

NORTH CAROLINA REGISTER

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November 16, 2020

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NORTH CAROLINA REGISTER
Publication Schedule for January 2020 – December 2020

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	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
34:13	01/02/20	12/06/19	01/17/20	03/02/20	03/20/20	04/16/20	05/01/20	09/28/20
34:14	01/15/20	12/19/19	01/30/20	03/16/20	03/20/20	04/16/20	05/01/20	10/11/20
34:15	02/03/20	01/10/20	02/18/20	04/03/20	04/20/20	05/21/20	06/01/20	10/30/20
34:16	02/17/20	01/27/20	03/03/20	04/17/20	04/20/20	05/21/20	06/01/20	11/13/20
34:17	03/02/20	02/10/20	03/17/20	05/01/20	05/20/20	06/18/20	07/01/20	11/27/20
34:18	03/16/20	02/24/20	03/31/20	05/15/20	05/20/20	06/18/20	07/01/20	12/11/20
34:19	04/01/20	03/11/20	04/16/20	06/01/20	06/22/20	07/16/20	08/01/20	12/27/20
34:20	04/15/20	03/24/20	04/30/20	06/15/20	06/22/20	07/16/20	08/01/20	01/10/21
34:21	05/01/20	04/09/20	05/16/20	06/30/20	07/20/20	08/20/20	09/01/20	01/26/21
34:22	05/15/20	04/24/20	05/30/20	07/14/20	07/20/20	08/20/20	09/01/20	02/09/21
34:23	06/01/20	05/08/20	06/16/20	07/31/20	08/20/20	09/17/20	10/01/20	02/26/21
34:24	06/15/20	05/22/20	06/30/20	08/14/20	08/20/20	09/17/20	10/01/20	03/12/21
35:01	07/01/20	06/10/20	07/16/20	08/31/20	09/21/20	10/15/20	11/01/20	03/28/21
35:02	07/15/20	06/23/20	07/30/20	09/14/20	09/21/20	10/15/20	11/01/20	04/11/21
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35:04	08/17/20	07/27/20	09/01/20	10/16/20	10/20/20	11/19/20	12/01/20	05/14/21
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35:07	10/01/20	09/10/20	10/16/20	11/30/20	12/21/20	01/21/21	02/01/21	06/28/21
35:08	10/15/20	09/24/20	10/30/20	12/14/20	12/21/20	01/21/21	02/01/21	07/12/21
35:09	11/02/20	10/12/20	11/17/20	01/04/21	01/20/21	02/18/21	03/01/21	07/30/21
35:10	11/16/20	10/23/20	12/01/20	01/15/21	01/20/21	02/18/21	03/01/21	08/13/21
35:11	12/01/20	11/05/20	12/16/20	02/01/21	02/22/21	03/18/21	04/01/21	08/28/21
35:12	12/15/20	11/20/20	12/30/20	02/15/21	02/22/21	03/18/21	04/01/21	09/11/21

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 Personnel 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 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 or until the date of any public hearings held on the proposed rule, whichever is longer.

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

ROY COOPER
GOVERNOR

October 21, 2020

EXECUTIVE ORDER NO. 170

EXTENSION OF THE PHASE 3 ORDER

The COVID-19 Public Health Emergency

WHEREAS, on March 10, 2020, the undersigned issued Executive Order No. 116 which declared a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 ("COVID-19") public health emergency and provide for the health, safety, and welfare of residents and visitors located in North Carolina; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and

WHEREAS, on March 13, 2020, the President of the United States issued an emergency declaration for all states, tribes, territories, and the District of Columbia, retroactive to March 1, 2020, and the President declared that the COVID-19 pandemic in the United States constitutes a national emergency; and

WHEREAS, on March 25, 2020, the President approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; and

WHEREAS, in responding to the COVID-19 pandemic, and for the purpose of protecting the health, safety, and welfare of the people of North Carolina, the undersigned has issued Executive Order Nos. 116-122, 124-125, 129-131, 133-136, 138-144, 146-153, 155-157, 161-165 and 169; and

WHEREAS, more than two hundred fifty thousand (250,000) people in North Carolina have had COVID-19, and over four thousand thirty-two (4,032) people in North Carolina have died from the disease; and

The Need to Extend Executive Order No. 169

WHEREAS, since the declaration of a state of emergency in Executive Order No. 116, North Carolina has accumulated increased PPE for health care workers and first responders, has developed health care protocols and procedures for the treatment of COVID-19, and has adopted measures to promote social distancing, the use of Face Coverings, and hygiene measures that reduce transmission of COVID-19; and

WHEREAS, slowing and controlling community spread of COVID-19 is critical to ensuring that the state’s healthcare facilities remain able to accommodate those who require medical assistance and remain able to reduce morbidity and mortality from COVID-19 in North Carolina; and

WHEREAS, on September 30, 2020, the undersigned issued Executive Order No. 169, which transitioned the state into Phase 3 of its COVID-19 response; and

WHEREAS, to lower the risk of contracting and transmitting COVID-19, Executive Order No. 169 imposed restrictions on certain businesses designed to limit the contact between people, particularly in settings in which people exert increased respiratory effort, that are indoors, that involve people being in close physical contact for an extended period of time (more than 15 minutes), in which it is difficult to wear a Face Covering consistently, or that involve a large number of people; and

WHEREAS, since the issuance of Executive Order No. 169, there have been increases in the percent of emergency department visits that are for COVID-19-like illnesses, daily new case counts, the percent of COVID-19 tests that are positive, and COVID-19-associated hospitalizations; and

WHEREAS, COVID-19 daily case counts and associated hospitalizations remain considerably above their levels on May 20, 2020, when the state announced Phase 2 of COVID-19 restrictions and reopening; and

WHEREAS, COVID-19 cases and related metrics are increasing across the nation and in many locations worldwide, prompting localities, states and nations to reimpose previously-lifted restrictions in order to control the further spread of the virus across the globe; and

WHEREAS, the state’s public health experts have expressed concern that the arrival of cooler weather may increase the spread of the virus and may also result in more people staying indoors, where the virus can spread more easily; and

WHEREAS, in addition to COVID-19, the arrival of seasonal influenza may add further strain on the health care system; and

WHEREAS, these troubling trends and considerations require the undersigned to continue certain public health restrictions to slow the spread of this virus during the pandemic; and

The Need for Continued Vigilance

WHEREAS, should there be a further increase in the percentage of emergency department visits that are due to COVID-19-like illness, a further consistent increase in the number of laboratory-confirmed cases, a further increase in the positive tests as a percent of total tests, a further increase in COVID-19-related hospitalizations that threaten the ability of the health care system to properly respond, or should the state’s ability to conduct testing and tracing be compromised, it may be necessary to reinstate certain restrictions eased by the undersigned’s COVID-19 executive orders so as to protect the health, safety, and welfare of North Carolinians; and

WHEREAS, businesses that are open during the duration of this Executive Order are encouraged to follow the Guidelines for Businesses published by the North Carolina Department of Health and Human Services (“NCDHHS”), as well as any other NCDHHS guidance applicable to their business model, available electronically on the NCDHHS website; and

WHEREAS, all North Carolinians are encouraged to remain vigilant in their efforts to prevent the further spread of the virus in their communities and should continue to exercise caution in their day-to-day activities, including by wearing a Face Covering and avoiding large gatherings; and

