.
- (D) Keep both feet inside the go kart.
- (E) Hair longer than shoulder length must be tied up.
- (F) All loose clothing must be tucked in.
- (G) No smoking within 30 feet of a go kart.
- (H) Do not leave the go kart while on the track.

- (15) Signs that indicate the direction of travel for go karts shall be posted intermittently around the track perimeter.

~~(g)(i)~~ Inspections and Maintenance. Tracks and go karts shall be inspected and maintained for a safe operation at all times. The following inspections shall be made:

- (1) The track shall be inspected daily for potholes, bumps or loose material. Any defects discovered during the inspection ~~Necessary~~ repairs shall be made before opening the track.
- (2) Daily inspections shall be made on each go kart prior to operation. The inspection shall include:
 - (A) Wheel and tires;
 - (B) Steering mechanism;
 - (C) Frame welds;

- (D) Axles and spindles;
- (E) Safety belts, roll bars, and seat padding;
- (F) Gasoline tank, lines and valves;
- (G) Brake and throttle operation; and
- (H) Exhaust systems.

(3) Go kart maintenance shall be performed as recommended by the go kart manufacturer.

~~(h)(j)~~ Incorporations. For purposes of this Rule:

- (1) The NFPA 10 is hereby incorporated by reference, including subsequent amendments and editions, and is available at <https://www.nfpa.org/codes-and-standards/nfpa-10-standard-development/10> for one-hundred and fifty-seven dollars (\$157.00).
- (2) The National Electrical Code, NFPA 70 is hereby incorporated by reference, including subsequent amendments and editions, and is available at <https://www.nfpa.org/codes-and-standards/nfpa-70-standard-development/70> for one-hundred and sixty-one dollars (\$161.00).

Authority G.S. 95-111.4.

13 NCAC 15 .0439 GRANDFATHER PROVISION FOR AMUSEMENT DEVICES

(a) Amusement devices shall be maintained under the departmental rules in effect at the time of manufacturing. If the time of manufacturing is unknown, the amusement device shall be maintained under the rules in effect at the time of the device's first inspection by the Bureau.

(b) Any device rebuilt or modified as contemplated by Rule .0408 of this Section shall conform to the rules in effect at the time of the most recent rebuild or modification.

Authority G.S. 95-111.1; 95-111.2; 95-111.4.

13 NCAC 15 .0440 REGULATION OF WATERSLIDES

~~(a)~~ The classification, design, manufacture, construction, and operation of waterslides shall conform to the rules in this Section and the ASTM F 2376 – Standard Practice for Classification, Design, Manufacture, Construction, and Operation of Water Slide Systems, which is hereby incorporated by reference, including subsequent amendments and editions, and is available incorporated by reference. This incorporation includes subsequent amendments and editions of the Code.

~~(b)~~ Copies of the ASTM F 2376 – Standard Practice for Classification, Design, Manufacture, Construction, and Operation of Water Slide Systems may be obtained from the American Society of Testing and Materials (ASTM), via U.S. Mail at 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, via telephone at (610) 832-9585, or via the internet at www.astm.org. The cost is thirty four dollars (\$34.00) seventy-six dollars (\$76.00) per copy.

Authority G.S. 95-111.4(3).

SECTION .0500 - CIVIL MONEY PENALTIES

13 NCAC 15 .0502 EXCEPTIONS TO CIVIL PENALTY

Authority G.S. 95-110.5; 95-110.10; 95-111.4; 95-111.13.

13 NCAC 15 .0503 REFUSAL TO ISSUE CERTIFICATE OF OPERATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

CHAPTER 20 - CONTROLLED SUBSTANCES EXAMINATION REGULATION

SECTION .0100 - DEFINITIONS

13 NCAC 20 .0101 DEFINITIONS

~~As used in G.S. 95, Article 20 and this Chapter:~~ In addition to the definitions in G.S. 95-231, the following definitions apply to G.S. Chapter 95, Article 20 and this Chapter:

- (1) "All actions" means procedures performed on the sample to detect, identify, or measure controlled substances. ~~include, but are not limited to, "examinations and screening for controlled substances," "controlled substances testing," "drug testing," "screening," "screening test," "confirmation," and "confirmation test".~~
- (2) "Chain of custody" means the process of establishing the history of the physical custody or control of the sample from the time the examiner provides the container for the sample to the examinee through the later of:
 - (a) ~~The the~~ reporting of the negative result to the examiner;
 - (b) ~~The the~~ 90 day period specified in G.S. 95-232(d); or
 - (c) ~~The the~~ completion of the retesting described in G.S. 95-232(f).
- (3) "Employer or person charged" means an examiner found by the Commissioner to have violated G.S. Chapter 95, Article 20.
- ~~(3)(4)~~ (4) "On-site" means any location, other than an approved laboratory, at which a screening test is performed on prospective employees. For example, "on-site" locations include, but are not limited to, the examiner's place of business or a hospital, physician's office, or third-party commercial site operated for the purpose of collecting samples to be used in controlled substance examinations.
- (4) ~~"Sample" means the examinee's urine, blood, hair or oral fluids obtained in a minimally invasive manner and determined to meet the reliability and accuracy criteria accepted by laboratories for the performance of drug testing.~~
- (5) ~~"Employer or person charged" means an examiner found by the Commissioner to have violated G.S. 95, Article 20.~~

- (5) "Preliminary screening procedure" means a controlled substance examination that uses a single-use test device that:
- (a) Is portable and can be administered on-site;
 - (b) Meets the requirements of the U.S. Food and Drug Administration for commercial distribution contained in Title 21, Part 807 of the Code of Federal Regulations; and
 - (c) Meets the generally accepted cutoff levels contained in the Mandatory Guidelines for Federal Workplace Drug Testing Programs adopted by the U.S. Department of Health and Human Services' Substance Abuse and Mental Health Services Administration in 69 FR 19644.
- (6) "Sample" means the examinee's urine, blood, hair, or oral fluids obtained in a minimally invasive manner.
- (7) "Single-use test device" means the reagent-containing unit of a test system that:
- (a) Is in the form of a sealed container or cartridge that has a validity check, a nonresealable closure, or an evidentiary tape that ensure detection of any tampering;
 - (b) Is self-contained and individually packaged;
 - (c) Is discarded after each test; and
 - (d) Does not allow any test component or constituent of a test system to interact between tests.

Authority G.S. 95-231; 95-232; 95-234.

SECTION .0200 - GENERAL PROVISIONS

13 NCAC 20 .0201 COMPUTING TIME PERIODS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

13 NCAC 20 .0202 APPLICABILITY

Authority G.S. 95-232; 95-234.

13 NCAC 20 .0203 CONFIRMATION OF SAMPLES
For confirmation of positive results or for retesting of confirmed positive results, the approved laboratory shall use gas chromatography with mass spectrometry. ~~spectrometry (GC/MS) or the examiner shall bear the burden of proof to show that the substitute testing method used is an equivalent scientifically accepted method.~~

Authority G.S. 95-232; 95-234.

SECTION .0300 - USE OF CONTRACTORS

13 NCAC 20 .0301 EXAMINER OPTIONS

In collecting and transporting the sample to the approved laboratory, the examiner ~~may~~ shall:

- (1) ~~Collect~~ collect and transport the sample itself; ~~or~~
- (2) ~~Send~~ send the examinee to the approved laboratory for the collection; or
- (3) ~~Contract~~ contract with a third party to collect and transport the sample. Examples of a third party include physicians, medical clinics, hospitals, or consortia established to negotiate rates for these services.

Authority G.S. 95-231; 95-232; 95-234.

13 NCAC 20 .0304 CONTRACTOR PROCEDURES

If the examiner contracts with a third party for collection, screening, or confirmation testing, the examiner shall ensure that the contractor's procedures comply with requirements of G.S. 95, Article 20 and this Chapter. ~~Compliance with the requirements of the United States Department of Health (and Human Services (DHHS), 59 Federal Register No. 110, pages 29908 through 29931 (June 9, 1994), for all aspects of the controlled substance examination shall meet the requirements of G.S. 95, Article 20 and this Chapter. Compliance with the requirements of the College of American Pathologists' (CAP) Forensic Urine Drug Test Inspection Checklist shall meet the requirements of G.S. 95, Article 20 and this Chapter for screening, confirmation and retesting of confirmed samples. If the examiner adopts alternative procedures, the examiner shall ensure that the alternative procedures meet the requirements of G.S. 95, Article 20 and this Chapter. However, nothing in the DHHS or CAP requirements shall be interpreted to:~~

- (1) ~~require the examiner to use the services of a medical review officer; or~~
- (2) ~~allow the examiner to conduct on-site screening for current employees.~~

Authority G.S. 95-231; 95-232; 95-234.

13 NCAC 20 .0305 LABORATORY INSTRUCTIONS

The examiner shall follow procedural instructions of the approved laboratory regarding the controlled substance examination. ~~examination, unless the examiner follows equally reliable procedures which it has previously adopted in writing. The examiner shall bear the burden of proof to show these alternative procedures are equally reliable.~~ Examples of procedural instructions include, but are not limited to, instructions regarding:

- (1) collection of samples;
- (2) reasonable and sanitary conditions for collection;
- (3) chain of custody;
- (4) preservation of examinees' individual dignity; procedural requirements intended to protect individual dignity as contemplated by G.S. 95-232(b);
- (5) prevention of substitution or adulteration of samples;

- (6) prevention of interference with the collection, examination, or screening of samples;
- (7) on-site screening;
- (8) confirmation of positive tests; and
- (9) any other action to be taken with regard to the collection, labeling, packaging, transportation, screening, documentation, or preservation of samples used for controlled substance examinations.

Authority G.S. 95-231; 95-232; 95-234.

13 NCAC 20 .0306 RETESTING LABORATORY INSTRUCTIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0400 - NOTICE TO EXAMINEES

13 NCAC 20 .0401 INITIAL NOTICE TO EXAMINEES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

13 NCAC 20 .0402 POST-TESTING NOTICE TO EXAMINEES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0500 - CONFIDENTIALITY

13 NCAC 20 .0501 CONFIDENTIALITY OF INFORMATION RELATED TO CONTROLLED SUBSTANCE EXAMINATIONS

(a) For purposes of this Section, "confidential information" means examinees' controlled substance examination results, medical histories, prescriptions, and personally identifiable information.

(b) Examiners and their agents shall not release examinees' confidential information unless otherwise authorized by law or this Chapter.

~~In order to preserve individual dignity and privacy, examiners and their agents shall keep information confidential relating to examinees' controlled substance examinations, unless otherwise authorized by law or this Chapter.~~

Authority G.S. 95-231; 95-232; 95-234.

13 NCAC 20 .0502 EXAMPLES

Authority G.S. 95-231; 95-232; 95-234.

13 NCAC 20 .0503 RELEASE OF CONFIDENTIAL INFORMATION

Examiners and their agents may release confidential information ~~information which would otherwise be confidential under this Chapter~~ in the following circumstances:

- (1) to the examinee or to any other person upon written authorization signed by the examinee;
- (2) to laboratories performing screening, confirmation tests, or retests of confirmed positive results;

- (3) ~~for employment related reasons. Examples of employment related reasons include: performance evaluations, discipline and provision of references; or to an employer or prospective employer; or~~
- (4) to a government agency, court or other tribunal having jurisdiction over any claim or proceeding involving the examinee and the examiner.

Authority G.S. 95-231; 95-232; 95-234.

SECTION .0600 - PAYMENT OF EXPENSES

13 NCAC 20 .0601 PAYMENT OF EXPENSES

Authority G.S. 95-232; 95-234.

13 NCAC 20 .0602 REASONABLE EXPENSES

(a) "Reasonable expenses for retesting" as used in G.S. 95-232(f) means:

- (1) the actual cost of the retest charged by the approved laboratory;
- (2) fees assessed by the approved laboratory for expenses associated with the retest. Examples of laboratory expenses include chain of custody procedures and shipping;
- (3) a maximum of fifteen dollars (\$15.00) for the examiner's expenses, if any, to comply with chain of custody procedures related to the retest. The amount of fifteen dollars (\$15.00) for the expenses described in this Item shall be deemed to be a reasonable amount. The examiner may charge more than fifteen dollars (\$15.00) for the expenses described in this item if the examiner proves the actual cost of expenses greater than fifteen dollars (\$15.00); and
- (4) the actual cost of any shipping expenses the examiner incurs related to the retest.

(b) The examiner shall pay reasonable expenses related to all controlled substance examinations except examinee-requested retests as specified in G.S. 95-232(f).

Authority G.S. 95-232; 95-234.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Coastal Resources Commission intends to adopt the rules cited as 15A NCAC 07H .2801-.2805, and amend the rules cited as 15A NCAC 07H .0106, .0205-.0207, .0308, and .0309.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.deq.nc.gov/about/divisions/division-coastal-management/coastal-resources-commission/crc-proposed-rules>
Proposed Effective Date: May 1, 2027

Public Hearing:

Date: October 19, 2026

Time: 5:00 p.m.

Location: Division of Coastal Management, 400 Commerce Ave, Morehead City, NC 28557

Reason for Proposed Action: Rule 07H .0308 defines the use standards for development within the Ocean Hazard Area of Environmental Concern (OHA AEC). Subparagraph (b)(2) identifies temporary erosion control structures as sandbags and provides use standards for these structures within the OHA AEC. The rule further defines the color and dimensions of sandbags allowable under 07H .0308(b)(2)(L). A new subparagraph .0308(b)(2)(O) will differentiate what is allowable for color and dimensions of temporary erosion control structures for the protection of public roadways. This amendment will allow broader color and dimension criteria to the protection of public roadways by the NC Department of Transportation (NCDOT). These changes are needed due to recurring erosion events prompting NCDOT to look at alternative sandbag designs that increasingly require NCDOT to seek variances from the existing rule.

07H .0106, .0205, .0206, .0207 The CRC proposes changes to its rules to add a definition of man-made ditches, and state that man-made ditches may not be considered public waterways or marshland, or designated as an Area of Environmental Concern. These changes conform to recent amendments to the Coastal Area Management Act and the NC Dredge and Fill Law made by Session Law 2025-48.

07H .0309, 07H .2801-.2805 The CRC is proposing to create a new General permit to allow installation of temporary structures on the beach to collect meteorological data during approaching storms. The CRC proposes these rules to address limitations in existing CAMA permitting procedures, which are not designed to accommodate the rapid, location-uncertain deployment of temporary weather monitoring structures needed to collect time-sensitive data at storm landfall.

Comments may be submitted to: Tancred Miller, 400 Commerce Avenue, Morehead City, NC 28557; email CRCRulemakingcomments@deq.nc.gov

Comment period ends: November 30, 2026

Procedure for Subjecting a Proposed Rule to Legislative Review:

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

email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

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

CHAPTER 07 - COASTAL MANAGEMENT

SUBCHAPTER 07H - STATE GUIDELINES FOR AREAS OF ENVIRONMENTAL CONCERN

15A NCAC 07H .0106 GENERAL DEFINITIONS

The following definitions apply whenever these terms are used in this Chapter:

- (1) "Normal High Water" is the ordinary extent of high tide based on site conditions such as presence and location of vegetation which has its distribution influenced by tidal action, and the location of the apparent high tide line.
- (2) "Normal Water Level" is the level of water bodies with less than six inches of lunar tide during periods of little or no wind. It can be determined by the presence of such physical and biological indicators as erosion escarpments, trash lines, water lines, marsh grasses, and barnacles.
- (3) Unless specifically limited, the term "structures" includes, but is not limited to, buildings, bridges, roads, piers wharves and docks (supported on piles), bulkheads, breakwaters, jetties, mooring pilings and buoys, pile clusters (dolphins), navigational aids, and elevated boat ramps.
- (4) "Mining" is defined as:
 - (a) the breaking of the surface soil in order to facilitate or accomplish the extraction or removal of mineral, ores, or other solid matter;
 - (b) any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original Location; or
 - (c) the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use.

This definition applies regardless of whether the mining activity is for a commercial or noncommercial purpose, and regardless of the size of the affected area. Activities such as vibracoring, box coring, surface grab sampling, and other drilling and sampling for

geotechnical testing, mineral resource investigations, or geological research are not considered mining. Excavation of mineral resources associated with the construction or maintenance of an approved navigation project in accordance with 15A NCAC 7B .0200 of this Chapter is not considered mining.

- (5) "Wind Energy Facility" means the turbines, accessory buildings, transmission facilities, and any other equipment necessary for the operation of the facility that cumulatively, with any other wind energy facility whose turbines are located within one-half mile of one another, have a rated capacity of three megawatts or more of energy.
- (6) The term "man-made ditches" is defined in G.S. 113A-103(8a).

Authority G.S. 113A-102; 113A-107.

SECTION .0200 – THE ESTUARINE AND OCEAN SYSTEMS

15A NCAC 07H .0205 COASTAL WETLANDS

(a) Definition. "Coastal Wetlands" are defined as any salt marsh or other marsh subject to regular or occasional flooding by tides, including wind tides, that reach the marshland areas through natural or artificial watercourses, provided this does not include hurricane or tropical storm tides. Regular or occasional flooding shall be established through field indicators, including the observation of tidal water on the site, changes in elevation, presence of periwinkle (*littoraria* spp.), presence of crab burrows, staining, or wrack lines. Coastal wetlands may contain one or more of the following marsh plant species:

- (1) Cord Grass (*Spartina alterniflora*);
- (2) Black Needlerush (*Juncus roemerianus*);
- (3) Glasswort (*Salicornia* spp.);
- (4) Salt Grass (*Distichlis spicata*);
- (5) Sea Lavender (*Limonium* spp.);
- (6) Bulrush (*Scirpus* spp.);
- (7) Saw Grass (*Cladium jamaicense*);
- (8) Cat-tail (*Typha* spp.);
- (9) Salt Meadow Grass (*Spartina patens*); or
- (10) Salt Reed Grass (*Spartina cynosuroides*).

The coastal wetlands AEC includes any contiguous lands designated by the Secretary of DEQ pursuant to G.S. 113-230(a). Man-made ditches as defined in G.S. 113A-103(8a) are excluded from the Coastal Wetlands AEC.

(b) Significance. The unique productivity of the estuarine and ocean system is supported by detritus (decayed plant material) and nutrients that are exported from the coastal wetlands. Without the wetlands, the high productivity levels and complex food chains typically found in the estuaries could not be maintained. Additionally, coastal wetlands serve as barriers against flood damage and control erosion between the estuary and the uplands.

(c) Management Objective. It is the objective of the Coastal Resources Commission to conserve and manage coastal wetlands so as to safeguard and perpetuate their biological, social, economic and aesthetic values, and to coordinate and establish a management system capable of conserving and utilizing coastal

wetlands as a natural resource necessary to the functioning of the entire estuarine system.

(d) Use Standards. Suitable land uses are those consistent with the management objective in this Rule. First priority of use shall be allocated to the conservation of existing coastal wetlands. Secondary priority of coastal wetland use shall be given to those types of development activities that require water access and cannot function elsewhere.

Unacceptable land uses include restaurants, businesses, residences, apartments, motels, hotels, trailer parks, parking lots, private roads, highways, and factories. Acceptable land uses include utility easements, fishing piers, docks, wildlife habitat management activities, and agricultural uses such as farming and forestry drainage as permitted under North Carolina's Dredge and Fill Law, G.S. 113-229, or applicable local, state, and federal laws.

In every instance, the particular location, use, and design characteristics shall be in accord with the general use standards for coastal wetlands, estuarine waters, and public trust areas described in Rule .0208 of this Section.

(e) Alteration of Coastal Wetlands. Alteration of coastal wetlands includes mowing or cutting of coastal wetlands vegetation whether by mechanized equipment or manual means. Alteration of coastal wetlands by federal or state resource management agencies as a part of planned resource management activities is exempt from the requirements of this Paragraph. Alteration of coastal wetlands shall be governed according to the following provisions:

- (1) Alteration of coastal wetlands shall be exempt from the permit requirements of the Coastal Area Management Act (CAMA) when conducted in accordance with the following criteria:
 - (A) Coastal wetlands may be mowed or cut to a height of no less than two feet, as measured from the coastal wetland substrate, at any time and at any frequency throughout the year;
 - (B) Coastal wetlands may be mowed or cut to a height of no less than six inches, as measured from the coastal wetland substrate, once between each December 1 and March 31;
 - (C) Alteration of the substrate is not allowed;
 - (D) All cuttings or clippings shall remain in place as they fall;
 - (E) Coastal wetlands may be mowed or cut to a height of no less than six inches, as measured from the coastal wetland substrate, to create an access path four feet wide or less on waterfront lots without a pier access; and
 - (F) Coastal wetlands may be mowed or cut by utility companies as necessary to maintain utility easements.
- (2) Coastal wetland alteration not meeting the exemption criteria of this Rule shall require a

CAMA permit. CAMA permit applications for coastal wetland alterations are subject to review by the North Carolina Wildlife Commission, North Carolina Division of Marine Fisheries, U.S. Fish and Wildlife Service, and National Marine Fisheries Service in order to determine whether or not the proposed activity will have a significant adverse impact on the habitat or fisheries resources.

Authority G.S. 113A-107; 113A-113(b)(1); 113A-124.

15A NCAC 07H .0206 ESTUARINE WATERS

(a) Definition. "Estuarine Waters" are defined in G.S. 113A-113(b)(2) to include all the waters of the Atlantic Ocean within the boundary of North Carolina and all the waters of the bays, sounds, rivers and ~~tributaries~~ tributaries, except man-made ditches, as defined in G.S. 113A 103(8a), thereto seaward of the dividing line between coastal fishing waters and inland fishing waters. The boundaries between inland and coastal fishing waters are set forth in an agreement adopted by the Wildlife Resources Commission and the Department of ~~Environment and Natural Resources~~ Environmental Quality and in the most current revision of the North Carolina Marine Fisheries Regulations for Coastal Waters, codified at ~~15A NCAC 3Q .0200~~. 15A NCAC 03Q .0200.

(b) Significance. Estuarine waters are the dominant component and bonding element of the entire estuarine and ocean system, integrating aquatic influences from both the land and the sea. Estuaries are among the most productive natural environments of North Carolina. They support the valuable commercial and sports fisheries of the coastal area which are comprised of estuarine dependent species such as menhaden, flounder, shrimp, crabs, and oysters. These species must spend all or some part of their life cycle within the estuarine waters to mature and reproduce. Of the 10 leading species in the commercial catch, all but one are dependent on the estuary.

This high productivity associated with the estuary results from its unique circulation patterns caused by tidal energy, fresh water flow, and shallow depth; nutrient trapping mechanisms; and protection to the many organisms. The circulation of estuarine waters transports nutrients, propels plankton, spreads seed stages of fish and shellfish, flushes wastes from animal and plant life, cleanses the system of pollutants, controls salinity, shifts sediments, and mixes the water to create a multitude of habitats. Some important features of the estuary include mud and sand flats, eel grass beds, salt marshes, submerged vegetation flats, clam and oyster beds, and important nursery areas.

Secondary benefits include the stimulation of the coastal economy from the spin off operations required to service commercial and sports fisheries, waterfowl hunting, marinas, boatyards, repairs and supplies, processing operations, and tourist related industries. In addition, there is considerable nonmonetary value associated with aesthetics, recreation, and education.

(c) Management Objective. To conserve and manage the important features of estuarine waters so as to safeguard and perpetuate their biological, social, aesthetic, and economic values; to coordinate and establish a management system capable of conserving and utilizing estuarine waters so as to maximize their benefits to man and the estuarine and ocean system.

(d) Use Standards. Suitable land and water uses shall be those consistent with the management objectives in this Rule. Highest priority of use shall be allocated to the conservation of estuarine waters and their vital components. Second priority of estuarine waters use shall be given to those types of development activities that require water access and use which cannot function elsewhere such as simple access channels; structures to prevent erosion; navigation channels; boat docks, marinas, piers, wharfs, and mooring pilings.

In every instance, the particular location, use, and design characteristics shall be in accord with the general use standards for coastal wetlands, estuarine waters, and public trust areas described in Rule .0208 of this Section.

Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b)(2); 113A-124.

15A NCAC 07H .0207 PUBLIC TRUST AREAS

(a) Definition. "Public trust areas" are all waters of the Atlantic Ocean and the lands thereunder from the mean high water mark to the seaward limit of state jurisdiction; all natural bodies of water subject to measurable lunar tides and lands thereunder to the normal high water or normal water level; all navigable natural bodies of water and lands thereunder to the normal high water or normal water level as the case may be, except privately-owned lakes to which the public has no right of access; all water in artificially created bodies of water containing public fishing resources or other public resources which are accessible to the public by navigation from bodies of ~~water~~ water, except man-made ditches, as defined in G.S. 113A-103(8a), in which the public has rights of navigation; and all waters in artificially created bodies of water in which the public has acquired rights by prescription, custom, usage, dedication, or any other means. In determining whether the public has acquired rights in artificially created bodies of water, the following factors shall be considered:

- (1) the use of the body of water by the public;
- (2) the length of time the public has used the area;
- (3) the value of public resources in the body of water;
- (4) whether the public resources in the body of water are mobile to the extent that they can move into natural bodies of water;
- (5) whether the creation of the artificial body of water required permission from the state; and
- (6) the value of the body of water to the public for navigation from one public area to another public area.

(b) Significance. The public has rights in these areas, including navigation and recreation. In addition, these areas support commercial and sports fisheries, have aesthetic value, and are important resources for economic development.

(c) Management Objective. To protect public rights for navigation and recreation and to conserve and manage the public trust areas so as to safeguard and perpetuate their biological, economic and aesthetic value.

(d) Use Standards. Acceptable uses shall be those consistent with the management objectives in Paragraph (c) of this Rule. In the absence of overriding public benefit, any use which jeopardizes the capability of the waters to be used by the public for navigation

or other public trust rights which the public may be found to have in these areas shall not be allowed. The development of navigational channels or drainage ditches, the use of bulkheads to prevent erosion, and the building of piers, wharfs, or marinas are examples of uses that may be acceptable within public trust areas, provided that such uses shall not be detrimental to the public trust rights and the biological and physical functions of the estuary. Projects which would directly or indirectly block or impair existing navigation channels, increase shoreline erosion, deposit spoils below normal high water, cause adverse water circulation patterns, violate water quality standards, or cause degradation of shellfish waters are considered incompatible with the management policies of public trust areas. In every instance, the particular location, use, and design characteristics shall be in accord with the general use standards for coastal wetlands, estuarine waters, and public trust areas described in Rule .0208 of this Section.

Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b)(5); 113A-124.

SECTION .0300 - OCEAN HAZARD AREAS

15A NCAC 07H .0308 SPECIFIC USE STANDARDS FOR OCEAN HAZARD AREAS

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

- (1) "Adverse impact", "adverse impacts", "adverse effects", or similar formulations, are defined as an effect or impact that is opposed to the goals of the Coastal Area Management Act as found in G.S. 113A-102(b) and with the provisions of G.S. 113-229(e).
- (2) "Significant" as used in this Section includes consideration of both context and intensity. Context means that the impact or effect shall be analyzed from several perspectives that include society as a whole (human, national), the affected subregion of the North Carolina coast, the local area and all directly and indirectly affected parties. Both short- and long-term effects are relevant. Intensity refers to the severity of impact or effect. The following shall be considered in evaluating intensity:
 - (A) both adverse impacts as defined in Subparagraph (a)(1) of this Rule and impacts that promote or enhance the goals of the Coastal Area Management Act as set out at G.S. 113A-102(b);
 - (B) the degree to which the proposed action affects public health or safety;
 - (C) unique characteristics of the geographic area;
 - (D) the degree to which the effects on the quality of the human environment are likely to be disagreed upon;
 - (E) the degree to which the possible effects on the environment are uncertain or involve unique or unknown risks;

- (F) the degree to which the CRC's permit decisions may establish a precedent for future CRC permit decisions;
- (G) the degree to which the CRC's permit decisions are related to other CRC permit decisions with individually insignificant but cumulatively significant impacts. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts; and
- (H) the degree to which the CRC's permit decision may cause the loss or destruction of scientific, cultural, historical, and environmental resources as those terms are commonly defined and understood.

(b) Ocean Shoreline Erosion Control Activities:

- (1) Use Standards Applicable to all Erosion Control Activities:
 - (A) All oceanfront erosion response activities shall be consistent with 15A NCAC 07H .0308 and G.S.113A-115.1.
 - (B) Permanent erosion control structures may cause significant adverse impacts on the value and enjoyment of adjacent properties or public access to and use of the ocean beach, and, therefore, unless specifically authorized under the Coastal Area Management Act, are prohibited. Such structures include bulkheads, seawalls, revetments, jetties, groins, and breakwaters.
 - (C) Rules concerning the use of oceanfront erosion response measures apply to all oceanfront properties without regard to the size of the structure on the property or the date of its construction.
 - (D) Shoreline erosion response projects shall not be constructed in beach or estuarine areas that sustain habitat for fish and wildlife species, as identified by State or federal natural resource agencies during project review, unless mitigation measures are incorporated into project design, as set forth in Rule .0306(h) of this Section.
 - (E) Project construction shall be timed to minimize adverse effects on biological activity.
 - (F) Prior to completing any erosion response project, all exposed remnants of or debris from failed erosion control structures must be removed by the permittee.

- (G) Permanent erosion control structures that would otherwise be prohibited by these standards may be permitted on finding by the Division that:
- (i) the erosion control structure is necessary to protect a bridge that provides the only existing road access on a barrier island, that is vital to public safety, and is imminently threatened by erosion as defined in Part (a)(2)(B) of this Rule;
 - (ii) the erosion response measures of relocation, beach nourishment or temporary stabilization are not adequate to protect public health and safety; and
 - (iii) the proposed erosion control structure will have no adverse impacts on adjacent properties in private ownership or on public use of the beach.
- (H) Structures that would otherwise be prohibited by these standards may also be permitted on finding by the Division that:
- (i) the structure is necessary to protect a State or federally registered historic site that is imminently threatened by shoreline erosion as defined in Part (a)(2)(B) of this Rule;
 - (ii) the erosion response measures of relocation, beach nourishment or temporary stabilization are not adequate and practicable to protect the site;
 - (iii) the structure is limited in extent and scope to that necessary to protect the site; and
 - (iv) a permit for a structure under this Part may be issued only to a sponsoring public agency for projects where the public benefits outweigh the significant adverse impacts. Additionally, the permit shall include conditions providing for mitigation or minimization by that agency of significant adverse impacts on adjoining properties and on public access to and use of the beach.
- (I) Structures that would otherwise be prohibited by these standards may also be permitted on finding by the Division that:
- (i) the structure is necessary to maintain an existing commercial navigation channel of regional significance within federally authorized limits;
 - (ii) dredging alone is not practicable to maintain safe access to the affected channel;
 - (iii) the structure is limited in extent and scope to that necessary to maintain the channel;
 - (iv) the structure shall not have significant adverse impacts on fisheries or other public trust resources; and
 - (v) a permit for a structure under this Part may be issued only to a sponsoring public agency for projects where the public benefits outweigh the significant adverse impacts. Additionally, the permit shall include conditions providing for mitigation or minimization by that agency of any significant adverse impacts on adjoining properties and on public access to and use of the beach.
- (J) The Commission may renew a permit for an erosion control structure issued pursuant to a variance granted by the Commission prior to 1 July 1995. The Commission may authorize the replacement of a permanent erosion control structure that was permitted by the Commission pursuant to a variance granted by the Commission prior to 1 July 1995 if the Commission finds that:
- (i) the structure will not be enlarged beyond the dimensions set out in the permit;
 - (ii) there is no alternative to replacing the structure that will provide the same or similar benefits as determined by DCM based

- on costs and engineering options; and
 - (iii) the replacement structure will comply with all applicable laws and with all rules, other than the rule or rules with respect to which the Commission granted the variance, that are in effect at the time the structure is replaced.
 - (K) Proposed erosion response measures using innovative technology or design shall be considered as experimental and shall be evaluated on a case-by-case basis to determine consistency with 15A NCAC 07M .0200 and general and specific use standards within this Section.
- (2) Temporary Erosion Control Structures:
 - (A) Permittable temporary erosion control structures shall be limited to sandbags placed landward of mean high water and parallel to the shore.
 - (B) Temporary erosion control structures as defined in Part (A) of this Subparagraph may be used to protect only imminently threatened roads and associated right of ways and buildings and their associated septic systems. A structure is considered imminently threatened if its foundation, septic system, or right-of-way in the case of roads is less than 20 feet away from the erosion scarp. Buildings and roads located more than 20 feet from the erosion scarp or in areas where there is no obvious erosion scarp may also be found to be imminently threatened when site conditions, such as a flat beach profile or accelerated erosion, increase the risk of imminent damage to the structure.
 - (C) Temporary erosion control structures shall be used to protect only the principal structure and its associated septic system, but not appurtenances such as pools, gazebos, decks or any amenity that is allowed under Rule .0309 of this Section as an exception to the erosion setback requirement.
 - (D) Temporary erosion control structures may be placed waterward of a septic system when there is no alternative to relocate it on the same or adjoining lot so that it is landward of or in line with the structure being protected.
 - (E) Temporary erosion control structures shall not extend more than 20 feet past the sides of the structure to be protected except to align with temporary erosion control structures on adjacent properties, where the Division has determined that gaps between adjacent erosion control structures may result in an increased risk of damage to the structure to be protected. The landward side of such temporary erosion control structures shall not be located more than 20 feet waterward of the structure to be protected or the right-of-way in the case of roads. If a building or road is found to be imminently threatened and at an increased risk of imminent damage due to site conditions such as a flat beach profile or accelerated erosion, temporary erosion control structures may be located more than 20 feet waterward of the structure being protected. In cases of increased risk of imminent damage, the location of the temporary erosion control structures shall be determined by the Director of the Division of Coastal Management or the Director's designee in accordance with Part (A) of this Subparagraph.
 - (F) Temporary erosion control structures may remain in place for up to eight years for a building and its associated septic system, a bridge or a road. The property owner shall be responsible for removal of any portion of the temporary erosion control structure exposed above grade within 30 days of the end of the allowable time period.
 - (G) An imminently threatened structure or property may be protected only once, regardless of ownership, unless the threatened structure or property is located in a community that is actively pursuing a beach nourishment project or an inlet relocation or stabilization project in accordance with Part (H) of this Subparagraph. Existing temporary erosion control structures may be permitted for additional eight-year periods provided that the structure or property being protected is still imminently threatened, the temporary erosion control structure is in compliance with requirements of this Subchapter, and the community in which it is located is actively pursuing a beach nourishment or an inlet relocation or stabilization project in accordance with Part (H) of this

Subparagraph. In the case of a building, a temporary erosion control structure may be extended, or new segments constructed, if additional areas of the building become imminently threatened. Where temporary structures are installed or extended incrementally, the time period for removal under Part (F) or (H) of this Subparagraph shall begin at the time the initial erosion control structure was installed. For the purpose of this Rule:

- (i) a building and its septic system shall be considered separate structures,
- (ii) a road or highway may be incrementally protected as sections become imminently threatened. The time period for removal of each contiguous section of temporary erosion control structure shall begin at the time that the initial section was installed, in accordance with Part (F) of this Subparagraph.

(H) For purposes of this Rule, a community is considered to be actively pursuing a beach nourishment or an inlet relocation or stabilization project in accordance with G.S. 113A-115.1 if it:

- (i) has been issued an active CAMA permit, where necessary, approving such project; or
- (ii) has been identified by a U.S. Army Corps of Engineers' Beach Nourishment Reconnaissance Study, General Reevaluation Report, Coastal Storm Damage Reduction Study, or an ongoing feasibility study by the U.S. Army Corps of Engineers and a commitment of local or federal money, when necessary; or
- (iii) has received a favorable economic evaluation report on a federal project; or
- (iv) is in the planning stages of a project designed by the U.S. Army Corps of Engineers or persons meeting applicable State occupational licensing requirements and initiated by

a local government or community with a commitment of local or state funds to construct the project or the identification of the financial resources or funding bases necessary to fund the beach nourishment, inlet relocation or stabilization project.

If beach nourishment, inlet relocation, or stabilization is rejected by the sponsoring agency or community, or ceases to be actively planned for a section of shoreline, the time extension is void for that section of beach or community and existing sandbags are subject to all applicable time limits set forth in Part (F) of this Subparagraph.

(I) Once a temporary erosion control structure is determined by the Division of Coastal Management to be unnecessary due to relocation or removal of the threatened structure, it shall be removed to the maximum extent practicable by the property owner within 30 days of official notification from the Division of Coastal Management regardless of the time limit placed on the temporary erosion control structure. If the temporary erosion control structure is determined by the Division of Coastal Management to be unnecessary due to the completion of a storm protection project constructed by the U.S. Army Corps of Engineers, a large-scale beach nourishment project, or an inlet relocation or stabilization project, any portion of the temporary erosion control structure exposed above grade shall be removed by the property owner within 30 days of official notification from the Division of Coastal Management regardless of the time limit placed on the temporary erosion control structure.

(J) Removal of temporary erosion control structures is not required if they are covered by sand. Any portion of the temporary erosion control structure that becomes exposed above grade after the expiration of the permitted time period shall be removed by the property owner within 30 days of official notification from the Division of Coastal Management.

(K) The property owner shall be responsible for the removal of remnants of all portions of any damaged temporary erosion control structure.

- (L) Sandbags used to construct temporary erosion control structures shall be tan in color and 3 to 5 feet wide and 7 to 15 feet long when measured flat. Base width of the temporary erosion control structure shall not exceed 20 feet, and the total height shall not exceed 6 feet, as measured from the bottom of the lowest bag.
 - (M) Soldier pilings and other types of devices to anchor sandbags shall not be allowed.
 - (N) Existing sandbag structures may be repaired or replaced within their originally permitted dimensions during the time period allowed under Part (F) or (G) of this Subparagraph.
 - (O) Sandbags used to construct temporary erosion control structures to protect public roads are not subject to the color and size limitations in Part (L) of this Subparagraph. Base width of the temporary erosion control structures to protect public roads shall not exceed 30 feet, and the total height shall not exceed 10 feet, as measured from the bottom of the lowest bag.
- (3) Beach Nourishment. Sand used for beach nourishment shall be compatible with existing grain size and in accordance with Rule .0312 of this Section.
- (4) Beach Bulldozing. Beach bulldozing is defined as the process of moving natural beach material from any point seaward of the vegetation line to create a protective sand dike or to obtain material for any other purpose is considered development and may be permitted as an erosion response if the following conditions are met:
- (A) The area on which this activity is being performed shall maintain a slope of adequate grade so as to not endanger the public or the public's use of the beach and shall follow the pre-emergency slope as closely as possible. The movement of material utilizing a bulldozer, front end loader, backhoe, scraper, or any type of earth moving or construction equipment shall not exceed one foot in depth measured from the pre-activity surface elevation;
 - (B) The activity shall not exceed the lateral bounds of the applicant's property unless permission is obtained from the adjoining land owner(s);
 - (C) Movement of material from seaward of the mean low water line will require
 - a CAMA Major Development and State Dredge and Fill Permit;
- (D) The activity shall not increase erosion on neighboring properties and shall not have an adverse effect on natural or cultural resources as identified by the NC Department of Natural and Cultural Resources.
- (E) The activity may be undertaken to protect threatened on-site waste disposal systems as well as the threatened structure's foundations.
- (c) Dune Protection, Establishment, Restoration and Stabilization.
- (1) No development shall be permitted that involves the removal or relocation of primary or frontal dune sand or vegetation that would adversely affect the integrity of the dune's function as a protective barrier against flooding and erosion. Other dunes within the ocean hazard area shall not be disturbed unless the development of the property is otherwise impracticable. Any disturbance of these other dunes shall be allowed only to the extent permitted by this Rule.
 - (2) Any new dunes established shall be aligned to the greatest extent possible with existing adjacent dune ridges and shall be of the same configuration as adjacent natural dunes.
 - (3) Existing primary and frontal dunes shall not, except for beach nourishment and emergency situations, be broadened or extended in an oceanward direction.
 - (4) Adding to dunes shall be accomplished in such a manner that the damage to existing vegetation is minimized. The filled areas shall be replanted or temporarily stabilized until planting can be completed.
 - (5) Sand used to establish or strengthen dunes shall be of the same general characteristics as the sand in the area in which it is to be placed.
 - (6) No new dunes shall be created in inlet hazard areas. Reconstruction or repair of existing dune systems as defined in Rule .0305 of this Section and within the Inlet Hazard Area may be permitted.
 - (7) Sand held in storage in any dune, other than the frontal or primary dune, shall remain on the lot or tract of land to the maximum extent practicable and may be redistributed within the Ocean Hazard AEC provided that it is not placed any farther oceanward than the crest of a primary dune, if present, or the crest of a frontal dune.
 - (8) No disturbance of a dune area shall be allowed when other techniques of construction can be utilized and alternative site locations exist to avoid dune impacts.
- (d) Structural Accessways:

- (1) Structural accessways shall be permitted across primary or frontal dunes so long as they are designed and constructed in a manner that does not alter the primary or frontal dune. Structural accessways shall not be considered threatened structures for the purpose of Paragraph (a) of this Rule.
- (2) An accessway shall be considered to entail negligible alteration of primary or frontal dunes provided that:
 - (A) The accessway is exclusively for pedestrian use;
 - (B) The accessway is a maximum of six feet in width;
 - (C) Except in the case of beach matting, the accessway is raised on posts or pilings of five feet or less depth, so that wherever possible only the posts or pilings touch the dune, in accordance with any more restrictive local, State, or federal building requirements. Beach matting shall be installed at grade and not involve any excavation or fill of the dune; and
 - (D) Any areas of vegetation that are disturbed are revegetated as soon as feasible.
- (3) An accessway that does not meet Part (2)(A) and (B) of this Paragraph shall be permitted only if it meets a public purpose or need which cannot otherwise be met and it meets Part (2)(C) of this Paragraph. Public fishing piers are allowed provided all other applicable standards of this Rule are met.
- (4) In order to preserve the protective nature of primary and frontal dunes, a structural accessway such as a "Hatteras ramp" may be provided for off-road vehicle (ORV) or emergency vehicle access. Such accessways shall be no greater than 15 feet in width and may be constructed of wooden sections fastened together, or other materials approved by the Division, over the length of the affected dune area. Installation of a Hatteras ramp shall be done in a manner that will preserve the dune's function as a protective barrier against flooding and erosion by not reducing the volume of the dune.
- (5) Structural accessways and beach matting may be constructed no more than six feet seaward of the waterward toe of the frontal or primary dune, provided they do not interfere with public trust rights and emergency access along the beach. Structural accessways and beach matting are not restricted by the requirement to be landward of the First Line of Stable and Natural Vegetation as described in Rule .0309(a) of this Section. A local, State, or federal entity may install beach matting farther

seaward to enhance handicap accessibility at a public beach access, subject to review by the Wildlife Resources Commission and the U.S. Fish and Wildlife Service to determine whether the proposed design or installation will have an adverse impact on sea turtles or other threatened or endangered species.

- (e) Building Construction Standards. New building construction and any construction identified in Rule .0306(a)(5) of this Section and 15A NCAC 07J .0210 shall comply with the following standards:

- (1) In order to avoid danger to life and property, all development shall be designed and placed so as to minimize damage due to fluctuations in ground elevation and wave action in a 100-year storm. Any building constructed within the ocean hazard area shall comply with relevant sections of the North Carolina Building Code including the Coastal and Flood Plain Construction Standards and the local flood damage prevention ordinance as required by the National Flood Insurance Program. If any provision of the building code or a flood damage prevention ordinance is inconsistent with any of the following AEC standards, the more restrictive provision shall control.
- (2) All building in the ocean hazard area shall be on pilings not less than eight inches in diameter if round or eight inches to a side if square.
- (3) All pilings shall have a tip penetration greater than eight feet below the lowest ground elevation under the structure. For those structures so located on or seaward of the primary dune, the pilings shall extend to five feet below mean sea level.
- (4) All foundations shall be designed to be stable during applicable fluctuations in ground elevation and wave forces during a 100-year storm. Cantilevered decks and walkways shall meet the requirements of this Part or shall be designed to break-away without structural damage to the main structure.

Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b)(6)a.,b.,d.; 113A-115.1; 113A-124.

15A NCAC 07H .0309 USE STANDARDS FOR OCEAN HAZARD AREAS: EXCEPTIONS

- (a) The following types of development shall be permitted seaward of the oceanfront setback requirements of Rule .0306(a) of this Section if all other provisions of this Subchapter and other state and local regulations are met:

- (1) campsites;
- (2) driveways and parking areas with clay, packed sand, or gravel;
- (3) elevated decks not exceeding a footprint of 500 square feet. Existing decks exceeding a footprint of 500 square feet may be replaced

- with no enlargement beyond their original dimensions;
- (4) beach accessways consistent with Rule .0308(c) of this Section;
- (5) unenclosed, uninhabitable gazebos with a footprint of 200 square feet or less;
- (6) uninhabitable, single-story storage sheds with a foundation or floor consisting of wood, clay, packed sand or gravel, and a footprint of 200 square feet or less;
- (7) temporary ~~amusement—stands~~ structures consistent with Section .1900 of this Subchapter;
- (8) sand fences;
- (9) swimming pools; ~~and~~
- (10) fill not associated with dune creation that is obtained from an upland source and is of the same general characteristics as the sand in the area in which it is to be ~~placed~~ placed; and
- (11) Temporary weather monitoring structures permitted by General Permit in 15A NCAC 07H .2800.

~~In all cases, this~~ With the exception of development specifically allowed by another rule in this Chapter, all development shall be permitted only if it is landward of the vegetation line or pre-project vegetation line, whichever is applicable; involves no alteration or removal of primary or frontal dunes which would compromise the integrity of the dune as a protective landform or the dune vegetation; is not essential to the continued existence or use of an associated principal development; and meets all other non-setback requirements of this Subchapter.

(b) Where application of the Ocean Hazard Area setback requirements of Rule .0306(a) of this Section would preclude placement of a structure in Ocean Erodible Areas, State Ports Inlet Management Areas, and Inlet Hazard Areas, but not Unvegetated Beach Areas, the structure shall be permitted seaward of the applicable setback line if each of the following conditions are met:

- (1) The development is set back from the ocean the maximum feasible distance on the existing lot and the development is designed to minimize encroachment into the setback area;
- (2) The development is at least 60 feet landward of the vegetation line, measurement line, or pre-project vegetation line, whichever is applicable;
- (3) The development is not located on or oceanward of a frontal dune, but is entirely behind the landward toe of the frontal dune at the lowermost point along the profile of the dune's slope;
- (4) The development incorporates each of the following design standards, which are in addition to those required by Rule .0308(d) of this Section:
 - (A) All pilings shall have a tip penetration that extends to at least four feet below mean sea level;
 - (B) The total floor area of the structure shall be no more than 2,500 square feet. For the purpose of this Section,

roof-covered decks and porches that are structurally attached shall be included in the calculation of footprint;

- (C) Driveways and parking areas shall be constructed of clay, packed sand or gravel except in those cases where the development does not abut the ocean and is located landward of a paved public street or highway currently in use. In those cases, other material may be used; and

- (D) No portion of a building's total floor area, including elevated portions that are cantilevered, knee braced, or otherwise extended beyond the support of pilings or footings, may extend oceanward of the total floor area of the landward-most habitable building or structure. The alignment shall be measured from the most oceanward point of the adjacent building or structure's roof line, including roofed decks. An "adjacent" property is one that shares a boundary line with the site of the proposed development. When no adjacent building or structure exists, or the geometry or orientation of a lot or shoreline precludes the placement of a building in line with the landward most adjacent structure of similar use, an average line of construction shall be determined by the Director of the Division of Coastal Management based on an approximation of the average seaward-most positions of the rooflines of adjacent structures along the same shoreline, extending 500 feet in either direction. If no structures exist within this distance, the proposed structure shall meet the applicable setback from the Vegetation Line but shall not be held to the landward-most adjacent structure or an average line of structures. The ocean hazard setback shall extend landward of the vegetation line, static vegetation line or measurement line, whichever is applicable, a distance no less than 60 feet.

- (5) All other provisions of this Subchapter and other state and local regulations are met. If the development is to be serviced by an on-site waste disposal system, a copy of a valid permit for such a system shall be submitted as part of the CAMA permit application.

- (c) The following types of water dependent development shall be permitted seaward of the oceanfront setback requirements of Rule

.0306(a) of this Section if all other provisions of this Subchapter and other state and local regulations are met:

- (1) piers providing public access; and
- (2) maintenance and replacement of existing state-owned bridges, and causeways and accessways to such bridges.

(d) Replacement or construction of a pier house associated with an ocean pier shall be permitted if each of the following conditions is met:

- (1) The ocean pier provides public access for fishing and other recreational purposes whether on a commercial, public, or nonprofit basis;
- (2) Commercial, non-water dependent uses of the ocean pier and associated pier house shall be limited to restaurants and retail services. Residential uses, lodging, and parking areas shall be prohibited;
- (3) The pier house shall be limited to a maximum of two stories;
- (4) A new pier house shall not exceed a footprint of 5,000 square feet and shall be located landward of mean high water;
- (5) A replacement pier house may be rebuilt not to exceed its most recent footprint or a footprint of 5,000 square feet, whichever is larger;
- (6) The pier house shall be rebuilt to comply with all other provisions of this Subchapter; and
- (7) If the pier has been destroyed or rendered unusable, replacement or expansion of the associated pier house shall be permitted only if the pier is being replaced and returned to its original function.

(e) In addition to the development authorized under Paragraph (d) of this Rule, small scale, non-essential development that does not induce further growth in the Ocean Hazard Area, such as the construction of single family piers and small-scale erosion control measures that do not interfere with natural oceanfront processes, shall be permitted in the Ocean Hazard Area along those portions of shoreline that exhibit features characteristic of an Estuarine Shoreline. Such features include the presence of wetland vegetation, and lower wave energy and erosion rates than in the adjoining Ocean Erodible Area. Such development shall be permitted under the standards set out in Rule .0208 of this Subchapter. For the purpose of this Rule, small-scale is defined as those projects which are eligible for authorization under 15A NCAC 07H .1100, .1200, and 15A NCAC 07K .0203.

(f) Transmission lines necessary to transmit electricity from an offshore energy-producing facility may be permitted provided that each of the following conditions is met:

- (1) The transmission lines are buried under the ocean beach, nearshore area, and primary and frontal dunes, all as defined in Rule .0305 of this Section, in such a manner so as to ensure that the placement of the transmission lines involves no alteration or removal of the primary or frontal dunes; and
- (2) The design and placement of the transmission lines shall be performed in a manner so as not

to endanger the public or the public's use of the beach.

(g) Existing stormwater outfalls as of the last amended date of this rule within the Ocean Hazard AEC that are owned or maintained by a State agency or local government, may be extended oceanward subject to the provisions contained within 15A NCAC 07J .0200. Outfalls may be extended below mean low water and may be maintained in accordance with 15A NCAC 07K .0103. Shortening or lengthening of outfall structures within the authorized dimensions, in response to changes in beach width, is considered maintenance under 15A NCAC 07K .0103. Outfall extensions may be marked with signage and shall not prevent pedestrian or vehicular access along the beach. This Paragraph does not apply to existing stormwater outfalls that are not owned or maintained by a State agency or local government.

Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b)(6)a; 113A-113(b)(6)b; 113A-113(b)(6)d; 113A-124.

SECTION .2800 – GENERAL PERMIT TO ALLOW FOR TEMPORARY WEATHER MONITORING STRUCTURES WITHIN THE OCEAN HAZARD AECS

15A NCAC 07H .2801 PURPOSE

A permit under this Section shall allow the installation of temporary weather monitoring structures in the Ocean Hazard Area AECs according to the Rules in this Section. Temporary weather monitoring structures authorized by this General Permit shall not be subject to the restriction in 15A NCAC 07H .0309(a) that all exceptions to the setback requirements in 15A NCAC 07H .0306(a)(3) shall occur landward of the vegetation line or pre-project vegetation line, whichever is applicable.

Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b)(6)(b); 113A-118.1.

15A NCAC 07H .2802 APPROVAL PROCEDURES

(a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management and request approval for development.

(b) The applicant shall provide:

- (1) Information on site location, dimensions of the project area, and applicant name and address.
- (2) A copy of a deed or other instrument under which the applicant claims title to the property upon which the development will occur, or other evidence of the ownership of the property or lawful authority to make use of the property. If the applicant is not the owner, the applicant shall provide written permission from the owner to carry out the project on the property.
- (3) Notwithstanding the provisions of 15A NCAC 07J .0204(b)(5), adjacent riparian landowner notification is not required.

(c) No work shall begin until an on-site meeting is held with the applicant, a Division of Coastal Management representative, and a Wildlife Resources Commission representative to inspect and mark the site of construction of the proposed development.

Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b)(6)(b); 113A-118.1.

15A NCAC 07H .2803 PERMIT FEE

The applicant shall pay a permit fee of four hundred seventy-four dollars (\$474.00) by check or money order payable to the Department.

Authority G.S. 113A-119.1; 143B-279.19.

15A NCAC 07H .2804 GENERAL CONDITIONS

(a) Temporary weather monitoring structures for the purpose of this General Permit are structures temporarily installed on the dry sand area of the beach as defined in G.S. 77-20(e), for the specific purpose of collecting meteorological data during approaching storms.

(b) This General Permit shall not be applicable to proposed development where the Division of Coastal Management has determined, based on an initial review of the application, that notice and review pursuant to G.S. 113A-119 is necessary because there are unresolved questions concerning the proposed activity's impact on adjoining properties or on water quality, air quality, coastal wetlands, cultural or historic sites, wildlife, fisheries resources, or public trust rights.

(c) The permittee shall allow the Division of Coastal Management or other representatives of the Coastal Resources Commission to make periodic inspections at any time necessary to ensure that the activity being performed under authority of this General Permit is in accordance with the terms and conditions prescribed herein.

(d) The permit set forth in this Section does not eliminate the need to obtain any other state, local, or federal authorization, not to abide by federal, state, or local laws and ordinances, nor to abide by rules or regulations adopted by any federal, state, or local agency.

Authority G.S. 113A-107(a); 113A-107 (b); 113A-113(b)(5); 113A-118.1; 113A-120(b1)(4); 113A-126(d)(1)(c).

15A NCAC 07H .2805 SPECIFIC CONDITIONS

(a) Temporary weather monitoring structures authorized by this General Permit shall be installed and removed within five years from the date of issuance, and may remain in place for a maximum total of 14 consecutive days from the date of installation, unless otherwise authorized by the Division of Coastal Management. All aspects of the structure shall be removed and the site returned to pre-project conditions no later than 14 days from the date of installation, or at the expiration of the permit, whichever comes first.

(b) In order to minimize adverse impacts to threatened and endangered species, installation of temporary weather monitoring structures shall not occur inside the Ocean Hazard AEC within the period of April 1 through November 15 of any year, or anytime inside an Inlet Hazard AEC without the prior approval of the Division of Coastal Management, in coordination with the North Carolina Wildlife Resources Commission and the U.S. Fish and Wildlife Service.

(c) The permittee shall notify the Division upon commencement of installation, and upon removal of the structure.

(d) Vehicle or heavy equipment entry onto the beach shall be restricted to existing public vehicular beach access points.

(e) Installation shall not alter or remove any portion of a primary or frontal dune or the dune vegetation.

(f) The structure shall not be installed waterward of normal high water, as determined by the Division of Coastal Management. Alternatively, a surveyed mean high water line provided by the applicant may serve as the waterward limit of the structure.

(g) There shall be no dredge or fill of material.

(h) The proposed structure shall not be habitable.

(i) The proposed structure shall not impede the beach access or other public trust uses.

(j) The footprint of the structure shall not exceed 250 square feet.

(k) In the event of damage, the permittee shall be responsible for the removal of all remnants of all portions of the temporary weather monitoring structure.

Authority G.S. 77-20; 113A-107(A); 113a-107(B); 113A-113(b)(5); 113A-118.1; 113A-229(a).

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 42 - OPTOMETRY

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Board of Examiners in Optometry intends to readopt without substantive changes the rules cited as 21 NCAC 42A .0102; 42B .0101, .0103, and .0113.

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

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

Proposed Effective Date: February 1, 2027

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

Reason for Proposed Action: Readoption. Also, "carry out the purposes and" was stricken and the title changed because the language is arbitrary without defining "purpose".

21 NCAC 42B .0101: The Accreditation Council on Optometric Education (ACOE), the national accreditation organization for optometry schools or colleges of optometry, requires that the Board grant preliminary and conditional approval for schools or colleges of optometry that are undergoing and seeking accreditation in the state where they are located.

Comments may be submitted to: Janice Peterson, N.C. State Board of Examiners in Optometry 521 Yopp Road, Suite 214 #444,

Jacksonville, NC 28540; phone (910) 285-3160; email janice@ncoptometry.org

Comment period ends: November 30, 2026

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

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

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

SUBCHAPTER 42A - ORGANIZATION

21 NCAC 42A .0102 PURPOSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SUBCHAPTER 42B - LICENSE TO PRACTICE OPTOMETRY

SECTION .0100 - LICENSE BY EXAMINATION

21 NCAC 42B .0101 APPROVED SCHOOLS OF OPTOMETRY (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 42B .0103 APPLICATION FOR LICENSURE BY EXAMINATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 42B .0113 REEXAMINATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

CHAPTER 50 - PLUMBING, HEATING AND FIRE SPRINKLER CONTRACTORS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors intends to amend the rule cited as 21 NCAC 50 .0306.

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

Proposed Effective Date: March 1, 2027

Public Hearing:

Date: November 4, 2026

Time: 8:30 a.m.

Location: Hampton Inn, 155 Sugarloaf Road, Hendersonville, NC

Reason for Proposed Action: This proposed amendment will allow individuals licensed with the NC DHHS Well Commission who have taken a 16-hour Board approved course to sit for examination to obtain a Restricted Limited Plumbing Contractor License, on or before June 30, 2027. After July 1, 2027, these individuals licensed by the NC DHHS Well Commission will be required to take a minimum 8 hours of education in plumbing through a North Carolina community college program. The reasoning behind the proposed rule change is to allow licensed well contractors a pathway to obtain a restricted license that would allow them to extend the scope of their work to avoid the need for multiple contractors without compromising the health and safety of the public. This proposed change is an outgrowth of discussions between the staff of the State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors and the NC DHHS Well Commission as to how to improve efficiency. The reason for initially requiring a Board approved class for applicants and then moving to a community college program is to ensure the availability of classes.

Comments may be submitted to: Dale Dawson, 1109 Dresser Court, Raleigh, NC 27609; phone (919) 875-3612; email ddawson@nclicensing.org

Comment period ends: November 30, 2026

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

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

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

SECTION .0300 - EXAMINATIONS

21 NCAC 50 .0306 APPLICATIONS: ISSUANCE OF LICENSE

(a) All applicants for licensure or examination shall submit an application, setting forth the information required in G.S. 87-21 and the rules of this Chapter, on a form available on the Board website, <http://www.nclicensing.org>, or at the Board office. The application shall require the following information:

- (1) Licensure and exam type requested;
- (2) Last name, first name, and middle name of applicant;
- (3) Date of application;
- (4) Social Security Number;
- (5) Date of Birth;
- (6) Mailing address;
- (7) Telephone numbers;
- (8) Email address;
- (9) Applicant's dated signature;
- (10) Any tax documents evidencing experience as an employee of a licensed contractor;
- (11) Experience description including number of hours of experience claimed and whether the experience involved maintenance, installation, or repair;
- (12) Experience verification with notarized signature of current or former employers;
- (13) Exam fee (credit card, check, or money order);
- (14) Whether the applicant has ever been charged or convicted of a crime and description of the same;
- (15) Whether the applicant is incarcerated, paroled, or on probation;
- (16) Signed authorization for a criminal background check;
- (17) License type and number if applicant holds other licenses issued by Board;
- (18) Whether the applicant requests to take the examination outside of North Carolina;
- (19) Signed authorization for release of social security number to the United State Social Security Administration for purposes of verification of social security number; and
- (20) If applicable, any military or military spouse experience claimed.

(b) Applicants for a plumbing or heating examination shall present evidence when submitting an application to establish completion of two years of full-time experience in the installation, maintenance, service, or repair of plumbing or heating systems related to the category for which a license is sought, whether or not a license was required for the work performed. Applicants for

a fuel piping examination shall present evidence when submitting an application to establish completion of one year of experience in the installation, maintenance, service, or repair of fuel piping, whether or not a license was required for the work performed. Up to one-half of the experience may be in academic or technical training related to the field of endeavor for which examination is requested. The Board shall prorate part-time work of less than 40 hours per week or part-time academic work of less than 15 semester or quarter hours.

(c) The Board shall issue a license certificate bearing the license number assigned to the qualifying individual.

(d) Fire Sprinkler Installation Contractors shall meet experience requirements in accordance with the National Institute for Certification in Engineering Technologies (NICET) examination criteria.

(e) Applicants for examination or licensure in the Fire Sprinkler Inspection Technician classification shall submit evidence adequate to establish that the applicant has either:

- (1) 4000 hours of experience in inspection and testing of previously installed fire sprinkler systems, consistent with NFPA-25: Standard for the Inspection Testing and Maintenance of Water-Based Fire Protection Systems of the National Fire Protection Association, adopted by the North Carolina Building Code, which is hereby incorporated by reference, including all subsequent editions and amendments, as a full-time employee of a Fire Sprinkler Inspection Contractor or fire insurance underwriting organization. The document may be accessed free of charge at <http://www.nfpa.org/codes-and-standards/>;
- (2) 4000 hours of experience as a full-time employee of a hospital, manufacturing, government, or university facility under direct supervision of Fire Sprinkler Inspection Contractor or a Fire Sprinkler Inspection Technician involved in inspection and testing of previously installed fire sprinkler systems, consistent with NFPA 25: Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems of the National Fire Protection Association, which is hereby incorporated by reference, including all subsequent editions and amendments. The document may be accessed free of charge at <http://www.nfpa.org/codes-and-standards/>;
- (3) 4000 hours of experience in installation of fire sprinkler systems as a full-time employee of a Fire Sprinkler Installation Contractor; or
- (4) a combination of 4000 hours of experience in any of the categories listed in this Paragraph.

(f) Applicants for licensure in the Fire Sprinkler Inspection Contractor classification shall meet experience requirements in accordance with the National Institute for Certification in Engineering Technologies (NICET) or the Academy Certification Exams (ACE) certification criteria.

(g) Applicants for initial licensure in the Limited Fire Sprinkler Maintenance Technician classification shall submit evidence of

2000 hours experience at the place for which license is sought as a full-time maintenance employee in facility maintenance with experience in periodic maintenance of fire protection systems, as described in Rule .0515 of this Chapter. Applicants who have held a Limited Fire Sprinkler Maintenance Technician license previously are not required to demonstrate experience in addition to the experience at the time of initial licensure, but shall submit a new application if relocating to a new location.

(h) Applicants for licensure in the Residential Fire Sprinkler Installation Contractor classification shall hold an active Plumbing Class I or Class II Contractor license issued by the Board for a minimum of two years and shall document attendance at a 16-hour course approved by the Board pursuant to the Rules in this Chapter covering NFPA 13D: Standard for the Installation of Sprinkler Systems in One-and Two-Family Dwellings and Manufactured Homes, which is hereby incorporated by reference, including all subsequent editions and amendments. The document may be accessed free of charge at <http://www.nfpa.org/codes-and-standards/>. Residential Fire Sprinkler Installation Contractors shall maintain a Plumbing Contractor license as a condition of renewal of the Residential Fire Sprinkler Installation Contractor license.

(i) Applicants for Licensure as a plumbing or heating Class I technician shall present evidence adequate to establish 3000 hours of full-time experience in the installation, maintenance, service, or repair of plumbing or heating systems related to the category for which a technician license is sought, whether or not a license was required for the work performed. Applicants for a license as a plumbing or heating Class II technician shall present evidence adequate to establish 2500 hours of full-time experience in the installation, maintenance, service, or repair of plumbing or heating systems related to the category for which a technician license is sought, whether or not a license was required for the work performed. Applicants for a license as a fuel piping Class I technician shall present evidence adequate to establish 1500 hours of experience in the installation, maintenance, service, or repair of fuel piping, whether or not a license was required for the work performed. Applicants for a license as a fuel piping Class II technician shall present evidence adequate to establish 1500 hours of experience in the installation, maintenance, service, or repair of fuel piping, whether or not a license was required for the work performed. Up to one-half of the experience may be in academic or technical training related to the field of endeavor for which the examination is requested.

(j) Applicants for a Restricted Limited Plumbing Contractor license shall present evidence at the time of application to establish 1500 hours of full-time experience in the installation, maintenance, service, or repair of plumbing systems, whether or not a license was required for the work performed. Up to one-half of the experience may be in academic or technical training related to the field of endeavor for which examination is requested. The Board shall prorate part-time work of fewer than 40 hours per week or part-time academic work of less than 15 semester or quarter hours.

(k) In lieu of the requirements of Paragraph (j) of this Rule, applicants for a Restricted Limited Plumbing Contractor License who present a current active License from the North Carolina Irrigation Contractor Licensing Board may take the examination, provided the applicant demonstrates that he or she holds certification as a Backflow Inspector from one of the municipalities in North Carolina, or demonstrates 500 hours of experience in the maintenance, service, or repair of components of plumbing systems.

(l) Applicants for license based on completion of an apprenticeship program as described in G.S. 93B-8.6(b) shall meet the same experience and training requirements for the category of license sought as is set forth in this Rule.

(m) Applicants for licensure as a Limited Plumbing Water Heater Replacement Contractor shall present evidence at the time of application to establish that they have held a heating or fuel piping technician or contractor license for a minimum of two years, are in good standing with the Board, and has attended and completed a 6-hour course approved by the Board that covers North Carolina State Residential Plumbing codes requirements, sizing, and installation techniques that relate to the replacement of existing potable water heaters.

(n) In lieu of the requirements of Paragraph (j) of this Rule, applicants for a Restricted Limited Plumbing Contractor License who submit an application on or before June 30, 2027, and who present a current active License from the North Carolina Department of Health and Human Services, Well Commission as a Level A, Level B or Level C contractor, and who have attended and completed a 16 hours educational course approved by the Board covering plumbing codes applicable to the plumbing tasks for the Restricted Limited Plumbing Contractor License category, may take the Restricted Limited Plumbing Contractor License examination and shall be required to pass both the business and law part and the technical part of the Restricted Limited Plumbing Contractor examination in order to obtain a Restricted Limited Plumbing Contractor License.

(o) In lieu of the requirements of Paragraph (j) of this Rule, applicants for a Restricted Limited Plumbing Contractor License who submit an application on or after July 1, 2027, and who present a current active License from the North Carolina Department of Health and Human Services, Well Commission as a Level A, Level B or Level C contractor, may take the examination, provided the applicant demonstrates that he or she has attended and completed a minimum of eight hour educational course approved by the Board covering plumbing codes applicable to the plumbing tasks for the Restricted Limited Plumbing Contractor License category and shall be required to pass both the business and law part and the technical part of the Restricted Limited Plumbing Contractor examination in order to obtain a Restricted Limited Plumbing Contractor License.

Authority G.S. 87-18; 87-21(b).

APPROVED RULES

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

Rules approved by the Rules Review Commission at its meeting on August 27, 2026 Meeting.

REGISTER CITATION TO THE NOTICE OF TEXT

CHILD CARE COMMISSION

<u>New Staff Orientation</u>	10A NCAC	09	.1101*	40:14 NCR
<u>Health and Safety Training Requirements</u>	10A NCAC	09	.1102*	40:14 NCR
<u>On-Going Requirements for Family Child Care Home Operators</u>	10A NCAC	09	.1703*	40:14 NCR
<u>Additional Caregiver and Substitute Provider Qualifications</u>	10A NCAC	09	.1729	40:14 NCR
<u>Centers Operating under G.S. 110-106</u>	10A NCAC	09	.2101	40:14 NCR

MENTAL HEALTH/DD/SAS, COMMISSION FOR

<u>Schedule I</u>	10A NCAC	26F	.0102*	G.S. 90-88(d)
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ALCOHOLIC BEVERAGE CONTROL COMMISSION

<u>Definitions</u>	14B NCAC	15C	.0801*	40:20 NCR
<u>Importation and Transportation Under Customs Bonds</u>	14B NCAC	15C	.0802*	40:20 NCR
<u>Application for Permit</u>	14B NCAC	15C	.0804*	40:20 NCR
<u>Compliance: Inspection</u>	14B NCAC	15C	.0805*	40:20 NCR
<u>Distiller, Supplier and Brokerage Representatives: Prohib...</u>	14B NCAC	15C	.0901*	40:20 NCR
<u>Revocation Or Suspension of Permits</u>	14B NCAC	15C	.0902*	40:20 NCR
<u>Application for Permit</u>	14B NCAC	15C	.1001*	40:20 NCR
<u>Separate Permits Required</u>	14B NCAC	15C	.1002*	40:20 NCR
<u>Sales of Alcoholic Beverages in Terminal</u>	14B NCAC	15C	.1003*	40:20 NCR
<u>Application for Fuel Alcohol Permit: Operation</u>	14B NCAC	15C	.1101*	40:20 NCR
<u>Change of Plant Location</u>	14B NCAC	15C	.1102*	40:20 NCR
<u>Inspection of Premises: Availability of Permit</u>	14B NCAC	15C	.1103*	40:20 NCR
<u>Effect of Administrative Action</u>	14B NCAC	15C	.1201*	40:20 NCR

ENVIRONMENTAL QUALITY, DEPARTMENT OF

<u>How to Contact the Department</u>	15A NCAC	01A	.0102*	40:20 NCR
<u>Fees</u>	15A NCAC	01S	.0101	40:20 NCR

MINING COMMISSION

<u>Name and Address</u>	15A NCAC	05A	.0101*	40:08 NCR
<u>Bonding Requirements</u>	15A NCAC	05B	.0103*	40:08 NCR
<u>Mining Reclamation Reports</u>	15A NCAC	05B	.0110*	40:08 NCR
<u>Permit Application Processing Fees</u>	15A NCAC	05B	.0112*	40:08 NCR
<u>Response Deadline to Department's Request(s)</u>	15A NCAC	05B	.0113*	40:08 NCR
<u>Blasting</u>	15A NCAC	05B	.0114*	40:08 NCR
<u>Mining Permit Transfers</u>	15A NCAC	05B	.0115	40:08 NCR
<u>Permit Transfers Due to Corporate Name Changes</u>	15A NCAC	05B	.0116*	40:08 NCR

<u>Draft Permits</u>	15A NCAC	05B	.0117*	40:08 NCR
<u>Purpose and Scope</u>	15A NCAC	05F	.0101*	40:08 NCR
<u>Who May Assess</u>	15A NCAC	05F	.0103	40:08 NCR
<u>Civil Penalty For Mining Without a Permit</u>	15A NCAC	05F	.0105*	40:08 NCR
<u>Civil Penalty for Violating Operating Permit</u>	15A NCAC	05F	.0106*	40:08 NCR
<u>Referral to Attorney General</u>	15A NCAC	05F	.0111	40:08 NCR
<u>Procedures for Obtaining Permit</u>	15A NCAC	05G	.0103*	40:08 NCR
<u>Abandonment Plan: Bonding Requirements</u>	15A NCAC	05G	.0104*	40:08 NCR
<u>Drilling: Casing: Testing and Abandonment</u>	15A NCAC	05G	.0105*	40:08 NCR

ATHLETIC TRAINER EXAMINERS, BOARD OF

<u>Application for Licensure</u>	21 NCAC	03	.0101*	40:10 NCR
<u>Good Moral Character</u>	21 NCAC	03	.0102*	40:10 NCR
<u>Fees</u>	21 NCAC	03	.0201*	40:10 NCR
<u>Suspension of Authority and Escrow of Funds</u>	21 NCAC	03	.0202	40:10 NCR
<u>Renewal Request Form</u>	21 NCAC	03	.0301*	40:10 NCR
<u>Continuing Education</u>	21 NCAC	03	.0302*	40:10 NCR
<u>Lapsed License</u>	21 NCAC	03	.0303*	40:10 NCR
<u>Board Approval of Courses</u>	21 NCAC	03	.0304*	40:10 NCR
<u>Armed Services Extension for Credential</u>	21 NCAC	03	.0310*	40:10 NCR
<u>Disciplinary Actions</u>	21 NCAC	03	.0401	40:10 NCR
<u>Minimum Requirements</u>	21 NCAC	03	.0501*	40:10 NCR

BARBER AND ELECTROLYSIS EXAMINERS, BOARD OF

<u>Temporary License for Electrology Applicants</u>	21 NCAC	06U	.0105*	40:15 NCR
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PHARMACY, BOARD OF

<u>Standardized Orders</u>	21 NCAC	46	.1420*	40:20 NCR
<u>Limited Service Permits</u>	21 NCAC	46	.1616*	40:20 NCR
<u>Transfer of Prescription Information</u>	21 NCAC	46	.1806	40:20 NCR
<u>Direct-to-Patient Delivery Systems</u>	21 NCAC	46	.1821*	40:20 NCR
<u>Alternate Delivery Sites</u>	21 NCAC	46	.1822*	40:20 NCR
<u>Emergency Closure</u>	21 NCAC	46	.2516*	40:20 NCR

RESPIRATORY CARE BOARD

<u>Definitions</u>	21 NCAC	61	.0103*	40:20 NCR
<u>Application Process</u>	21 NCAC	61	.0201*	40:20 NCR
<u>Fees</u>	21 NCAC	61	.0204	40:20 NCR
<u>Background Investigation</u>	21 NCAC	61	.0205*	40:20 NCR
<u>License Number: Display of License</u>	21 NCAC	61	.0301*	40:20 NCR
<u>License by Reciprocity</u>	21 NCAC	61	.0306*	40:20 NCR
<u>Continuing Duty to Report</u>	21 NCAC	61	.0308*	40:20 NCR
<u>Continuing Education Requirements</u>	21 NCAC	61	.0401*	40:20 NCR
<u>Documentation and Audit Requirements</u>	21 NCAC	61	.0402*	40:20 NCR
<u>Change of Address or Business Name</u>	21 NCAC	61	.0501*	40:20 NCR
<u>Applicable Hearing Rules</u>	21 NCAC	61	.0701*	40:20 NCR
<u>Contested Cases</u>	21 NCAC	61	.0706	40:20 NCR

The following rules are subject to Legislative Review:

ELECTIONS, STATE BOARD OF

<u>General Guidelines</u>	08 NCAC	09	.0106*	40:22 NCR
<u>First Recount</u>	08 NCAC	09	.0107*	40:22 NCR
<u>Secondary Recounts</u>	08 NCAC	09	.0110	40:22 NCR
<u>Definitions</u>	08 NCAC	10C	.0101*	40:22 NCR
<u>Voting Sites Buffer Zones</u>	08 NCAC	10C	.0102*	40:22 NCR
<u>Voting Site Electioneering Zones</u>	08 NCAC	10C	.0103*	40:22 NCR
<u>Conduct at Voting Sites</u>	08 NCAC	10C	.0104*	40:22 NCR
<u>Verification of Photo Identification During In-Person Voting</u>	08 NCAC	17	.0101	40:22 NCR
<u>Photo Identification for Absentee-by-Mail Ballots</u>	08 NCAC	17	.0109*	40:22 NCR
<u>Definitions</u>	08 NCAC	18	.0201*	40:22 NCR
<u>Review for Deficiencies</u>	08 NCAC	18	.0501*	40:22 NCR
<u>Curable Deficiencies</u>	08 NCAC	18	.0502*	40:22 NCR
<u>Non-Curable Deficiencies</u>	08 NCAC	18	.0503*	40:22 NCR
<u>Irregularities That Do Not Require Further Action from th...</u>	08 NCAC	18	.0504*	40:22 NCR
<u>Irregularities That Require further action</u>	08 NCAC	18	.0505*	40:22 NCR

MINING COMMISSION

<u>Delegation</u>	15A NCAC	05A	.0202*	40:08 NCR
<u>Information Required in Permit Application</u>	15A NCAC	05B	.0104*	40:08 NCR
<u>Conditions Which May Be Included in Permit</u>	15A NCAC	05B	.0105*	40:08 NCR
<u>Standards for Denying an Application</u>	15A NCAC	05B	.0106	40:08 NCR
<u>Public Hearings</u>	15A NCAC	05B	.0111*	40:08 NCR
<u>Further Remedies</u>	15A NCAC	05F	.0112	40:08 NCR

TITLE 08 - BOARD OF ELECTIONS

08 NCAC 09 .0106 GENERAL GUIDELINES

(a) Prior to each recount under G.S. 163-182.7, the county board of elections or State Board shall inform the political parties and candidates of the recount and describe to them the process of conducting recounts. A county board of elections shall notice the recount at least 48 hours prior to the start of the recount. The county board shall send notice by email to the county board's regular notice list, county party chairs, and the candidates in the contest subject to the recount.