Statutory Authority and Determinations

WHEREAS, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned may make, amend, or rescind necessary orders, rules, and regulations within the limits of the authority conferred upon the Governor in the Emergency Management Act; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(b)(3) authorizes and empowers the undersigned to delegate gubernatorial vested authority under the Emergency Management Act and to provide for the sub-delegation of that authority; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.12(3)(e), the Division of Emergency Management must coordinate with the State Health Director to revise the North Carolina Emergency Operations Plan as conditions change, including making revisions to set “the appropriate conditions for quarantine and isolation in order to prevent the further transmission of disease,” and following this coordination, the Emergency Management Director and the State Health Director have recommended that the Governor develop and order the plan and actions identified in this Executive Order; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.23 in conjunction with N.C. Gen. Stat. §§ 75-37 and 75-38, the undersigned may issue a declaration that shall trigger the prohibitions against excessive pricing during states of disaster, states of emergency or abnormal market disruptions; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the undersigned may utilize all available state resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of state agencies or units thereof for the purpose of performing or facilitating emergency services; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the undersigned may take such action and give such directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of the Emergency Management Act and with the orders, rules, and regulations made thereunder; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(i), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because not all local authorities have enacted such appropriate ordinances or issued such appropriate declarations restricting the operation of businesses and limiting person-to-person contact, thus needed control cannot be imposed locally; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(ii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because some but not all local authorities have taken implementing steps under such ordinances or declarations, if enacted or declared, in order to effectuate control over the emergency that has arisen; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because the area in which the emergency exists spreads across local jurisdictional boundaries and the legal control measures of the jurisdictions are conflicting or uncoordinated to the extent that efforts to protect life and property are, or unquestionably will be, severely hampered; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iv), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection of lives and property of North Carolinians because the scale of the emergency is so great that it exceeds the capability of local authorities to cope with it; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(1) authorizes the undersigned to prohibit and restrict the movement of people in public places; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(2) authorizes the undersigned to prohibit and restrict the operation of offices, business establishments, and other places to and from which people may travel or at which they may congregate; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(3) authorizes the undersigned to restrict the possession, transportation, sale, purchase, and consumption of alcoholic beverages; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(5) authorizes the undersigned to prohibit and restrict other activities or conditions, the control of which may be reasonably necessary to maintain order and protect lives or property during a state of emergency; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(1), when the undersigned imposes the prohibitions and restrictions enumerated in N.C. Gen. Stat. § 166A-19.31(b), the undersigned may amend or rescind the prohibitions and restrictions imposed by local authorities.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, and for the reasons and pursuant to the authority set forth above and in Executive Order No. 169, **IT IS ORDERED**:

Section 1. Extension of the Phase 3 Order.

Executive Order No. 169, including, for avoidance of doubt, those provisions of Executive Order No. 163 which were incorporated into, and extended by, Executive Order No. 169, shall remain in effect until 5:00 pm on November 13, 2020. The effective date provision of Executive Order No. 169 is amended to have that order continue in effect through the above-listed time and date.

Section 2. Extension of Price Gouging Period.

Pursuant to N.C. Gen. Stat. § 166A-19.23, the undersigned extends the prohibition against excessive pricing, as provided in N.C. Gen. Stat. §§ 75-37 and 75-38, from the issuance of Executive Order No. 116 through 5:00 pm on November 13, 2020.

The undersigned further hereby encourages the North Carolina Attorney General to use all resources available to monitor reports of abusive trade practices towards consumers and make readily available opportunities to report to the public any price gouging and unfair or deceptive trade practices under Chapter 75 of the North Carolina General Statutes.

Section 3. No Private Right of Action.

This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any emergency management worker (as defined in N.C. Gen. Stat. § 166A-19.60) or any other person.

Section 4. Savings Clause.

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

Section 5. Distribution.

I hereby order that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the State of Emergency would prevent or impede such filing; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.

Section 6. Enforcement.

- 6.1. Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provisions of this Executive Order shall be enforced by state and local law enforcement officers. Enforcement of Face Covering requirements shall be limited as stated in Subsection 2.7 of Executive Order No. 169. Law enforcement and other public safety and emergency management personnel are strongly encouraged to educate and encourage voluntary compliance with all the provisions of this Executive Order.
- 6.2. A violation of this Executive Order may be subject to prosecution pursuant to N.C. Gen. Stat. § 166A-19.30(d), and is punishable as a Class 2 misdemeanor in accordance with N.C. Gen. Stat. § 14-288.20A.
- 6.3. Nothing in this Executive Order shall be construed to preempt or overrule a court order regarding an individual's conduct (e.g., a Domestic Violence Protection Order or similar orders limiting an individual's access to a particular place).

Section 7. Effective Date.

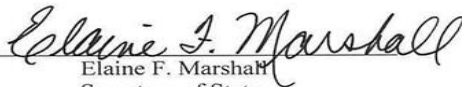
This Executive Order is effective October 23, 2020, at 5:00 pm. This Executive Order shall remain in effect through 5:00 pm on November 13, 2020 unless repealed, replaced, or rescinded by another applicable Executive Order. An Executive Order rescinding the Declaration of the State of Emergency will automatically rescind this 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 21st day of October in the year of our Lord two thousand and twenty.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State



1 NOTICE OF RULE MAKING PROCEEDINGS AND PUBLIC HEARING

2
3 NORTH CAROLINA BUILDING CODE COUNCIL

4
5 **Notice of Rule-making Proceedings** is hereby given by NC Building Code Council in accordance with
6 G.S. 150B-21.5(d).

7
8 **Citation to Existing Rule Affected by this Rule-Making:** *North Carolina, Fire, Building, Mechanical,*
9 *Existing Building, Residential, and Energy Codes amendments.*

10
11 **Authority for Rule-making:** *G.S. 143-136; 143-138.*

12
13 **Reason for Proposed Action:** *To incorporate changes in the NC State Building Codes as a result of*
14 *rulemaking petitions filed with the NC Building Code Council and to incorporate changes proposed by the*
15 *Council.*

16
17 **Public Hearing:** *Tuesday, December 8, 2020, 9:00AM, Albemarle Building, 325 North Salisbury Street,*
18 *Raleigh, NC 27603, 2nd Floor Training Room 240. Comments on both the proposed rule and any fiscal*
19 *impact will be accepted. Comments on both the proposed rule and any fiscal impact will be accepted.*

20
21 **Comment Procedures:** *Written comments may be sent to Carl Martin, Acting Secretary, NC Building*
22 *Code Council, NC Department of Insurance, 1202 Mail Service Center, Raleigh, NC 27699-1202.*
23 *Comments on both the proposed rule and any fiscal impact will be accepted. Comment period expires on*
24 *January 15, 2021.*

25
26 **Link to Agency Notice:**

27 <https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notices>

28 <https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notices>

29
30 **Statement of Subject Matter:**

31
32 **1. Request from Colin Triming representing the NC Fire Code Revisions Committee to amend the**
33 **2018 N.C. Fire Code and Building Code, Section 1010.1.9.7.**

34
35 **[BE] 1010.1.9.7 Delayed egress.** Delayed egress locking systems, shall be permitted to be installed on
36 doors serving ~~any occupancy~~ except Group A, E and H the following occupancies in buildings that are
37 equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or an