(b) In the case of tie votes, the winner shall be determined by lot only in the case set out in G.S. 163-182.8(2). Where there are 5,000 or fewer votes cast, there shall be only one determination by lot for each tied election. There shall be no determination by lot until the time has expired for the affected candidate(s) to request a recount, unless all of the affected candidate(s) waive their right in writing to request a recount.

(c) During the conduct of recounts, ballots shall be counted in accordance with the principles in G.S. 163-182.1(a).

(d) In conducting hand-to-eye recounts pursuant to G.S. 163-182.7A and Rule .0110 of this Chapter, or recounts of paper ballots, a bipartisan team of four officials shall be assigned: two officials (one from each of the two parties in the State with the largest number of registered voters) to relay the results of each

ballot with one person reading the ballot and the other official observing the ballot and the person reading the results of the ballot, and two officials (one from each of the two parties in the State with the largest number of registered voters) each separately recording the tally of votes for each candidate on paper while stating aloud after each choice is read on the fifth tally for a particular candidate, the word "tally." The county board by a majority vote of its members, including at least one board member of each political party represented on the board, may assign to the bipartisan team of four an unaffiliated voter or voter affiliated with one of the other political parties recognized in the State under G.S. 163-96 instead of an official who is from one of the two parties in the State with the largest number of registered voters. In no instance shall the county board assign more than two officials to a bipartisan team of four who are unaffiliated or affiliated with one of the other political parties, and a bipartisan team of four shall include at least one official from each of the two parties in the State with the largest number of registered voters. Bipartisan team officials shall be registered voters in the State and shall wear identification during the recount to make observers aware of the official's role in the recount. County board members shall not serve on the bipartisan team.

(e) The county board of elections shall conduct recounts only as follows:

- (1) the recount is mandatory under G.S. 163-182.7(b) or (c) or G.S. 163-182.7A; or
- (2) the county board of elections or the State Board of Elections determines, using its authority in G.S. 163-182.7(a), that in order to complete the canvass a recount is necessary.

(f) A candidate shall have the right to call for a hand-to-eye recount within 24 hours after the board of elections having jurisdiction over the ballot item under G.S. 163-182.7 declares the completion of a discretionary machine recount that is ordered pursuant to G.S. 163-182.7(a) or by noon on the next business day of the board of elections office, whichever is later, if the discretionary recount changed the apparent outcome of the election. A candidate shall have the right to call for a hand-to-eye sample recount, pursuant to G.S. 163-182.7A, within 24 hours after the board of elections having jurisdiction over the ballot item under G.S. 163-182.7 declares the completion of a mandatory machine recount. A machine recount shall not be declared completed until the results have been reported to the State Board. The county board shall provide written notice to the candidates of the date and time that the recount was declared completed, and that notice shall be provided by email or hand-delivery within one hour of the declaration being made. For machine recounts of ballot items under the jurisdiction of a county board of elections, the declaration of the completion of the recount may be delegated by the county board to the bipartisan team of two county board members chosen to oversee the recount pursuant to Paragraph (h) of this Rule. For machine recounts of ballot items under the jurisdiction of the State Board, the declaration of the completion of the recount may be delegated by the State Board to the Executive Director of the State Board.

(g) Any candidate in the contest subject to a recount shall have the right to file an election protest within 24 hours after a recount is declared completed or by noon of the next business day of the county board office, whichever is later, if the protest relates to the conduct of the recount. Allegations unrelated to the recount may not be included in the protest.

(h) Recounts shall be performed in the presence of a quorum of county board members or in the presence of a bipartisan team of two county board members chosen by the county board to oversee the recount. Determinations of voter intent shall be made by a quorum of the county board that includes at least one board member of each political party represented on the board.

History Note: Authority G.S. 163-22; 163-182.1; 163-182.7; 163-182.7A;

Temporary Adoption Eff. April 15, 2002;

Eff. August 1, 2004;

Readopted Eff. June 1, 2019;

Amended Eff. Pending Legislative Review; September 1, 2021.

08 NCAC 09 .0107 FIRST RECOUNT

(a) In the first recount conducted by the county board of elections in accordance with G.S. 163-182.7, all ballots that were originally counted shall be recounted by machine, notwithstanding the method by which the ballots were originally counted.

(b) In conducting the machine recount, the county board of elections shall assign a bipartisan team of two officials for each tabulator, consisting of a tabulator attendant to feed ballots into

the tabulator and a tabulator observer to provide ballots to the tabulator attendant. The county board shall assign at least one additional official to manage the distribution of the voted ballots that are subject to the recount. Trained personnel, county board of elections staff, or precinct officials appointed pursuant to G.S. 163-41, G.S. 163-42, or G.S. 163-166.35(b), shall be assigned by the county board to operate the tabulator in place of the bipartisan team only when those personnel are overseen by a bipartisan team of supervisors. A bipartisan team of supervisors shall consist of two officials and shall be assigned to oversee the operation of no more than four tabulators. For the purpose of this Rule, "bipartisan team" or "bipartisan team of supervisors" refers to a team of two officials assigned by the county board of elections with one official each being registered as affiliated with one of the two parties in the State with the largest number of registered voters. County board members shall not serve on the bipartisan team or bipartisan team of supervisors.

(c) All ballots that are rejected for tabulation purposes by the machines during the recount shall be recounted using one of the following methods:

- (1) By hand. The hand count shall be done by a bipartisan team of four in accordance with Rule .0106(d) of this Chapter, and any questions regarding voter intent in the hand recount of those ballots shall be resolved in accordance with Rule .0109 of this Chapter.
- (2) By ballot duplication. The ballot duplication shall be performed by a bipartisan team assigned under Paragraph (b) of this Rule. The bipartisan team shall replicate the voter's selections in all contests on the rejected ballot onto a blank ballot that is reviewed by the county board members in attendance and then fed into the tabulator. Any questions regarding voter intent in the selections on the rejected ballot shall be resolved in accordance with Rule .0109 of this Chapter prior to replicating the selections onto the blank ballot. The duplicated ballot shall be marked by the bipartisan team with a unique identifier that it is a duplicated ballot, and the duplicated ballot shall be securely stored with the rejected ballot after it has been successfully read by the machine. The bipartisan team shall mark the rejected ballot with a unique identifier that it is the rejected ballot and which corresponds to the identifier on the duplicated ballot, but shall not alter the voter's selections, either permanently or temporarily, on the rejected ballot.

A county conducting a machine recount shall use only one of the methods in the recount and shall inform the political parties and candidates in writing which method it will use under this Paragraph prior to using that method. Ballots accepted by the machines during the recount shall not be counted by hand, regardless of whether the ballot is marked, contains overvotes, or is blank.

(d) The board of elections having jurisdiction over the ballot item shall schedule the first recount to begin within three business days of the demand for a mandatory recount or the decision to conduct

a discretionary recount under G.S. 163-182.7, except any mandatory recount shall begin no earlier than the conclusion of the county canvass meeting pursuant to G.S. 163-182.5.

History Note: Authority G.S. 163-22; 163-182.7;
Temporary Adoption Eff. April 15, 2002;
Eff. August 1, 2004;
Readopted Eff. June 1, 2019;
Amended Eff. September 1, 2021;
Temporary Amendment Eff. August 8, 2024;
Temporary Amendment Exp. May 31, 2025;
Amended Eff. Pending Legislative Review; August 1, 2025.

08 NCAC 09 .0110 SECONDARY RECOUNTS

For any hand-to-eye recount conducted under G.S. 163-182.7A, each county board of elections involved in the recount shall provide notice at least 24 hours in advance of the recount by email to the county board's notice list under G.S. 143-318.12(b)(2), county party chairs, and the candidates in the contest subject to the recount. No separate notice of a hand-to-eye recount is required if the hand-to-eye recount occurs on the same day as and following the conclusion of the first recount under 08 NCAC 09 .0107 and the notice of the first recount stated that a hand-to-eye recount, if required, could take place upon the conclusion of the first recount. The board of elections having jurisdiction over the ballot item under G.S. 163-182.7 shall schedule any hand-to-eye recount to begin within three business days of the demand for a hand-to-eye recount, whether that recount is a sample recount or a full recount.

History Note: Authority G.S. 163-22; 163-182.7; 163-182.7A;
Temporary Adoption Eff. August 8, 2024;
Temporary Adoption Exp. May 31, 2025;
Adoption Eff. August 1, 2025;
Amended Eff. Pending Legislative Review.

08 NCAC 10C .0101 DEFINITIONS

For purposes of this Subchapter:

- (1) "Chief judge" means the precinct official appointed as the chief judge for a voting site in accordance with G.S. 163-41 or G.S. 163-166.35.
- (2) "Curbside buffer zone" means the area designated by a county board of elections where the activities under G.S. 163-166.4(a) are prohibited around a curbside voting zone.
- (3) "Curbside voting zone" means the area designated by a county board of elections for qualified voters to vote curbside at a voting site pursuant to 08 NCAC 10B .0108 and G.S. 163-166.9.
- (4) "Electioneering zone" means the area, or areas, designated by a county board of elections where the activities under G.S. 163-166.4(b) are permitted at a voting site.
- (5) "Judge" means the precinct official appointed as a judge of election for a voting site in

accordance with G.S. 163-41 or G.S. 163-166.35.

- (6) "Voting enclosure" means the room or designated area within the voting place that is used for voting.
- (7) "Voting place" means the building, or part thereof, used for voting on election day in each precinct established under G.S. 163-128 or during early voting at an early voting site approved in an early voting plan under G.S. 163-166.35. Voting place shall mean the county board of elections office when that building, or part thereof, is used for voting.
- (8) "Voting place buffer zone" means the area designated by a county board of elections where the activities under G.S. 163-166.4(a) are prohibited at a voting site.
- (9) "Voting site" means the property, or portion of the property under the possession and control of the county board of elections, on which the voting place is located.

History Note: Authority G.S. 163-22; 163-129; 163-166.4; 163-166.5; 163-166.6; 163-166.7; 163-166.9;
Eff. Pending Legislative Review.

08 NCAC 10C .0102 VOTING SITE BUFFER ZONES

(a) The voting place buffer zone at a voting site shall be designated as follows:

- (1) Before each election, the county board of elections shall designate a voting place buffer zone at each voting site in the county in accordance with G.S. 163-166.4(a). When designating a voting place buffer zone, the county board shall take into account the physical layout and dimensions of the voting site, location of the entrances for ingress to and egress from the voting place, walkways voters will use to access the voting place at the voting site, parking areas at the voting site, and the electioneering zone designated under Rule .0103 of this Subchapter and G.S. 163-166.4(b). If a voting place has multiple entrances, the county board shall designate a voting place buffer zone at each entrance. Notice of the designation shall be given to the public in accordance with G.S. 163-166.4.
- (2) Prior to the start of voting, the chief judge or a judge designated by the chief judge shall mark the boundary of the voting place buffer zone consistent with the county board of election's designation made under Subparagraph (a)(1) of this Rule. The zone shall be marked or caused to be marked with signage, cones, rope, tape, or some other visible marker that the chief judge determines is appropriate for ensuring peace and good order at the voting place in accordance with 08 NCAC 10B .0101(b)(18) and (19) when taking into account the physical

layout, dimensions, and parking areas of the voting site.

(b) The curbside voting zone and curbside buffer zone at a voting site shall be designated as follows:

- (1) Before each election, the county board of elections shall designate a curbside voting zone at each voting site in the county. The curbside voting zone shall be sufficient in size to accommodate at least one vehicle and measure not less than 150 square feet in area for voters to engage in the act of voting curbside in accordance with 08 NCAC 10B .0108.
- (2) Before each election, the county board of elections shall designate a curbside buffer zone at each voting site in the county. The county board of elections shall establish the curbside buffer zone of a distance no less than 6 feet and no more than 15 feet as measured in a straight line from the nearest marked boundary of the curbside voting zone, taking into account the physical layout and dimensions of the voting site, parking areas, voting place buffer zone, and the electioneering zone at the voting site. Notice of the designation shall be given to the public in accordance with G.S. 163-166.4.
- (3) Prior to the start of voting, the chief judge or a judge designated by the chief judge shall mark the boundary of the curbside voting zone and curbside buffer zone consistent with the county board of election's designation made under this Rule in the same manner as marking the voting place buffer zone under Subparagraph (a)(2) of this Rule.

(c) This Rule shall not prevent the chief judge of the voting site from changing a boundary or location of a zone designated under this Rule when that change is required because of circumstances at the voting site that make it impractical to maintain the zone's designated boundary or location. Circumstances that may require a change in a zone's boundary or location under this Paragraph include, but are not limited to, changes in the physical layout or topography of the voting site, construction activities at the voting site, adverse weather, disruptions in access to the voting place and voting site, and the safety of persons at the voting site. Notice of the change in a zone's boundary or location at a voting site shall be given to the public in the same manner as the original designation within one business day of the change.

History Note: Authority G.S. 163-22; 163-48; 163-129; 163-166.4; 163-166.5; 163-166.6; 163-166.7; 163-166.9;
Eff. Pending Legislative Review.

08 NCAC 10C .0103 VOTING SITE ELECTIONEERING ZONE

(a) Before each election, the county board of elections shall designate an electioneering zone at each voting site in the county in accordance with G.S. 163-166.4(b) that shares a physical border with the voting place buffer zone. When designating an electioneering zone, the county board shall take into account the physical layout and dimensions of the voting site, parking and

vehicle access areas at the voting site, walkways voters will use to access the voting place at the voting site, and the voting and buffer zones established under Rule .0102 of this Subchapter. The county board shall designate additional electioneering zones at a voting site that do not share a border with the voting place buffer zone if the county board determines that the physical layout of the voting site will result in an insufficient amount of space for electioneers to engage in the election-related activity permitted under G.S. 163-166.4(b) as a result of there being only a single electioneering zone. Notice of the designation shall be given to the public in accordance with G.S. 163-166.4.

(b) Prior to the start of voting at the voting site, the chief judge or a judge designated by the chief judge shall mark the boundary of the electioneering zone consistent with the county board of election's designation made under this Rule. The zone shall be marked with signage, cones, rope, tape, or some other visible marker that the chief judge determines is appropriate for ensuring peace and good order at the voting place in accordance with 08 NCAC 10B .0101(b)(18) and (19) when taking into account the physical layout, dimensions, and parking areas of the voting site.

(c) This Rule does not apply to a voting site that has been granted approval to not permit election-related activities at the voting site under G.S. 163-166.4(c).

(d) This Rule shall not prevent the chief judge of the voting site from changing a boundary or location of a zone designated under this Rule when that change is required because of circumstances at the voting site that make it impractical to maintain the zone's designated boundary or location. Circumstances that may require a change in a zone's boundary or location under this Paragraph include, but are not limited to, changes in the physical layout or topography of the voting site, construction activities at the voting site, adverse weather, disruptions in access to the voting place and voting site, the number of persons in the designated electioneering zone, and the safety of persons at the voting site. Notice of the change in a zone's boundary or location at a voting site shall be given to the public in the same manner as the original designation within one business day of the change.

History Note: Authority G.S. 163-22; 163-48; 163-129; 163-166.4; 163-166.5; 163-166.6; 163-166.7;
Eff. Pending Legislative Review.

08 NCAC 10C .0104 CONDUCT AT VOTING SITES

(a) The chief judge and judges shall ensure peace and good order at the voting site in accordance with 08 NCAC 10B .0101 and G.S. 163-48 by requiring persons at the voting site to comply with this Rule.

(b) Persons at a voting site shall only engage in the activities under G.S. 163-166.4(b) while in the designated electioneering zone.

(c) Noise and sound that is disruptive to the voting site shall be addressed by the chief judge or a judge as follows:

- (1) No person outside of the voting place and at a voting site during the hours of voting shall make or cause any noise at a volume that is audible to the chief judge or a judge when that official is in the voting enclosure. If the chief judge or a judge determines that a person has made or is making a noise in violation of this

Rule, and that noise is detected by the official for a duration of no less than one minute or on a repeated basis during the hours of voting, they shall inform the person that the noise is disrupting the orderly conduct of voting and the ability for persons to communicate when they are within the voting enclosure. The chief judge or judge shall require the person to decrease the volume such that it is no longer audible in the voting enclosure. For the purposes of this Rule, "audible" means any sound, or vibration that is caused by sound, that can be detected by a person using their unaided hearing faculties.

- (2) No person outside of the voting place and at a voting site shall use a sound amplification device during the hours of voting. If the chief judge or a judge determines that a person at the voting site is using a sound amplification device in violation of this Rule, they shall inform the person that the use of the device is disrupting the orderly conduct of voting and the ability for persons to communicate when they are within the voting enclosure and electioneering zones. The chief judge or judge shall require the person to cease operation of the device and remove the device from the voting site. For the purposes of this Rule, "sound amplification device" means a mechanical or electronic device that increases a sound's volume, including portable speakers, bullhorns, megaphones, public address systems, vehicle-mounted speakers or audio systems, and any vehicle's internal audio system that is audible beyond the interior of the vehicle. A sound amplification device does not include a device that is used for accessibility or emergency purposes, or that is used by or at the request of the chief judge or a judge when facilitating the orderly conduct of voting at the voting site.

History Note: Authority G.S. 163-22; 163-48; 163-129; 163-166.4; 163-166.5; 163-166.6; 163-166.7;
Eff. Pending Legislative Review.

08 NCAC 17 .0101 VERIFICATION OF PHOTO IDENTIFICATION DURING IN-PERSON VOTING

(a) When a person presenting to vote checks in at a voting site, an election official shall ask the voter to show photo identification in accordance with G.S. 163-166.16 and this Rule. The election official shall examine any photo identification provided by the person presenting to vote and shall determine the following:

- (1) The photo identification is of the type acceptable for voting purposes pursuant to G.S. 163-166.16(a). A valid United States passport book or passport card is acceptable pursuant to G.S. 163-166.16(a)(1)c.

- (2) The photograph appearing on the photo identification bears a reasonable resemblance to the person presenting to vote. A reasonable resemblance is a similarity in appearance such that an ordinary person would conclude that the photograph on the identification is more likely than not the person presenting to vote. The election official shall make this determination based on the totality of the circumstances, bearing in mind that there are many reasons that a person's appearance could change (such as, for illustrative purposes only, changes in hair, facial hair, or weight; or the effects of medical conditions, aging, or medical treatment). The election official shall also be guided by the purpose of the photo identification requirement, which is to confirm the person presenting to vote is the registered voter on the voter registration records.

- (3) The name appearing on the photo identification is the same as or substantially equivalent to the name contained in the voter's voter registration record. The election official shall make this determination based on the totality of the circumstances, construing all evidence, along with any explanation or documentation voluntarily offered by the person presenting to vote, in the light most favorable to that person. The election official shall consider the name appearing on the photo identification to be substantially equivalent to the name contained in the registration record if differences are attributable to a reasonable explanation, which shall include but is not limited to one or more of the following reasons:

- (A) Omission or inclusion of one or more parts of the name (such as, for illustrative purposes only, Mary Beth Smith versus Beth Smith, or Patrick Todd Jackson, Jr. versus Patrick Todd Jackson, or Maria Guzman-Santana versus Maria Guzman);
- (B) Use of a variation or nickname rather than a formal name (such as, for illustrative purposes only, Bill versus William, or Sue versus Susanne);
- (C) Use of an initial in place of one or more parts of a given name (such as, for illustrative purposes only, A.B. Sanchez versus Aaron B. Sanchez);
- (D) Use of a former name, including maiden names (such as, for illustrative purposes only, Emily Jones versus Emily Gibson), or a variation that includes or omits a hyphenation or hyphen (such as, for illustrative purposes only, Chantell D. Jacobson-Smith versus Chantell D. Jacobson or Chantell D. Jacobson Smith), an

accent (such as, for illustrative purposes only, José Muñoz versus Jose Munoz), or an apostrophe (such as, for illustrative purposes only, Andrea D'Antonio versus Andrea Dantonio);

- (E) Ordering of names (such as, for illustrative purposes only, Maria Eva Garcia Lopez versus Maria E. Lopez-Garcia); or
- (F) Variation in spelling or typographical errors (such as, for illustrative purposes only, Dennis McCarthy versus Denis McCarthy, or Aarav Robertson versus Aarav Robertsson).

If a voter is casting a provisional ballot because the voter's record does not appear in the poll book, the election official shall instead compare the name on the photo identification with the name provided by the voter on the provisional ballot application.

(b) The election official checking in the person presenting to vote, when examining the photo identification of that person, shall not require the voter to provide any evidence regarding the identification apart from the identification itself. If the face of the person presenting to vote is covered to such an extent that the election official cannot determine reasonable resemblance under Subparagraph (a)(2) of this Rule, then the election official shall inform the voter that the face covering is preventing the official from determining that the photo on the identification is that of the voter and shall offer the voter the option to briefly remove the face covering. If the voter chooses not to remove the covering, then the election official shall enter a challenge in accordance with Subparagraph (d)(3) of this Rule.

(c) Differences between the address appearing on the photo identification of a person presenting to vote and the address contained in the registration record of that person shall not be considered as evidence that the photographic identification fails to meet the requirements of G.S. 163-166.16 or this Rule.

(d) After examining the photo identification according to Paragraphs (a) through (c) of this Rule, the election official shall proceed as follows:

- (1) If the election official determines that the photo identification meets all the requirements of Paragraph (a) of this Rule, then the election official shall allow the person to vote pursuant to G.S. 163-166.7.
- (2) If the election official determines that the photo identification is not an acceptable type of photo identification under Subparagraph (a)(1) of this Rule, the election official shall inform the person presenting to vote of the reasons for that determination (such as, for illustrative purposes only, that the photo identification is not on the list of student identifications approved by the State Board of Elections) and shall invite the person to provide any other photo identification that is acceptable under Subparagraph (a)(1) of this Rule that the person may have. If the person

presenting to vote does not produce photo identification that meets all the requirements of Subparagraph (a)(1) of this Rule, then the election official shall inform the person presenting to vote of both options to vote by provisional ballot in accordance with Paragraph (e) of this Rule.

- (3) If the election official determines that the photo or name on the photo identification do not satisfy Subparagraphs (a)(2) and (a)(3) of this Rule, the election official shall inform the person presenting to vote of the reasons for that determination and shall invite the person to provide any other photo identification that the person may have that is acceptable under Subparagraph (a)(1) and satisfies Subparagraphs (a)(2) and (a)(3) of this Rule. If the person presenting to vote does not produce photo identification that meets all the requirements of Paragraph (a) of this Rule, then the election official shall enter a challenge pursuant to G.S. 163-87 and immediately notify the voting site's judges of election of the challenge. The judges of election shall then conduct a challenge hearing, in accordance with the applicable procedures in G.S. 163-88. At the conclusion of the hearing, the judges of election shall vote on whether the photo appearing on the photo identification of the person presenting to vote bears a reasonable resemblance to that person or whether the name appearing on the photo identification is the same as or substantially equivalent to the name contained in the voter's voter registration record, applying the same standards as the election official initially reviewing the identification under Subparagraphs (a)(2) and (a)(3). Each judge shall record the judge's findings in writing. Only if the judges of election unanimously find that the photo appearing on the photo identification does not bear a reasonable resemblance to the person presenting to vote, or that the name appearing on the photo identification is not the same as or substantially equivalent to the name contained in the voter's voter registration record, the voter shall be offered both options to vote by provisional ballot in accordance with Paragraph (e) of this Rule. Absent such a unanimous finding, the person shall vote with a regular ballot pursuant to G.S. 163-166.7. When the judges of election conduct a challenge hearing under this Rule and the challenge is to a curbside voter, to ensure the voting enclosure remains properly attended, the judges may separately visit the curbside location to assess the voter's identification.

(e) A person presenting to vote who does not present acceptable photo identification in accordance with this Rule shall be offered both of the following options:

- (1) To vote by provisional ballot and then bring to the office of the county board identification acceptable under G.S. 163-166.16 and this Rule before the deadline for doing so in G.S. 163-166.16(c). If the voter brings photo identification to the office of a county board in a timely manner, a county board staff member shall examine the photo identification in accordance with Paragraphs (a), (b), and (c) of this Rule. After examining the photo identification, the staff member shall proceed as follows:

- (A) If the photo identification meets all the requirements of Paragraph (a) of this Rule, the staff member shall recommend approval of the provisional ballot to the county board.
- (B) If the photo identification is not an acceptable type of photo identification under Subparagraph (a)(1) of this Rule, then the staff member shall inform the voter of the reasons for that determination, while the voter is at the county board office, and invite the voter to provide an acceptable photo identification in accordance with Subparagraph (d)(2) of this Rule. If the voter does not provide acceptable identification by the deadline for doing so in G.S. 163-166.16(c), then county board staff shall recommend disapproval of the provisional ballot to the county board.
- (C) If the photo or name on the photo identification do not satisfy Subparagraphs (a)(2) and (a)(3) of this Rule, then the staff member shall inform the voter of the reasons for that determination and shall invite the voter to provide any other photo identification that meets the requirement of Paragraph (a) of this Rule. If the voter does not produce photo identification that meets the requirement of Paragraph (a) of this Rule, then the staff member shall recommend disapproval of the provisional ballot to the county board. While the voter is at the county board office, the staff member shall inform the voter of the recommendation and provide notice to the voter of the county board meeting at which the voter's provisional ballot will be reviewed and considered by the county board. If the voter appears at that meeting and desires to address the county board on whether their photo identification meets the requirement of

Paragraph (a) of this Rule, the county board members are subject to the requirements of this Rule in the same manner as a staff member initially examining a voter's photo identification.

If the voter brings photo identification that is an acceptable type of photo identification under Subparagraph (a)(1) of this Rule to the county board office before the deadline for doing so in G.S. 163-166.16(c), the county board shall count the provisional ballot unless the county board unanimously decides the photo identification presented does not satisfy Subparagraphs (a)(2) and (a)(3) of this Rule, in which case the county board shall record in writing the grounds for its decision.

- (2) To vote by provisional ballot with an affidavit claiming an exception to the identification requirement, pursuant to G.S. 163-166.16(d). If the voter has completed the affidavit as required in G.S. 163-166.16(d) and is otherwise eligible to vote, the county board shall count the provisional ballot unless the county board finds by majority vote that the affidavit is false. The county board shall substantiate any finding of falsity with grounds recorded in a written decision, and those grounds shall be based only on facts and not speculation. Before disapproving a voter's provisional ballot because of a finding of falsity, the county board shall provide the voter advance notice and an opportunity to address the county board on any grounds that the county board is considering regarding the falsity of the affidavit at the meeting at which the voter's provisional ballot will be reviewed and considered by the county board. The notice shall identify the specific reasons the county board is considering the affidavit to be potentially false and inform the voter how the voter may address the reasons for potential falsity, which shall include the options to provide a written explanation or documentation or to address the board at a meeting in person. The county board shall send the notice via U.S. Mail within one business day of a county board's preliminary finding of falsity, provided that the opportunity to be heard is at least five days from the date of mailing. The notice shall be mailed for next-day delivery if the opportunity to be heard is less than five days from the date of mailing. Notice shall also be provided within one business day of a county board's preliminary finding of falsity by email to any email address or by phone to any phone number that the county board possesses for the voter. The notice and opportunity to address the county board provided for in this Subparagraph shall be

offered only to those provisional voters for whom a majority of county board members, or more, have identified a specific reason, based only on facts and not speculation, to find that the affidavit claiming an exception to the identification requirement is false.

History Note: Authority G.S. 163-22; 163-166.7; 163-166.11; 163-166.16;

Eff. January 1, 2016;

Temporary Amendment Eff. August 23, 2019;

Temporary Amendment Expired Eff. June 12, 2020;

Temporary Amendment Eff. August 1, 2023;

Amended Eff. Pending Legislative Review; April 1, 2024.

08 NCAC 17 .0109 PHOTO IDENTIFICATION FOR ABSENTEE-BY-MAIL BALLOTS

(a) Identification Requirement for Absentee-by-Mail Ballots. Photo identification accompanying a voter's absentee ballot pursuant to G.S. 163-230.1(f1) is acceptable if it is a photocopy of a type of photo identification acceptable for voting purposes under 08 NCAC 17 .0101(a)(1), is readable, and the name appearing on the identification is the same as or substantially equivalent to the name contained in the voter's voter registration record in accordance with 08 NCAC 17 .0101(a)(3). As used in this Rule, "readable" means that, on the photocopy of identification required by this Rule, the name on the identification can be read and the photograph depicts a person, as opposed to displaying, for example, a mere shadow or outline of a person. A photo identification shall not be rejected due to differences between the address appearing on an absentee voter's photo identification and any address contained in the voter's absentee request form, absentee ballot application, or registration record. A copy of photo identification that is acceptable under this Rule need include only the side of the identification (or, if the identification is a booklet, the page of the identification) where the person's name and photo appears.

(b) Initial Review by County Board Staff. County board staff shall, upon receipt of a voter's absentee ballot application, determine whether the application is accompanied by a photocopy of photo identification that is acceptable under Paragraph (a) of this Rule, or, if the application is accompanied by an affidavit claiming an exception to the identification requirement pursuant to G.S. 163-166.16(d), determine whether the affidavit includes the affirmations required by G.S. 163-166.16(d) for that exception and, if applicable, the personal identification number required to be provided by G.S. 163-230.1(g)(2). Staff shall review the registration records to determine whether the number provided matches the corresponding number in the registration records. The number required to be provided by G.S. 163-230.1(g)(2) is deficient only if it does not match the corresponding number listed in the voter's voter registration record.

If staff identify any deficiency, they shall mail written notice of the deficiency to the voter within one business day of identifying the deficiency, informing the voter that the voter, the voter's verifiable legal guardian or near relative, or a person of the voter's choice if the voter needs assistance due to the voter's disability, may provide a photocopy of the voter's acceptable photo identification or a completed affidavit claiming an exception. The

notice shall state the photocopy or affidavit must be received by the county board by the deadline for doing so in G.S. 163-230.1(e1). The notice of the deficiency shall also be provided by telephone or email if the telephone number or email address was provided by the voter on the request form for the absentee ballot. The voter may transmit either of the above documentation curing the deficiency in person, by mail, or by email.

(c) Final Review by County Board. The county board shall, at the first meeting held pursuant to G.S. 163-230.1(f) after the application and ballot is received, proceed as follows:

(1) If the voter has submitted a photocopy of their photo identification, the county board shall make its determination whether the identification is acceptable under Paragraph (a) of this Rule. A final determination that the photocopy of photo identification is not acceptable under Paragraph (a) of this Rule shall require a unanimous vote by the county board. If the county board makes a final determination that a voter's photocopy of photo identification is not acceptable, staff shall notify the voter as provided in Paragraph (b) of this Rule, and the county board shall reserve its final decision on the approval of the absentee application until the next official meeting after it receives documentation curing the deficiency or the final meeting to count cured absentee ballots as required by G.S. 163-234(12), whichever occurs first.

(2) If the voter has completed an affidavit claiming an exception to the identification requirement pursuant to G.S. 163-166.16(d) and is otherwise eligible to vote, the county board may reject that person's ballot only if the county board finds by majority vote that the affidavit is false. The county board shall substantiate any finding of falsity with grounds recorded in a written decision, and those grounds shall be based only on facts and not speculation. Before rejecting a voter's ballot because of a finding of falsity, the county board shall provide the voter advance notice and an opportunity to address the county board at its final meeting to count cured absentee ballots as required by G.S. 163-234(12) on any grounds that the county board is considering regarding the falsity of the affidavit. The notice shall identify the specific reasons the county board is considering the affidavit to be potentially false and inform the voter how the voter may address the reasons for potential falsity, which shall include the options to provide a written explanation or documentation or to address the board at a meeting in person. The county board shall send the notice via U.S. Mail within one business day of a county board's preliminary finding of falsity, provided that the opportunity to be heard is at least five days from the date of mailing. The notice shall be mailed for next-day

delivery if the opportunity to be heard is less than five days from the date of mailing. Notice shall also be provided within one business day of a county board's preliminary finding of falsity by email to any email address or by phone to any phone number that the county board possesses for the voter. The notice and opportunity to address the county board provided for in this Subparagraph shall be offered only to those voters for whom a majority of county board members, or more, have identified a specific reason, based only on facts and not speculation, to find that the affidavit claiming an exception to the identification requirement is false.

- (3) If a voter's photocopy of photo identification or affidavit claiming an exception to the identification requirement pursuant to G.S. 163-166.16(d) is deemed deficient upon initial review under Paragraph (b) of this Rule, the county board shall reserve its final decision on the approval of the absentee application until the next official meeting after it receives documentation curing the deficiency identified pursuant to Paragraph (b) of this Rule or the final meeting to count cured absentee ballots as required by G.S. 163-234(12), whichever occurs first.

(d) Exception for Military and Overseas Voters. A voter who is casting a ballot pursuant to G.S. 163, Article 21A, Part 1 is not required to submit a photocopy of acceptable photo identification under Paragraph (a) of this Rule or claim an exception under G.S. 163-166.16(d).

(e) Return of Original Form of Identification. If a voter sends their original form of photo identification in the container-return envelope, or if a voter or other person permitted to return the voter's absentee ballot hand-delivers an absentee ballot to the county board of elections that is not accompanied by a photocopy of the voter's photo identification and the voter or other person has the voter's photo identification that is a type acceptable for voting purposes under 08 NCAC 17 .0101(a)(1) on hand, the county board shall make a photocopy of the identification, which shall serve as an acceptable photo identification accompanying the voter's absentee ballot. When a voter sends their original form of photo identification in the container-return envelope, the county board shall notify the voter by mail and by any email address or phone number that the county board possesses for the voter that the original photo identification will be returned to the voter. The county board shall use a method of return that documents receipt of the photo identification.

History Note: Authority G.S. 163-22; 163-166.7; 163-166.16; 163-230.1;

Temporary Adoption Eff. August 23, 2019; January 1, 2020;

Temporary Rule Exp. Eff. October 11, 2020;

Temporary Adoption Eff. August 1, 2023;

Eff. April 1, 2024;

Amended Eff. Pending Legislative Review.

SECTION .0200 – GENERAL RULES FOR ABSENTEE VOTING

08 NCAC 18 .0201 DEFINITIONS

For purposes of this Chapter:

- (1) "Application" means the absentee ballot application printed on the container-return envelope as provided by G.S. 163-229.
- (2) "Absentee ballot package" means the combination of the outer return envelope, container-return envelope, application, instructions, absentee ballot, and blank photo identification affidavit.
- (3) "Absentee voter" means a registered voter who has requested to vote by absentee ballot.
- (4) "Container-return envelope" means the envelope provided by a county board of elections to a voter pursuant to G.S. 163-230.1 that is designated to contain a voted absentee ballot when the ballot is returned to the county board of elections.
- (5) "Curable deficiency" means a deficiency that can be cured with supplemental documentation or an attestation provided by the absentee voter.
- (6) "Cure" means the process by which a voter submits additional documentation or an attestation that corrects a curable deficiency.
- (7) "Cure notice" means a written notice sent to an absentee voter identifying a curable deficiency and informing the voter that the voter, the voter's verifiable legal guardian or near relative, or a person of the voter's choice if the voter needs assistance due to the voter's disability, may cure the deficiency by submitting required documentation or a completed attestation with required information.
- (8) "Deficiency" means noncompliance with the requirements for absentee voting in this Chapter and Article 20 of Chapter 163 of the North Carolina General Statutes that requires the voter to cure the deficiency or the county board of elections to spoil the ballot and reissue the absentee ballot package.
- (9) "Irregularity" means noncompliance with the requirements for absentee voting in this Chapter and Article 20 of Chapter 163 of the North Carolina General Statutes that requires documentation and may require further action to determine if the irregularity is a curable or non-curable deficiency.
- (10) "Non-curable deficiency" means a deficiency that requires the absentee ballot to be spoiled because the deficiency does not meet the definition of a curable deficiency.
- (11) "Photo identification affidavit" means the affidavit to claim an exception to the photo

- identification requirement under G.S. 163-166.16 and 163-230.1.
- (12) "Photo identification documentation" means the photocopy of an acceptable photo identification or a photo identification affidavit required to be included with an application pursuant to G.S. 163-230.1(f1).
- (13) "Outer return envelope" means the envelope provided by a county board of elections to a voter for the voter to transmit the voter's sealed container-return envelope and photo identification documentation to the county board of elections.
- (14) "Spoil" means the act of cancelling an absentee ballot that has been or will be issued to a registered voter under G.S. 163-230.1.

History Note: Authority G.S. 163-22; 163-229; 163-230.1; 163-231; 163-234;
Eff. Pending Legislative Review.

SECTION .0500 – ABSENTEE DEFICIENCIES AND IRREGULARITIES

08 NCAC 18 .0501 REVIEW FOR DEFICIENCIES

County board staff shall, within one business day of the receipt of a voter's returned absentee ballot, document the date of receipt and determine whether there is a deficiency or irregularity. If staff identify a deficiency, then they shall determine whether the deficiency is one identified in Rule .0502 or Rule .0503 of this Section and proceed in accordance with the corresponding Rule. If staff identify an irregularity, then they shall determine whether the irregularity is one identified in Rule .0504 or Rule .0505 of this Section and proceed in accordance with the corresponding Rule.

History Note: Authority G.S. 163-22; 163-229; 163-230.1; 163-231; 163-234;
Eff. Pending Legislative Review.

08 NCAC 18 .0502 CURABLE DEFICIENCIES

(a) A curable deficiency includes the following:

- (1) The absentee voter did not sign or make their mark on the application. If county board staff determine the voter's signature on the application appears to be the name of the voter assigned the application number on the container-return envelope that is required under G.S. 163-230.1(c)(2) and not some other person, then that is not a deficiency even if the signature is illegible.
- (2) The absentee voter signed the application in the wrong place.
- (3) The photo identification is not an acceptable type of identification under 08 NCAC 17 .0101(a)(1).
- (4) The photo identification does not meet an applicable expiration date requirement under G.S. 163-166.16(a).

- (5) The photocopy of the photo identification is not readable under 08 NCAC 17 .0109(a).
- (6) The name on the photo identification is not the same as or substantially equivalent to the name contained in the voter's voter registration record in accordance with 08 NCAC 17 .0101(a)(3).
- (7) The absentee voter did not sign the photo identification affidavit. If an absentee voter is unable to sign the affidavit due to a disability, then it is not a deficiency if the person of the voter's choice assisting the voter indicated on the signature line of the affidavit that the voter cannot sign the affidavit due to disability and completed the assistant certification on the application.
- (8) The absentee voter did not print their name on the photo identification affidavit. If the absentee voter signed the affidavit and that signature appears to be the name of the voter and not some other person, then the lack of a printed name is not a deficiency.
- (9) The absentee voter did not indicate their claimed exception or reasonable impediment to the photo identification requirement on the photo identification affidavit.
- (10) The absentee voter's personal identification number, when required to be provided by G.S. 163-230.1(g)(2) on the photo identification affidavit is deficient under 08 NCAC 17 .0109(b).
- (11) The absentee voter has failed to include any photo identification documentation with their application.

(b) When county board staff identify a curable deficiency under this Rule, staff shall document the deficiency and send a cure notice to the voter by mail to the address at which the voter requested their ballot be sent within one business day of identifying the deficiency. The voter shall also be notified about the deficiency by telephone or email if a telephone number or email address was provided by the voter on the request form for the absentee ballot or, if one was not provided on the request form, in the voter's record. If the voter is notified by email, then the email notification shall include a copy of the cure notice. If the voter is notified by telephone, then staff shall document when the telephone call was made. If the curable deficiency involves photo identification documentation, county board staff shall also proceed in accordance with 08 NCAC 17 .0109. If county board staff identify a likely curable deficiency but are unable to make such a determination, then staff shall present the deficiency to the county board to make the determination at its next absentee meeting held pursuant to G.S. 163-230.1.

(c) The voter, the voter's verifiable legal guardian or near relative, a bipartisan assistance team appointed under G.S. 163-226.3, or a person of the voter's choice if the voter needs assistance due to the voter's disability, may submit the cure documentation or the voter's attestation to the county board of elections in person, by mail, or by email. If the voter submits their cure attestation electronically, the voter shall not use a typed name as their

signature or mark unless they are unable to sign the attestation due to a disability.

(d) The cure documentation or attestation shall be timely only if received by the county board by the deadline for curing a deficiency in G.S. 163-230.1(e1). County board staff shall review an absentee voter's cure documentation or attestation within one business day of receipt to determine whether the voter's submission is responsive to what was requested in the cure notice. The county board shall consider the cure documentation together with the application and photo identification documentation when making its decision whether to approve the application. The county board shall not disapprove an application or otherwise refuse to count the absentee ballot solely because it had a curable deficiency if the county board determines that the deficiency has been cured.

History Note: Authority G.S. 163-22; 163-229; 163-230.1; 163-231; 163-234;
Eff. Pending Legislative Review.

08 NCAC 18 .0503 NON-CURABLE DEFICIENCIES

(a) A non-curable deficiency includes the following:

- (1) The absentee ballot is inside the container-return envelope which is not sealed or which appears to have been opened and re-sealed, and the container-return envelope is not received in any outer return envelope.
- (2) The absentee ballot is inside the container-return envelope which is not sealed or which appears to have been opened and re-sealed, and the container-return envelope is received in an outer return envelope which is not sealed or which appears to have been opened and re-sealed.
- (3) The absentee ballot includes an indication that the voter is requesting a replacement ballot.
- (4) The ballot envelope includes an indication that the voter is requesting a replacement ballot.
- (5) The voter's signature on the application is the name of a person other than the voter assigned the application number on the container-return envelope that is required under G.S. 163-230.1(c)(2). If the voter's signature is the same signature as an assistant's signature on the application, then that is a curable deficiency and staff shall proceed in accordance with Rule .0502.
- (6) The name of a witness or an assistant is not printed on the application or is not legible such that the name can be identified, unless their name can be identified using the witness's or assistant's signature on the application.
- (7) A witness or assistant did not print their address on the application or their address cannot be determined using the address information provided on the application. If the only information missing from the address is a ZIP code, then the lack of a ZIP code is not a deficiency.

- (8) A witness or assistant did not sign the application.
- (9) A witness or assistant signed the application on the wrong line. If the witness or assistant signed the application and included all required information, then the signature on the wrong line is not a deficiency.
- (10) The notary used to satisfy the witness requirement did not sign the application.
- (11) The notary used to satisfy the witness requirement failed to include the notarial seal on the application or the notarial seal lacks information required by law for the seal to be valid.
- (12) The county board has approved the application, but upon opening the container-return envelope determines the envelope does not contain a ballot.
- (13) The county board has approved the application, but upon opening the container-return envelope determines the envelope contains more than one ballot.

(b) When county board staff identify a non-curable deficiency, staff shall document the deficiency and proceed as follows within one business day of identifying the deficiency:

- (1) If the deficiency is identified more than three days before the date of the election under G.S. 163-1 or G.S. 163-279, staff shall spoil the returned absentee ballot and reissue the absentee ballot package to the voter by mail to the address at which the voter requested their ballot be sent. County board staff shall include with the reissued absentee ballot package a written notice identifying the deficiency, explaining the spoil and reissue process, explaining that the voter will need to resubmit photo identification documentation when submitting the reissued ballot, and informing the voter of their options to vote in person during the early voting period or on election day. The voter shall also be notified about the deficiency by telephone or email if a telephone number or email address was provided by the voter on the request form for the absentee ballot or is in the voter's record. If the voter is notified by telephone, then staff shall document when the telephone call was made.
- (2) If the deficiency is identified on or after the third day before the date of the election under G.S. 163-1 or G.S. 163-279, county board staff shall, on the same day the deficiency is identified, contact the voter using any telephone number or email address that was provided by the voter on the request form for the absentee ballot or is in the voter's record. Staff shall notify the voter that their ballot must be spoiled, that there is not sufficient time to mail them a reissued absentee ballot package that can be timely returned by mail, and that they may vote

in-person during the early voting period or on election day if the time for the polls to close under G.S. 163-166.25 has not passed. If the notification is provided by telephone, or if the county board lacks a phone number and email address for the voter, then county board staff shall mail a written notice with the same information to the address at which the voter requested their ballot be sent. If the voter is notified by telephone, then staff shall document when the telephone call was made.

(c) If the non-curable deficiency is one that is not identified until after the application is approved, the county board of elections shall revisit the decision to approve the application, and staff shall proceed under Paragraph (b) of this Rule.

History Note: Authority G.S. 163-22; 163-229; 163-230.1; 163-231; 163-234;
Eff. Pending Legislative Review.

08 NCAC 18 .0504 IRREGULARITIES THAT DO NOT REQUIRE FURTHER ACTION FROM THE VOTER

(a) An irregularity that does not require further action from the voter to have their application approved and ballot counted includes the following:

- (1) The absentee ballot is inside a sealed container-return envelope, but the outer return envelope is not sealed or appears to have been opened and re-sealed.
- (2) The absentee ballot is inside an unsealed container-return envelope that is not in an outer return envelope when it is initially hand-delivered by the voter to an early voting site or the county board office, but the voter then seals the container-return envelope before an election official or county board staff, who then take receipt of the sealed container-return envelope.

(b) When county board staff or an election official at an early voting site identify an irregularity listed in this Rule, the irregularity shall be documented in writing. County board staff shall inform the county board of elections of the irregularity at the meeting at which the county board will consider approval of the application. The county board shall not disapprove the application or otherwise refuse to count the absentee ballot solely based on an irregularity that is listed in this Rule.

History Note: Authority G.S. 163-22; 163-229; 163-230.1; 163-231; 163-234;
Eff. Pending Legislative Review.

08 NCAC 18 .0505 IRREGULARITIES THAT REQUIRE FURTHER ACTION

(a) An irregularity that requires county board staff to contact the voter before the county board makes a final decision on the application includes the following:

- (1) The absentee ballot is inside the container-return envelope that appears to have been opened and re-sealed, but the container-return

envelope is received by the county board of elections in a sealed outer return envelope.

(2) The absentee ballot is not inside a sealed container-return envelope, but the container-return envelope and ballot are received by the county board of elections in a sealed outer return envelope.

(3) The county board has approved the application, but the ballot in the container-return envelope is identified as a ballot that the voter is not eligible to vote.

(b) When county board staff identify an irregularity listed in Subparagraph (a)(1) of this Rule, the irregularity shall be documented in writing and county board staff shall send written notice of the irregularity to the voter by mail to the address at which the voter requested their ballot be sent within one business day of identifying the irregularity. The written notice shall identify the irregularity and state that the voter is required to contact the county board to attest to the manner in which they sealed their ballot in the container-return envelope before the application can be approved. The voter shall be informed by county board staff of the irregularity by telephone and email using any telephone number or email address that was provided by the voter on the request form for the absentee ballot or, if one was not provided on the request form, in the voter's record. The county board shall then proceed as follows:

(1) If the voter attests in writing that they sealed the container-return envelope in the manner in which it was received, then the county board shall treat the irregularity as a curable deficiency under Rule .0502 of this Section. The voter's attestation shall be submitted in the same manner provided under Rule .0502(c) of this Section. The county board shall consider the attestation together with the application and photo identification documentation when making its decision whether to approve the application. The county board shall not disapprove the application or otherwise refuse to count the absentee ballot solely because of the irregularity if the attestation has been submitted by the deadline in G.S. 163-230.1(e1).

(2) If the voter confirms in writing that they did not seal the container-return envelope in the manner in which it was received, then county board staff shall spoil the ballot and proceed in accordance with Rule .0503(b) of this Section.

(c) When county board staff identify an irregularity listed in Subparagraph (a)(2) or (a)(3) of this Rule, the irregularity shall be documented in writing and staff shall proceed in accordance with Rule .0503 of this Section within one business day of identifying the irregularity. The notice required under Rule .0503(b) of this Section shall be provided to the voter by telephone and email using any telephone number or email address that was provided by the voter on the request form for the absentee ballot or, if one was not provided on the request form, in the voter's record.

*History Note: Authority G.S. 163-22; 163-229; 163-230.1; 163-231; 163-234;
Eff. Pending Legislative Review.*

**TITLE 10A - DEPARTMENT OF HEALTH AND HUMAN SERVICES
SECTION .1100 – CONTINUING EDUCATION AND PROFESSIONAL DEVELOPMENT**

10A NCAC 09 .1101 NEW STAFF ORIENTATION REQUIREMENTS

(a) Each center shall ensure that each new employee and volunteer who is expected to have contact with children receives 16 hours of orientation within the first six weeks of employment. As part of this orientation, each new employee and volunteer shall complete six hours of orientation within the first two weeks of employment.
(b) New staff orientation shall include an overview of the following topics, focusing on the operation of the center:

New staff orientation within first two (2) weeks of employment	New staff orientation within first six (6) weeks of employment
Information regarding recognizing, responding to, and reporting child abuse, neglect, or maltreatment pursuant to G.S. 110-105.4 and G.S. 7B-301	Overview of child development, including the five major domains of learning: Approaches to Play and Learning, Emotional and Social Development, Health and Physical Development, Language Development and Communication, and Cognitive Development.
Review of the center's operational policies, including the center's safe sleep policy for infants, the center's policy for transportation, the center's identification of building and premises safety issues, the Emergency Preparedness and Response Plan, and the emergency medical care plan	Instruction in the employee's assigned duties
Adequate supervision of children in accordance with 10A NCAC 09 .1801	Instruction in the maintenance of a safe and healthy environment
Information regarding prevention of shaken baby syndrome and abusive head trauma and child maltreatment	Instruction in the administration of medication to children in accordance with 10A NCAC 09 .0803
Prevention and control of infectious diseases, including immunization	Review of the center's purposes and goals
Firsthand Observation of the center's daily operations	Review of the child care licensing law and rules
	Review of Quality Rating Improvement System standards if the center has a two-through five- star license at the time of employment
	An explanation of the role of State and local government agencies in the regulation of child care, their impact on the operation of the center, and their availability as a resource
	An explanation of the employee's obligation to cooperate with representatives of State and local government agencies during visits and investigations
	Prevention of and response to emergencies due to food and allergic reactions
	Review of the center's handling and storage of hazardous materials and the appropriate disposal of biocontaminants

*History Note: Authority G.S. 110-85; 110-91(11); 143B-168.3;
Eff. October 1, 2017;
Amended Eff. September 1, 2026; March 1, 2019.*

10A NCAC 09 .1102 HEALTH AND SAFETY TRAINING REQUIREMENTS

(a) Child care administrators and staff members shall complete health and safety training within one year of employment. Any administrator or staff member who has completed the health and safety trainings as a result of prior employment, and can show proof of completion, shall not be required to repeat the health and safety trainings, except as required by 10A NCAC 09 .1103. Any administrator or staff who has completed some, but not all,

trainings due to prior employment or as part of the ongoing training requirements set forth in 10A NCAC 09.1103(b), and can provide proof of completion, shall not be required to repeat the course already completed. Health and safety training shall be in addition to the new staff orientation requirements set forth in Rule .1101 of this Section. Service providers such as speech therapists, occupational therapists, and physical therapists shall be exempt from this requirement.

(b) The health and safety training shall include the following topic areas:

- (1) Prevention and control of infectious diseases, including immunization;
- (2) Administration of medication, with standards for parental consent;
- (3) Prevention of and response to emergencies due to food and allergic reactions;
- (4) Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic;
- (5) Emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event;
- (6) Handling and storage of hazardous materials and the appropriate disposal of biocontaminants;
- (7) Precautions in transporting children, if applicable;
- (8) Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment;
- (9) CPR and First Aid training as required in Paragraphs (c) and (d) of this Rule;
- (10) Recognizing and reporting child abuse, child neglect, and child maltreatment; and
- (11) Prevention of sudden infant death syndrome and use of safe sleeping practices.

(c) All staff who provide direct care or accompany children when they are off premises shall successfully complete certification in First Aid appropriate to the ages of children in care. The training shall be completed within 90 days of employment. Distance learning shall not be permitted for First Aid training. At all times when children are in care at least one staff member present must have successfully completed First Aid training, as evidenced by a certificate or card from an approved training organization. First Aid training shall be renewed on or before expiration of the certification. "Successfully completed" is defined as demonstrating competency, as evaluated by the instructor. Verification of each required staff member's completion of this course from an approved training organization shall be maintained in the staff member's file in the center. The Division shall post a list of approved training organizations on its website at http://ncchildcare.nc.gov/providers/pv_sn2_ov_pd.asp.

(d) All staff who provide direct care or accompany children when they are off premises shall successfully complete certification in a cardiopulmonary resuscitation (CPR) course appropriate to the ages of children in care. At all times when children are in care one staff member present must have successfully completed CPR training. The training shall be completed within 90 days of employment. Distance learning shall not be permitted for CPR training. CPR training shall be renewed on or before the expiration of the certification. Verification of each staff member's completion of this course from an approved training organization shall be maintained in the staff member's file in the center. The Division shall post a list of approved training organizations on its website at http://ncchildcare.nc.gov/providers/pv_sn2_ov_pd.asp.

(e) One staff member shall complete training in playground safety. This training shall address playground safety hazards, playground supervision, maintenance and general upkeep of the outdoor learning environment, and age and developmentally appropriate playground materials and equipment. Distance learning shall not be permitted for playground safety training. Completion of playground safety training shall be included in the number of hours needed to meet annual on-going training requirements in this Section. Staff counted to comply with this Rule shall have six months from the date of employment, or from the date a vacancy occurs, to complete the required safety training. A certificate of each designated staff member's completion of this course shall be maintained in the staff member's file in the center.

(f) In centers that are licensed to care for infants, the child care administrator and any child care provider scheduled to work in the infant room shall complete ITS-SIDS training. ITS-SIDS training shall be completed within two months of an individual assuming responsibilities in the infant room and every three years thereafter. Child care administrators, as defined in G.S. 110-86(2a), shall complete ITS-SIDS training within 90 days of employment and every three years thereafter. Completion of ITS-SIDS training shall be included once every three years in the number of hours needed to meet on-going training requirements in this Section. At all times, one child care provider who has completed ITS-SIDS training shall be present in the infant room while children are in care. A certificate of each staff member's completion of this course shall be maintained in the staff member's file in the center.

(g) The child care administrator and all staff members shall complete Recognizing and Responding to Suspicions of Child Maltreatment training within 90 days of employment. This training shall count toward requirements set forth in Rule .1103 of this Section. Recognizing and Responding to Suspicions of Child Maltreatment training is available at <https://www.preventchildabusenc.org/services/trainings-and-professional-development/rrcourse>. A certificate of each staff member's completion of this course shall be maintained in the staff member's file in the center.

History Note: Authority G.S. 110-85; 110-91(1),(8), (11); 143B-168.3;

Eff. October 1, 2017;

Amended Eff. September 1, 2026.

10A NCAC 09 .1703 ON-GOING REQUIREMENTS FOR FAMILY CHILD CARE HOME OPERATORS

(a) After receiving a license, family child care home operator shall:

- (1) Update the health questionnaire annually. The Division may request an evaluation of the operator's emotional and physical fitness to care for children when there is reason to believe that there has been a deterioration in the operator's emotional or physical fitness to care for children. This request may be based upon factors such as observations by the director or center staff, reports of concern from family, reports from law enforcement or reports from medical personnel. The Division may require the operator to obtain written proof that he or

she is free of active tuberculosis when the Division determines that the operator was exposed to a person with active tuberculosis;

- (2) Renew First Aid training on or before expiration of the certification appropriate for the ages of children in care;
- (3) Renew CPR course on or before the expiration of the certification appropriate for the ages of children in care;
- (4) Renew ITS-SIDS training every three years from the completion of previous ITS-SIDS training; and
- (5) Complete Recognizing and Responding to Suspicions of Child Maltreatment training within 90 days of licensure. This training shall count toward requirements set forth in Paragraph (d) of this Rule. Recognizing and Responding to Suspicions of Child Maltreatment training is available at <https://www.preventchildabusenc.org/>.

(b) Family child care home operators, additional caregivers and substitutes shall complete health and safety training within one year of employment. Any family child care home operator or staff member who has completed the health and safety trainings as a result of prior employment and can show proof of completion, shall not be required to repeat the health and safety trainings, except as required by 10A NCAC 09 .1703. Any family child care home operator, additional caregiver or substitute who has completed some, but not all, trainings due to prior employment or as part of the ongoing training requirements set forth in 10A NCAC 09 .1703 (d)(2), and can provide proof of completion, shall not be required to repeat the courses already completed, except as required by .1703. Health and safety training shall be in addition

(d) After the first year of employment, the family child care home operator, and staff who work with children shall complete on-going training activities as follows:

(1)

Education and Experience	Required Training
Four-year degree or higher advanced degree in a child care related field of study from a regionally accredited college or university	5 clock hours
Two-year degree in a child care related field of study from a regionally accredited college or university, or persons with a North Carolina Early Childhood Administration Credential	8 clock hours
Certificate or diploma in a child care related field of study from a regionally accredited college or university, or persons with a North Carolina Early Childhood Administration Credential	10 clock hours
10 years documented experience as a teacher, director, or caregiver in a licensed child care arrangement	15 clock hours
If none of the other criteria in this chart apply	20 clock hours

- (2) complete health and safety training as part of on-going training so that every five years, all the topic areas set forth in Paragraph (c) of this Rule will have been covered;
- (3) cardiopulmonary resuscitation (CPR) and First Aid training shall not be counted toward meeting annual on-going training activities in Subparagraph (d)(1) of this Rule;
- (4) any staff working less than 40 hours per week may choose to complete on-going training requirements as outlined in Paragraph (d)(1) of

to orientation topics reviewed during the pre-licensing visit and new staff orientation requirements set forth in Rule .1729(c) of this Section. The following persons shall be exempt from this requirement: service providers such as speech therapists, occupational therapists and physical therapists.

(c) The health and safety training shall include the following topic areas:

- (1) Prevention and control of infectious diseases, including immunization;
- (2) Administration of medication, with standards for parental consent;
- (3) Prevention of and response to emergencies due to food and allergic reactions;
- (4) Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic;
- (5) Emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event;
- (6) Handling and storage of hazardous materials and the appropriate disposal of biocontaminants;
- (7) Precautions in transporting children, if applicable;
- (8) Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment;
- (9) CPR and First Aid training as required in Rule .1102(c) and (d) of this Chapter;
- (10) Recognizing and reporting child abuse, child neglect, and child maltreatment; and
- (11) Prevention of sudden infant death syndrome and use of safe sleeping practices.

this Rule or the training requirement may be prorated as follows:

WORKING HOURS PER WEEK	CLOCK HOURS REQUIRED
0-10	5
11-20	10
21-30	15
31-40	20

(e) For purposes of this Rule, "regionally accredited" means a college or university accredited by one of the following accrediting bodies:

- (1) Middle States Association of Colleges and Schools;
- (2) New England Association of School and Colleges;
- (3) North Central Association of Colleges and Schools;
- (4) Northwest Accreditation Commission;
- (5) Southern Association of Colleges and Schools; or
- (6) Western Association of Schools and Colleges.

(f) For every three hours of countable technical assistance provided, one hour may be counted toward annual training requirements set forth in Subparagraph(d)(1) of this Rule, not to exceed 50 percent of the total required so long as:

- (1) the family child care home has a 3-5 star rated license; and
- (2) the participating operator or staff member has earned at least 18 semester hours in early childhood education.

(g) For purposes of this Rule, "countable technical assistance" means technical assistance provided to operator or caregiving staff members at a family child care home by a person who has been endorsed by the NC Institute for Child Development Professionals as a technical assistance provider and shall include:

- (1) a cycle of observation;
- (2) identified goals based on the observation;
- (3) a timeline for completion of identified goals;
- (4) evaluation and feedback for each participant;
- (5) technical assistance time in the family child care home; and
- (6) one-on-one consultation with each participant at a time when they are not responsible for a child or group of children.

(h) A combination of college coursework, Continuing Education Units (CEU's), clock hours, or countable technical assistance shall be used to complete the requirements in Subparagraph (d)(1) of this Rule.

(i) The family child care home operator and staff members shall complete a professional development plan within one year of employment and at least thereafter. The plan shall:

- (1) document the individual's professional development goals;
- (2) be appropriate for the ages of children in their care;
- (3) include the continuing education, coursework or training needed to meet the individual's planned goals;

- (4) be completed by the operator and staff member in a collaborative manner; and
- (5) be maintained in their personnel file.

Sample professional development plan templates may be found on the Division's website at http://ncchildcare.nc.gov/providers/pv_provideforms.asp.

Another form may be used other than the sample templates provided by the Division as long as the form includes the information set forth in this Rule.

(j) Each family child care home operator shall have a record of training activities in which each staff member participates, including copies of training certificates or official documentation provided by the trainer. That record shall include the subject matter, topic area in G.S. 110-91(11), training provider, date provided, hours, and name of staff who completed the training. This documentation shall be on file and current.

(k) Each family child care home operator shall have a record of countable technical assistance in which the operator and each staff member participates, including copies of documentation, observations and evaluations provided by the person who has been endorsed by the NC Institute for Child Development Professionals as a technical assistance provider. That record shall include the dates and times of technical assistance with the operator or staff, names of all participating staff members and the name of the technical assistance provider. This documentation shall be on file and current.

(l) The family child care home operator and staff members may meet on-going training requirements by attending child-care workshops, conferences, seminars, or courses, provided each training activity satisfies the following criteria:

- (1) Prior approval from the Division shall not be required for training offered by a college or university with nationally recognized regional accreditation, a government agency, or a state, or international professional organization or its affiliates, provided the content complies with G.S. 110-91(11). Government agencies or state or national professional organizations who provide training shall submit an annual training plan for review by the Division. The plan is not required for any state, national, or international conferences sponsored by a professional child care organization.
- (2) Prior approval from the Division shall be required for any agencies, organizations, or individuals not specified in Subparagraph (1) of this Paragraph who wish to provide training for child care operators and staff. To obtain such approval, the agency, organization, or individual shall:
 - (A) complete and submit on-going training approval forms provided by the Division 15 business days prior to the training event that includes the name and qualifications of the trainer, name of training, target audience and content of the training;
 - (B) submit a training roster, to the Division, listing the attendees' name,

- the county of employment, and day time phone number no later than 15 days after the training event;
- (C) provide training evaluations to be completed by attendees; and
- (D) keep the training rosters and evaluations on file for two years.
- (3) Distance learning shall be permitted from trainers approved by the Division or offered by an accredited post-secondary institution, as listed on the United States Department of Education's Database of Accredited Post-Secondary Institutions and Programs at <http://ope.ed.gov/accreditation/>. Distance learning shall not be permitted for Cardiopulmonary Resuscitation (CPR) and First Aid.
- (m) The Division shall approve training based upon the following factors:
- (1) the trainer's education, training, and experience relevant to the training topic;
 - (2) content that is in compliance with G.S. 110-91(11); and
 - (3) contact hours for the proposed content and scope of the training session.
- (n) The Division shall deny approval of training to:
- (1) Agencies, organizations, or individuals not meeting the standards listed in this Rule and in G.S. 110-91(11); and
 - (2) Agencies, organizations, or individuals who intentionally falsify any information submitted to the Division.
- (o) Agencies, organizations, or individuals who intentionally falsify any information submitted to the Division pursuant to this Rule shall be permanently ineligible to apply for approval of training.
- (p) Denial of approval of training or a determination of falsification is appealable pursuant to G.S. 110-94 and the North Carolina Administrative Procedure Act, G.S. 150B-23.

History Note: Authority G.S. 110-85; 110-88; 110-91; 143B-168.3;

Eff. January 1, 1986;

Amended Eff. July 1, 2015; July 1, 2008; May 1, 2004; July 1, 1998; November 1, 1989; January 1, 1987;

Temporary Amendment Eff. September 23, 2016;

Readopted Eff. October 1, 2017 (Transferred from 10A NCAC 09.1705);

Amended Eff. September 1, 2026; February 1, 2021.

10A NCAC 09 .1729 ADDITIONAL CAREGIVER AND SUBSTITUTE PROVIDER QUALIFICATIONS

(a) An individual who provides care for five hours or more in a week during planned absences of the family child care home operator shall:

- (1) be 21 years old;
- (2) have a high school diploma or GED;

- (3) have completed a First Aid and cardiopulmonary resuscitation (CPR) course within 12 months prior to caring for children;
- (4) have completed a health questionnaire;
- (5) have proof of negative results of a tuberculosis test or screening completed within 12 months prior to the first day of providing care;
- (6) have submitted criminal background check forms as required in Rule .2703 of this Chapter;
- (7) have documentation of annual on-going training as described in Rule .1703(d) of this Section after the first year of employment;
- (8) have completed ITS-SIDS training, if licensed to care for infants;
- (9) have completed Recognizing and Responding to Suspicions of Child Maltreatment training; and
- (10) have documentation that the operator has reviewed the requirements found in this Chapter, including the Emergency Preparedness and Response Plan, and in G.S. Chapter 110, Article 7.

While the individual provides care at a family child care home, copies of information required by Subparagraphs (1) through (10) of this Paragraph shall be on file in the home and available for review by the Division.

(b) An individual who provides care for less than five hours in a week during planned absences of the operator shall be literate and meet all requirements listed in Paragraph (a) of this Rule except the requirements for annual training and a high school diploma or GED.

(c) The operator shall conduct 16 hours of orientation with all caregivers, prior to the individual caring for children, including substitute providers, volunteers, and uncompensated providers, who are providing care. The orientation shall include an overview of the following topics, specifically focusing on the operation of the facility:

- (1) recognizing, responding to, and reporting child abuse, neglect, or maltreatment pursuant to G.S. 24 110-105.4 and G.S. 7B-301;
- (2) Overview of child development, including the five major domains of learning: Approaches to Play and Learning, Emotional and Social Development, Health and Physical Development, Language and Development and Communications, and Cognitive Development;
- (3) review of the home's operational policies, including the written plan of care, safe sleep policy, the transportation policy, identification of building and premises safety issues, the emergency medical care plan, and the Emergency Preparedness and Response Plan;
- (4) adequate supervision of children in accordance with Rule .1711(a) of this Section;
- (5) information regarding prevention of shaken baby syndrome, abusive head trauma, and child maltreatment;
- (6) prevention and control of infectious diseases, including immunization;

- (7) firsthand observation of the home's daily operations;
- (8) instruction regarding assigned duties;
- (9) instruction in the maintenance of a safe and healthy environment;
- (10) instruction in the administration of medication to children in accordance with Rule .1720(b) of this
- (11) review of the home's purposes and goals;
- (12) review of G.S. 110, Article 7 and 10A NCAC 09;
- (13) review of Quality Rating Improvement System standards if the operator has a two- through five- star license at the time of employment;
- (14) an explanation of the role of State and local government agencies in the regulation of child care, their impact on the operation of the center, and their availability as a resource;
- (15) an explanation of the individual's obligation to cooperate with representatives of State and local government agencies during visits and investigations;
- (16) prevention of and response to emergencies due to food and allergic reactions; and
- (17) review of the home's handling and storage of hazardous materials and the appropriate disposal of biocontaminants. The operator and individual providing care shall sign and date a statement that attests that this review was completed. This statement shall be kept on file in the home and available for review by the Division.

(d) An individual who provides care during unplanned absences of the operator, such as medical emergencies, shall be 18 years old and submit criminal records check forms as required in Rule .2703(j) of this Chapter. The children of an emergency caregiver shall not be counted in the licensed capacity for the first day of the emergency caregiver's service.

(e) After the first year of employment, additional caregivers and substitutes shall complete ongoing training as outlined in Rule .1703 of this Chapter.

History Note: Authority G.S. 110-85; 110-88; 110-91; 143B-168.3;

Eff. October 1, 2017;

Amended Eff. September 1, 2026; February 1, 2021; March 1, 2019.

10A NCAC 09 .2101 CENTERS OPERATING UNDER G.S. 110-106

(a) At least 30 days prior to the first day of operation of a new religious-sponsored child care center, the prospective operator shall send a "Letter of Intent to Operate" to the Division. That letter shall include the following:

- (1) the name, address, and telephone number of the operator and the center, if known;
- (2) the proposed number and age range of children to be served;
- (3) the center's scheduled opening date; and

- (4) required criminal history records check documentation for the prospective operator and all known staff members as set forth in G.S. 110-90.2. A representative of the Division shall contact the prospective operator no later than seven calendar days after the Letter of Intent is received to advise the prospective operator of the applicable requirements and procedures in G.S. 110, Article 7 and this Chapter.

(b) A prospective operator who has not previously operated a religious-sponsored child care center in North Carolina shall attend a pre-licensing workshop provided by the Division before the center's opening date. Prospective operators shall download, complete, and submit the pre-licensing registration form to the Division. The Division provides regularly scheduled pre-licensing workshops for potential operators. A schedule of these workshops may be found online at https://ncchildcare.ncdhhs.gov/Portals/0/documents/pdf/P/Prelicensing_Workshops_Child_Care_Centers.pdf?ver=2019-06-05-112026-907. The pre-licensing registration form contains demographic information and workshop location preferences. The pre-licensing registration form can be found online at https://ncchildcare.ncdhhs.gov/Portals/0/documents/pdf/P/Prelicensing_Workshops_Child_Care_Centers.pdf?ver=2019-06-05-112026-907.

(c) The Division shall conduct an announced pre-licensing visit prior to the opening of the center, an unannounced visit within 30 days after the facility opens, and unannounced visits annually thereafter in order to ensure compliance with applicable requirements in G.S. 110, Article 7 and this Section.

(d) Within 30 days of opening, the prospective operator shall submit reports indicating that the facility meets the minimum standards for facilities as specified in G.S. 110-91 regarding local ordinances, including a building inspection, a fire inspection, and a sanitation inspection.

(e) The Division shall send a Notice of Compliance letter to the prospective operator when compliance with minimum standards for facilities as specified in G.S. 110, Article 7 has been determined. The Notice of Compliance letter shall be issued instead of a star rated license. The Notice of Compliance is not required to be posted at the child care facility.

(f) Religious-sponsored child care centers shall comply with all child care center requirements in this Chapter except as follows:

Age Appropriate Activities	Rules .0508, through .0510, .0513 through .0516 and .2508
Staff Qualifications and Training Requirements	Rules .0703(c) through (f), .0704, .0710, .0711, .0714(a) through (d) and .1101, .1102(a), (b), (e), and (g), and .1103 through .1106. For programs enrolled in the Subsidized Child Care Assistance Program, the exemption related to Rules .1101, .1102, and .1103(b) do not apply and the requirements must be met.
Staff Qualifications if working with school aged children only	Rule .2510

Compliance shall be documented annually using the same forms and in the same manner as for all other centers.

(g) The Division shall notify the prospective operator in writing as to whether the facility complies or does not comply with the requirements.

History Note: Authority G.S. 110-85; 110-88; 110-106; 143B-168.3;

Eff. January 1, 1986;

Amended Eff. August 1, 2011; April 1, 2001; April 1, 1992;

January 1, 1991; November 1, 1989;

July 1, 1988;

Readopted Eff. October 1, 2017;

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

10A NCAC 26F .0102 IS PROPOSED FOR AMENDMENT WITHOUT NOTICE OR HEARING WITH CHANGES AS FOLLOWS.

10A NCAC 26F .0102 SCHEDULE I

(a) Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated and as specified in G.S. 90-89. Each drug or substance has been assigned the Drug Enforcement Administration controlled substances code number set forth in the Code of Federal Regulations, Title 21, Section 1308.11.