- 1 ~~approved~~ automatic smoke or heat detection system installed in accordance with Section 907; ~~The locking~~
2 ~~system shall be installed and operated in accordance with all of the following:~~
- 3 ~~1. Group B, F, I, M, R, S and U occupancies.~~
 - 4 ~~2. Group E classrooms with an occupant load of less than 50.~~
 - 5 ~~**Exception:** Delayed egress locking systems shall be permitted to be installed on exit or exit access doors,~~
6 ~~other than the main exit or exit access door, serving a courtroom in buildings equipped throughout with an~~
7 ~~automatic sprinkler system in accordance with Section 903.3.1.1.~~
 - 8 ~~1. The delay electronics of the delayed egress locking system shall deactivate upon actuation of the~~
9 ~~automatic sprinkler system or automatic fire detection system, allowing immediate, free egress.~~
 - 10 ~~2. The delay electronics of the delayed egress locking system shall deactivate upon loss of power~~
11 ~~controlling the lock or lock mechanism, allowing immediate free egress.~~
 - 12 ~~3. The delayed egress locking system shall have the capability of being deactivated at the fire command~~
13 ~~center and other approved locations. If a fire command center is not required by the *International Building*~~
14 ~~Code, the door locks shall have the capability of being unlocked by a signal from a location approved by~~
15 ~~the local fire code official.~~
 - 16 ~~4. An attempt to egress shall initiate an irreversible process that shall allow such egress in not more than 15~~
17 ~~seconds when a physical effort to exit is applied to the egress side door hardware for not more than 3~~
18 ~~seconds. Initiation of the irreversible process shall activate an audible signal in the vicinity of the door.~~
19 ~~Once the delay electronics have been deactivated, rearming the delay electronics shall be by manual means~~
20 ~~only.~~
 - 21 ~~**Exception:** Where *approved*, a delay of not more than 30 seconds is permitted on a delayed egress door.~~
 - 22 ~~5. The egress path from any point shall not pass through more than one delayed egress locking system.~~
 - 23 ~~**Exception:** In Group I-2 or I-3 occupancies, the egress path from any point in the building shall not pass~~
24 ~~through more than two delayed egress locking systems provided the combined delay does not exceed 30~~
25 ~~seconds.~~
 - 26 ~~6. A sign shall be provided on the door and shall be located above and within 12 inches (305 mm) of the~~
27 ~~door exit hardware:~~
 - 28 ~~6.1. For doors that swing in the direction of egress, the sign shall read: PUSH UNTIL ALARM SOUNDS.~~
29 ~~DOOR CAN BE OPENED IN 15 [30] SECONDS.~~
 - 30 ~~6.2. For doors that swing in the opposite direction of egress, the sign shall read: PULL UNTIL ALARM~~
31 ~~SOUNDS. DOOR CAN BE OPENED IN 15 [30] SECONDS.~~
 - 32 ~~6.3. The sign shall comply with the visual character requirements in ICC A117.1.~~
 - 33 ~~**Exception:** Where *approved*, in Group I occupancies, the installation of a sign is not required where care~~
34 ~~recipients who, because of clinical needs, require restraint or containment as part of the function of the~~
35 ~~treatment area.~~
 - 36 ~~7. Emergency lighting shall be provided on the egress side of the door.~~
 - 37 ~~8. The delayed egress locking system units shall be *listed* in accordance with UL 294.~~

1 **[BE] 1010.1.9.7.1 Delayed egress locking system.** The delayed egress locking system shall be installed
2 and operated in accordance with all of the following:

3 1. The delay electronics of the delayed egress locking system shall deactivate upon actuation of the
4 automatic sprinkler system or automatic fire detection system, allowing immediate, free egress.

5 2. The delay electronics of the delayed egress locking system shall deactivate upon loss of power
6 controlling the lock or lock mechanism, allowing immediate free egress.

7 3. The delayed egress locking system shall have the capability of being deactivated at the fire command
8 center and other approved locations.

9 4. An attempt to egress shall initiate an irreversible process that shall allow such egress in not more than 15
10 seconds when a physical effort to exit is applied to the egress side door hardware for not more than 3
11 seconds. Initiation of the irreversible process shall activate an audible signal in the vicinity of the door.
12 Once the delay electronics have been deactivated, rearming the delay electronics shall be by manual means
13 only.

14 **Exception:** Where approved, a delay of not more than 30 seconds is permitted on a delayed egress door.

15 5. The egress path from any point shall not pass through more than one delayed egress locking system.

16 **Exceptions:**

17 1. In Group I-2 or I-3 occupancies, the egress path from any point in the building shall not pass through not
18 more than two delayed egress locking systems provided that the combined delay does not exceed 30
19 seconds.

20 2. In Group I-1 or I-4 occupancies, the egress path from any point in the building shall pass through not
21 more than two delayed egress locking systems provided that the combined delay does not exceed 30
22 seconds and the building is equipped throughout with an automatic sprinkler system in accordance with
23 Section 903.3.1.1.

24 6. A sign shall be provided on the door and shall be located above and within 12 inches (305 mm) of the
25 door exit hardware:

26 6.1. For doors that swing in the direction of egress, the sign shall read:
27 PUSH UNTIL ALARM SOUNDS. DOOR CAN BE OPENED IN 15 [30] SECONDS.

28 6.2. For doors that swing in the opposite direction of egress, the sign shall read:
29 PULL UNTIL ALARM SOUNDS. DOOR CAN BE OPENED IN 15 [30] SECONDS.

30 6.3. The sign shall comply with the visual character requirements in ICC A117.1.

31 **Exception:** Where approved, in Group I occupancies, the installation of a sign is not required where care
32 recipients who, because of clinical needs, require restraint or containment as part of the function of the
33 treatment area.

34 7. Emergency lighting shall be provided on the egress side of the door.

35 8. The delayed egress locking system units shall be listed in accordance with UL294.

36

37

1 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,
2 2021 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2022).

3 **Reason Given** – The purpose of this amendment is to bring forward 2018 IFC/IBC wording for Delayed
4 Egress doors which includes allowance for them to be used for Group E classrooms with an occupant load
5 <50 and also an exception for courtrooms.

6 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
7 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
8 funds. A fiscal note has not been prepared.

9
10

11 **2. Request from Kerry Sutton representing American Concrete Institute (ACI), Dave Tepke**
12 **representing ACI Carolinas, Mark LeMay representing International Concrete Repair Institute**
13 **(ICRI), Bill Brickey representing ICRI Carolinas Chapter, Keith Kesner representing CVM, and**
14 **Tim Cook representing SKA Consulting Engineering to add the 2018 N.C. Existing Building Code,**
15 **Section 606.1.1 and add a reference standard to Chapter 16.**

16

17 **606.1.1 Repairs to structural concrete.** Repairs to structural concrete elements shall comply with ACI

18 562 and this code.

19 **Exception:** Where seismic design governs. ACI 562 shall not be used for evaluation and design.

20
21

22 Add new referenced standard to Chapter 16 as follows:

23 ACI 562-19: Code Requirements for Assessment, Repair, and Rehabilitation of Existing Concrete
24 Structures 606.1.1

25

26 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,
27 2021 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2022).

28 **Reason Given** – The purpose of this amendment is to provide ACI 562-19 as a manual for repair of
29 structural concrete.

30 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with a slight decrease in cost.
31 This rule is not expected to either have a substantial economic impact or increase local and state funds. A
32 fiscal note has not been prepared.

33
34

35 **3. Request from Bridget Herring to amend the 2018 N.C. Residential Code, Section N1101.13.**
36 **N1101.13 (R401.2) Compliance**
37

1 Projects shall comply with one of the following:

- 2 1. Section N1101.14 through N1104.
- 3 2. Section N1105 and the provisions of Section N1101.14 labeled “Mandatory.”
- 4 3. An energy rating index (ERI) approach in Section N1106.
- 5 4. ~~North Carolina specific~~ REScheck keyed to the 2018 IECC shall be permitted to demonstrate compliance
- 6 with this code. Envelope requirements may not be traded off against the use of high efficiency heating or
- 7 cooling equipment. No tradeoff calculations are needed for required termite inspection and treatment gaps.

8
9 **Motion/Second/Granted** – The request was granted. The proposed effective date of this rule is March 1,
10 2021 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2022).

11 **Reason Given** – The purpose of this amendment is to replace an outdated REScheck and to bring the
12 NCRC in line with the current NC Energy Conservation Code.

13 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
14 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
15 funds. A fiscal note has not been prepared.

16
17
18 **4. Request from Robert Privott representing the NC Home Builders Association and Jeff Tiller to**
19 **amend the 2018 N.C. Residential Code, Chapter 44.**

20
21 Add new referenced standard to Chapter 44 as follows:
22 ASTM E283-04 Test Method for Determining the Rate of Air Leakage Through Exterior Windows, Curtain
23 Walls and Doors Under Specified Pressure Differences Across the Specimen
24N1102.4.6, Table N1106.2.1, Table N1106.2.2
25

26 **Motion/Second/Granted** – The request was granted. The proposed effective date of this rule is March 1,
27 2021 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2022).