(b) As specified in G.S. 90-88, the Commission for MH/DD/SAS adds the following substance within Schedule I for Stimulants:

- (1) 2, 5 - Dimethoxy-4-(n-propylthiophenethylamine; DEA controlled substances code number 7348;
- (2) N-Benzylpiperazine DEA controlled substances code number 7493;
- (3) 4-chloromethcathinone (4-CMC, 1-(4-chlorophenyl)-2-(methylamino)propan-1-one) DEA controlled substances code number 1239; and
- (4) 4-fluoroamphetamine (4-FA; 1-(4-fluorophenyl) propan-2-amine; para-fluoroamphetamine), DEA controlled substances code number 1476.

(c) As specified in G.S. 90-88, the Commission for MH/DD/SAS adds the following substance within Schedule I for Hallucinogenic substances:

- (1) Alpha-Methyltryptamine DEA controlled substances code number 7432;
- (2) 5-Methoxy-N, N-diisopropyltryptamine DEA controlled substances code number 7439;
- (3) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate, (FUB-AMB, MMB-FUBINACA, AMB-FUBINACA) DEA controlled substances code number 7021;
- (4) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate (Other names: MMB-CHMICA; AMB-CHMICA) DEA controlled substances code number 7044;

- (5) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (Other name: 5F-AB-PINACA) DEA controlled substances code number 7025;
- (6) Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (Other names: NM2201; CBL2201) DEA controlled substances code number 7221;
- (7) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-carboxamide (Other name: 5F-CUMYL-P7AICA) DEA controlled substances code number 7085;
- (8) 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (Other names: 4-CN-CUMYL-BUTINACA; 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYL BINACA; CUMYL-4CN-BINACA; SGT-78) DEA controlled substances code number 7089;
- (9) N-ethylpentylone (Other names: ephylone, 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)pentan-1-one) DEA controlled substances code number 7543;
- (10) 1-(4-methoxyphenyl)-N-methylpropan-2-amine (other names: paramethoxymethamphetamine, PMMA) DEA controlled substances code number 1245; and
- (11) 3-methoxyphencyclidine (1-(1-(3-methoxyphenyl)cyclohexyl)piperidine; 3-MeO-PCP) DEA controlled substances code 7457.

(d) As specified in G.S. 90-88, the Commission for MH/DD/SAS adds the following substance within Schedule I for Opiates:

- (1) para-Methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide) DEA controlled substances code number 9837;
- (2) Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide) DEA controlled substances code number 9847;
- (3) Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide) DEA controlled substances code number 9827;
- (4) para-Chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide) DEA controlled substances code number 9826;
- (5) Crotonyl fentanyl ((E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide) DEA controlled substances code number 9844;
- (6) Phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbenzamide; also known as benzoyl fentanyl) DEA controlled substances code number 9841;
- (7) para-Methylfentanyl (N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)propionamide; also known as 4-methylfentanyl) DEA controlled substances code number 9817;

- (8) ortho-Methyl methoxyacetyl fentanyl (2-methoxy-N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide; also known as 2-methyl methoxyacetyl fentanyl) DEA controlled substances code number 9820;
- (9) ortho-Methyl acetylfentanyl (N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide; also known as 2-methyl acetylfentanyl) DEA controlled substances code number 9848;
- (10) Thiofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylthiophene-2-carboxamide; also known as 2-thiofuranyl fentanyl; thiophene fentanyl) DEA controlled substances code number 9839;
- (11) beta-Methyl fentanyl (N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)propionamide; also known as β -methyl fentanyl) DEA controlled substances code number 9856;
- (12) beta'-Phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N,3-diphenylpropanamide; also known as β' -phenyl fentanyl; 3-phenylpropanoyl fentanyl) DEA controlled substances code number 9842;
- (13) 2'-Fluoro ortho-fluorofentanyl (N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)propionamide; also known as 2'-fluoro 2-fluorofentanyl) DEA controlled substances code number 9855;
- (14) 4'-Methyl acetyl fentanyl (N-(1-(4-methylphenethyl)piperidin-4-yl)-N-phenylacetamide) DEA controlled substances code number 9819;
- (15) ortho-Fluorobutyryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide; also known as 2-fluorobutyryl fentanyl) DEA controlled substances code number 9846;
- (16) Fentanyl carbamate (ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate) DEA controlled substances code number 9851;
- (17) ortho-Fluoroacryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)acrylamide) DEA controlled substances code number 9852;
- (18) para-Fluoro furanyl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide) DEA controlled substances code number 9854;
- (19) ortho-Fluoroisobutyryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide) DEA controlled substances code number 9853;
- (20) para-chlorofentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin[1]4-yl)propionamide) DEA controlled substances code number 9818;
- (21) ortho-chlorofentanyl (N-(2-chlorophenyl)-N-(1-phenethylpiperidin[1]4-yl)propionamide) DEA controlled substances code number 9828;
- (22) meta-fluorofuranyl fentanyl (n-3-fluorophenyl)n-(1-phenethylpiperidin-4-yl)furan-2-carboxamide DEA controlled substances code number 9871;
- (23) ortho-methylcyclopropyl fentanyl (N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)cyclopropanecarboxamide) DEA controlled substances code number 9849;
- (24) beta-methylacetyl fentanyl (N[1]phenyl-N-(1-(2-phenylpropyl)piperidin[1]4-yl)acetamide) DEA controlled substances code number 9868;
- (25) tetrahydrothiofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-[1]phenyltetrahydrothiophene-2-carboxamide) DEA controlled substances code number 9869;
- (26) para-fluoro valeryl fentanyl (N-(4-fluorophenyl)-N-(1) DEA controlled substances code number 9870;
- (27) N-ethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (other name: N-desethyl isotonitazene) and 2-(4-ethoxybenzyl)-5-nitro-1-(2-(piperidin-1-yl)ethyl)-1H-benzimidazole (other names: N-piperidinyl etonitazene; etonitazepipne) DEA controlled substances code number 9772; and
- (28) 2-(4-methoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole (other names: N-pyrrolidino metonitazene or metonitazepyne) and 5-nitro-2-(4-propoxybenzyl)-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole (other names: N-pyrrolidino protonitazene or protonitazepyne) DEA controlled substances code number 9772.

History Note: Authority G.S. 90-88; 90-89; 143B-147;

Eff. June 30, 1978;

Amended Eff. November 1, 2005; July 1, 1995; November 1, 1994; April 1, 1994; January 1, 1994;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2, 2016;

Amended Eff. September 1, 2026; December 1, 2021.

TITLE 14B - DEPARTMENT OF PUBLIC SAFETY

14B NCAC 15C .0801 DEFINITIONS

As used in this Section:

- (1) "Export Warehouse" or "Internal Revenue Warehouse" means a warehouse with an Internal Revenue Bond and subject to Internal Revenue Service regulations.
- (2) "Ocean-going vessel" means as defined in G.S. 18B-106(b).
- (3) "Ship chandler" means a retail or wholesale agent engaging in the storage and sale of goods and equipment to ocean-going vessels. Typical goods and equipment include food, water, spare parts and tools, safety equipment, cleaning

- materials, ropes, paints, lubricants, marine chemicals, and cabin and galley supplies.
- (4) "United States Customs Bonded Warehouse" means a private bonded warehouse used for the storage of only imported merchandise, either belonging or consigned to the proprietor, or a public bonded warehouse used for the storage of only imported merchandise.

History Note: Authority G.S. 18B-100; 18B-106; 18B-203; 18B-207;
Eff. January 1, 1982;
Amended Eff. May 1, 1984;
Transferred and Recodified from 04 NCAC 02T .0801 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Readopted Eff. September 1, 2026.

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

Spirituos liquor stored at United States Customs or Internal Revenue Bonded Warehouses shall only be released pursuant to a Ship Chandler's Permit for transfer to another United States Customs or Internal Revenue Bonded Warehouse or for sale and delivery to an oceangoing vessel. Alcoholic beverages for use or consumption on oceangoing vessels shall only be sold or delivered by a Ship Chandler, wholesaler, or retailer permittee to officers or agents of the oceangoing vessel.

History Note: Authority G.S. 18B-100; 18B-106; 18B-203; 18B-207;
Eff. January 1, 1982;
Amended Eff. May 1, 1984;
Transferred and Recodified from 04 NCAC 02T .0802 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Readopted Eff. September 1, 2026.

14B NCAC 15C .0804 APPLICATION FOR PERMIT

To obtain a Ship Chandler's Permit, a person shall file an application on a form provided by the Commission and comply with the requirements set forth in 14B NCAC 15B .0102(c) and (d).

History Note: Authority G.S. 18B-100; 18B-106; 18B-203; 18B-207;
Eff. January 1, 1982;
Amended Eff. May 1, 1984;
Transferred and Recodified from 04 NCAC 02T .0804 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Readopted Eff. September 1, 2026.

14B NCAC 15C .0805 COMPLIANCE: INSPECTION

(a) Holders of Ship Chandler's Permits shall comply with regulations of the United States Customs Service, the Bureau of

Alcohol, Tobacco, Firearms and Explosives, and rules of the Commission.

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

(c) Delivery of alcoholic beverages will be under the supervision of a United States Customs officer to ocean-going vessels under seal that shall not be broken until the ship is outside the territorial waters of the United States. Consumption of tax-exempt alcoholic beverages is forbidden within the territorial waters of the United States except as authorized by United States Customs.

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

History Note: Authority G.S. 18B-100; 18B-106; 18B-203; 18B-207;
Eff. January 1, 1982;
Amended Eff. May 1, 1984;
Transferred and Recodified from 04 NCAC 02T .0805 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Readopted Eff. September 1, 2026.

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

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

(b) Distiller representatives, supplier representatives, or brokerage representatives shall not contact ABC store personnel for the purpose of promoting their merchandise while store personnel are off-duty.

(c) Distiller representatives, supplier representatives, or brokerage representatives shall not give liquor, except for samples pursuant to G.S. 18B-707, or things of value to local ABC board members or employees. Local ABC board members and employees shall not accept gifts initiated by a distiller

representative, supplier representative, or brokerage representative.

(d) No distiller representative, supplier representative, or brokerage representative shall:

- (1) solicit an order, agreement, or other commitment to purchase liquor, whether or not it is legally enforceable; or
- (2) advertise, promote, or encourage purchases of spirituous liquor or furnish means to obtain spirituous liquor, except as provided in 14B NCAC 15B .1008.

This Paragraph shall not apply to a distiller representative, supplier representative, or brokerage representative who contacts the Commission, local ABC boards, or retail permittees regarding the promotion and purchase of spirituous liquor or who has been granted an exception by the Commission to make presentations at the request of a local ABC board and non-profit, charitable corporation related to orders and sales of commemorative bottles pursuant to 14B NCAC 15A .1404. Representatives shall submit requests for an exception in writing to pricing@abc.nc.gov.

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

(f) Except as permitted pursuant to Rules .0710 and .0711 of this Subchapter, employees or representatives of industry members shall not give or lend to a mixed beverage permittee or the permittee's employee a gift, money, services, equipment, furniture, fixture, or other thing of value.

History Note: Authority G.S. 18B-100; 18B-203; 18B-207; 18B-807; 18B-1116;

Eff. January 1, 1982;

Amended Eff. April 1, 2011; July 1, 1992; May 1, 1984;

Transferred and Recodified from 04 NCAC 02T .0901 Eff. August 1, 2015;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;

Amended Eff. April 1, 2019;

Readopted Eff. September 1, 2026.

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

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

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

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

boards with the State ABC warehouse. The Commission shall send notice of the embargo order to the representative, his employer, and to the State ABC warehouse.

History Note: Authority G.S. 18B-100; 18B-104; 18B-203; 18B-207;

Eff. January 1, 1982;

Amended Eff. May 1, 1984;

Transferred and Recodified from 04 NCAC 02T .0902 Eff. August 1, 2015;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;

Readopted Eff. September 1, 2026.

14B NCAC 15C .1001 APPLICATION FOR PERMIT

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

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

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

History Note: Authority G.S. 18B-100; 18B-107; 18B-203; 18B-207;

Eff. January 1, 1982;

Amended Eff. April 1, 2011; May 1, 1984;

Transferred and Recodified from 04 NCAC 02T .1001 Eff. August 1, 2015;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;

Readopted Eff. September 1, 2026.

14B NCAC 15C .1002 SEPARATE PERMITS REQUIRED

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

History Note: Authority G.S. 18B-100; 18B-107; 18B-203; 18B-207;

Eff. January 1, 1982;

Amended Eff. May 1, 1984;

Transferred and Recodified from 04 NCAC 02T .1002 Eff. August 1, 2015;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;

Readopted Eff. September 1, 2026.

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

(a) An air carrier offering service at airports boarding at least 150,000 passengers per calendar year may sell alcoholic beverages in passenger rooms upon obtaining retail on-premises permits and following the application procedures set forth in 14B NCAC 15B .0102.

(b) Providing Complimentary Alcoholic Beverages. Instead of obtaining retail permits to sell alcoholic beverages, an air carrier qualifying pursuant to Paragraph (a) of this Rule may serve complimentary malt beverages and wine to passengers in passenger rooms under the following conditions:

- (1) the air carrier submits a detailed diagram of the carrier's passenger room, showing its exact location in the airport;
- (2) the Commission provides the air carrier with written authorization to serve complimentary malt beverages and wine; and
- (3) the air carrier maintains the written authorization in its principal office at the airport.

History Note: Authority G.S. 18B-100; 18B-107; 18B-203; 18B-207;

Eff. January 1, 1982;

Amended Eff. May 1, 1984;

Transferred and Recodified from 04 NCAC 02T .1003 Eff. August 1, 2015;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;

Readopted Eff. September 1, 2026.

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

(a) In addition to the qualifications required by G.S. 18B-900 and the application requirements of 14B NCAC 15C .0102(b) and (c), an applicant for a Fuel Alcohol Permit shall provide the following information to the Commission:

- (1) Federal Operating Permit number and a photocopy of the Federal Operating Permit; and
- (2) detailed diagram of the fuel alcohol plant premises, identifying roads, streams, lakes, buildings, and other structures on or features of the land that will show the precise location where plant operations will occur.

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

History Note: Authority G.S. 18B-100; 18B-203; 18B-207; 18B-1105(b);

Eff. January 1, 1982;

Amended Eff. May 1, 1984;

Transferred and Recodified from 04 NCAC 02T .1101 Eff. August 1, 2015;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;

Readopted Eff. September 1, 2026.

14B NCAC 15C .1102 CHANGE OF PLANT LOCATION

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

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

History Note: Authority G.S. 18B-100; 18B-203; 18B-207; 18B-900; 18B-903(e); 18B-1105(b);

Eff. January 1, 1982;

Amended Eff. May 1, 1984;

Transferred and Recodified from 04 NCAC 02T .1102 Eff. August 1, 2015;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;

Readopted Eff. September 1, 2026.

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

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

(b) The fuel alcohol permit shall be available for inspection by law enforcement officers or employees of the Commission as authorized by G.S. 18B-502.

History Note: Authority G.S. 18B-100; 18B-207; 18B-502; Eff. January 1, 1982;

Amended Eff. May 1, 1984;

Transferred and Recodified from 04 NCAC 02T .1103 Eff. August 1, 2015;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;

Readopted Eff. September 1, 2026.

14B NCAC 15C .1201 EFFECT OF ADMINISTRATIVE ACTION

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

History Note: Authority G.S. 18B-100; 18B-104; 18B-207; Eff. January 1, 1982;

Amended Eff. May 1, 1984;

Transferred and Recodified from 04 NCAC 02T .1201 Eff. August 1, 2015;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;

Readopted Eff. September 1, 2026.

TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY

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

(a) The Department of Environmental Quality is located in the Green Square Building, 217 West Jones Street, Raleigh, North Carolina, 27603. The mailing address is 1601 Mail Service Center, Raleigh, North Carolina 27699-1601. The telephone number is (877) 623-6748. The Department's website is located at <https://www.deq.nc.gov/>.

History Note: Authority G.S. 143B-10(b); Eff. February 1, 1976; Amended Eff. October 1, 1984; February 23, 1979; Transferred from T15.01A .0004 Eff. November 1, 1989; Amended Eff. October 1, 2012; March 1, 1990; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014; Readopted Eff. September 1, 2026.

15A NCAC 01S .0101 FEES

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

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

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

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

History Note: Authority G.S. 143B-285.21; 143B-285.22; 143B-285.23; 150B-19(5)(d); Eff. January 1, 2009; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014; Readopted Eff. September 1, 2026.

15A NCAC 05A .0101 NAME AND ADDRESS

The name of this agency shall be the North Carolina Mining Commission. Its address is Department of Environmental Quality, 1612 Mail Service Center, Raleigh, North Carolina 27699-1612.

History Note: Authority G.S. 143B-290; Eff. February 1, 1976; Amended Eff. January 31, 1979; Readopted Eff. August 1, 1982;

Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(d)); April 1, 1990;

Readopted Eff. Pending Legislative Review of 15A NCAC 05A .0202; 05B .0104-.0106, .0111; and 05F .0112.

15A NCAC 05A .0202 AUTHORITIES AND DEFINITIONS

(a) The Director, Division of Energy, Mineral, and Land Resources, Department of Environmental Quality, shall have the following powers and duties necessary to administer the Mining Act of 1971, as set forth in Article 7, Chapter 74 of the General Statutes, including:

- (1) the issuance, denial, modification, suspension, transfer, and revocation of permits;
- (2) the approval of reclamation plans;
- (3) the initiation of forfeiture proceedings;
- (4) the giving of notices, setting of hearings, and taking of action upon findings of violations; and
- (5) the institution of all criminal and civil actions.

(b) The Director, Division of Energy, Mineral, and Land Resources, Department of Environmental Quality, shall have the following powers and duties necessary to administer the Control of Exploration for Uranium in North Carolina Act of 1983, as set forth in Article 8, Chapter 74 of the General Statutes, including:

- (1) the issuance, denial, modification, renewal, suspension, transfer, and revocation of permits;
- (2) the review of the plans for the initiation of the abandonment of affected land;
- (3) the inspection and approval of the abandonment of affected land;
- (4) the giving of notices, setting of hearings, and taking of action upon findings of violations; and
- (5) the institution of all criminal and civil actions.

(c) The definitions found in Article 7 of Chapter 74 of the General Statutes and the following definitions apply to Subchapters 05A, 05B, 05F, and 05G of Chapter 5 of Title 15A of the North Carolina Administrative Code:

- (1) "Administrative change" means any change initiated by the Department or requested by the applicant to correct errors, including grammatical errors, typographical errors, and map inaccuracies, that do not substantively change the permit.
- (2) "Affected land", as defined in G.S. 74-49(1), shall not include an unrelated use that (i) does not meet the definition of mining set forth in G.S. 74-49(7) and (ii) occurs within the permit boundaries, including activities pertaining to agriculture and silviculture including timber harvesting, (iii) where an erosion and sedimentation plan is approved pursuant to G.S. 113A, Article 4, when required, and (iv) the unrelated use area is shown on the mine map.
- (3) "Contaminants" shall be defined as set forth in 42 U.S.C. 9601(33), "Pollutants or Contaminants", which is hereby incorporated by reference, including any amendments or subsequent editions. Copies may be accessed at <https://www.govinfo.gov/content/pkg/USCOD>

- E-2023-title42/html/USCODE-2023-title42-chap103-subchapI-sec9601.htm at no charge.
- (4) "Director" means the Director of the Division of Energy, Mineral, and Land Resources of the Department of Environmental Quality, or any Department position to which the Director has delegated his or her authority.
 - (5) "Division" means the Division of Energy, Mineral, and Land Resources of the Department of Environmental Quality.
 - (6) "Filed" or "Filing", as applicable to G.S. 74-51(b), shall be deemed to occur at the start of the following business day when an application is submitted electronically outside of business hours.
 - (7) "Mining buffer" means an unexcavated, undisturbed, or vegetative area managed to protect adjacent land owners or areas needing spatial protections.
 - (A) "Unexcavated" means no mine excavation shall occur. Unexcavated buffers may be used for roadways, berms, and erosion and sedimentation control or stabilization. Excavation may be allowed for sediment basins or erosion and sedimentation control when shown on the mine map.
 - (B) "Undisturbed" means no disturbance shall occur.
 - (C) "Vegetative buffer" means an unexcavated buffer that may be managed through landscaping or additional plantings.
 - (8) "Non-public road" means any private road that is not maintained by the State or has no maintenance requirements delegated to a municipality. Temporary access roads utilized for exploratory purposes shall not be considered non-public roads when they comply with any requirements for approvals pursuant to G.S. 113A, Article 4.
 - (9) "Notice", as applicable to G.S. 74-50(b3), includes written or electronic correspondence.
 - (10) "On-site construction" means development of a site where the primary purpose is to construct, develop, or erect structures, infrastructure, or waste facilities, and the removal, but not sale, of any extracted material off-site is incidental to the primary purpose and time-limited.
 - (11) "Transfer material" means material brought into the mine permit boundary for the purpose of blending, recycling, or upgrading of on-site materials for the purpose of resale.

History Note: Authority G.S. 74-50 through 74-53; 74-56 to 74-59; 74-63; 74-75 through 74-87;

- (1) Table of Mining Reclamation Factors.

143B-290;
Eff. February 1, 1976;
Amended Eff. January 31, 1979; September 3, 1976;
Readopted Eff. August 1, 1982;
Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1(f)); April 1, 1990; December 1, 1983;
Readopted Eff. Pending Legislative Review.

15A NCAC 05B .0103 BONDING REQUIREMENTS

- (a) After an application for a new mining permit, permit modification, or transfer is approved by the Department, an applicant or permittee shall file a bond with the Department in an amount to be determined by the Director in accordance with this Rule and G.S. 74-54.
- (b) If the applicant or permittee disagrees with the bond amount determined by the Director, the applicant or permittee may submit to the Director for consideration, an estimate of reclamation costs from a third-party contractor to be used as the bond amount. The estimate shall be provided to the Director within 30 days following the receipt of the Director's initial bond determination. After considering the estimate and recommendations by Division staff, the Director shall notify the applicant or permittee of the bond determination and the process and conditions used to set the bond amount.
- (c) The Director shall allow the applicant or permittee to submit to the Department an estimate of reclamation costs from a third-party contractor for the Director's use in determining the initial required bond amount. After considering the estimate and the recommendations provided by Division staff, the Director shall notify the applicant or permittee of the initial bond determination and the process and conditions used to set the bond amount.
- (d) The amount of the bond shall be based on the costs to reclaim the affected land as determined by the reclamation plan approved pursuant to G.S. 74-53 and 15A NCAC 05B .0104(b). If the mining permit is modified to increase the total affected land, the bond shall be increased pursuant to this Rule. The Director shall consider the method and extent of the required reclamation for a particular site in determining the bond amount. As areas at a site are reclaimed and formally released by the Department, the permittee may substitute a bond in an amount determined by the Department in accordance with this Rule covering the remaining affected land at the site for the bond previously filed with the Department; otherwise, without such bond substitution, the Department shall retain the previously filed bond until all reclamation has been completed and approved by the Department.
- (e) The initial bond calculation amount shall be based upon the criteria included in the table in Subparagraph (1) of this Paragraph and applied per acre of land to be affected approved by the Department. The criteria in Subparagraph (1) of this Paragraph does not apply to existing bonds already on file with the Department, until action is required to change the bond, including new, transferred, and modified mining permits on file with the Department, or pursuant to compliance action taken by the Department resulting in requirement for an application for new, transferred, or modified mining permits.

Commodity Codes:			
SG	Sand and/or Gravel	PF	Pyrophyllite
GS	Gemstone	OL	Olivine
Borrow	Borrow/fill dirt	KY	Kyanite/Sillimanite/Andalusite
CS	Crushed Stone	PH	Phosphate
DS	Dimension Stone	CL	Clay/Shale
FS	Feldspar	PE	Peat
MI	Mica	AU	Gold
LI	Lithium	TI	Titanium

Type	Tailings/ Sediment Ponds (Lake)	Tailings/ Sediment Ponds (Filled In)	Stockpiles	Wastepiles	Processing Area/Haul Roads	Mine Excavation (Lake)	Mine Excavation (Positive Drainage)
SG,GS, Borrow	\$820	\$2,460	\$2,952	\$3,280	\$2,952	\$820	\$3,280
CS, DS, FS, MI, LI, PF, OL, KY	\$820	\$2,460	\$2,952	\$3,280	\$3,280	\$820	\$4,100
PH	\$1,640	\$4,100	\$4,100	\$8,200	\$8,200	\$3,280	\$8,200
CL	\$1,640	\$4,100	\$4,100	\$8,200	\$8,200	\$3,280	\$6,068
PE, AU, TI, OT	\$1,640	\$4,100	\$4,100	\$4,920	\$5,740	\$3,280	\$8,200

- (2) The amounts included in Subparagraph (1) of this Paragraph shall be increased by two percent on July 1, 2027, and by two percent on each July 1 thereafter.
- (3) The Department shall publish the Mining Reclamation Factors that will be in effect on July 1 of each year in the offices of the Department and on the Department's website.

(f) The final bond amount shall be calculated by increasing the initial bond calculation from Paragraph (e) of this Rule, by two percent per year of the estimated life of mine or life of lease to account for estimated inflation. The calculation shall be performed by Simple interest: Bond = Current Bond Value x (1+(.02 x # of years)).

(g) If an applicant or permittee has multiple sites, the applicant or permittee may file a separate bond with the Department for each site or the applicant or permittee may submit one blanket bond covering all sites in the aggregate amount of all bond totals. Once the total amount of all bonds for separate sites or the total blanket bond for all sites reaches one million dollars (\$1,000,000):

- (1) the applicant or permittee with separate bonds may substitute a one million dollars (\$1,000,000) blanket bond to be used for all future sites; or

- (2) the applicant or permittee with one million dollars (\$1,000,000) blanket bond covering all sites may use that blanket bond for all future sites.

(h) In accordance with G.S. 74-51(h), no permit shall be issued until the operator deposits with the Department a reclamation bond pursuant to G.S. 74-54. Upon written request of the applicant or permittee to the Director, an additional specified period of time to deposit the bond, not to exceed 60 days, shall be granted by the Director.

(i) In accordance with G.S. 74-51(d)(1), failure to provide the required bond within the specified time period, or any extension granted pursuant to Paragraph (h) of this Rule, shall result in denial of the application.

(j) Any bond deposited with the Department shall include the following elements:

- (1) Surety Bonds:

- (A) Name, address, and type of business entity of Principal exactly matching name of Permittee;
- (B) The State of North Carolina, Department of Environmental Quality, 1612 Mail Service Center, Raleigh, North Carolina 27699-1612 as the Obligee;

- (C) Name and address of Surety authorized by the Insurance Commissioner of North Carolina to do business in North Carolina;
 - (D) Sum of bonded amount required under this Rule;
 - (E) Conditioned that the Principal conducts or will conduct mining operations in North Carolina as described in the application for an operating permit which includes a Reclamation Plan as provided in G.S. 74-53 and has obtained approval of the application from the Department of Environmental Quality;
 - (F) Further conditioned that if the Principal shall comply with the requirements set forth in The Mining Act of 1971, G.S. 74-46 through 74-68, and with the rules adopted pursuant thereto and faithfully perform all obligations under their approved Reclamation Plan then this obligation shall be null and void; otherwise to be and remain in full force and effect until released by the Department of Environmental Quality in accordance with G.S. 74-56 or canceled by the surety. Cancellation by the surety shall be effectuated only upon 60 days written notice thereof to the Department of Environmental Quality and the operator as provided in G.S. 74-54;
 - (G) Signature, name, title, and attestation by officer of the Principal; and
 - (H) Notarization.
- (2) Assignment of Savings Account:
- (A) Name, address, and type of business entity of Assignor exactly matching name of Permittee;
 - (B) The State of North Carolina, Department of Environmental Quality, 1612 Mail Service Center, Raleigh, North Carolina 27699-1612 as the Assignee;
 - (C) Name, address, and account information for the bank holding assigned account;
 - (D) Sum of assigned amount required under this Rule;
 - (E) Statement that, in consideration of the promises contained in the agreement and the Department accepting the assignment of the savings account in question, the Assignor sells, assigns, transfers, and sets over to the Department the sum in Part (j)(2)(D) of this Rule and directly authorizes the bank holding the assigned account to pay over to the Department the sum in Part (j)(2)(D) of this Rule upon request;
- (F) Conditioned that if the Assignor conducts the mining operations faithfully, honestly, and lawfully and in compliance with the requirements of the Mining Act of 1971 and applicable rules adopted pursuant thereto, then the assignment shall be null and void; otherwise it shall remain in full force and effect and that compliance with the requirement of the Mining Act of 1971 and applicable rules shall be determined by the Department;
 - (G) Specification that the assignment is made and held by the Department as collateral security in lieu of a surety bond in accordance with The Mining Act of 1971, G.S. 74-46 through 74-68, to assure compliance and reclamation of the permitted operation and for all direct or indirect liabilities of the assignor Operator to the assignee Department that may arise by reason of the Mining Act 1971, Article 7, Chapter 74 of the General Statutes of North Carolina;
 - (H) Signature, name, and title of an officer of the Assignor;
 - (I) Notarization of the Assignor's signature;
 - (J) Signature, name, and title of an officer of the bank holding the assigned account acknowledging the assignment and committing that the funds assigned shall not be disbursed except to the Department so long as the assignment remains in effect; and
 - (K) Notarization of the Bank's signature.
- (3) Irrevocable Standby Letter of Credit (ILOC)
- (A) Name, address, and type of business entity of Operator exactly matching name of Permittee;
 - (B) Name, address, and type of business entity of Issuing Institution;
 - (C) The State of North Carolina, Department of Environmental Quality, 1612 Mail Service Center, Raleigh, North Carolina 27699-1612 as the Beneficiary;
 - (D) Effective Date of the ILOC;
 - (E) Automatic renewal clause, such that the ILOC is continuous in nature, subject to at least 60 days notice via certified mail, return receipt requested,

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| | to the Permittee and the Department prior to nonrenewal; | | drawn under and in compliance with the terms of the guaranty will be duly honored upon presentation to the Issuing Institution; |
| (F) | Sum of the ILOC required under this Rule; | | |
| (G) | That the sum of the ILOC is available by the Department drafts on sight; | (L) | Statement that the guaranty is being issued in lieu of a surety bond in accordance with The Mining Act of 1971, G.S. 74-46 through 74-68, to assure compliance and reclamation of the permitted operation; |
| (H) | Instructions for drafts by the Department; | | |
| (I) | Non-transferability clause; | (M) | Signature, name, and title of an officer of the Issuing Institution; and |
| (J) | Choice of Law provisions specifying North Carolina venue for all disputes; | (N) | Notarization of the Issuing Institution officer's signature. |
| (K) | Statement that the Issuing Institution agrees with the drawers, endorsers, and bona fide holders that all drafts drawn under and in compliance with the terms of the ILOC will be duly honored upon presentation to the Issuing Institution; | (5) | Cash Deposit: |
| | | (A) | Cash in the form of a cashiers or certified check in the sum required under this Rule; and |
| (L) | Statement that the ILOC is being issued in lieu of a surety bond in accordance with The Mining Act of 1971, G.S. 74-46 through 74-68, to assure compliance and reclamation of the permitted operation; | (B) | Cover Letter specifically identifying Permittee and specifying the intended function of the money to serve as the required bond amount under this Rule. |
| (M) | Signature, name, and title of an officer of the Issuing Institution; and | | |
| (N) | Notarization of the Issuing Institution officer's signature. | | |
| (4) | Bank Guaranty | | |
| (A) | Name, address, and type of business entity of Operator exactly matching name of Permittee; | | |
| (B) | Name, address, and type of business entity of Issuing Institution; | | |
| (C) | The State of North Carolina, Department of Environmental Quality, 1612 Mail Service Center, Raleigh, North Carolina 27699-1612 as the Beneficiary; | | |
| (D) | Effective Date of the guaranty; | | |
| (E) | Automatic renewal clause, such that the guaranty is continuous in nature, subject to at least 60 days notice via certified mail, return receipt requested, to the Permittee and the Department prior to nonrenewal; | | |
| (F) | Sum of the guaranty required under this Rule; | | |
| (G) | That the sum of the guaranty is available by the Department drafts on sight; | | |
| (H) | Instructions for drafts by the Department; | | |
| (I) | Non-transferability clause; | | |
| (J) | Choice of Law provisions specifying North Carolina venue for all disputes; | | |
| (K) | Statement that the Issuing Institution agrees with the drawers, endorsers, and bona fide holders that all drafts | | |

History Note: Authority G.S. 74 – 51; 74 – 54; 143B – 290; Eff. February 1, 1976; Amended Eff. January 1, 1994; April 1, 1990; November 1, 1985; November 1, 1984; Readopted Eff. Pending Legislative Review of 15A NCAC 05A .0202; 05B .0104-.0106, .0111; and 05F .0112.

15A NCAC 05B .0104 INFORMATION REQUIRED IN PERMIT APPLICATION

(a) The completed application for the mining permit shall include information concerning the mining operation and a reclamation plan for the restoration of all affected land. Information required concerning the mining operation shall include:

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| (1) | materials to be mined; |
| (2) | method of mining; |
| (3) | expected depth of mine; |
| (4) | size of the mine, including: |
| | (A) acreage for tailings ponds, |
| | (B) acreage for stockpiles, |
| | (C) acreage for waste piles, |
| | (D) acreage for processing plants, |
| | (E) acreage for mine excavation, |
| | (F) acreage for annual disturbance; |
| (5) | anticipated effect on wildlife, freshwater, estuarine, or marine fisheries; |
| (6) | whether the mining operation will have a wastewater discharge that will require a permit from the Division of Water Resources, an air contaminant emission that will require a permit from the Division of Air Quality, or will have a stormwater discharge that will require a permit from the Division of Energy, Mineral, and Land Resources; |
| (7) | methods to prevent physical hazard to any neighboring dwelling house, school, church, hospital, commercial or industrial building, or |

- public road if the mining excavation will come within 300 feet thereof;
- (8) measures required to ensure against landslides and acid water pollution;
 - (9) measures required to minimize siltation of streams, lakes, or adjacent properties during the mining operation;
 - (10) measures required to screen the mining operation from public view;
 - (11) name of mine and location, which shall include a street address, latitude and longitude, or mine boundary lines;
 - (12) responsible officer contact information;
 - (13) site contact information; and
 - (14) statement of authority as provided in Paragraph (f) of this Rule, when necessary.
- (b) Information required in the reclamation plan shall include methods and construction details for:
- (1) intended plan for overall mine reclamation, subsequent land use, and the methods to be used in reclaiming the affected land;
 - (2) intended practices required to protect adjacent surface resources;
 - (3) intended methods to prevent or eliminate conditions hazardous to animal or fish life in or adjacent to the affected areas;
 - (4) intended methods of rehabilitation of settling ponds;
 - (5) intended methods of restoration or establishment of stream channels and stream beds to a condition minimizing erosion, siltation, and other pollution;
 - (6) intended measures to stabilize slopes;
 - (7) intended measures to provide for safety to persons and adjoining property in excavation in rock;
 - (8) intended measures of disposal of mining refuse and control of contaminants;
 - (9) provisions to prevent collection of noxious, odious, or foul water in mined areas;
 - (10) plan for revegetation and reforestation or other surface treatment of the affected areas which shall be approved in writing by one of the following prior to submission of the application:
 - (A) Authorized representative of the local soil and water conservation district having jurisdiction over lands in question;
 - (B) Authorized representative of the North Carolina Forest Service within the Department of Agriculture and Consumer Services;
 - (C) North Carolina Cooperative Extension County Director in the counties where the site is located or research and extension personnel headquartered at North Carolina State University in the
- School of Agriculture and Life Sciences;
- (D) North Carolina licensed Landscape Architect pursuant to G.S. 89A;
 - (E) North Carolina licensed Professional Engineer pursuant to G.S. 89C;
 - (F) Private consulting forester referred by the North Carolina Forest Service within the Department of Agriculture and Consumer Services; or
 - (G) Others as may be approved by the Department; Provided that areas expected to be in use beyond the maximum permissible permit period, such as processing plants or stockpiles, do not require a specific revegetation plan;
- (11) In lieu of the written approval required by Subparagraph (10) of this Paragraph, a plan for revegetation and reforestation developed utilizing one of the following:
- (A) North Carolina Erosion and Sedimentation Control Planning and Design Manual, including subsequent amendments and editions. The manual may be obtained free of charge at <https://www.deq.nc.gov/energy-mineral-and-land-resources/erosion-and-sediment-control/esc-design-manual/erosion-sediment-control-design-manual-rev-jan-2026/open>; or
 - (B) North Carolina Surface Mining Manual: A Guide for Permitting, Operation and Reclamation, including subsequent amendments and editions. The manual may be obtained free of charge at <https://www.deq.nc.gov/documents/files/nc-surface-mining-manual/download>; and
- (12) time schedule of reclamation that provides that reclamation activities be conducted simultaneously with mining operations whenever feasible and in any event be initiated at the earliest practicable time after completion or termination of mining on any segment and completed within two years unless a longer period is specifically permitted by the Department.
- (c) An application shall include a copy of a mine map. Mine maps shall be consistent with the reclamation plan and shall be accurate drawings, aerial photographs, or enlarged topographic maps of the mine area and shall show the following:
- (1) property lines or affected area of mining operation;
 - (2) outline of pits;
 - (3) outline of stockpile areas;
 - (4) outline of overburden disposal areas;

- (5) location of processing plants, which may be described as to location and distance from the mine if not contiguous to the mine property;
 - (6) location and name of streams and lakes;
 - (7) outline of settling ponds;
 - (8) location of access roads;
 - (9) mine permit boundaries;
 - (10) existing and proposed contours showing all drainage areas;
 - (11) map legend, including:
 - (A) name of company,
 - (B) name of mine,
 - (C) north arrow,
 - (D) county,
 - (E) scale,
 - (F) date prepared,
 - (G) name and title of person preparing map; and
 - (12) names of owners of record, both public and private, of all adjoining land as is specified in G.S. 74-50;
 - (13) any unrelated use area, that has the potential to disturb the soil surface, that does not meet the definition of mining within the permit boundaries;
 - (14) vicinity map showing the mining operation in relation to the general area at a minimum scale of 1:24,000;
 - (15) drawings showing typical sections or cross sections and layout of proposed reclamation where such drawings will assist in describing reclamation;
 - (16) approximate limits of future reserves not included in affected area; and
 - (17) intended reclamation for projected phases or segments when reclamation is accomplished concurrently with mining.
- (d) An application for a mining permit shall include:
- (1) The names and addresses of all known owners, both private and public of all land adjoining the proposed mining site as is specified in G.S. 74-50 and as determined by a search of the tax records or other sources of information approved in advance by the Department that identifies the owners of all adjoining land. The proposed mining site means all land to be included within the proposed permitted area;
 - (2) The names and addresses of the county, city, and town managers, who serve as the chief administrative officers, of the local governments in which any part of the proposed mining site is located;
 - (3) Pursuant to G.S. 74-50, proof satisfactory to the Department that the applicant has made the required effort to notify all owners of record of all adjoining land and the county, city, and town managers, who serve as the chief administrative officers, of the local governments in which any part of the proposed mining site is located of the

- pending application. Proof satisfactory to the Department shall include an affidavit by the applicant stating that a notice of the pending application has been sent by certified or registered mail to all known adjoining owners and to the chief administrative officers of the county or municipality. Other means of notice shall be satisfactory if approved in advance by the Department;
 - (4) A copy of the recorded right of entry agreement that runs with the land, is binding on landowners, lessees, and permittees, and extinguishes permit release, providing that the landowner may not interfere with the permittee's obligations or the Department's ability to perform reclamation; and
 - (5) Any application submitted to the Department for approval of mining activities pursuant to G.S. 74-50 shall include proof of ownership or the portion of valid and unexpired Memorandum Of Lease or option from the property owner allowing mining activities for all lands to be included in the permitted area as defined in G.S. 74-50(b)(3).
- (e) An application for a mining permit shall not be deemed filed pursuant to G.S. 74-51(b) until the nonrefundable permit application processing fee required pursuant to G.S. 74-54.1 is received by the Department. If the necessary fee is not received within 30 days of initial receipt of the application, the application shall be denied and required to be resubmitted in its entirety.
- (f) Permit applications shall be signed as follows:
- (1) in the case of corporations, by a principal executive officer of at least the level of vice-president, or their authorized representative;
 - (2) in the case of a partnership or limited partnership, by a general partner;
 - (3) in the case of a sole proprietorship, by the proprietor;
 - (4) in the case of a municipal, state, or other public entity by either a principal executive officer, ranking official, or other duly authorized employee; or
 - (5) in the case of a limited liability company, by a managing member.

The signature of the consulting engineer or other agent shall be accepted on the application only if accompanied by a letter of authorization from one of the individuals listed in Subparagraphs (1) through (5) of this Paragraph.

History Note: Authority G.S. 74-51; 74-53; 74-56; 74-63; Eff. February 1, 1976; Amended Eff. April 1, 1990; May 1, 1982; September 1, 1979; January 31, 1979; Readopted Eff. Pending Legislative Review.

15A NCAC 05B .0105 CONDITIONS WHICH MAY BE INCLUDED IN PERMIT

To ensure that the mining operation fully complies with the requirements and objectives of the Mining Act of 1971, G.S. 74-

46 through 74-68, the Director may require that a permit or reclamation plan contain conditions including:

- (1) additional erosion control measures to be installed during the mining operation;
- (2) a vegetated buffer between any stream and the affected land when specified in State or local stream protection requirements;
- (3) visual screening such as existing vegetation, vegetated earthen berms, and tree plantings at staggered spacing to be installed and maintained between any affected land and any adjoining property containing occupied buildings or public access within view of the affected land; any screening conditions shall take into consideration the mining operation activities that are being screened and the current usage of the neighboring property;
- (4) erosion control measures to be taken during the construction and operation of all haul roads or access roads to minimize offsite damage from sediment;
- (5) other conditions necessary to safeguard the adjacent surface resources or wildlife;
- (6) hydrogeological analysis to assess potential influences of mine dewatering on water supply wells and measures to mitigate potential adverse impacts.

History Note: Authority G.S. 74-51; 74-63;
Eff. February 1, 1976;
Amended Eff. May 1, 1992; November 1, 1984;
Readopted Eff. Pending Legislative Review.

15A NCAC 05B .0106 STANDARDS FOR DENYING AN APPLICATION

History Note: Authority G.S. 74-51; 74-58; 74-63;
Eff. February 1, 1976;
Amended Eff. November 1, 1984;
Repealed Eff. Pending Legislative Review.

15A NCAC 05B .0110 MINING RECLAMATION REPORTS

- (a) Notice of completion of reclamation of an area of affected land pursuant to G.S. 74-56 shall be made by submitting a release request form provided by the Department that includes the details found on the reclamation report as required to be filed by G.S. 74-55.
- (b) If the Department receives a completed release request form on or before September 30, the Department shall waive the annual fee for that permit year, unless the site is determined to not be eligible for release pursuant to G.S. 74-56 prior to December 31 of that same year.

History Note: Authority G.S. 74-55; 74-56; 143B-290;
Eff. March 30, 1978;
Amended Eff. November 1, 1984;
Readopted Eff. Pending Legislative Review of 15A NCAC 05A .0202; 05B .0104-.0106, .0111; and 05F .0112.

15A NCAC 05B .0111 PUBLIC HEARINGS

- (a) If the Department determines that there exists a significant public interest in an application for a new mining permit, or for a modification that adds land to the existing permit, the Director shall appoint a hearing officer to conduct a public hearing on the application which shall be held no later than 90 days from the filing of the application and before the Department makes its final decision regarding the application.
- (b) At least 20 days prior to the public hearing, the Department shall provide notice in a newspaper or other media platform with general coverage in the counties in which the proposed mine is located. In addition, the Department shall cause written notice of the hearing to be sent by certified or registered mail to the applicant and to the known owners of all adjoining land as specified in G.S. 74-50.
- (c) Any person may appear at the public hearing and give oral or written comments on the proposed application. The hearing officer may impose limitations on the length of time that any person may speak and may summarize comments rather than recording them in full. The hearing officer may allow additional written comments to be submitted for up to ten days after the hearing after which the public comment period will be considered closed and no other public comments shall be considered in the final determination of the application.
- (d) Within ten days after the hearing or time for additional comment, the hearing officer shall prepare a written report summarizing the comments that were submitted regarding the application. The report shall include copies of all written comments submitted. Copies of the report shall be made available to the applicant or members of the public upon request. The Department shall give full consideration to all comments contained in the hearing record in making its final determination on the application.
- (e) In the event there is not a public hearing, public comments will be accepted for 60 days following the receipt of the application after which the public comment period will be considered closed and no other public comments shall be considered in the final determination of the application.

History Note: Authority G.S. 74-51; 74-63; 74-86;
Eff. May 1, 1982;
Readopted Eff. Pending Legislative Review.

15A NCAC 05B .0112 PERMIT APPLICATION PROCESSING FEES

- (a) A nonrefundable permit application processing fee, in the amounts stated in G.S. 74-54.1, shall be paid when an application for a new mining permit or a permit modification, or transfer is filed in accordance with G.S. 74-51 or G.S. 74-52 and the rules of this Subchapter.
 - (1) The acreage for a new permit application shall include the total acreage contained within the permitted area.
 - (2) The acreage for a permit modification shall be limited to the increase in proposed acreage of affected land internal to the existing permitted area plus any new acreage proposed to be added to the permitted area beyond the existing permit boundary.

- (3) The fee for a permit transfer shall remain a flat fee regardless of acreage.
- (4) For purposes of calculations pursuant to G.S. 74-54.1, the referenced acreage ranges shall include anything less than 26 acres as "0-25 acres" and anything equal to or greater than 26 acres as "26+ acres".

(b) No fee shall be required for administrative changes initiated by the Director.

(c) Any new permit issued between September 1 and December 31 shall not be required to pay the annual operating fee or submit the annual reclamation report for that same calendar year.

History Note: Filed as a Temporary Rule Eff. November 1, 1990, for a Period of 180 Days to Expire on April 29, 1991;
Authority G.S. 74-54.1; 74-63; 143B-290;
ARRC Objection Lodged November 14, 1990;
ARRC Objection Removed December 20, 1990;
Eff. January 1, 1991;
Amended Eff. December 1, 1991;
Readopted Eff. Pending Legislative Review of 15A NCAC 05A .0202; 05B .0104-.0106, .0111; and 05F .0112.

15A NCAC 05B .0113 RESPONSE DEADLINE TO DEPARTMENT'S REQUEST(S)

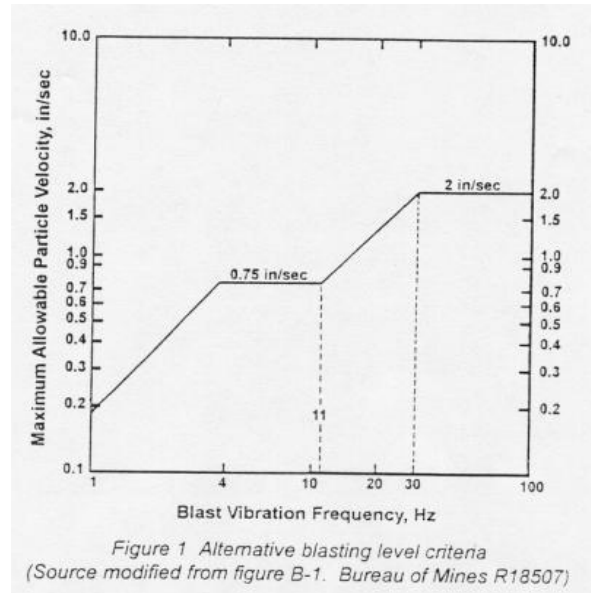
An applicant or permittee shall submit to the Department supplemental information regarding an application for a new permit, permit modification, or permit transfer within 180 days after the date of receipt of the Department's written request for such information. Upon written request of the applicant or permittee to the Director, an additional specified period of time not to exceed one year shall be granted by the Director.

History Note: Authority G.S. 74-51; 74-52; 74-63; 143B-290;
RRC Objection Eff. September 15, 1994 due to lack of statutory authority;
Eff. November 1, 1994;
Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(d));
Readopted Eff. Pending Legislative Review of 15A NCAC 05A .0202; 05B .0104-.0106, .0111; and 05F .0112.

15A NCAC 05B .0114 BLASTING

(a) At any permitted site where blasting occurs, the operator shall monitor each blast with a seismograph located at a distance no farther than the closest off site regularly occupied structure not owned or leased by the operator. A seismographic record including peak particle velocity, air overpressure, and vibration frequency levels shall be kept for each blast, except as provided in Paragraphs (c) and (e) of this Rule.

(b) In all blasting operations, the maximum peak particle velocity of any component of ground motion shall not exceed the alternative ground vibration limits in this Paragraph at the nearest regularly occupied structure not owned or leased by the operator outside of the permitted area such as a dwelling house, church, school, or public, commercial, or institutional building.



(c) In the event of seismograph malfunction or other condition that prevents monitoring, blasting shall be conducted in accordance with the following scaled distance formulas:

Formula from ISEE Blasters Handbook 17th Edition ISBN:1-892396-00-9

$$W = \left(\frac{D}{Ds}\right)^2 \quad Ds = \frac{D}{\sqrt{W}} \quad V = 160(Ds)^{-1.6}$$

W = Maximum charge weight of explosives per delay period of 8 milliseconds or more (pounds).

D = Distance from the blast site to the nearest regularly occupied structure not owned or leased by the mine operator (feet).

Ds = Scaled distance factor.

V = Peak Particle Velocity (inches per second).

The peak particle velocity of any component shall not exceed 1.0

Lower Frequency Limit of Measuring System (Hz)	Max Level (dBL)
0.1 Hz or lower-flat response	134 peak
2.0 Hz or lower-flat response	133 peak
6.0 Hz or lower-flat response	129 peak

inch per second, for the purposes of this Paragraph.

(d) Air blast overpressure resulting from surface blasting shall not exceed 129 decibels linear (dBL) as measured at the nearest regularly occupied structure not owned or leased by the operator outside of the permitted area such as a dwelling house, church, school, or public, commercial, or institutional building, unless an alternate level is being used based on the sensitivity of the seismograph microphone as specified in this Paragraph of this Rule:

(e) In the event of seismograph malfunction or other condition that prevents monitoring, air blast overpressure shall be calculated utilizing the following formulas:

Formula from ISEE Blasters Handbook 17th Edition ISBN:1-892396-00-9

$$P = 1.0 \left(\frac{D}{\sqrt[3]{W}} \right)^{-1.1}$$

$$dB = 20 \log \left(\frac{P}{2.9 \times 10^{-9}} \right)$$

- P = Air blast overpressure average burial (pounds per square inch).
- W = Maximum charge weight of explosives per delay period of 8 milliseconds or more (pounds).
- D = Distance from the blast site to the nearest regularly occupied structure not owned or leased by the mine operator (feet).
- dB = Air blast overpressure average burial (decibels).
- A = Air blast overpressure for typical quarry situations (decibels).

The air blast overpressure shall not exceed 129 decibels, for the purposes of this Paragraph.

(f) For the purposes of calculating Scale Distance, when using electronic detonators, the maximum charge weight of explosives per delay shall be calculated using actual delay of separation, with a minimum delay of 1 milliseconds. When using non-electric detonators, the maximum charge weight shall be calculated on a delay of 8 milliseconds.

(g) The operator shall maintain records on each individual blast describing:

- (1) name of company or contractor;
- (2) date, and time of the blast;
- (3) type of material blasted;
- (4) the total number of holes;
- (5) pattern of holes and delay of intervals;
- (6) depth and size of holes;
- (7) type and total pounds of explosives;
- (8) maximum pounds per 8ms delay interval;
- (9) amount of stemming and burden for each hole;
- (10) blast location;
- (11) distance from blast to closest offsite regularly occupied structure;
- (12) weather conditions at the time of the blast; and
- (13) whether mats or other protections were used.

Records shall be maintained at the permittee's mine office and copies shall be provided to the Department upon request.

(h) The operator shall take precautions to ensure that flyrock is not thrown beyond areas where access is temporarily or permanently guarded by the operator.

(i) The operator shall provide to the Department a copy of the findings of the seismic studies conducted at the mine site by the permittee or their representative in response to an exceedance of a level allowed by the blasting conditions set forth in this Rule. The operator shall evaluate the studies' recommendations for inclusion into the production blasting program to prevent future exceedances of the level allowed by these blasting conditions set forth in this Rule.

History Note: Authority G.S. 74-51; 74-63; Eff. Pending Legislative Review of 15A NCAC 05A .0202; 05B .0104-.0106, .0111; and 05F .0112.

15A NCAC 05B .0115 MINING PERMIT TRANSFERS

(a) Pursuant to G.S. 74-51(i), a permit may be transferred from one operator to another, if both operators have complied with the requirements of the Mining Act as set forth in Article 7, Chapter 74 of the General Statutes. The sale or lease of the operation alone shall not constitute an approved transfer of the permit. Until a permit has been transferred by the Department to the successor operator, the existing operator shall be held responsible for any activities at the site, including liability for any documented violations at the site. Liability shall remain with the existing operator until such violations have been addressed to the satisfaction of the Department and the Department has transferred the permit in its entirety to the successor operator.

(b) A valid permit may be transferred from one operator to another provided the following information has been submitted on a form furnished by the Department:

- (1) A signed statement from the existing operator requesting that the permit be transferred to the successor operator. The existing mine name and permit number shall be identified in the statement.
- (2) A non-refundable permit transfer processing fee pursuant to G.S. 74-54.1(a).
- (3) A signed statement from the successor operator identifying the existing mine name and permit number, requesting that the permit be transferred in its entirety, and accepting all responsibilities and liabilities for the site with respect to the Mining Act of 1971 as set forth in Article 7, Chapter 74 of the General Statutes.
- (4) A mine map showing the successor operator's name and contact information, current mining permit boundary, acreage table, and reference to current permit number and conditions.
- (5) The information required in Rule .0104(a)(1) through (a)(4) and (a)(12) through (a)(14) of this Section.
- (6) A copy of the recorded right of entry agreement that runs with the land, is binding on landowners, lessees, and permittees, and extinguishes permit release, providing that the landowner may not interfere with the permittee's obligations or the Department's ability to perform reclamation.
- (7) An acceptable security in the amount determined in Rule .0103 of this Section and using the forms established in Rule .0103 of this Section covering the site. The security shall be issued in the same successor operator name used in the permit transfer application.

(c) The permit transfer application shall be submitted to the Department no later than 60 days from the execution of any purchase or lease agreement associated with a change in the responsibility for operation of the permitted site.

(d) Any pit expansion or other land disturbing activity anticipated within the permitted area not previously approved by the Department shall require a permit modification. Expansion of permit boundaries to include additional land under the permit shall require a permit modification.

(e) Upon approval of the permit transfer, responsibility for the full extent of the existing permitted area shall be transferred to the successor operator unless the Department has authorized the release of a portion of the permitted area from reclamation liability.

(f) Upon approval of the permit transfer, the Department shall send the new permit document to the successor operator. Such permit may include updated operating and reclamation conditions to ensure compliance with the Mining Act of 1971 as set forth in Article 7, Chapter 74 of the General Statutes.

(g) The prior operator shall be notified by the Department of the completed permit transfer and that the prior operator has been released from further liability with respect to the permit for the site. The security posted by the prior operator to cover reclamation obligations at the site shall be returned by the Department to the prior operator provided the security is no longer needed to cover other permitted sites under the prior operator's name.

(h) Permit transfers due to corporate name changes shall comply with Rule .0116 of this Section.

History Note: Authority G.S. 74-51; 74-54.1; 74-63; Eff. Pending Legislative Review of 15A NCAC 05A .0202; 05B .0104-.0106, .0111; and 05F .0112.

15A NCAC 05B .0116 PERMIT TRANSFERS DUE TO CORPORATE NAME CHANGES

(a) In the event that the corporate name of the operator holding the mining permit changes, the operator shall submit a permit transfer application as follows to the Department within 60 calendar days of the effective date of the corporate name change:

- (1) A letter identifying the existing and new corporate names, the effective date of the new corporate name, any changes in company officers and associated contact information, and each mining permit number and mine name impacted by the corporate name change.
- (2) The Secretary of State corporate filing certificate or other legal paperwork verifying the new corporate name is registered in North Carolina.
- (3) A non-refundable permit transfer processing fee for each permit affected by the corporate name change pursuant to G.S. 74-54.1(a).
- (4) An updated or new security in the new corporate name that complies with Rule .0103 of this Section, including any associated contact information. The updated or new security shall be in the same amount as the prior security covering the reclamation obligations at the site.
- (5) A copy of the recorded right of entry agreement that runs with the land, is binding on landowners, lessees, and permittees, and extinguishes permit release, providing that the landowner may not interfere with the permittee's obligations or the Department's ability to perform reclamation.

(b) Upon approval of the permit transfer application, the Department shall send a letter with the updated pages of the

relevant permits to the operator to attach to the existing relevant permits.

History Note: Authority G.S. 74-50; 74-51; 74-54.1; 74-63; Eff. Pending Legislative Review of 15A NCAC 05A .0202; 05B .0104-.0106, .0111; and 05F .0112.

15A NCAC 05B .0117 DRAFT PERMITS

Upon approval of an application and prior to receipt of any performance bond or security, new or updated, any operating permit generated by the Department shall be considered a preliminary draft and shall not be considered issued or binding, regardless of whether the draft is shared with the applicant. Where a new or modified performance bond or other security is required pursuant to G.S. 74-54, approval of an application, pursuant to G.S. 74-51(h), shall satisfy the requirement to grant a permit within the deadlines included in G.S. 74-51(b).

History Note: Authority G.S. 74-51; 74-63; Eff. Pending Legislative Review of 15A NCAC 05A .0202; 05B .0104-.0106, .0111; and 05F .0112.

15A NCAC 05F .0101 PURPOSE AND SCOPE

The procedures and standards set forth in the rules of this Subchapter shall be followed by the Director in assessing civil penalties.

History Note: Authority G.S. 74-61; 74-63; 74-64; 143B-10; Eff. May 1, 1982; Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(d)); November 1, 1984; Readopted Eff. Pending Legislative Review of 15A NCAC 05A .0202; 05B .0104-.0106, .0111; and 05F .0112.

15A NCAC 05F .0103 WHO MAY ASSESS

Civil penalties may be assessed by the Director.

History Note: Authority G.S. 74-61; 74-63; 74-64; 143B-10; Eff. May 1, 1982; Readopted Eff. Pending Legislative Review of 15A NCAC 05A .0202; 05B .0104-.0106, .0111; and 05F .0112.

15A NCAC 05F .0105 CIVIL PENALTY FOR MINING WITHOUT A PERMIT

(a) Prior to the assessment of any civil penalty for mining without a permit, the alleged violator shall be given notice by registered or certified mail, return receipt requested. The notice shall describe the violation, order the violator to cease mining until a valid operating permit has been obtained, and specify a time period calculated to permit the restoration of any disturbed area. The notice shall also state that a civil penalty may be assessed for any violation.

(b) In determining whether to assess a civil penalty for any violation committed prior or subsequent to receipt of the notice of violation, the Director shall consider whether the violator ceased mining, restored the affected area, or otherwise complied with the requirements of the notice of violation. The civil penalty assessment shall specify the violations for which the penalty has

been assessed and shall be transmitted to the violator by certified or registered mail, return receipt requested.

History Note: Authority G.S. 74-60; 74-61; 74-63; 74-64; 143B-10;
Eff. May 1, 1982;
Amended Eff. December 1, 1988; November 1, 1984;
Readopted Eff. Pending Legislative Review of 15A NCAC 05A .0202; 05B .0104-.0106, .0111; and 05F .0112.

15A NCAC 05F .0106 CIVIL PENALTY FOR VIOLATING OPERATING PERMIT

If the violator does not comply with the requirements of the notice of violation, required by G.S. 74-64(a)(1), within the time period specified in the notice, the Director may assess a civil penalty for any violations committed after the date of receipt of the notice of violation. The civil penalty assessment shall specify the violations for which the penalty has been assessed and shall be transmitted to the violator by certified or registered mail, return receipt requested.

History Note: Authority G.S. 74-60; 74-61; 74-63; 74-64; 143B-10;
Eff. May 1, 1982;
Amended Eff. November 1, 1984;
Readopted Eff. Pending Legislative Review of 15A NCAC 05A .0202; 05B .0104-.0106, .0111; and 05F .0112.

15A NCAC 05F .0111 REFERRAL TO ATTORNEY GENERAL

History Note: Authority G.S. 74-61; 74-63; 74-64; 143B-10;
Eff. May 1, 1982;
Repealed Eff. Pending Legislative Review of 15A NCAC 05A .0202; 05B .0104-.0106, .0111; and 05F .0112.

15A NCAC 05F .0112 FURTHER REMEDIES

History Note: Authority G.S. 74-61; 74-63; 74-64; 143B-10;
Eff. May 1, 1982;
Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1. (d));
Repealed Eff. Pending Legislative Review.

15A NCAC 05G .0103 PROCEDURES FOR OBTAINING PERMITS

The application for and issuance of exploration permits shall be governed by the procedures in this Subchapter.

History Note: Authority G.S. 74-77 through 74-89;
Eff. December 1, 1983;
Readopted Eff. Pending Legislative Review of 15A NCAC 05A .0202; 05B .0104-.0106, .0111; and 05F .0112.

15A NCAC 05G .0104 ABANDONMENT PLAN: BONDING REQUIREMENTS

(a) After reviewing an application, the Department shall determine whether it should be approved and notify the applicant of its determination. No application shall be approved unless it contains an abandonment plan acceptable to the Department. If

the application is approved, the Department shall determine the amount of the performance bond that is required and issue to the applicant a bond form to be used in securing the bond. A person shall not engage in exploration activity for the discovery of uranium until a bond in the required amount has been filed with the Department and an exploration permit has been issued.

(b) The required amount of the bond shall be determined as follows:

- (1) The applicant shall provide the Department with an estimate of the total length of the vehicular access roads that involve the cutting of vegetation or grading and of the number of exploratory drill holes and test pits;
- (2) The minimum amount of any bond shall be five thousand dollars (\$5,000.00). In addition to the minimum bond amount of five thousand dollars (\$5,000.00), an additional bond amount shall be required at the rate of two dollars (\$2.00) per each linear foot of vehicular access road and of two hundred dollars (\$200.00) per each exploratory drill hole or test pit; and
- (3) If the Department determines that the amount of the bond required under Subparagraph (b)(2) of this Rule is inadequate to complete the required abandonment, the Department may negotiate a different bond amount that shall assure adequate abandonment in the event of bond forfeiture.

(c) A permittee shall be in violation of its permit if the length of the vehicular access roads or the number of exploratory drill holes or test pits exceeds the length or number authorized by the amount of its bond.

History Note: Authority G.S. 74-78; 74-79; 74-80; 74-81; 74-86;
Eff. December 1, 1983;
Readopted Eff. Pending Legislative Review of 15A NCAC 05A .0202; 05B .0104-.0106, .0111; and 05F .0112.

15A NCAC 05G .0105 DRILLING: CASING: TESTING AND ABANDONMENT

The methods and procedures utilized in drilling, casing, testing, and abandonment shall be in accordance with the requirements of 15A NCAC 02C, Section .0100, Criteria and Standards Applicable to Water Supply and Certain Other Type Wells, and is hereby incorporated by reference, including subsequent amendments and editions, and may be accessed free of charge at <https://www.deq.nc.gov/water-quality/planning/csu/rules-webpage/rule-ch2-sub2c-sec0100-20091001-dwq-pln-csu/download>.

History Note: Authority G.S. 74-78; 74-86; 143B-290;
Eff. December 1, 1983;
Readopted Eff. Pending Legislative Review of 15A NCAC 05A .0202; 05B .0104-.0106, .0111; and 05F .0112.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 03 - ATHLETIC TRAINER EXAMINERS

21 NCAC 03 .0101 APPLICATION FOR LICENSURE

(a) An application for licensure shall be completed on the forms provided by the Board and shall include:

- (1) Proof of having passed the examination administered by the Board of Certification, Inc., by enclosing a copy of the certification card.
- (2) Evidence of good moral character. "Good moral character" means a personal history of honesty, trustworthiness, fairness, a good reputation for fair dealings, and respect for the rights of others and for state and federal laws, subject to the requirements of G.S. 93B-8.1(b).
- (3) A copy of the diploma from a college or university in Sports Medicine or Athletic Training or a transcript showing the following courses of study or similar courses of study: Human Anatomy, Human Physiology, Kinesiology/Biomechanics, Psychology, Exercise Physiology, Prevention of Athletic Injuries, Evaluation of Athletic Injuries, First Aid and Emergency Care, Therapeutic Modalities, Therapeutic Exercise, Personal Community Health, Nutrition and Administration of Athletic Training Programs.
- (4) The applicant's full name.
- (5) The applicant's address.
- (6) The applicant's employment history.
- (7) The applicant's current employment, address, and job title.
- (8) A current form of identification with photograph.
- (9) Official verification from the respective state boards of any other U.S. athletic training licenses held, both current and lapsed.

(b) The license issuance fee pursuant to 21 NCAC 03 .0201 shall accompany the application.

*History Note: Authority G.S. 90-525; 90-528; 90-529; 90-530;
Temporary Adoption Eff. March 16, 1998;
Eff. May 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Amended Eff. April 1, 2023;
Readopted Eff. September 1, 2026.*

21 NCAC 03 .0102 GOOD MORAL CHARACTER

Evidence of good moral character shall be shown by two affidavits from persons not related to the applicant. "Good moral character" means a personal history of honesty, trustworthiness, fairness, a good reputation for fair dealings, and respect for the rights of others and for state and federal laws, subject to the requirements of G.S. 93B-8.1(b).

History Note: Authority G.S. 90-525; 90-528; 90-529; 90-530;

*Temporary Adoption Eff. March 16, 1998;
Eff. May 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Readopted Eff. September 1, 2026.*

21 NCAC 03 .0201 FEES

(a) The following fees are payable to the Board by cash, check, or money order:

- | | | |
|-----|-------------------------------------|----------|
| (1) | License issuance fee | \$200.00 |
| (2) | License renewal fee | \$75.00 |
| (3) | Reinstatement of lapsed license fee | \$100.00 |

(b) Copies of any public documents filed in the Board Office are available at the "actual cost" as defined in G.S. 132-6.2(b) for making the copy and the mailing cost if applicable. The Board shall provide its "actual cost" on the Board website.

*History Note: Authority G.S. 90-525; 90-534;
Temporary Adoption Eff. March 16, 1998;
Eff. May 1, 1999;
Amended Eff. August 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Readopted Eff. September 1, 2026.*

21 NCAC 03 .0202 SUSPENSION OF AUTHORITY AND ESCROW OF FUNDS

The Board shall file the annual reports set forth in G.S. 93B-2 no later than October 31 of each year. In the event the Board fails to file the reports as required by G.S. 93B-2 and the Board's authority to expend any funds is suspended until such time as the Board files the required reports, the Board shall deposit any fees or funds received during the period of suspension into an escrow account established by the Board solely for this purpose.

*History Note: Authority G.S. 90-525; 93B-2;
Eff. July 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Readopted Eff. September 1, 2026.*

21 NCAC 03 .0301 RENEWAL REQUEST FORM

Requests for license renewal shall be submitted on the form provided by the Board. The renewal form shall contain the following:

- (1) The licensee's full name;
- (2) The licensee's address;
- (3) The licensee's job concentration area, address, and job title;
- (4) Verification of a current Board of Certification, Inc. certification via current card; and
- (5) Affirmation the licensee has not been convicted of any violations of law in the last 12 months.

*History Note: Authority G.S. 90-525; 90-532;
Temporary Adoption Eff. March 16, 1998;
Eff. May 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;*

Readopted Eff. September 1, 2026.

21 NCAC 03 .0302 CONTINUING EDUCATION

(a) Continuing education courses for license renewal shall be in one of the following content areas: Human Anatomy, Human Physiology, Kinesiology/Biomechanics, Psychology, Exercise Physiology, Prevention of Athletic Injuries, Evaluation of Athletic Injuries, First Aid and Emergency Care, Therapeutic Modalities, Therapeutic Exercise, Personal Community Health, Nutrition, and Administration of Athletic Training Programs.

(b) A licensee shall complete 75 contact hours of continuing education during a three-year license renewal period. Contact hours are defined as the number of actual clock hours spent in a course of study. One semester hour of credit is equivalent to 10 contact hours.

(c) Licensed athletic trainers who fail to document sufficient appropriate continuing education to renew their licenses shall be notified in writing of the deficiency and shall be allowed 45 days to respond. Continuing education may not be undertaken during this period to supplement the deficiency. The licenses of athletic trainers who fail to respond within the 45-day period, or who are unable to provide sufficient continuing education shall lapse and be subject to the lapsed license requirements set forth in 21 NCAC 03 .0303.

*History Note: Authority G.S. 90-525; 90-533;
Temporary Adoption Eff. March 16, 1998;
Eff. May 1, 1999;
Amended Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Readopted Eff. September 1, 2026.*

21 NCAC 03 .0303 LAPSED LICENSE

(a) The lapsed license may be renewed within a period of five years after expiration upon payment of the lapsed license fee pursuant to 21 NCAC 03 .0201 and the completion of 25 contact hours of continuing education for each year that the license has lapsed.

(b) A license that has lapsed for more than five years shall be renewed upon payment of the lapsed license fee pursuant to 21 NCAC 03 .0201 and the completion of 28 contact hours of continuing education for each year that the license has lapsed.

*History Note: Authority G.S. 90-525; 90-532; 90-533;
Temporary Adoption Eff. March 16, 1998;
Eff. May 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Readopted Eff. September 1, 2026.*

21 NCAC 03 .0304 BOARD APPROVAL OF COURSES

The Board shall approve any of the following programs or courses:

- (1) Those provided by a college or university that is accredited and legally authorized to grant academic degrees.

- (2) Those sponsored by the North Carolina Athletic Trainers' Association.
- (3) Those that the Board determines as otherwise satisfying the course and program requirements of G.S. 90-533.

*History Note: Authority G.S. 90-525; 90-533;
Temporary Adoption Eff. March 16, 1998;
Eff. May 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Readopted Eff. September 1, 2026.*

21 NCAC 03 .0310 ARMED SERVICES EXTENSION FOR CREDENTIAL

Upon receipt of a written request by or on behalf of a licensed athletic trainer who is currently in good standing with the Board, is serving in the armed forces of the United States, and to whom G.S. 105-249.2 authorizes an extension of time to file a tax return, the Board shall postpone renewal fees, renewal application deadlines, continuing education requirements, and any other requirements or conditions related to the maintenance of the credential issued by the Board or to the renewal thereof for the same period of time as the extended period of time to file a tax return that is granted pursuant to G.S. 93B-15.

*History Note: Authority G.S. 90-525; 93B-15;
Eff. July 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Readopted Eff. September 1, 2026.*

21 NCAC 03 .0401 DISCIPLINARY ACTIONS

Board disciplinary actions may include the following:

- (1) Reprimand. Reprimand is a public rebuke for misconduct as an athletic trainer.
- (2) Restriction. Restriction is a stay of suspension or revocation allowing limited practice within conditions stipulated by the Board.
- (3) Suspension. Suspension is the withdrawal of the privilege to practice for a specified time.
- (4) Revocation. Revocation is the withdrawal of the privilege to practice as a licensed athletic trainer in the State of North Carolina.

*History Note: Authority G.S. 90-525; 90-536;
Temporary Adoption Eff. March 16, 1998;
Eff. May 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Readopted Eff. September 1, 2026.*

21 NCAC 03 .0501 MINIMUM REQUIREMENTS

The practice protocol for each athletic trainer pursuant to G.S. 90-523(2) shall be an outline of practices for which the athletic trainer has been trained and shall be individualized to accommodate the skills of the athletic trainer. The practice protocol shall not allow the athletic trainer to undertake medical diagnosis or to prescribe or dispense prescription drugs or prescription devices. The

practice protocol shall not allow the athletic trainer to independently provide treatments for athletes with fractures, head or spinal injuries, or other serious medical conditions, except the athletic trainer may render appropriate first aid or emergency care. The protocol shall specify provisions for physician involvement in the event of serious injuries. The athletic trainer and the physician shall sign and file a statement with the North Carolina Medical Board agreeing to abide by the protocol. The format of the protocol shall be typewritten on letter size paper.

History Note: Authority G.S. 90-523; 90-525; Temporary Adoption Eff. March 16, 1998; Eff. May 1, 1999; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Readopted Eff. September 1, 2026.

CHAPTER 06 - BARBER AND ELECTROLYSIS EXAMINERS

21 NCAC 06U .0105 TEMPORARY LICENSE FOR ELECTROLOGY APPLICANTS

(a) An applicant for an electrologist license who is required to take the Board's examination and has complied with Rule .0102 of this Section may request a temporary license.

(b) The applicant shall submit the request for a temporary license to an address set forth in 21 NCAC 06A .0102. The request shall include the following:

- (1) The applicant's name, email address, mailing address, and phone number;
- (2) The name of the electrology facility where the applicant plans to work under the temporary permit;
- (3) The name and license number of the electrologist who will supervise the applicant; and
- (4) A written statement by a North Carolina licensed electrologist indicating that the applicant will work under that electrologist's direct supervision.

(c) A temporary permit shall be effective for either six months from issuance or one month past the practical exam date, whichever date is sooner.

(d) Applicants who fail the first practical exam may request one additional temporary permit if they pay the exam retake fee set forth in 21 NCAC 06U .0101(e)(1). Applicants shall submit the request as set forth in Paragraph (b) of this Rule.

(e) Notwithstanding Paragraph (d) of this Rule, applicants who fail to appear for their first practical exam may request an additional temporary permit as set forth in Paragraph (b) of this Rule only if they show to the satisfaction of the Board that they were unable to appear and take the examination for which they were scheduled due to causes beyond their control.

(f) The holder of a temporary license shall practice only under the supervision of a licensed electrologist. As used in this Rule, "supervision" means that licensed electrologist is physically present in the same establishment, though not necessarily in the

same room, as the holder of the temporary license when electrology services occur and that the acts done by the holder of the temporary license are done pursuant to the licensed electrologist's order, control, and approval.