28 **Reason Given** – The purpose of this amendment is to support an additional amendment that adds a
29 definition for AIR-IMPERMIABLE INSULATION.

30 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
31 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
32 funds. A fiscal note has not been prepared.

33
34
35 **5. Request from Robert Privott representing N.C. Home Builders Association and Jeff Tiller to**
36 **amend the 2018 N.C. Residential Code, Chapter 2 Definitions.**
37

1 AIR-IMPERMEABLE INSULATION. An insulation having an air permanence equal to or less than 0.02
2 L/s-m2 at 75 Pa pressure differential tested according to ASTM E2178 or E283 at the thickness applied.

3
4 **Motion/Second/Granted** – The request was granted. The proposed effective date of this rule is March 1,
5 2021 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2022).

6 **Reason Given** – The purpose of this amendment is to support an additional amendment addressing spray
7 foam insulation in attics.

8 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
9 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
10 funds. A fiscal note has not been prepared.

11

12

13 **6. Request from Julius Ballanco representing JB Engineering and Code Consulting, P.C. to amend**
14 **the 2018 Residential Code, Chapter 44**

15

16 **CHAPTER 44**

17 **REFERENCED STANDARDS**

18 **ANCE**

19 UL/CSA/ANCE 60335-2-40—2012 Standard for Household and Similar Electrical Appliances, Part 2:
20 Particular Requirements for Motor-compressors M1403.1

21 **ASHRAE**

22 34—20132019 Designation and Safety Classification of Refrigerants M1411.1

23 **CSA**

24 CSA C22.2 No. 60335-2-40-2019 ~~UL/CSA/ANCE 60335-2-40—2012~~ Standard for Household and Similar
25 Electrical Appliances, Part 2-40: Particular Requirements for Motor-compressors Electrical Heat Pumps,
26 Air-Conditioners and Dehumidifiers - 3rd Edition M1402.1, M1403.1

27 **UL**

28 1995 – 20112015 Heating and Cooling Equipment M1402.1, M1403.1, M1407.1

29 ~~UL/CSA/ANCE 60335-2-40-2012~~ 2019 Standard for Household and Similar Electrical Appliances, Part 2-
30 40: Particular Requirements for Motor-compressors Electrical Heat Pumps, Air-Conditioners and
31 Dehumidifiers – 3rd Edition M1402.1, M1403.1

32

33 **Motion/Second/Granted** – The request was granted. The proposed effective date of this rule is March 1,
34 2021 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2022).

35 **Reason Given** – The purpose of this amendment is to transition to standards that will be used by
36 manufacturers.

1 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
2 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
3 funds. A fiscal note has not been prepared.

4
5

6 **7. Request from Julius Ballanco representing JB Engineering and Code Consulting, P.C./Daikin U.S.**
7 **to amend the 2018 Residential Code, Section M1402.1.**

8

9 **M1402.1 (918.1) General.**

10 Oil-fired central furnaces shall conform to ANSI/UL 727. Electric furnaces shall conform to UL 1995 or
11 UL/CSA 60335-2-40. Solid fuel furnaces shall be tested in accordance with UL 391.

12

13 **Motion/Second/Granted** – The request was granted. The proposed effective date of this rule is March 1,
14 2021 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2022).

15 **Reason Given** – The purpose of this amendment is to transition to standards that will be used by
16 manufacturers.

17 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
18 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
19 funds. A fiscal note has not been prepared.

20

21

22 **8. Request from Julius Ballanco representing JB Engineering and Code Consulting, P.C./Daikin U.S.**
23 **to amend the 2018 Residential Code, Section M1403.1.**

24

25 **M1403.1 (918.2) Heat pumps.** Electric heat pumps shall be listed and labeled in accordance with UL
26 1995 or UL/CSA/~~ANCE~~ 60335-2-40.

27

28 **Motion/Second/Granted** – The request was granted. The proposed effective date of this rule is March 1,
29 2021 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2022).

30 **Reason Given** – The purpose of this amendment is to transition to standards that will be used by
31 manufacturers.

32 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
33 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
34 funds. A fiscal note has not been prepared.

35

36

1 **9. Request from Julius Ballanco representing JB Engineering and Code Consulting, P.C./Daikin U.S.**
2 **to amend the 2018 Mechanical Code, Chapter 15.**

3
4 **CHAPTER 15**

5 **REFERENCED STANDARDS**

6

7 ASHRAE 15—~~2013~~2019 Safety Standard for Refrigeration Systems 1101.6, 1105.8, 1108.1

8 ASHRAE 34—~~2013~~2019 Designation and Safety Classification of Refrigerants 202, 1102.2.1, 1103.1

9 CSA-C22.2 No. 60335-2-40-2019 Household And Similar Electrical Appliances - Safety - Part 2-40:

10 Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers – 3rd Edition

11 908.1, 918.1, 918.2, 1101.2

12 UL 1995 – ~~2014~~ 2015 Heating and Cooling Equipment 908.1, 911.1, 918.2, 1101.2

13 UL 60335-2-40-2019 Household And Similar Electrical Appliances - Safety - Part 2-40: Particular

14 Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers – 3rd Edition

15 908.1, 918.1, 918.2, 1101.2

16

17 **Motion/Second/Granted** – The request was granted. The proposed effective date of this rule is March 1,
18 2021 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2022).

19 **Reason Given** – The purpose of this amendment is to transition to standards that will be used by
20 manufacturers.

21 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
22 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
23 funds. A fiscal note has not been prepared.

24
25
26 **10. Request from Julius Ballanco representing JB Engineering and Code Consulting, P.C./Daikin**
27 **U.S. to amend the 2018 Mechanical Code, Section 908.1.**

28
29 **908.1 General.**

30 A cooling tower used in conjunction with an air-conditioning appliance shall be installed in accordance
31 with the manufacturer’s instructions. Factory-built cooling towers shall be listed in accordance with UL
32 1995 or UL/CSA 60335-2-40.

33
34 **Motion/Second/Granted** – The request was granted. The proposed effective date of this rule is March 1,
35 2021 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2022).

36 **Reason Given** – The purpose of this amendment is to transition to standards that will be used by
37 manufacturers.

1 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
2 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
3 funds. A fiscal note has not been prepared.

4
5

6 **11. Request from Julius Ballanco representing JB Engineering and Code Consulting, P.C./Daikin**
7 **U.S. to amend the 2018 Mechanical Code, Sections 918.1 and 918.2**

8

9 **918.1 Forced-air furnaces.**

10 Oil-fired furnaces shall be tested in accordance with UL 727. Electric furnaces shall be tested in accordance
11 with UL 1995 or UL/CSA 60335-2-40. Solid fuel furnaces shall be tested in accordance with UL 391.

12 Forced-air furnaces shall be installed in accordance with the listings and the manufacturer's instructions.

13 **918.2 Heat pumps.**

14 Electric heat pumps shall be tested in accordance with UL 1995 or UL/CSA 60335-2-40.

15

16 **Motion/Second/Granted** – The request was granted. The proposed effective date of this rule is March 1,
17 2021 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2022).

18 **Reason Given** – The purpose of this amendment is to transition to standards that will be used by
19 manufacturers.

20 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
21 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
22 funds. A fiscal note has not been prepared.

23
24

25 **12. Request from Julius Ballanco representing JB Engineering and Code Consulting, P.C./Daikin**
26 **U.S. to amend the 2018 Mechanical Code, Section 1101.2.**

27

28 **1101.2 Factory-built equipment and appliances.**

29 Listed and labeled self-contained, factory-built equipment and appliances shall be tested in accordance with
30 UL 207, 412, 471, ~~or 1995~~ or UL/CSA 60335-2-40. Such equipment and appliances are deemed to meet the

31 design, manufacture and factory test requirements of this code if installed in accordance with their listing
32 and the manufacturer's instructions.