History Note: Authority G.S. 86B-54; Eff. December 1, 1995; Recodified from 21 NCAC 19 .0204 Eff. September 1, 2010; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018; Recodified from 21 NCAC 19 .0205 Eff. January 1, 2023; Amended Eff. September 1, 2026.

CHAPTER 46 - PHARMACY

21 NCAC 46 .1420 STANDARDIZED ORDERS

(a) This Rule applies if a Health Care Facility has developed a set of standardized orders for its patients. As used in this Rule, standardized orders are pre-established written protocols that allow authorized practitioners at the Health Care Facility to administer medications to a patient who meets defined criteria.

(b) A pharmacist-manager of a Health Care Facility Pharmacy may establish which of those standardized orders are safe and effective for all patients presenting a set of predetermined criteria established by the pharmacist-manager. Those orders must be safe and effective for all patients presenting those criteria, regardless of any drugs, supplements, or other substances that might have been consumed by any patient. Any standardized orders so designated by the pharmacist-manager may be dispensed by the pharmacy to a Health Care Facility patient without any patient-specific drug regimen review being performed by the pharmacist.

(c) The pharmacist-manager must maintain policies and procedures sufficient to identify the standardized orders and the criteria for issuing those standardized orders, as well as the process by which those orders are to be dispensed. The pharmacist-manager must also keep records of all dispensing pursuant to this Rule, including the authorized practitioner's determination that the standardized order was appropriate and documentation that any criteria have been met.

(d) This Rule does not apply to outpatient pharmacies or to drugs dispensed pursuant to 21 NCAC 46 .1415.

History Note: Authority G.S. 90-18.1; 90-18.2; 90-85.6; 90-85.21; 90-85.26; 90-85.33; 90-85.34; Eff. September 1, 2026.

21 NCAC 46 .1616 LIMITED SERVICE PERMITS

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

- (1) auxiliary medication inventories permitted and operating in health care facilities pursuant to Rule .1414(d) of this Chapter;

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

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

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

- (1) For limited service permits described in Subparagraphs (a)(1), (2), (3), and (4) of this Rule, either the pharmacist-manager or the assistant pharmacist-manager shall perform an in-person, on-site visit once per calendar quarter to inspect the location holding the permit, review the operations of the location holding the permit with the persons involved in accessing them as permitted by the rules referenced in Subparagraphs (a)(1), (2), (3), and (4) of this Rule, and ensure that the location holding the permit is operated in compliance with all applicable State and federal laws.
- (2) For limited service permits described in Subparagraphs (a)(5) and (6) of this Rule, either the pharmacist-manager or the assistant pharmacist-manager shall perform an in-

person, on-site visit once per week to inspect the location holding the permit, review the operations of the location holding the permit with the persons involved in dispensing, and ensure that the location holding the permit is operated in compliance with all applicable State and federal laws.

- (3) For limited service permits described in Subparagraphs (a)(7), (8), and (9) of this Rule, either the pharmacist-manager or the assistant pharmacist-manager employed or otherwise engaged to supply pharmaceutical services may have a flexible schedule of attendance but shall be present for one-half of the hours the pharmacy is open or 20 hours a week, whichever is less. For the limited service permits described in Subparagraphs (a)(7) and (8) of this Rule, a licensed pharmacist shall be present when the pharmacy is open as described in Rule .2502(e) of this Chapter. For the limited service permits described in Subparagraph (a)(9) of this Rule, the location holding the limited service permit may operate in the absence of a pharmacist only as set out in Rule .1413 of this Chapter.

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

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

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

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

Eff. November 1, 2021;

Amended Eff. September 1, 2026; September 1, 2023.

**21 NCAC 46 .1806 TRANSFER OF
PRESCRIPTIONS**

(a) Transferring prescriptions between pharmacies is permissible subject to the following requirements:

- (1) the transfer is communicated directly from either a pharmacist or certified technician to either a pharmacist or certified technician and not by only one pharmacist or certified technician gaining access to an information file containing data for another pharmacy, unless both pharmacies are under common ownership or the transfer is performed pursuant to contractual agreement of the pharmacies;
- (2) the transferring pharmacist or certified technician deactivates the original prescription;
- (3) the transferring pharmacist or certified technician records:
 - (A) the date of the transfer;
 - (B) the identity of the pharmacist or certified technician transferring the prescription; and
 - (C) the identity of the pharmacy to which the prescription was transferred and the identity of the pharmacist or certified technician receiving it; and
- (4) the pharmacist or certified technician receiving the transferred prescription records:
 - (A) the date of the original prescription, and the original prescription number;
 - (B) the number of refills authorized and remaining on the prescription;
 - (C) the date of the last fill or refill (if any);
 - (D) the manufacturer or brand of the drug previously dispensed, if the drug is a narrow therapeutic index drug under G.S. 90-85.27;
 - (E) the date of the transfer; and
 - (F) the identity of the pharmacy from which the prescription information was transferred, and the identity of the pharmacist or certified technician transferring the prescription.

(b) Transferring prescriptions between device and medical equipment permit holders is permissible so long as the transferring permit holder provides all records and documentation necessary for dispensing and does not interfere with the service and claims processing procedures of the receiving permit holder.

History Note: Authority G.S. 90-85.6(a); 90-85.32; Eff. December 31, 1985; Amended Eff. June 1, 2004; September 1, 1995; July 1, 1992; May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017; Amended Eff. September 1, 2026.

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

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

(b) Definitions.

- (1) "Direct to patient system" or "DTP system" means any delivery system through which a pharmacy delivers drugs, devices, or medical equipment to a patient through any means other than:
 - (A) in-person delivery to a patient by pharmacy personnel inside a pharmacy;
 - (B) in-person delivery to a patient's residence, to a health care provider treating that patient, or at an alternate delivery site governed by Rule .1822 of this Section;
 - (C) shipping through common carrier to a patient or to a health care provider treating that patient; or
 - (D) the use of an automated dispensing device by a health care facility pharmacy that is governed by Rule .1419 of this Chapter.

Except as provided in this Rule or one of the exceptions set out in Parts (b)(1)(A)-(D) of this Subparagraph, no person holding any license or permit from the Board shall participate in an arrangement for prescription orders or prescription drugs, devices, or medical equipment to be left at, picked up from, accepted by, or delivered to any other place. The only DTP systems allowed are "lockers" and "kiosks" as defined herein.

- (2) The "home pharmacy" means the pharmacy responsible for delivering prescription drugs, devices, or medical equipment through a DTP system.
- (3) A "locker" means a secure container in which pharmacy personnel place labeled patient-specific drugs, devices, or medical equipment to be picked up by the patient.
- (4) A "kiosk" means an automated system that is capable of filling, labeling, and delivering drugs, devices, or medical equipment to a patient.

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

- (1) Before prescription drugs, devices, or medical equipment may be delivered from a DTP system, the home pharmacy shall have been issued a pharmacy permit by the Board pursuant to G.S. 90-85.21 or 90-85.21A. In addition, before prescription drugs, devices, or medical equipment may be delivered from the DTP system, the DTP system shall hold a

- limited service permit under Rule .1616 of this Section if it is not located at the home pharmacy's permitted facility.
- (2) The home pharmacy shall notify the Board, in writing, through the home pharmacy's online permit portal, prior to beginning to use a DTP system, including the address and geographical coordinates of the DTP system and the licensed pharmacist(s) responsible for the DTP system. The home pharmacy shall notify the Board prior to moving the DTP system and shall secure a new limited service permit, if one is required by Subparagraph (c)(1) of this Rule, before operating the DTP system in the new location. The home pharmacy shall notify the Board within 10 days after discontinuing patient use of a DTP system.
 - (3) A DTP system shall be used exclusively by the home pharmacy.
 - (4) A DTP system shall be 60 miles or fewer from the home pharmacy (via the shortest surface street route).
 - (5) A DTP system may be placed in the office of a prescriber only if the DTP system is under the control of the home pharmacy, which is responsible for compliance with all laws, rules, and regulations regarding the DTP system. The home pharmacy shall maintain the DTP system in the prescriber's office only if the prescriber offers patients a choice of pharmacy. The home pharmacy shall not give compensation to or receive compensation from the prescriber for the placement of the DTP system or for any prescription orders filled by the DTP system.
 - (6) The home pharmacy shall prohibit access to the DTP system and its contents by unauthorized personnel and maintain confidentiality of patient information. The DTP system shall be under the continuous supervision of a pharmacist employed by the home pharmacy, which may be satisfied by real-time remote supervision of the pharmacy through video and audio connections.
 - (7) The DTP system shall display the home pharmacy's name, address, phone number, North Carolina permit number, and the name of the home pharmacy's pharmacist-manager, as well as (where applicable) the limited service permit number for the DTP system and the name of the limited service permit's pharmacist-manager and assistant pharmacist-manager, if any.
 - (8) The home pharmacy shall ensure that there is continuous, recorded video surveillance of the DTP system and any persons using or accessing the DTP system. It shall maintain recordings for 90 days.
 - (9) The home pharmacy shall develop, maintain, and follow a manual of policies and procedures that includes policies and procedures for:
 - (A) maintaining the security of the DTP system and the drugs, devices, and medical equipment within the DTP system.
 - (B) determining and applying criteria regarding which drugs, devices, and medical equipment are appropriate for placement in the DTP system and which patients are eligible to use the DTP system.
 - (C) maintaining drugs, devices, and medical equipment at temperatures, humidities and other environmental conditions to ensure that they do not become adulterated under G.S. 106-133 and to ensure that they are transported and stored in accordance with manufacturer's specifications, if any, for those items.
 - (D) removing outdated drugs, devices, and medical equipment from the DTP system as set forth in Subparagraph (c)(11) of this Rule on a regular basis so that patients do not receive drugs, devices, and medical equipment with a beyond use date during the period when the patient is to use the item.
 - (E) describing the assignment of responsibilities to, and training of, pharmacy personnel regarding the maintenance and filling procedures for the DTP system.
 - (F) orienting participating patients on use of the DTP system; notifying patients when expected prescription drugs, devices, or medical equipment are not available in the DTP system or when the DTP system is not functioning and notifying them of alternate methods for having those prescription drugs, devices, or medical equipment delivered; and ensuring that patient use of the DTP system does not interfere with the delivery of prescription drugs, devices, and medical equipment to patients.
 - (G) inspecting the DTP system during each required inspection.

This written manual of policies and procedures shall be reviewed and updated annually.
 - (10) The home pharmacy shall comply with federal and state controlled substance laws and rules, including but not limited to registrations that may be required for a DTP system, before delivering controlled substances from the DTP system. The home pharmacy shall comply with

- G.S. 90-106.1 in delivering prescription drugs covered by that statute from a DTP system, and shall visually confirm that the person seeking the delivery is the same as the person on the photographic identification provided.
- (11) Only pharmacy personnel who are licensed with this Board as pharmacists or registered with this Board as technicians or pharmacy interns shall stock drugs, devices, and medical equipment in, or remove drugs, devices, and medical equipment from, the inventory of a DTP system. The home pharmacy shall maintain records of access to the DTP system by pharmacy personnel stocking or otherwise accessing the DTP system.
 - (12) Before a home pharmacy delivers prescription drugs, devices, and medical equipment to a patient through a DTP system, the home pharmacy shall secure the affirmative consent of the patient to use the DTP system.
 - (13) The dispensing pharmacist on prescription drugs, devices, or medical equipment delivered from a DTP system in the State of North Carolina shall be licensed with this Board.
 - (14) Before delivering a prescription drug, device or medical equipment from the DTP system, the dispensing pharmacist at the home pharmacy shall verify the prescription order and shall conduct a drug utilization review and otherwise assure that the drug, device, or medical equipment may safely be dispensed to the patient.
 - (15) Prescription drugs, devices, and medical equipment delivered from a DTP system shall be labeled for the individual patient and contain all information required by law, including but not limited to having the dispensing pharmacist identified on the label.
 - (16) The home pharmacy shall create and maintain records of dispensing for prescription drugs, devices, and medical equipment delivered by a DTP system in compliance with State and federal law. A kiosk shall be connected to the home pharmacy's automated data processing system, and prescription drugs, devices, or medical equipment delivered from a locker shall be recorded in the home pharmacy's recordkeeping system. The recordkeeping system shall be capable of producing a record of prescription drugs, devices, and medical equipment dispensed from the DTP system.
 - (17) The DTP system shall have a means to identify a patient (or that patient's authorized agent) and release only that patient's prescription drugs, devices, or medical equipment to the patient (or the patient's authorized agent).
 - (18) The DTP system shall convey the home pharmacy's offer to counsel a patient as required by Rule .2504 of this Chapter and shall provide the ability for the patient to have an immediate real-time consultation with a pharmacist licensed by this Board and employed by the home pharmacy who has access to all of the home pharmacy's information related to the patient. The communication link shall protect the confidentiality of the patient's information. The home pharmacy shall check the communication link at least daily and the DTP system shall be closed if the link malfunctions or if a licensed pharmacist is not available from the home pharmacy for counseling, unless a licensed pharmacist is physically present at the DTP system. A pharmacist who is responsible for counseling may not provide that service for more than three sites simultaneously. If the DTP system is placed in the same physical space as the dispensing area of the home pharmacy, this provision may be satisfied when the pharmacy is open by informing the patient how to receive counseling from a pharmacist in the home pharmacy. If the dispensing pharmacist has determined that the patient should receive counseling before the prescription drug, device, or medical equipment is delivered, the DTP system shall provide the ability for the pharmacist to force counseling before the DTP system delivers the drug, device, or medical equipment.
 - (19) The home pharmacy shall record and review any incident involving a complaint, delivery error, or omission regarding a DTP system as part of the home pharmacy's quality assurance program.
 - (20) Drugs, devices, or medical equipment that are not picked up by a patient may be returned to stock under the same conditions as if the item had been maintained in the pharmacy, as long as the requirements of this Rule for operating the DTP system have been followed.
- (d) With respect to prescription drugs, devices, or medical equipment dispensed through a kiosk, the following additional requirements shall be met:
- (1) The dispensing pharmacist shall electronically compare via video link the stock bottle, prescription drug dispensed, the strength, and the beyond-use date. The dispensing pharmacist shall verify the entire label for accuracy on the video link.
 - (2) The kiosk shall use a barcode system that prints the barcode of the stock bottle or other packaging on the label of the dispensed prescription drug, device, or medical equipment. If the stock bottle or other packaging does not have a barcode, the home pharmacy shall create one. Pharmacy personnel shall scan both the stock bottle or other packaging and the label of the dispensed

prescription drug, device, or medical equipment to verify that the item dispensed is the same as the one in the stock bottle or other packaging for each prescription drug, device, or medical equipment dispensed.

- (3) Prescription drugs, devices, or medical equipment dispensed by the kiosk shall be packaged only by a licensed manufacturer or repackager, or prepackaged by the home pharmacy in compliance with the Pharmacy Practice Act, Article 4A of Chapter 90 of the General Statutes, and this Chapter.
- (4) The home pharmacy shall keep a perpetual inventory of controlled substances that are received and dispensed from a kiosk.
- (5) The home pharmacy shall not dispense compounded medications through a kiosk.
- (6) The kiosk shall not accept returns of drugs, devices and medical equipment from patients.

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

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

Eff. September 1, 2023;

Amended Eff. September 1, 2026.

21 NCAC 46 .1822 ALTERNATE DELIVERY SITES

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

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

(c) Location.

- (1) An alternate delivery site shall be within the State of North Carolina and 60 miles or fewer from the pharmacy (via the shortest surface street route).
- (2) An alternate delivery site may not be located in the same building or on the same property as the pharmacy or any pharmacy under common ownership.
- (3) An alternate delivery site may be placed in the office of a prescriber only if the alternate delivery site is under the control of the pharmacy, which is responsible for compliance with all laws, rules, and regulations regarding the alternate delivery site, and only if the alternate delivery site is staffed with pharmacy personnel, as set forth herein. The pharmacy

shall maintain the alternate delivery site in the prescriber's office only if the prescriber offers patients a choice of pharmacy. The pharmacy shall not give compensation to or receive compensation from the prescriber for the placement of the alternate delivery site or for any prescriptions delivered at the alternate delivery site.

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

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

(d) Staffing and Management.

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

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

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

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

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

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

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

(2) At the alternate delivery site, a pharmacist or certified pharmacy technician who is an employee of the pharmacy may personally accept a written prescription from the patient or the patient's agent, so long as the prescription is then transmitted to the pharmacy so that all

physical steps in the dispensing process may take place in the pharmacy. Patients or their agents may not leave prescriptions at the alternate delivery site, other than by personally delivering them to the pharmacist or certified pharmacy technician.

(f) Requirements for Use of Alternate Delivery Site.

- (1) Before a pharmacy delivers drugs, devices, or medical equipment to a patient at an alternate delivery site, the pharmacy shall secure the affirmative consent of the patient to use the alternate delivery site. The pharmacy shall not require patients to pick up their prescriptions from an alternate delivery site, rather than at the pharmacy or through delivery mechanisms otherwise available at the pharmacy.
- (2) To ensure appropriate coordination of patient care, the pharmacy shall notify the alternate delivery site of the anticipated arrival time of the transportation of the drug, device, or medical equipment to the alternate delivery site, the name of the patient for whom the drug, device or medical equipment was dispensed, and any special storage requirements.
- (3) The hours of the alternate delivery site shall be reported to the Board, and the alternate delivery site shall be open during the hours that have been reported to the Board. Emergency closure of the alternate delivery site shall require the pharmacist-manager of the pharmacy to follow the procedures in Rule .2516 of this Chapter.
- (4) The pharmacist or certified pharmacy technician at the alternate delivery site shall convey the pharmacy's offer to counsel a patient as required by Rule .2504 of this Chapter and shall provide the ability for the patient to have an immediate real-time consultation with a pharmacist licensed by this Board and employed by the pharmacy who has access to all of the pharmacy's information related to the patient. The communication link shall protect the confidentiality of the patient's information. A pharmacist who is responsible for counseling may not provide that service for more than three limited service permits simultaneously. A certified pharmacy technician staffing an alternate delivery site may not perform counseling of any sort.
- (5) The alternate delivery site shall have real-time access to the pharmacy's information system and shall comply with all recordkeeping requirements for drugs, devices, and medical equipment delivered at the site.
- (6) The pharmacist or certified pharmacy technician delivering drugs, devices, or medical equipment has the authority conferred by Rule .1817 of this Section with respect to proof of identification.

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

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

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

(g) Safety and Security.

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

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

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

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

(h) Policies and Procedures: The pharmacy must develop and implement written policies and procedures to ensure that the requirements of the Pharmacy Practice Act, Article 4A of Chapter 90 of the General Statutes, and its rules and regulations are complied with at the alternate delivery site. These shall include:

- (1) Tracking and maintaining the security of delivery of drugs, devices, and medical equipment between the pharmacy and the alternate delivery site.
- (2) Maintaining the security of the alternate delivery site and the drugs, devices, and medical equipment at the alternate delivery site.
- (3) Transporting and maintaining any drugs, devices, and medical equipment in the appropriate environmental conditions.
- (4) Describing the assignment of responsibilities to, and training of, pharmacy personnel regarding the transportation, storage, and delivery procedures for the alternate delivery site.
- (5) Offering to counsel and providing counseling at the alternate delivery site, including keeping records of offers to counsel.
- (6) Orienting participating patients on use of the alternate delivery site; notifying patients when their dispensed prescription will be available at the alternate delivery site; and ensuring that use of the alternate delivery site does not interfere with the delivery of drugs, devices, and medical equipment to patients.
- (7) Keeping records of the delivery of drugs, devices, and medical equipment to patients at the alternative delivery site.
- (8) Returning to the pharmacy any drugs, devices, or medical equipment that are not delivered to the patient.
- (9) Assuring confidentiality of patient information.
- (10) Inspecting the alternate delivery site during each required inspection.

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

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

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

History Note: Authority G.S. 90-85.6; 90-85.15A; 90-85.21; 90-85.21A; 90-85.26;
Eff. September 1, 2026.

21 NCAC 46 .2516 EMERGENCY CLOSURE

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

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

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

there is no pharmacist or certified technician who is able to transfer prescriptions. For the purposes of this Rule, a pharmacist or certified technician is able to transfer prescriptions if that person either: (i) is present at the pharmacy, or (ii) has remote access to the pharmacy's systems, either because that person is employed by the pharmacy, or employed by a pharmacy with a remote medication order processing services arrangement with the closed pharmacy under Rule .1816 of this Section.

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

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

- (1) Permanent closures or temporary closures lasting more than 14 consecutive days, which are instead governed by the provisions of Rule .2502(h) and (i) of this Section;
- (2) Pharmacies located outside the State of North Carolina, which should follow any closure rules of their home states; or
- (3) During the duration of time when the Governor or any county or municipality has declared a state of emergency in the pharmacy's location pursuant to Chapter 166A of the North Carolina General Statutes.

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

*History Note: Authority G.S. 90-85.6; 90-85.15A; 90-85.21; 90-85.25; 90-85.32;
Eff. August 1, 2024;
Amended Eff. September 1, 2026.*

CHAPTER 61 - RESPIRATORY CARE BOARD

21 NCAC 61 .0103 DEFINITIONS

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

- (1) "Assessment" means a clinical evaluation of an individual patient by a Respiratory Care

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

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

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

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

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

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

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

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

- (9) "Mechanical or physiological ventilatory support" means the provision of an apparatus to

- support gas exchange associated with cardiopulmonary dysfunction.
- (10) "Hemodynamic monitoring" means a procedure required to monitor blood pressure invasively or noninvasively.
- (11) "Diagnostic testing" means a procedure for assessing the function of the cardiopulmonary system and diagnosing cardiopulmonary disease or sleep related disorders.
- (12) "Therapeutic application" means utilizing evidenced-based protocols, procedures, treatments, or modalities defined in this Chapter to maintain cardiopulmonary health or treat cardiopulmonary disease.
- (13) "Active status" means a license issued to an individual after meeting the requirements of G.S. 90-653.
- (14) "Inactive status" means an active license declared inactive by the licensee under G.S. 90-658 (g).
- (15) "Provisional status" means an active twelve month non-renewable license issued to an individual after meeting the requirements of G.S. 90-656.
- (16) "Reciprocity status" means an active license issued to an individual after meeting the requirements of G.S. 90-655.
- (17) "Endorsement" means a license issued by the Board recognizing the person named on the certificate as having met the requirements to perform respiratory care procedures pursuant to the rules of this Chapter.
- (18) "Entry-level examination" means a standardized outcomes assessment given by the National Board for Respiratory Care, Inc., used to evaluate the knowledge, skills, and abilities of individuals applying for a license.
- (19) "Equipment Setup" means the process of preparing, configuring, verifying, connecting, calibrating, positioning, and initiating a respiratory care apparatus for use by a patient, including delivery of the apparatus, its placement, and safe operational readiness, and providing instruction to the patient or caregiver in its correct use or fitting. This term does not mean the independent performance of patient-specific therapeutic selection, evaluation of treatment efficacy, or the formulation of a care plan, which constitutes the practice of respiratory care under G.S. 90-648(10) and 21 NCAC 61 .0103(3).

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015; Amended Eff. September 1, 2026; July 1, 2018.

21 NCAC 61 .0201 APPLICATION PROCESS

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

- (1) a photo or scanned digital copy of the applicants state ID, Drivers license, or passport of acceptable quality for identification;
- (2) the fees established in Rule .0204 of this Chapter;
- (3) evidence, verified by oath, that the applicant completed the minimum requirements of an accredited respiratory care education program in accordance with G.S. 90-653 (a)(3);
- (4) evidence, verified by oath, that the applicant completed the requirements for certification in Basic Life Support in accordance with G.S. 90-653 (a)(4);
- (5) evidence from the National Board for Respiratory Care (NBRC) that the applicant passed the entry-level examination administered by it; and
- (6) The electronic application for licensure shall contain the following information about the applicant:
 - (A) Full Name including middle name if applicable;
 - (B) Maiden names, and aliases if applicable;
 - (C) Race;
 - (D) Gender;
 - (E) Birth date;
 - (F) City, state, and country of birth;
 - (G) Social security number or taxpayer identification number;
 - (H) Primary address of residence;
 - (I) Telephone number;
 - (J) Email address;
 - (K) Educational degree earned with the program name, location and completion date;
 - (L) Work history for the last ten years if applicable;
 - (M) Professional or occupational licenses held by the applicant with the licensure number and jurisdiction in which the license was issued, if applicable;
 - (N) NBRC credentials earned, and dates passed;
 - (O) Disclosure regarding their personal background to include adverse actions taken by any court, other professional boards, or health care organizations in

History Note: Authority G.S. 90-652; 90-648(2),(10), and (11); 90-660; Temporary Adoption Eff. October 15, 2001; Eff. August 1, 2002; Amended Eff. September 1, 2010; January 1, 2007; March 1, 2006;

accordance with 21 NCAC 61 .0205 (a)(1)(2)(3)(4) and (5);

- (P) Disclosure regarding any complaint or investigation related to their conduct or professional competence in accordance with 21 NCAC 61 .0205 (a)(4); and

- (Q) Declaration affirming the accuracy of information submitted on the application including the acknowledgement of the requirements in Article 38 and rules of Chapter 90.

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

- (1) for applicants who have not practiced respiratory care for a period of time greater than one year, but less than five years, the applicant must provide evidence of twelve hours of continuing education, that meet the requirements of 21 NCAC 61 .0401, for each full year of inactivity; and
- (2) for applicants who have not practiced respiratory care for a period of time greater than five years, the applicant must provide evidence of either:

- (A) sixty hours of continuing education that meet the requirements of 21 NCAC 61 .0401 and evidence from the National Board for Respiratory Care (NBRC) of successful completion of the entry-level examination taken as an assessment examination before issuance of a license; or
- (B) completion of a Respiratory Care refresher course approved by the Board.

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

- (1) applies for License to practice respiratory care, as set forth in Rule .0201 of this Section;
- (2) submits a license fee in accordance with Rule .0204 of this Section and in accordance with G.S. 93B-15.1;
- (3) provides documentation to satisfy conditions set out in G.S. 93B-15.1(a)(1) and (2);
- (4) provides documentation that the applicant has not committed any act in any jurisdiction that would constitute grounds for refusal, suspension, or revocation of a license in North Carolina at the time the act was committed; and
- (5) is in good standing and has not been disciplined by the agency that had jurisdiction to issue the license, certification, or permit.

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

- (1) applies to practice respiratory care, as set forth in Rule .0201 of this Section;
- (2) submits a license fee in accordance with Rule .0201 of this Section and in accordance with G.S. 93B-15.1;
- (3) submits written documentation demonstrating that the applicant is married to an active member of the U.S. military;
- (4) provides documentation to satisfy conditions set out in G.S. 93B-15.1(b)(1) and (2);
- (5) provides documentation that the applicant has not committed any act in any jurisdiction that would constitute grounds for refusal, suspension, or revocation of a license in North Carolina at the time the act was committed; and
- (6) is in good standing and has not been disciplined by the agency that had jurisdiction to issue the license, certification, or permit.

History Note: Authority G.S. 90-652 (1),(2) and (13); 90-653(a); G.S. 93B-15.1; Temporary Adoption Eff. October 15, 2001; Eff. August 1, 2002; Amended Eff. April 1, 2008; November 1, 2004; March 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015; Amended Eff. September 1, 2026.

21 NCAC 61 .0204 FEES

(a) Fees are as follows:

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

(b) Fees shall be nonrefundable and shall be paid in the form of a credit card or debit card, cashier's check, certified check, or money order made payable to the North Carolina Respiratory Care Board. The Board shall also accept personal checks and debit or credit cards for payment of the fees set forth in Subparagraphs (a)(3), (a)(4), and (a)(6) of this Rule.

(c) In the event the Board's authority to expend funds is suspended pursuant to G.S. 93B-2(d), the Board shall continue to issue and renew licenses and all fees tendered shall be placed in an escrow account maintained by the Board for this purpose. Once the Board's authority is restored, the funds shall be moved from the escrow account into the general operating account.

History Note: Authority G.S. 90-652(2); 90-652(9); 90-660; 93B-2(d);
Temporary Adoption Eff. October 15, 2001;
Eff. August 1, 2002;
Amended Eff. December 1, 2010; March 1, 2008; March 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. August 22, 2015;
Amended Eff. September 1, 2026; June 1, 2019.

21 NCAC 61 .0205 BACKGROUND INVESTIGATION

(a) Every applicant for licensure shall submit to the Board a signed release form, completed Fingerprint Record Card, and an applicant information form as required by Rule 21 NCAC 61 .0205(g) of this Chapter to perform a criminal history check by the North Carolina State Bureau of Investigation and the Federal Bureau of Investigation as authorized by G.S. 90-652(1). In all instances the applicant must make full and accurate disclosure of all of the following events:

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

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

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

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

- (1) The nature and seriousness of the crime;

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

(e) If the person's criminal activity is related to a history of chemical dependency, the Board shall also consider the person's efforts and success in achieving and maintaining recovery. Applicants with a history of chemical dependency shall demonstrate evidence of treatment or rehabilitation and at least two years of continuous recovery.

(f) An individual whose application is denied or whose license is suspended or revoked may request a hearing under the procedure established in Article 3A of Chapter 150B of the North Carolina General Statutes.

(g) All applicants pursuant to G.S. 90-652 shall sign a release form consenting to the criminal history record check and to the use of the applicant's fingerprints and other identifying information required by the North Carolina State Bureau of Investigation and the Federal Bureau of Investigation and shall provide the following information:

- (1) the applicant's full legal name and any other names previously used;
- (2) the applicant's sex and race;
- (3) the applicant's date of birth, place of birth, and citizenship;
- (4) the applicant's height and weight;
- (5) the applicant's hair color and eye color;
- (6) the applicant's current residential address;
- (7) the applicant's Social Security number, if required to conduct the criminal history record check;
- (8) a complete set of fingerprints submitted in a format approved by the North Carolina State Bureau of Investigation; and
- (9) payment of the required criminal history record check fees.

History Note: Authority G.S. 90-652(1);
Eff. April 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. August 22, 2015;
Amended Eff. September 1, 2026.

21 NCAC 61 .0301 LICENSE NUMBER: DISPLAY OF LICENSE

(a) Each license issued by the Board shall be valid for a period of one year, except as otherwise provided in G.S. 90-654 and G.S. 93B-15.1.

(b) Each individual who is issued a license shall be issued a license number that shall be displayed on the Board's website located at <https://ncrcb.org/licensee-look-up/>. Should a license number be retired for any reason, such as death, failure to renew the license, or any other reason, that number shall not be reissued. A web-based license verification displaying the status, credentials, degree level, dates for registration, renewal, and expiration shall be accessible by the licensee in their principal

place of business so as to be available for inspection in a printed or electronic format.

(c) In accordance with the provisions of G.S. 90-640, whenever a licensee is providing respiratory care to a patient, the licensee shall wear identification that displays, in readily visible type, the licensee's name and the designation Respiratory Care Practitioner by using the acronym, "RCP". Provisional license holders shall wear identification that displays, in readily visible type, the licensee's name and the designation "RCP-Provisional." A licensee shall ensure any person working under his or her supervision who is exempted by G.S. 90-664(2) and (4) is properly identified by wearing identification that designates the person's affiliation and position in readily visible type.

(d) Exceptions to Paragraph (c) of this Rule include:

- (1) The respiratory care practitioner or respiratory care student is not required to wear a readily visible badge or other form of identification in the following direct patient care situations:
 - (A) procedures requiring full sterile dress; or
 - (B) procedures requiring other protective clothing or covering.
- (2) Identification of the respiratory care practitioner or respiratory care student may be limited to first name only and level of licensure or listing status when the full name identification may:
 - (A) place the personal safety of the respiratory care practitioner or respiratory care student in jeopardy; or
 - (B) interfere with the therapeutic relationship between the respiratory care practitioner or respiratory care student and patient(s).
- (3) In all other situations involving the direct provision of health care to clients, the respiratory care practitioner or respiratory care student shall wear or display a readily visible form of identification to include:
 - (A) the individual's first and last name; and
 - (B) the license, approval to practice title or listing title as required by law, or standard abbreviations for such title.

History Note: Authority G.S. 90-652(2),(4); 90-658(b); 90-640(d); Temporary Adoption Eff. October 15, 2001; Eff. August 1, 2002; Amended Eff. April 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015; Amended Eff. September 1, 2026; July 1, 2018.

21 NCAC 61 .0306 LICENSE BY RECIPROCITY

When the Board determines that a license, certificate or registration issued by another state, political territory, or jurisdiction to a respiratory care practitioner was issued upon satisfaction of substantially the same requirements for licensure

required by the North Carolina Respiratory Care Practice Act, the Board may issue a license to that respiratory care practitioner upon receipt of the online application in accordance with 21 NCAC 61 .0201 and the fees in accordance with 21 NCAC 61 .0204 if that issued license has been active for at least one year. A license issued under this rule is exempt from the requirements of 21 NCAC 61 .0401 provided the individual remains licensed in their home state of record.

History Note: Authority G.S. 90-652(1),(2),(4); 90-655; Temporary Adoption Eff. October 15, 2001; Eff. August 1, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015; Amended Eff. September 1, 2026.

21 NCAC 61 .0308 CONTINUING DUTY TO REPORT

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

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

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

- (1) terminations of any respiratory care practitioner for violations of the North Carolina Respiratory Care Practice Act or Board rules; and
- (2) violations of the practice act or Board rules by any respiratory care practitioner under his or her supervision.

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

*History Note: Authority G.S. 90-652(2); 90-652(5); G.S. 90-659 (a)(2); and G.S. 90-647;
Temporary Adoption Eff. October 15, 2001;
Eff. August 1, 2002;
Amended Eff. September 1, 2010; July 1, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015;
Amended Eff. September 1, 2026.*

21 NCAC 61 .0401 CONTINUING EDUCATION REQUIREMENTS

(a) Upon application for license renewal, a licensee shall attest to having completed one or more of the following learning activity options during the preceding renewal cycle and be prepared to submit evidence of completion if requested by the Board in accordance with Rule 21 NCAC 61 .0402:

- (1) The licensee shall complete twelve credit hours to include a minimum of six hours of traditional and a maximum of six non-traditional Category I Continuing Education (CE) activities related to the licensee's practice of respiratory care or complete the requirements in Paragraph (b) of this rule during any renewal cycle:
 - (A) Traditional Continuing Education – an organized learning experience presented before an audience either in person or through synchronous virtual workshops, panels, seminars, lectures, or symposiums that provide for direct interaction between the speakers and the participants; and
 - (B) Non-Traditional Continuing Education - an organized learning experience provided by any print medium or presented through the internet or other electronic asynchronous formats.
- (2) All continuing education courses shall:
 - (A) Be approved by the Board, the American Association for Respiratory Care (AARC), the Accreditation Council for Continuing Medical Education (ACCME), or organizations accredited by the ACCME;
 - (B) Include relevant subject matter and course materials that are scientifically accurate, relevant, and professionally appropriate;
 - (C) Contribute to the advancement, extension, and enhancement of professional clinical skills, scientific knowledge in the practice of respiratory care, and provide experiences;
 - (D) Advance, extend, or enhance clinical skills and scientific knowledge related to the practice of respiratory care; and

- (E) Be developed and presented by persons with education and experience in the subject matter of the program.
- (b) The completion of any of the following activities satisfies all twelve continuing education credits established in Paragraph (a) of this Rule provided the licensee provides evidence of successful completion when requested by the Board in accordance with Rule 21 NCAC 61 .0402:
 - (1) Achieving a passing score on any examination administered by the National Board for Respiratory Care (NBRC), including passing the:
 - (A) Therapist Multiple-Choice Examination at the high cut score;
 - (B) Neonatal/Pediatric Respiratory Care Specialty Examination (NPS);
 - (C) Certification Examination for Entry Level Pulmonary Function Technologists (CPFT);
 - (D) Registry Examination for Advanced Pulmonary Function Technologist (RPFT) exam;
 - (E) Sleep Disorders Specialty (SDS) Examination;
 - (F) Adult Critical Care Specialty (ACCS) Examination;
 - (G) Asthma Educators Certification Examination (AE-C); and
 - (H) Advanced Practice Respiratory Therapist Outcome Assessment Examination.
 - (2) Achieving a passing score on the Registry Examination for Polysomnographic Technologist (RPSGT), administered by the Board of Registered Polysomnographic Technologists (BRPT);
 - (3) Completing a Respiratory Care refresher course approved by the Board;
 - (4) Completing a three semester hour course from an accredited post-licensure respiratory care program leading to a baccalaureate, masters or doctorate degree in Respiratory Care, Cardiopulmonary Science, or Advance Practice Respiratory Therapy;
 - (5) Presenting a Respiratory Care Research study at a continuing education conference; or
 - (6) Authoring a published Respiratory Care book or Respiratory Care article published in a medical peer review journal.
- (c) The following activities may be used to satisfy the continuing education requirements in Paragraph (a) of this Rule, provided the licensee submits documentation of completion upon request by the Board, in accordance with Rule 21 NCAC 61 .0402:
 - (1) Professional Certifications-completion or renewal of the following certifications shall be awarded five of the six direct continuing education hours when provided in accordance with Paragraph (a) of this rule per renewal period. No more than five total hours may be

credited per renewal period under this Subparagraph:

- (A) Advanced Cardiac Life Support (ACLS) by the American Heart Association;
- (B) Pediatric Advanced Life Support (PALS) by the American Heart Association; and
- (C) Neonatal Resuscitation Program (NRP) by the American Academy of Pediatrics.