33

34 **Motion/Second/Granted** – The request was granted. The proposed effective date of this rule is March 1,
35 2021 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2022).

36 **Reason Given** – The purpose of this amendment is to transition to standards that will be used by
37 manufacturers.

1 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
 2 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
 3 funds. A fiscal note has not been prepared.

4
 5
 6 **13. Request from Robert Privott representing N.C. Home Builders Association and Jeff Tiller to**
 7 **amend the 2018 Energy Code, Section R406.2.**

8
 9 **R406.2 Mandatory requirements.**

10 Compliance with this section requires that the provisions identified in Sections R401 through R404 labeled
 11 as “mandatory” be met. The building thermal envelope shall be greater than or equal to levels of efficiency
 12 and Solar Heat Gain Coefficient in Table R406.2.1 or Table R406.2.2, Table 402.1.1 or 402.1.3 of the 2012
 13 North Carolina Energy Conservation Code. Minimum standards associated with compliance shall be the
 14 ANSI RESNET ICC Standard 301-2014: “Standard for the Calculation and Labeling of the Energy
 15 Performance of Low-Rise Residential Buildings using an Energy Rating Index.” A North Carolina
 16 *registered design professional* or certified *HERS rater* is required to perform the analysis if required by
 17 North Carolina Licensure laws.

18 **Exception:** Supply and return ducts in unconditioned space and outdoors shall be insulated to a minimum
 19 R-8. Supply ducts inside semi-conditioned space shall be insulated to a minimum R-4; return ducts inside
 20 conditioned and semi-conditioned space are not required to be insulated. Ducts located inside conditioned
 21 space are not required to be insulated other than as may be necessary for preventing the formation of
 22 condensation on the exterior of cooling ducts.

23
 24 **TABLE R406.2.1**
 25 **MINIMUM INSULATION AND FENESTRATION REQUIREMENTS FOR ENERGY RATING**
 26 **INDEX COMPLIANCE^a**

CLIMATE ZONE	FENESTRATION VALUES			R-VALUES FOR								
	FENESTRATION U-FACTOR ^{b,j}	SKYLIGHT ⁱ U-FACTOR	GLAZED FENESTRATION SHGC ^{b,k}	CEILING ^m	UNVENTED ^p RAFTER ASSEMBLIES IN ATTICS CONTAINING DUCTWORK, AIR-IMPERMEABLE	UNVENTED ^p RAFTER ASSEMBLIES IN ATTICS CONTAINING DUCTWORK, AIR-PERMEABLE/IMPERMEABLE	WOOD FRAME WALL	MASS WALL ^l	FLOOR	BASEMENT ^{n,o} WALL	SLAB ^d	CRAWL SPACE ^e WALL
3	0.35	0.65	0.3	30	20	15-10 ^q	13	5/10	19	10/13 ^f	0	5/13
4	0.35	0.6	0.3	38 or 30 ^{cl}	20	15-10 ^q	15, 13+2.5 ^h	5/10	19	10/13	10	10/13
5	0.35	0.6	NR	38 or 30 ^{cl}	25	15-20 ^q	19 ⁿ , 13+5 ^h , or 15+3 ^h	13/17	30 ^g	10/13	10	10/13

28
 29 For SI: 1 foot = 304.8 mm.
 30 a. R-values are minimums. U-factors and SHGC are maximums.

- 1 b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed
2 fenestration.
- 3 c. “10/13” means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity
4 insulation at the interior of the basement wall or crawl space wall.
- 5 d. For monolithic slabs, insulation shall be applied from the inspection gap downward to the bottom of the
6 footing or a maximum of 18 inches below grade whichever is less. For floating slabs, insulation shall
7 extend to the bottom of the foundation wall or 24 inches, whichever is less. (See Appendix R2) R-5 shall
8 be added to the required slab edge R-values for heated slabs.
- 9 e.- Deleted.
- 10 f. Basement wall insulation is not required in warm-humid locations as defined by Figure R301.1 and Table
11 R301.1.
- 12 g. Or insulation sufficient to fill the framing cavity, R-19 minimum.
- 13 h. The first value is cavity insulation, the second value is continuous insulation so “13+5” means R-13
14 cavity insulation plus R-5 continuous insulation. If structural sheathing covers 25 percent or less of the
15 exterior, insulating sheathing is not required where structural sheathing is used. If structural sheathing
16 covers more than 25 percent of exterior, structural sheathing shall be supplemented with insulated
17 sheathing of at least R-2.
- 18 i. The second R-value applies when more than half the insulation is on the interior of the mass wall.
- 19 j. In addition to the exemption in R402.3.3, a maximum of two glazed fenestration product assemblies
20 having a U-factor no greater than 0.55 shall be permitted to be substituted for minimum code compliant
21 fenestration product assemblies without penalty.
- 22 k. In addition to the exemption in R402.3.3, a maximum of two glazed fenestration product assemblies
23 having a SHGC no greater than 0.70 shall be permitted to be substituted for minimum code compliant
24 fenestration product assemblies without penalty.
- 25 l. R-30 shall be deemed to satisfy the ceiling insulation requirement wherever the full height of
26 uncompressed R-30 insulation extends over the wall top plate at the eaves. Otherwise, R-38 insulation is
27 required where adequate clearance exists or insulation must extend either to the insulation baffle or within
28 1” of the attic roof deck.
- 29 m. Table value required except for roof edge where the space is limited by the pitch of the roof; there the
30 insulation must fill the space up to the air baffle.
- 31 n. R-19 fiberglass batts compressed and installed in a nominal 2 × 6 framing cavity is deemed to comply.
32 Fiberglass batts rated R-19 or higher compressed and installed in a 2x4 wall ~~is~~ are not deemed to comply.
- 33 o. Basement wall meeting the minimum mass wall specific heat content requirement may use the mass wall
34 R-value as the minimum requirement.
- 35 p. The air-impermeable insulation shall meet the requirements of the definition in Section R202. Air-
36 impermeable insulation shall be installed in direct contact with the underside of the structural roof
37 sheathing. For one- and two-family dwellings and townhouses, the insulation installation shall meet the

1 requirements of R806.5 of the North Carolina Residential Code. For Residential Buildings other than one-
 2 and two-family dwellings and townhouses, the insulation installation shall meet the installation
 3 requirements of 1203.3 of the North Carolina Building Code. Exposed rafters shall be covered with R-7
 4 insulation.
 5 g. The value for air-permeable insulation is shown first and that for air-impermeable insulation second.
 6 Thus, R-15 + R-10 indicates that the minimum value for air-permeable insulation is R-15, and the
 7 minimum value for air-impermeable insulation is R-10. Air-impermeable insulation shall be installed in
 8 direct contact with the underside of the structural roof sheathing. The air-permeable insulation shall be
 9 installed directly under the air-impermeable insulation. Exposed rafters shall be covered with R-7
 10 insulation.