- (2) Clinical Precepting-a licensee who serves as a clinical preceptor for respiratory therapy students in a clinical setting may receive up to three direct interaction credit hours per renewal period.
- (3) NBRC Credential Assessments- quarterly assessments through the NBRC credential maintenance program that earn a maximum of six non-traditional credit hours for each renewal cycle for any credential held by a licensee.

(d) A license issued under 21 NCAC 61 .0306 is exempt from this Rule provided they maintain an active license in their home state of record.

History Note: Authority G.S. 90-652(2)(13); 90-658; 90-660(b)(9); 90-655; Temporary Adoption Eff. October 15, 2001; Eff. August 1, 2002; Amended Eff. January 1, 2015; September 1, 2010; July 1, 2007; April 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015; Amended Eff. September 1, 2026.

21 NCAC 61 .0402 DOCUMENTATION AND AUDIT REQUIREMENTS

(a) A licensee shall retain supporting documentation to provide proof of completion of the option chosen in 21 NCAC 61 .0401 for a period of no less than three years.

- (1) A licensee shall maintain a file at his or her practice facility that contains a copy of the Respiratory Care Practitioner license, a copy of a current Basic Cardiac Life Support (BCLS) certification, a copy of advanced life support certifications, if applicable, and a copy of all credentials issued by the National Board for Respiratory Care;
- (2) A licensee is subject to random audit for proof of compliance with the Board's requirements for continuing education;
- (3) The Board shall inform licensees of their selection for audit upon notice of license renewal or request for reinstatement;
- (4) Evidence of completion of the requirements of 21 NCAC 61 .0401 shall be submitted to the Board no later than 30 calendar days after receipt of the audit notice; and

- (5) Failure of a licensee to meet the requirements of this Rule shall result in disciplinary action pursuant to G.S. 90-666, including an additional audit prior to renewal.

(b) The Board authorizes the Executive Director to grant extensions of the continuing education requirement due to personal circumstances. The Board shall require documentation of the following circumstances surrounding the licensee's request for extension:

- (1) Having served in the regular armed services of the United States for at least six months of the 12 months immediately preceding the license renewal date; or
- (2) Having suffered a serious or disabling illness or physical disability that prevented completion of the required number of continuing education hours during the 12 months preceding the license renewal date.

History Note: Authority G.S. 90-652(2)(13); 90-658; 90-660(b)(9);

Adopted September 1, 2026.

21 NCAC 61 .0501 CHANGE OF ADDRESS OR BUSINESS NAME

(a) In the event of a change in a licensee's home or work address, email address, or telephone number, the licensee shall submit the change online using the Board's website located at www.ncrcb.org within 30 calendar days of the change and submit the evidence outlined 21 NCAC 61 .0501(d) of this Rule;

(b) In the event of a name change, the licensee shall submit a request using their online licensee account located at www.ncrcb.org and provide two forms of documentation for the name change outlined in Paragraphs (c) and (d) of this Rule.

(c) A licensee shall provide one of the following documents:

- (1) marriage certificate;
- (2) social security card;
- (3) divorce decree;
- (4) a court-issued name change document; or
- (5) immigration document.

(d) A licensee shall provide one of the following documents that reflects the legal name change:

- (1) passport;
- (2) visa;
- (3) state-issued identification; or
- (4) driver's license.

(e) In the event of a name change, the licensee shall update their name on their National Board for Respiratory Care credentials within 30 calendar days to reflect the name change established under this Rule.

History Note: Authority G.S. 90-652(2); G.S. 150B-3; and G.S. 150B-38;

Temporary Adoption Eff. October 15, 2001;

Eff. August 1, 2002;

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

Amended Eff. September 1, 2026.

21 NCAC 61 .0701 APPLICABLE HEARING RULES

When the Board elects to have the Office of Administrative Hearings hear a contested case, the rules of the Office of Administrative Hearings governing contested cases, as set forth in 26 NCAC 03, shall apply.

History Note: Authority G.S. 90-652(2),(5),(8);

Temporary Adoption Eff. October 15, 2001;

Eff. August 1, 2002;

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

Amended Eff. September 1, 2026.

21 NCAC 61 .0706 CONTESTED CASES

(a) All administrative hearings shall be conducted by the Board, a panel consisting of a majority of the members of the Board then

serving, or an administrative law judge designated to hear the case pursuant to G.S. 150B-40(e).

(b) The hearing of a contested case shall commence no later than 120 days from the date the Board grants a request for a hearing, unless the licensee and the Board together shall jointly agree to extend this deadline.

History Note: Authority G.S. 90-652(2),(5),(8);

Temporary Adoption Eff. October 15, 2001;

Eff. August 1, 2002;

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

Amended Eff. September 1, 2026.

This Section contains information for the meeting of the Rules Review Commission on August 27, 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

October 29, 2026	December 17, 2026
November 24, 2026	January 28, 2027

**RULES REVIEW COMMISSION MEETING
MINUTES
August 27, 2026**

The Rules Review Commission met on Thursday, August 27, 2026, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and the meeting was streamed for the public via Webex.

Commissioners Wyatt Dixon, III, Wesley Jones, John Hahn, Jeff Hyde, Bill Nelson, Jake Parker, and Paul Powell were present in the Commission Room.

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

The meeting was called to order at 10:00 a.m. with Chair Parker presiding.

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

Chair Parker entered into the record that Commissioner Overton was administered his Oath of Office for his reappointment by a notary public prior to the meeting.

Chair Parker introduced Chris Dillon, Chief Judge of the North Carolina Court of Appeals, to the Commission.

Chief Judge Dillon administered the Oath of Office to newly appointed Commissioner Wesley B. Jones, and reappointed Commissioner Paul Powell.

The Chair read into the record the biennial evaluation of statements of economic interest from the State Ethics Commission as follows:

Wesley B. Jones is an associate attorney with the law firm Chalmers, Adams, Backer & Wallen PLLC. In addition, he owns Wes Jones Consulting & Law. Because these entities could represent clients that come before the Commission during the rulemaking process, he has the potential for a conflict of interest. As such, Mr. Jones should exercise appropriate caution in the performance

of his public duties should the business of the law firm Chalmers, Adams, Backer & Wallen PLLC, Wes Jones Consulting & Law, or their clients come before the Commission for official action.

Wayne R. Boyles, III is the President of Milvian Bridge Government and Public Affairs, LLC. As such, he has the potential for a conflict of interest and should exercise appropriate caution in the performance of his public duties should an issue involving Milvian Bridge Government and Public Affairs, LLC or its clients come before the Commission for official action.

John Hahn is the owner and manager of John S. Hahn PLLC. In addition, he receives professional fees from the law firm Mayer Brown LLP which could represent clients that come before the Commission during the rulemaking process. As such, Mr. Hahn has the potential for a conflict of interest and should exercise appropriate caution in the performance of his public duties should an issue involving his clients, the law firm of Mayer Brown LLP, or their clients come before the Commission for official action.

Bill Nelson is a partner with the law firm Smith Anderson. Because the law firm could represent clients that come before the Commission during the rulemaking process, he has the potential for a conflict of interest. In addition, his spouse is an Administrative Law Judge at the N.C. Office of Administrative Hearings. As such, Mr. Nelson should exercise appropriate caution in the performance of his public duties should an issue involving the law firm Smith Anderson, their clients, or an issue that involves his spouse's role as an NC OAH Administrative Judge, come before the Commission for official action.

Wyatt Dixon, III is the founding partner of the real estate investment and development firm Proffitt Dixon Partners. In addition, he is a board member of the Charlotte Metro Transit Authority. Mr. Dixon has financial interests in several publicly and non-publicly owned companies and businesses. As such, he has the potential for a conflict of interest and should exercise appropriate caution in the performance of his public duties should an issue involving Proffitt Dixon Partners or any entity in which he has a financial interest or with which he is associated come before the Commission for official action.

Paul Powell disclosed that he is retired and no longer works for RH Barringer Dist. Co. He has a financial interest in Carolina Select Fine Wines LLC. Because the Alcohol Beverage Control Commission could present rules for review by the Commission, he has the potential for a conflict of interest. In addition, he serves on the Mars Hill University Board of Trustees. As such, Mr. Powell should exercise appropriate caution in the performance of his public duties should an issue involving Carolina Select Fine Wines LLC or any entity with which he is associated come before the Commission for official action.

Jake Parker is the Secretary and General Counsel for the North Carolina Farm Bureau Federation, Inc. In addition, he is their registered lobbyist. As such, Mr. Parker has the potential for a conflict of interest and should exercise appropriate caution in the performance of his public duties should an issue involving the North Carolina Farm Bureau Federation, Inc., or any other entity with which he may be associated come before the Commission for official action.

The Chair notified the Commission that the following agenda items will be taken up at the end of the meeting: Follow-up matters Tabs 1 and 2 for Child Care Commission, Tab 3 for Mining Commission, and Permanent Rules for the State Board of Elections.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the July 30, 2026 meeting. There were none, and the minutes were unanimously approved as distributed.

FOLLOW-UP MATTERS

Child Care Commission

10A NCAC 09 .1101, .1102, .1703, .1729, and .2101 were unanimously approved.

Sarah N. Tackett, DOJ Counsel for the agency, addressed the Commission.

Child Care Commission

10A NCAC 09 .2102 - The Commission objected to this Rule finding that the rule did not satisfy the standards of G.S. 150B-21.9(a). Specifically, the Commission objected to the rule pursuant to G.S. 150B-21.9(a)(1) and (2), based on lack of statutory authority and ambiguity. Commissioner Dixon voted against the objection.

Beth Messersmith, a member of the Child Care Commission, addressed the Commission.

Tom Vitaglione, retired Healthcare Administrator and Child Care Advocate, addressed the Commission on behalf of the agency.

Mining Commission

15A NCAC 05A .0101, .0202; 05B .0103, .0104, .0105, .0106, .0110, .0111, .0112, .0113, .0114, .0115, .0116, .0117; 05F .0101, .0103, .0105, .0106, .0111, .0112; 05G .0103, .0104, and .0105 were unanimously approved.

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

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

Paul Scrutton, a concerned citizen, addressed the Commission.

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

Victor Unnone, the rulemaking coordinator for the agency, addressed the Commission.

In accordance with G.S. 150B-21.3(b2), the Commission received over ten letters of objection requesting legislative review and a delayed effective date for 15A NCAC 05A .0202; 05B .0104, .0105, .0106, .0111, and 05F .0112.

LOG OF FILINGS (PERMANENT RULES)

State Board of Elections

08 NCAC 09 .0106, .0107, .0110; 10C .0101, .0102, .0103, .0104; 17 .0101, .0109; 18 .0201; 18 .0501, .0502, .0503, .0504, and .0505 were unanimously approved.

Deborah J. Oronzio with Democracy Out Loud and a concerned citizen, addressed the Commission.

Robert G. Rodriguez with Democracy Out Loud and a concerned citizen, addressed the Commission.

Mark McClure, a concerned citizen, addressed the Commission.

Kathy Martin with Democracy Out Loud and a concerned citizen, addressed the Commission.

Jim Womack, the President of the North Carolina Election Integrity Team (NCEIT) and concerned citizen, addressed the Commission.

The Commission voted to waive 26 NCAC 05 .0105 to allow Trey Kennedy the opportunity to speak before the Commission.

Trey Kennedy, a concerned citizen, addressed the Commission.

Adam Steele, Deputy General Counsel and the rulemaking coordinator with the agency, addressed the Commission.

In accordance with G.S. 150B-21.3(b2), the Commission received over ten letters of objection requesting legislative review and a delayed effective date for 08 NCAC 09 .0106, .0107, .0110; 10C .0101, .0102, .0103, .0104; 17 .0101, .0109; 18 .0201; 18 .0501, .0502, .0503, .0504, and .0505.

Commission for Mental Health/DD/SAS

10A NCAC 26F .0102 was unanimously approved.

Alcoholic Beverage Control Commission

14B NCAC 15C .0801, .0802, .0804, .0805, .0901, .0902, .1001, .1002, .1003, .1101, .1102, .1103, and .1201 were unanimously approved.

Department of Environmental Quality

15A NCAC 01A .0102 and 01S .0101 were unanimously approved.

Board of Athletic Trainer Examiners

21 NCAC 03 .0101, .0102, .0201, .0202, .0301, .0302, .0303, .0304, .0310, .0401, and .0501 were unanimously approved.

Board of Barber and Electrolysis Examiners

21 NCAC 06U .0105 was unanimously approved.

Board of Pharmacy

21 NCAC 46 .1420, .1616, .1806, .1821, .1822, and .2516 were unanimously approved.

Respiratory Care Board

21 NCAC 61 .0103, .0201, .0204, .0205, .0301, .0306, .0308, .0401, .0402, .0501, .0701, and .0706 were unanimously approved.

EXISTING RULES REVIEW

Structural Pest Control Committee

02 NCAC 34 - The Commission unanimously approved the report as submitted by the agency.

Social Services Commission

10A NCAC 67, 68, 69, 70P, 72, 73 - The Commission unanimously approved the report as submitted by the agency.

Coastal Resources Commission

15A NCAC 07A, 07H, 07I, 07J, 07K, 07L, 07M - The Commission unanimously approved the report as submitted by the agency.

READOPTIONS

HHS - Division of Services for the Deaf and Hard of Hearing

10A NCAC 17B, C, D – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than September 1, 2028, pursuant to G.S. 150B-21.3A(d)(2).

HHS - Division of Health Benefits

10A NCAC 23A, 23B, 23C, 23E, 23G, 23H, 25H, 25K, 25P - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than August 1, 2031, pursuant to G.S. 150B-21.3A(d)(2).

Department of Insurance

11 NCAC 04, 12 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than May 1, 2030, pursuant to G.S. 150B-21.3A(d)(2).

The Chair called the meeting into a brief recess at 11:09 a.m. The meeting resumed at 11:15 a.m.

COMMISSION BUSINESS

15A NCAC 05A, 05B, 05F, 05G - Mining Commission

This item was tabled at the July 2026 meeting to be taken up at this meeting due to interconnectivity with permanent rules filed by the agency at the July 2026 meeting which were extended to this meeting for review. The Commission voted unanimously to deny the agency's request to amend the 2024–2027 Periodic Review Schedule for 15A NCAC 05A, 05B, 05F, and 05G. The reports for 15A NCAC 05A, 05B, 05F, and 05G were sent to the agency following the meeting.

The Commission unanimously voted to approve and adopt the 2027 RRC Meetings Schedule.

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

The Chair informed the Commission that the RRC elections will be held at the September meeting.

The meeting adjourned at 12:10 p.m.

The next regularly scheduled meeting of the Commission is Tuesday, September 29, 2026, at 10:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:
Jake Parker, Chair

Rules Review Commission Meeting August 27, 2026 Via Webex

Name	Agency
Kal Smith	dhhs.nc.gov
Dina Recinos	ncsbe.gov
Betty Jackson	ncsbe.gov
Ann Elmore	sosnc.gov
Christina Young	dhhs.nc.gov
Devon Horine	dhhs.nc.gov
Nancy Hunter	dhhs.nc.gov
Brian Liebman	oah.nc.gov
Shannon Deaton	ncwildlife.gov
Adam Parr	deq.nc.gov
Emily Jones	ncdot.gov
Virginia Niehaus	dhhs.nc.gov
Dennis Seavers	Barber Board
Julie Eddins	oah.nc.gov
Arthur Harrell	oah.nc.gov
Catherine Blum	deq.nc.gov
Anne Coan	ncfb.org
Morgan Pavelka	gmail.com
Angela Hawkins	ncsbe.gov
Paul Pierce	gmail.com
Hilary Klein	scsj.org
ELM McKay	hntb.com
Morgan Pavelka	gmail.com
Martin Ericson	cabarruscounty.us
Angela Ellis	angela@ncbon.com
WTVD	wtvdassignmentdesk@abc.com
Martin Ericson	cabarruscounty.us
Caitlin	commoncause.org
Matthew Sasser	stateaffairs.com
Tyler Daye	commoncause.org
Paul Pierce	gmail.com
shab	sdanesh@cbs17.com
Jim Womack	gmail.com
Baxter Wells - NCLM	nclm.org
Bryan	warnercnc@gmail.com
Paola Learoyd Gibbs	ncbate.org
Morgan Pavelka	gmail.com
Catherine Lee	hedrickgardner.com
Jasper Sem, NCAA	ncaggregates.org
Observer	mail.com

August 27, 2026

Rules Review Commission
Meeting
Please **Print** Legibly

Name	Agency
Charlotte R Stewart	Public
Jamiah Tackett	NC DOJ
Lynna Donner	NC Naustine
Paul Scott Horn	Public
Emily Wiley	NCDOT
Trey Kennedy	DOL
Andrew Moser	NC DHHS
Mark McClure	DOL
Kimberly Mallady	NCDCOE
Elly Young	NCDOT
Dan Hirschman	NC DEQ
Victor Unnone	NCDOT
MARK STOTLMAN	PUBLIC
Jennifer Everett	DEQ
Ashley Council	NCDOT
Natalie Lew	public
Renee Metz	ABC Commission
Marilyn Smallis	ABC Commission
Bill Croft	NC Resp Care Board
Cheryl "CJ" Johnson	Cheryl Jones

August 27, 2026

Rules Review Commission
Meeting
Please **Print** Legibly

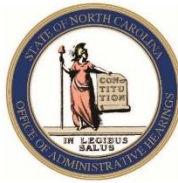
Name	Agency
Brian LiVecchi	NCSBE
Adam Steele	NCSBE
KEN SCHUESSELIN	BCNC
SAM CURRIN	GCOR
Tom VITALLONE	—
Bob Rodriguez	—
Jean Spooner	Unstead Courtin
Dmitri McKinney	N/A
William Casola	WRC
Beth Messersmith	MonksRising / Child Care Commission
SAM HAYES	NCSBE
Phil Thomas	CABW
Jonathan Marx	111
Alison Henderson	111
Chloe Gainer	111
Am WAM	SOS
DEB ORONZIO	DOL
Aisha Benjamin	DOJ
Carrie Ruhlman	NCWRC
John Lark	DOJ
Reagan Beerman	—
Essence Motley	NC DHHS - DSS

August 27, 2026

Rules Review Commission
Meeting
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Rules Review Commission
Meeting
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639



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

September 8, 2026

Leslie Jones, Services for the Deaf and Hard of Hearing
Sent via email only to: Leslie.E.Jones@dhhs.nc.gov

Re: Readoption deadline for 10A NCAC 17B, C, D

Dear Ms. Jones,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the August 27, 2026, Rules Review Commission meeting.

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

Subchapter	Readoption Deadline
10A NCAC 17B, C, D	September 1, 2028

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

Sincerely,

/s/ Seth Ascher
Seth Ascher
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

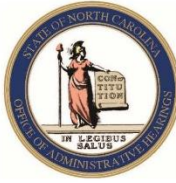
Lawrence R. Duke
Senior Administrative Law Judge

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

RRC Determination
Periodic Rule Review
January 29, 2026
APO Review: April 01, 2026
HHS - Deaf and Hard of Hearing, Division of Services for the
Total: 26

RRC Determination:

10A	NCAC 17B	.0201	Necessary
10A	NCAC 17C	.0101	Necessary
10A	NCAC 17C	.0104	Necessary
10A	NCAC 17C	.0201	Necessary
10A	NCAC 17C	.0202	Necessary
10A	NCAC 17C	.0203	Necessary
10A	NCAC 17D	.0202	Necessary
10A	NCAC 17D	.0204	Necessary
10A	NCAC 17D	.0205	Necessary
10A	NCAC 17D	.0206	Necessary
10A	NCAC 17D	.0207	Necessary
10A	NCAC 17D	.0208	Necessary
10A	NCAC 17D	.0209	Necessary
10A	NCAC 17D	.0210	Necessary
10A	NCAC 17D	.0211	Necessary
10A	NCAC 17D	.0212	Necessary
10A	NCAC 17D	.0213	Necessary
10A	NCAC 17D	.0214	Necessary
10A	NCAC 17D	.0215	Necessary
10A	NCAC 17D	.0216	Necessary
10A	NCAC 17D	.0219	Necessary
10A	NCAC 17D	.0220	Necessary
10A	NCAC 17D	.0301	Necessary
10A	NCAC 17D	.0302	Necessary
10A	NCAC 17D	.0303	Necessary
10A	NCAC 17D	.0304	Necessary



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

August 27, 2026

Shazia Keller

Sent via email to: Shazia.Keller@dhhs.nc.gov

Re: Readoption deadline for 10A NCAC 23A, 23B, 23C, 23E, 23G, 23H, 25H, 25K, 25P

Dear Ms. Keller:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on August 27, 2026.

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

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

Sincerely,

/s/ Travis Wiggs

Travis Wiggs
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

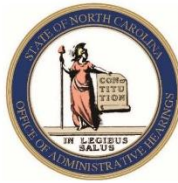
Lawrence R. Duke
Senior Administrative Law Judge

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

RRC Determination
Periodic Rule Review
May 28, 2026
APO Review: July 29, 2026
HHS - Health Benefits, Division of
Total: 63

RRC Determination:

10A	NCAC 23A	.0102	Necessary	10A	NCAC 23H	.0104	Necessary
10A	NCAC 23A	.0103	Necessary	10A	NCAC 23H	.0105	Necessary
10A	NCAC 23A	.0104	Necessary	10A	NCAC 23H	.0106	Necessary
10A	NCAC 23B	.0101	Necessary	10A	NCAC 23H	.0107	Necessary
10A	NCAC 23B	.0102	Necessary	10A	NCAC 23H	.0108	Necessary
10A	NCAC 23C	.0101	Necessary	10A	NCAC 23H	.0109	Necessary
10A	NCAC 23C	.0102	Necessary	10A	NCAC 23H	.0110	Necessary
10A	NCAC 23C	.0103	Necessary	10A	NCAC 23H	.0111	Necessary
10A	NCAC 23C	.0104	Necessary	10A	NCAC 23H	.0112	Necessary
10A	NCAC 23C	.0105	Necessary	10A	NCAC 23H	.0113	Necessary
10A	NCAC 23C	.0106	Necessary	10A	NCAC 23H	.0205	Necessary
10A	NCAC 23C	.0107	Necessary	10A	NCAC 25A	.0201	Necessary
10A	NCAC 23C	.0201	Necessary	10A	NCAC 25H	.0201	Necessary
10A	NCAC 23C	.0202	Necessary	10A	NCAC 25H	.0203	Necessary
10A	NCAC 23C	.0203	Necessary	10A	NCAC 25H	.0204	Necessary
10A	NCAC 23C	.0204	Necessary	10A	NCAC 25H	.0205	Necessary
10A	NCAC 23C	.0205	Necessary	10A	NCAC 25K	.0301	Necessary
10A	NCAC 23E	.0103	Necessary	10A	NCAC 25K	.0302	Necessary
10A	NCAC 23E	.0105	Necessary	10A	NCAC 25K	.0303	Necessary
10A	NCAC 23E	.0106	Necessary	10A	NCAC 25K	.0304	Necessary
10A	NCAC 23E	.0201	Necessary	10A	NCAC 25K	.0401	Necessary
10A	NCAC 23E	.0202	Necessary	10A	NCAC 25K	.0502	Necessary
10A	NCAC 23E	.0203	Necessary	10A	NCAC 25K	.0503	Necessary
10A	NCAC 23E	.0205	Necessary	10A	NCAC 25K	.0504	Necessary
10A	NCAC 23E	.0207	Necessary	10A	NCAC 25P	.0403	Necessary
10A	NCAC 23E	.0208	Necessary	10A	NCAC 25P	.0404	Necessary
10A	NCAC 23E	.0209	Necessary	10A	NCAC 25P	.0405	Necessary
10A	NCAC 23E	.0210	Necessary				
10A	NCAC 23E	.0211	Necessary				
10A	NCAC 23G	.0202	Necessary				
10A	NCAC 23G	.0203	Necessary				
10A	NCAC 23G	.0204	Necessary				
10A	NCAC 23G	.0304	Necessary				
10A	NCAC 23H	.0101	Necessary				
10A	NCAC 23H	.0102	Necessary				
10A	NCAC 23H	.0103	Necessary				



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

August 27, 2026

Alisha Benjamin

Sent via email to: Alisha.Benjamin@ncdoi.gov

Re: Readoption deadline for 11 NCAC 04, 12

Dear Ms. Benjamin:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on August 27, 2026.

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

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

Sincerely,

/s/ Travis Wiggs

Travis Wiggs
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

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

RRC Determination
Periodic Rule Review
March 26, 2026
APO Review: May 27, 2026
Insurance, Department of
Total: 271

RRC Determination:	11	NCAC 04	.0503	Necessary
11 NCAC 04 .0115	Necessary	11 NCAC 04 .0504	Necessary	
11 NCAC 04 .0116	Necessary	11 NCAC 04 .0505	Necessary	
11 NCAC 04 .0117	Necessary	11 NCAC 04 .0506	Necessary	
11 NCAC 04 .0118	Necessary	11 NCAC 04 .0507	Necessary	
11 NCAC 04 .0120	Necessary	11 NCAC 04 .0508	Necessary	
11 NCAC 04 .0121	Necessary	11 NCAC 04 .0509	Necessary	
11 NCAC 04 .0122	Necessary	11 NCAC 12 .0101	Necessary	
11 NCAC 04 .0123	Necessary	11 NCAC 12 .0201	Necessary	
11 NCAC 04 .0124	Necessary	11 NCAC 12 .0204	Necessary	
11 NCAC 04 .0312	Necessary	11 NCAC 12 .0208	Necessary	
11 NCAC 04 .0313	Necessary	11 NCAC 12 .0304	Necessary	
11 NCAC 04 .0314	Necessary	11 NCAC 12 .0306	Necessary	
11 NCAC 04 .0315	Necessary	11 NCAC 12 .0309	Necessary	
11 NCAC 04 .0316	Necessary	11 NCAC 12 .0310	Necessary	
11 NCAC 04 .0317	Necessary	11 NCAC 12 .0312	Necessary	
11 NCAC 04 .0318	Necessary	11 NCAC 12 .0313	Necessary	
11 NCAC 04 .0319	Necessary	11 NCAC 12 .0317	Necessary	
11 NCAC 04 .0415	Necessary	11 NCAC 12 .0319	Necessary	
11 NCAC 04 .0416	Necessary	11 NCAC 12 .0320	Necessary	
11 NCAC 04 .0417	Necessary	11 NCAC 12 .0322	Necessary	
11 NCAC 04 .0418	Necessary	11 NCAC 12 .0323	Necessary	
11 NCAC 04 .0419	Necessary	11 NCAC 12 .0324	Necessary	
11 NCAC 04 .0420	Necessary	11 NCAC 12 .0326	Necessary	
11 NCAC 04 .0421	Necessary	11 NCAC 12 .0328	Necessary	
11 NCAC 04 .0422	Necessary	11 NCAC 12 .0329	Necessary	
11 NCAC 04 .0423	Necessary	11 NCAC 12 .0330	Necessary	
11 NCAC 04 .0425	Necessary	11 NCAC 12 .0332	Necessary	
11 NCAC 04 .0426	Necessary	11 NCAC 12 .0403	Necessary	
11 NCAC 04 .0427	Necessary	11 NCAC 12 .0404	Necessary	
11 NCAC 04 .0429	Necessary	11 NCAC 12 .0405	Necessary	
11 NCAC 04 .0430	Necessary	11 NCAC 12 .0406	Necessary	
11 NCAC 04 .0431	Necessary	11 NCAC 12 .0407	Necessary	
11 NCAC 04 .0432	Necessary	11 NCAC 12 .0415	Necessary	
11 NCAC 04 .0433	Necessary	11 NCAC 12 .0416	Necessary	
11 NCAC 04 .0501	Necessary	11 NCAC 12 .0419	Necessary	
11 NCAC 04 .0502	Necessary	11 NCAC 12 .0420	Necessary	

11	NCAC 12	.0421	Necessary	11	NCAC 12	.0520	Necessary
11	NCAC 12	.0422	Necessary	11	NCAC 12	.0521	Necessary
11	NCAC 12	.0423	Necessary	11	NCAC 12	.0522	Necessary
11	NCAC 12	.0424	Necessary	11	NCAC 12	.0523	Necessary
11	NCAC 12	.0425	Necessary	11	NCAC 12	.0524	Necessary
11	NCAC 12	.0426	Necessary	11	NCAC 12	.0525	Necessary
11	NCAC 12	.0427	Necessary	11	NCAC 12	.0526	Necessary
11	NCAC 12	.0428	Necessary	11	NCAC 12	.0528	Necessary
11	NCAC 12	.0429	Necessary	11	NCAC 12	.0529	Necessary
11	NCAC 12	.0430	Necessary	11	NCAC 12	.0530	Necessary
11	NCAC 12	.0431	Necessary	11	NCAC 12	.0531	Necessary
11	NCAC 12	.0432	Necessary	11	NCAC 12	.0532	Necessary
11	NCAC 12	.0433	Necessary	11	NCAC 12	.0533	Necessary
11	NCAC 12	.0434	Necessary	11	NCAC 12	.0534	Necessary
11	NCAC 12	.0435	Necessary	11	NCAC 12	.0535	Necessary
11	NCAC 12	.0436	Necessary	11	NCAC 12	.0536	Necessary
11	NCAC 12	.0437	Necessary	11	NCAC 12	.0538	Necessary
11	NCAC 12	.0438	Necessary	11	NCAC 12	.0539	Necessary
11	NCAC 12	.0439	Necessary	11	NCAC 12	.0540	Necessary
11	NCAC 12	.0440	Necessary	11	NCAC 12	.0541	Necessary
11	NCAC 12	.0441	Necessary	11	NCAC 12	.0542	Necessary
11	NCAC 12	.0442	Necessary	11	NCAC 12	.0543	Necessary
11	NCAC 12	.0443	Necessary	11	NCAC 12	.0544	Necessary
11	NCAC 12	.0445	Necessary	11	NCAC 12	.0545	Necessary
11	NCAC 12	.0446	Necessary	11	NCAC 12	.0546	Necessary
11	NCAC 12	.0447	Necessary	11	NCAC 12	.0547	Necessary
11	NCAC 12	.0448	Necessary	11	NCAC 12	.0548	Necessary
11	NCAC 12	.0449	Necessary	11	NCAC 12	.0549	Necessary
11	NCAC 12	.0450	Necessary	11	NCAC 12	.0550	Necessary
11	NCAC 12	.0461	Necessary	11	NCAC 12	.0551	Necessary
11	NCAC 12	.0462	Necessary	11	NCAC 12	.0553	Necessary
11	NCAC 12	.0503	Necessary	11	NCAC 12	.0555	Necessary
11	NCAC 12	.0506	Necessary	11	NCAC 12	.0556	Necessary
11	NCAC 12	.0508	Necessary	11	NCAC 12	.0557	Necessary
11	NCAC 12	.0509	Necessary	11	NCAC 12	.0559	Necessary
11	NCAC 12	.0510	Necessary	11	NCAC 12	.0561	Necessary
11	NCAC 12	.0511	Necessary	11	NCAC 12	.0562	Necessary
11	NCAC 12	.0512	Necessary	11	NCAC 12	.0563	Necessary
11	NCAC 12	.0513	Necessary	11	NCAC 12	.0601	Necessary
11	NCAC 12	.0514	Necessary	11	NCAC 12	.0602	Necessary
11	NCAC 12	.0516	Necessary	11	NCAC 12	.0603	Necessary
11	NCAC 12	.0517	Necessary	11	NCAC 12	.0604	Necessary
11	NCAC 12	.0518	Necessary	11	NCAC 12	.0605	Necessary
11	NCAC 12	.0519	Necessary	11	NCAC 12	.0606	Necessary

11	NCAC 12	.0607	Necessary	11	NCAC 12	.1026	Necessary
11	NCAC 12	.0608	Necessary	11	NCAC 12	.1027	Necessary
11	NCAC 12	.0609	Necessary	11	NCAC 12	.1028	Necessary
11	NCAC 12	.0610	Necessary	11	NCAC 12	.1029	Necessary
11	NCAC 12	.0611	Necessary	11	NCAC 12	.1030	Necessary
11	NCAC 12	.0612	Necessary	11	NCAC 12	.1101	Necessary
11	NCAC 12	.0701	Necessary	11	NCAC 12	.1102	Necessary
11	NCAC 12	.0702	Necessary	11	NCAC 12	.1103	Necessary
11	NCAC 12	.0703	Necessary	11	NCAC 12	.1104	Necessary
11	NCAC 12	.0704	Necessary	11	NCAC 12	.1105	Necessary
11	NCAC 12	.0706	Necessary	11	NCAC 12	.1106	Necessary
11	NCAC 12	.0707	Necessary	11	NCAC 12	.1107	Necessary
11	NCAC 12	.0708	Necessary	11	NCAC 12	.1201	Necessary
11	NCAC 12	.0709	Necessary	11	NCAC 12	.1202	Necessary
11	NCAC 12	.0710	Necessary	11	NCAC 12	.1203	Necessary
11	NCAC 12	.0711	Necessary	11	NCAC 12	.1204	Necessary
11	NCAC 12	.0712	Necessary	11	NCAC 12	.1205	Necessary
11	NCAC 12	.0713	Necessary	11	NCAC 12	.1206	Necessary
11	NCAC 12	.0714	Necessary	11	NCAC 12	.1207	Necessary
11	NCAC 12	.0843	Necessary	11	NCAC 12	.1208	Necessary
11	NCAC 12	.1002	Necessary	11	NCAC 12	.1209	Necessary
11	NCAC 12	.1003	Necessary	11	NCAC 12	.1210	Necessary
11	NCAC 12	.1004	Necessary	11	NCAC 12	.1211	Necessary
11	NCAC 12	.1005	Necessary	11	NCAC 12	.1212	Necessary
11	NCAC 12	.1006	Necessary	11	NCAC 12	.1301	Necessary
11	NCAC 12	.1007	Necessary	11	NCAC 12	.1302	Necessary
11	NCAC 12	.1008	Necessary	11	NCAC 12	.1303	Necessary
11	NCAC 12	.1009	Necessary	11	NCAC 12	.1304	Necessary
11	NCAC 12	.1010	Necessary	11	NCAC 12	.1305	Necessary
11	NCAC 12	.1011	Necessary	11	NCAC 12	.1307	Necessary
11	NCAC 12	.1012	Necessary	11	NCAC 12	.1308	Necessary
11	NCAC 12	.1013	Necessary	11	NCAC 12	.1309	Necessary
11	NCAC 12	.1014	Necessary	11	NCAC 12	.1401	Necessary
11	NCAC 12	.1015	Necessary	11	NCAC 12	.1402	Necessary
11	NCAC 12	.1016	Necessary	11	NCAC 12	.1403	Necessary
11	NCAC 12	.1017	Necessary	11	NCAC 12	.1404	Necessary
11	NCAC 12	.1018	Necessary	11	NCAC 12	.1501	Necessary
11	NCAC 12	.1019	Necessary	11	NCAC 12	.1502	Necessary
11	NCAC 12	.1020	Necessary	11	NCAC 12	.1503	Necessary
11	NCAC 12	.1021	Necessary	11	NCAC 12	.1504	Necessary
11	NCAC 12	.1022	Necessary	11	NCAC 12	.1505	Necessary
11	NCAC 12	.1023	Necessary	11	NCAC 12	.1506	Necessary
11	NCAC 12	.1024	Necessary	11	NCAC 12	.1507	Necessary
11	NCAC 12	.1025	Necessary	11	NCAC 12	.1508	Necessary

11	NCAC 12	.1509	Necessary
11	NCAC 12	.1601	Necessary
11	NCAC 12	.1602	Necessary
11	NCAC 12	.1603	Necessary
11	NCAC 12	.1604	Necessary
11	NCAC 12	.1710	Necessary
11	NCAC 12	.1711	Necessary
11	NCAC 12	.1712	Necessary
11	NCAC 12	.1713	Necessary
11	NCAC 12	.1714	Necessary
11	NCAC 12	.1715	Necessary
11	NCAC 12	.1716	Necessary
11	NCAC 12	.1718	Necessary
11	NCAC 12	.1719	Necessary
11	NCAC 12	.1720	Necessary
11	NCAC 12	.1801	Necessary
11	NCAC 12	.1802	Necessary
11	NCAC 12	.1803	Necessary
11	NCAC 12	.1804	Necessary
11	NCAC 12	.1901	Necessary
11	NCAC 12	.1902	Necessary
11	NCAC 12	.1903	Necessary

LIST OF APPROVED PERMANENT RULES

August 27, 2026 Meeting

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<u>Review for Deficiencies</u>	08 NCAC	18	.0501
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<u>Irregularities That Require further action</u>	08 NCAC	18	.0505

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

MENTAL HEALTH/DD/SAS, COMMISSION FOR

<u>Schedule I</u>	10A NCAC	26F	.0102
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ALCOHOLIC BEVERAGE CONTROL COMMISSION

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<u>Separate Permits Required</u>	14B NCAC	15C	.1002
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<u>Application for Fuel Alcohol Permit: Operation</u>	14B NCAC	15C	.1101
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