11
 12 **TABLE R406.2.2**

13 **EQUIVALENT U-FACTORS FOR TABLE R406.2.1**

CLIMATE ZONE	FENESTRATION ^a	SKYLIGHT	CEILING	UNVENTED ^e RAFTER ASSEMBLIES IN ATTICS CONTAINING DUCTWORK, AIR-IMPERMEABLE	UNVENTED ^e RAFTER ASSEMBLIES IN ATTICS CONTAINING DUCTWORK, AIR-PERMEABLE/IMPERMEABLE	FRAME WALL	MASS WALL ^b	FLOOR	BASEMENT ^d WALL	CRAWL SPACE ^c WALL
3	0.35	0.65	0.0350	0.05	0.043 ^f	0.082	0.141	0.047	0.059	0.136
4	0.35	0.60	0.0300	0.05	0.043 ^f	0.077	0.141	0.047	0.059	0.065
5	0.35	0.60	0.0300	0.037	0.034 ^f	0.061	0.082	0.033	0.059	0.065

14 a. Nonfenestration *U*-factors shall be obtained from measurement, calculation or an approved source.
 15 b. When more than half the insulation is on the interior, the mass wall *U*-factors shall be a maximum of
 16 0.07 in Climate Zone 3, 0.07 in Climate Zone 4 and 0.054 in Climate Zone 5.
 17 c. Basement wall *U*-factor of 0.360 in warm-humid locations as defined by Figure R301.1 and Table
 18 R301.1.
 19 d. A maximum of two glazed fenestration product assemblies having a *U*-factor no greater than 0.55 and a
 20 SHGC no greater than 0.70 shall be permitted to be substituted for minimum code compliant fenestration
 21 product assemblies without penalty. When applying this note and using the RESCheck "UA Trade-off"
 22 compliance method to allow continued use of the software, the applicable fenestration products shall be
 23 modeled as meeting the *U*-factor of 0.35 and the SHGC of 0.30, as applicable, but the fenestration products'
 24 actual *U*-factor and actual SHGC shall be noted in the comments section of the software for documentation
 25 of application of this note to the applicable products. Compliance for these substitute products shall be
 26 verified compared to the allowed substituted maximum *U*-value requirement and maximum SHGC
 27 requirement, as applicable.
 28 e. The air-impermeable insulation shall meet the requirements of the definition in section R202. Air-
 29 impermeable insulation shall be installed in direct contact with the underside of the structural roof
 30 sheathing. For one- and two-family dwellings and townhouses, the insulation installation shall meet the

1 requirements of R806.5 of the North Carolina Residential Code. Exposed rafters shall be covered with R-7
2 insulation.
3 f. For air-permeable/ impermeable applications, Table R406.2.1 shall be followed for minimum insulation
4 values.
5

6 **Motion/Second/Granted** – The request was granted. The proposed effective date of this rule is March 1,
7 2021 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2022).

8 **Reason Given** – The purpose of this amendment is to provide specific insulation requirements for spray
9 foam used in attics of residential construction using the Energy Rating Index compliance method

10 **Fiscal Statement** – This rule is anticipated to provide a net initial increase in cost with a net savings over
11 the life of a building. This rule is not expected to either have a substantial economic impact or increase
12 local and state funds. A fiscal note has been prepared and can be viewed at:
13 <https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notice>
14
15
16

17 **14. Request from Robert Privott representing N.C. Home Builders Association and Jeff Tiller to add**
18 **the 2018 N.C. Energy Code, Chapter 2 Definitions.**

19
20 AIR-IMPERMEABLE INSULATION. An insulation having an air permeance equal to or less than 0.02
21 L/s-m² at 75 Pa pressure differential tested according to ASTM E2178 or E283 at the thickness applied.
22

23 **Motion/Second/Granted** – The request was granted. The proposed effective date of this rule is March 1,
24 2021 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2022).

25 **Reason Given** – The purpose of this amendment is to support an additional amendment addressing spray
26 foam insulation in attics.

27 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
28 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
29 funds. A fiscal note has not been prepared.
30
31

32 **15. Request from Robert Privott representing N.C. Home Builders Association and Jeff Tiller to**
33 **amend the 2018 N.C. Residential Code, Section N1106.2 Mandatory Requirements.**

34
35 **N1106.2 Mandatory requirements.**

36 Compliance with this section requires that the provisions identified in Sections N1101 through N1104
37 labeled as “mandatory” be met. The building thermal envelope shall be greater than or equal to levels of

1 efficiency and Solar Heat Gain Coefficient in Table N1106.2.1 or Table N1106.2.2, Table 402.2.3 or
 2 402.1.3 of the 2012 North Carolina Energy Conservation Code. Minimum standards associated with
 3 compliance shall be the ANSI RESNET ICC Standard 301-2014: “Standard for the Calculation and
 4 Labeling of the Energy Performance of Low-Rise Residential Buildings using an
 5 Energy Rating Index.” A North Carolina *registered design professional* or certified *HERS rater* is required
 6 to perform the analysis if required by North Carolina Licensure laws.

7 **Exception:** Supply and return ducts in unconditioned space and outdoors shall be insulated to a minimum
 8 R-8. Supply ducts inside semi-conditioned space shall be insulated to a minimum R-4; return ducts inside
 9 conditioned and semi-conditioned space are not required to be insulated. Ducts located inside conditioned
 10 space are not required to be insulated other than as may be necessary for preventing the formation of
 11 condensation on the exterior of cooling ducts.

12
 13 **TABLE N1106.2.1**
 14 **MINIMUM INSULATION AND FENESTRATION REQUIREMENTS FOR ENERGY RATING**
 15 **INDEX COMPLIANCE^a**
 16

CLIMATE ZONE	FENESTRATION VALUES			R-VALUES FOR								
	FENESTRATION U-FACTOR ^{b,j}	SKYLIGHT ^b U-FACTOR	GLAZED FENESTRATION SHGC ^{b,k}	CEILING ^m	UNVENTED ^p RAFTER ASSEMBLIES IN ATTICS CONTAINING DUCTWORK, AIR-IMPERMEABLE	UNVENTED ^p RAFTER ASSEMBLIES IN ATTICS CONTAINING DUCTWORK, AIR-PERMEABLE/IMPERMEABLE	WOOD FRAME WALL	MASS WALL ^l	FLOOR	BASEMENT ^{n,o} WALL	SLAB ^d	CRAWL SPACE ^r WALL
3	0.35	0.65	0.3	30	20	15-10 ^q	13	5/10	19	10/13 ^f	0	5/13
4	0.35	0.6	0.3	38 or 30ci ^l	20	15-10 ^q	15, 13+2.5 ^h	5/10	19	10/13	10	10/13
5	0.35	0.6	NR	38 or 30ci ^l	25	15-20 ^q	19 ⁿ , 13+5 ^h , or 15+3 ^h	13/17	30 ^g	10/13	10	10/13

- 17 For SI: 1 foot = 304.8 mm.
- 18 a. R-values are minimums. U-factors and SHGC are maximums.
- 19 b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed
 20 fenestration.
- 21 c. “10/13” means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity
 22 insulation at the interior of the basement wall or crawl space wall.
- 23 d. For monolithic slabs, insulation shall be applied from the inspection gap downward to the bottom of the
 24 footing or a maximum of 18 inches below grade whichever is less. For floating slabs, insulation shall
 25 extend to the bottom of the foundation wall or 24 inches, whichever is less. (See Appendix O) R-5 shall
 26 be added to the required slab edge R-values for heated slabs.
- 27 e.- Deleted.
- 28 f. Basement wall insulation is not required in warm-humid locations as defined by Figure N1101.7 and
 29 Table N1101.7.

- 1 g. Or insulation sufficient to fill the framing cavity, R-19 minimum.
- 2 h. The first value is cavity insulation, the second value is continuous insulation so “13+5” means R-13
- 3 cavity insulation plus R-5 continuous insulation. If structural sheathing covers 25 percent or less of the
- 4 exterior, insulating sheathing is not required where structural sheathing is used. If structural sheathing
- 5 covers more than 25 percent of exterior, structural sheathing shall be supplemented with insulated
- 6 sheathing of at least R-2.
- 7 i. The second R-value applies when more than half the insulation is on the interior of the mass wall.
- 8 j. In addition to the exemption in N1102.3.3, a maximum of two glazed fenestration product assemblies
- 9 having a U-factor no greater than 0.55 shall be permitted to be substituted for minimum code compliant
- 10 fenestration product assemblies without penalty.
- 11 k. In addition to the exemption in N1102.3.3, a maximum of two glazed fenestration product assemblies
- 12 having a SHGC no greater than 0.70 shall be permitted to be substituted for minimum code compliant
- 13 fenestration product assemblies without penalty.
- 14 l. R-30 shall be deemed to satisfy the ceiling insulation requirement wherever the full height of
- 15 uncompressed R-30 insulation extends over the wall top plate at the eaves. Otherwise, R-38 insulation is
- 16 required where adequate clearance exists or insulation must extend either to the insulation baffle or within
- 17 1” of the attic roof deck.
- 18 m. Table value required except for roof edge where the space is limited by the pitch of the roof; there the
- 19 insulation must fill the space up to the air baffle.
- 20 n. R-19 fiberglass batts compressed and installed in a nominal 2 × 6 framing cavity is deemed to comply.
- 21 Fiberglass batts rated R-19 or higher compressed and installed in a 2x4 wall ~~is~~ are not deemed to comply.
- 22 o. Basement wall meeting the minimum mass wall specific heat content requirement may use the mass wall
- 23 R-value as the minimum requirement.
- 24 p. The air-impermeable insulation shall meet the requirements of the definition in Section R202. Air-
- 25 impermeable insulation shall be installed in direct contact with the underside of the structural roof
- 26 sheathing. For one- and two-family dwellings and townhouses, the insulation installation shall meet the
- 27 requirements of R806.5 of the North Carolina Residential Code. For Residential Buildings other than one-
- 28 and two-family dwellings and townhouses, the insulation installation shall meet the installation
- 29 requirements of 1203.3 of the North Carolina Building Code. Exposed rafters shall be covered with R-7
- 30 insulation.
- 31 q. The value for air-permeable insulation is shown first and that for air-impermeable insulation second.
- 32 Thus, R-15 + R-10 indicates that the minimum value for air-permeable insulation is R-15, and the
- 33 minimum value for air-impermeable insulation is R-10. Air-impermeable insulation shall be installed in
- 34 direct contact with the underside of the structural roof sheathing. The air-permeable insulation shall be
- 35 installed directly under the air-impermeable insulation. Exposed rafters shall be covered with R-7
- 36 insulation.
- 37

TABLE N1106.2.2
EQUIVALENT U-FACTORS FOR TABLE N1106.2.1^a

CLIMATE ZONE	FENESTRATION ^d	SKYLIGHT	CEILING	UNVENTED ^e RAFTER ASSEMBLIES IN ATTICS CONTAINING DUCTWORK, AIR-IMPERMEABLE	UNVENTED ^e RAFTER ASSEMBLIES IN ATTICS CONTAINING DUCTWORK, AIR-PERMEABLE/IMPERMEABLE	FRAME WALL	MASS WALL ^b	FLOOR	BASEMENT ^d WALL	CRAWL SPACE ^c WALL
3	0.35	0.65	0.0350	0.05	0.043 ^f	0.082	0.141	0.047	0.059	0.136
4	0.35	0.60	0.0300	0.05	0.043 ^f	0.077	0.141	0.047	0.059	0.065
5	0.35	0.60	0.0300	0.037	0.034 ^f	0.061	0.082	0.033	0.059	0.065

- a. Nonfenestration *U*-factors shall be obtained from measurement, calculation or an approved source.
- b. When more than half the insulation is on the interior, the mass wall *U*-factors shall be a maximum of 0.07 in Climate Zone 3, 0.07 in Climate Zone 4 and 0.054 in Climate Zone 5.
- c. Basement wall *U*-factor of 0.360 in warm-humid locations as defined by Figure N1101.7 and Table N1101.7.
- d. A maximum of two glazed fenestration product assemblies having a *U*-factor no greater than 0.55 and a SHGC no greater than 0.70 shall be permitted to be substituted for minimum code compliant fenestration product assemblies without penalty. When applying this note and using the RESCheck "UA Trade-off" compliance method to allow continued use of the software, the applicable fenestration products shall be modeled as meeting the *U*-factor of 0.35 and the SHGC of 0.30, as applicable, but the fenestration products' actual *U*-factor and actual SHGC shall be noted in the comments section of the software for documentation of application of this note to the applicable products. Compliance for these substitute products shall be verified compared to the allowed substituted maximum *U*-value requirement and maximum SHGC requirement, as applicable.
- e. The air-impermeable insulation shall meet the requirements of the definition in section R202. Air-impermeable insulation shall be installed in direct contact with the underside of the structural roof sheathing. For one- and two-family dwellings and townhouses, the insulation installation shall meet the requirements of R806.5 of the North Carolina Residential Code. Exposed rafters shall be covered with R-7 insulation.
- f. For air-permeable/ impermeable applications, Table N1106.2.1 shall be followed for minimum insulation values.

Motion/Second/Granted – The request was granted. The proposed effective date of this rule is March 1, 2021 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2022).

Reason Given – The purpose of this amendment is to provide specific insulation requirements for spray foam used in attics of residential construction using the Energy Rating Index compliance method

Fiscal Statement – This rule is anticipated to provide a net initial increase in cost with a net savings over the life of a building. This rule is not expected to either have a substantial economic impact or increase

1 local and state funds. A fiscal note has been prepared and can be viewed at:
2 <https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notice>

3
4

5 **NOTICE:**

6 **Appeals and Interpretations** of the North Carolina State Building Codes are published online at the
7 following link.

8 <https://www.ncosfm.gov/codes/codes-current-and-past>

9
10

11 **NOTICE:**

12 **Objections and Legislative Review** requests may be made to the NC Office of Administrative Hearings in
13 accordance with G.S. 150B-21.3(b2) after Rules are adopted by the Building Code Council.

14 <http://www.ncoah.com/rules/>

15
16

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

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to adopt the rules cited as 15A NCAC 10H .1501-.1509 and amend the rule cited as 15A NCAC 10B .0106.

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

Proposed Effective Date: May 1, 2021

Public Hearing:

Date: December 8, 2020

Time: 6:00 p.m.

Location: Register in advance for this webinar:

https://ncwildlife.zoom.us/webinar/register/WN_aXViRwRsTnG APbHLaT3RZA or join by phone: (877-853-5247 or 888-788-0099) using Webinar ID: 928 5632 3468

Reason for Proposed Action: Session Law 2019-204 established the Wildlife Control Agent License and Alligator Control Agent Certification in statute. The rules proposed for adoption in this Section 10H .1500 will replace current agency rules for the Wildlife Damage Control Agent Program found in 10B .0106.

Because Wildlife and Alligator Control Agent Rules have been proposed, Rule 10B .0106 requires updates to remove the Wildlife Damage Control Agent Certification and requirements.

Comments may be submitted to: Rule-making Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email regulations@ncwildlife.org

Comment period ends: January 15, 2021

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 written objections to the Rules Review Commission after the adoption of the Rule. 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 those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the

Commission, please call a Commission staff attorney at 919-431-3000.

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

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

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10B - HUNTING AND TRAPPING

SECTION .0100 - GENERAL REGULATIONS

15A NCAC 10B .0106 WILDLIFE TAKEN FOR DEPREDATIONS

(a) Depredation permits allow the taking of undesirable or excess wildlife resources as described in Subparagraphs (b)(1) and (b)(2) of this Paragraph. Only employees of the Wildlife Resources Commission (Commission) and Wildlife Damage Control Agents (WDCA) may issue depredation permits. Only depredation permits prepared on a form supplied by the Commission shall be valid. No permit is needed for the owner or lessee of a property to take wildlife while committing depredations on that property; however, the manner of taking, disposition of dead wildlife, and reporting requirements as described in this Rule still apply.

(a) Depredation permits shall authorize the taking, destruction, transfer, removal, transplanting, or driving away of undesirable, destructive, or excess wildlife or wildlife resources as specified in Paragraph (d) of this Rule.

- (b) The following conditions shall apply to depredation permits:
(1) depredation permits shall be prepared on a form supplied by the Commission; and
(2) depredation permits shall only be issued by authorized employees of the Commission or licensed Wildlife Control Agents (WCA).

(c) Depredation permits shall not be required for the owner or lessee of a property to take wildlife while committing depredations on that property; however, the manner of take, disposition of dead wildlife, and reporting requirements specified in this Rule shall apply.

(d) No permit shall be issued to take any endangered or threatened species of wildlife listed under 15A NCAC 10I, except alligators, by reason of depredations to property. Only the Executive Director or his or her designee may issue depredation permits for Special Concern species listed in 15A NCAC 10I .0105 and for alligators. An individual may take an endangered or

threatened species in immediate defense of his or her own life or of the lives of others without a permit. Any endangered or threatened species that may constitute a demonstrable but non-immediate threat to human safety shall be reported to a federal or Commission wildlife enforcement officer, who, upon verification of the report, may take or remove the specimen as provided by 15A NCAC 10I.0102. Depredation permits for other species may be issued under the following conditions:

- (1) for taking wildlife that is or has been damaging or destroying property, provided there is evidence of property damage. No permit may be issued for the taking of migratory birds and other federally-protected animals unless a corresponding, valid U.S. Fish and Wildlife Service depredation permit(s), if required, has been issued. A permit issued pursuant to this Rule shall name the species allowed to be taken and may include limitations as to age, sex, type of depredation, location of animal or damage, and local laws. The permit shall be issued to a landholder or an authorized representative of a unit of local government for depredations on public property. The permit shall be used only by individuals named on the permit.
- (2) for taking of wildlife resources in circumstances of overabundance or when the wildlife resources present a danger to human safety. Cities, as defined in G.S. 160A-1(2), seeking a depredation permit pursuant to these circumstances shall apply to the Commission using an application available from the Commission. The application shall include the following information:
 - (A) the name and location of the city;
 - (B) the acreage of the affected property;
 - (C) a map of the affected property;
 - (D) the signature of an authorized city representative;
 - (E) the nature of the overabundance or the threat to public safety; and
 - (F) a description of previous actions taken by the city to ameliorate the problem.

~~(c) Wildlife Damage Control Agents. Individuals meeting the following eligibility requirements may apply to become a Wildlife Damage Control Agent (WDCA):~~

- ~~(1) Successful completion of a training course that is designed to:

 - ~~(A) review wildlife laws;~~
 - ~~(B) review safe, humane wildlife handling techniques.~~~~
- ~~(2) No wildlife misdemeanor conviction, as specified in G.S. 113-294 that resulted in a license suspension or revocation, within the last five years prior to application to become a WDCA.~~

~~Those individuals who demonstrate knowledge of wildlife laws and safe, humane wildlife handling techniques by a passing score of 80 percent or better on a written examination provided by a representative of the Commission, in cooperation with the training~~

~~course provider, shall be approved. Those individuals failing to obtain a passing score shall be given one chance for re-testing without re-taking the course. Those individuals approved as agents by the Commission may then issue depredation permits for depredation as defined in Subparagraph (a)(1) of this Rule to landholders and be listed as a second party to provide the control service. WDCA's may not issue depredation permits for coyotes in the counties of Beaufort, Dare, Hyde, Tyrrell, Washington; big game animals; bats; or any species listed as endangered, threatened, or special concern under 15A NCAC 10I.0103, .0104, and .0105 of this Chapter. WDCA's shall annually report to the Commission the number and disposition of animals by county. Records shall be available for inspection by a wildlife enforcement officer at any time during the posted business hours of the Commission at newwildlife.org. The Executive Director shall revoke WDCA status when there is evidence of violations of wildlife laws, failure to report, or inhumane treatment of animals by the WDCA. A WDCA may not charge for the permit, but may charge for his or her investigations and control services. Each WDCA shall renew his or her agent status every three years by showing proof of having attended at least one training course provided for the purpose of reviewing and updating information on wildlife laws and safe, humane wildlife handling techniques within the previous 12 months or agency approved continuing education credits.~~

~~(d)(e) Each depredation permit shall have an expiration date or time after which the depredation permit is no longer valid. date. The A depredation permit authorizes the possession of any wildlife resources taken under the authority of the permit permit. and Depredation permits shall be retained as long as the wildlife resource is in the permittee's authorized individual's possession. All individuals Individuals taking wildlife resources under the authority of a depredation permit shall comply with the conditions written on of the permit and the requirements specified in this Rule.~~

~~(e)(f) Manner of Taking:~~

- (1) Taking Without a Permit. Wildlife taken without a permit while committing depredations to property may, during the open season on the species, be taken by the landholder by any lawful method. During the closed season, such depredating wildlife may be taken without a permit only by the use of firearms or archery equipment as defined in 15A NCAC 10B .0116.
- (2) Taking With a Permit. Wildlife taken under a depredation permit may be taken only by the method or methods authorized by the permit. When trapping is authorized, in order to limit the taking to the intended purpose, the permit may specify a reasonable distance from the property sought to be protected, within which the traps shall be set. The Executive Director, Commission employee, or agent WCA may also state in a permit authorizing trapping whether or not bait or lure may be used and the type of bait or lure that is authorized based upon factors such as type of depredation, locations of animal or damage, and local laws. In addition to

any trapping restrictions that may be contained in the permit, the method of trapping shall be in accordance with the requirements and restrictions imposed by G.S. 113-291.6 and other local laws passed by the General Assembly. No depredation permit shall authorize the use of poisons or pesticides in taking wildlife except in accordance with the provisions of the North Carolina Pesticide Law of 1971, G.S. 143, Article 52, the Structural Pest Control Act of 1955, G.S. 106, Article 4C, and G.S. 113, Article 22A. No depredation permit shall authorize the taking of wildlife by any method by any landholder upon the lands of another except when the individual is listed as a second party on a depredation permit.

- (3) Intentional Wounding. It is unlawful for any landholder, with or without a depredation permit, to intentionally wound a wild animal in a manner so as not to cause its immediate death as suddenly and humanely as the circumstances permit.

~~(f)~~(g) Disposition of Wildlife Taken:

- (1) Generally. Except as provided by Subparagraphs (2) through (5) of this Paragraph, any wildlife killed without a permit while committing depredations shall be buried or disposed of in a safe and sanitary manner on the property where taken. Wildlife killed under a depredation permit may be transported to an alternate disposal site if desired. Anyone in possession of carcasses of animals being transported under a depredation permit shall have the depredation permit in his or her possession. Except as provided by Subparagraphs ~~(f)(2) through (5) of this Rule,~~ (2) through (5) of this Paragraph, all wildlife killed under a depredation permit shall be buried or otherwise disposed of as stated on the permit.
- (2) Deer and feral swine. The edible portions of feral swine and deer may be retained by the landholder for consumption but shall not be transported from the property where the depredations took place without a valid depredation permit. The landholder may give a second party the edible portions of feral swine or deer taken under a depredation permit. The receiver of the edible portions shall hold a copy of the depredation permit. The nonedible portions of any deer carcass, including head, hide, feet, and antlers, shall be disposed of as specified in Subparagraph (1) of this Paragraph or turned over to a wildlife enforcement officer for disposition.
- (3) Fox. Any fox killed under a depredation permit may be disposed of as described in Subparagraph (1) of this Paragraph or, upon compliance with the fur tagging requirements

of 15A NCAC 10B .0400, the carcass or pelt thereof may be sold to a licensed fur dealer.

- (4) Furbearing Animals. The carcass or pelt of any furbearing animal killed during the open season for taking such furbearing animal for control of depredations to property, whether with or without a permit, may be sold to a licensed fur dealer provided that the person offering such carcass or pelt for sale has a valid hunting or trapping license; provided further that bobcats and otters may only be sold upon compliance with any required fur tagging requirement set forth in 15A NCAC 10B .0400.

- (5) Animals Taken Alive. Wild animals in the order Carnivora, armadillos, groundhogs, nutria, and beaver shall be humanely euthanized either at the site of capture or at a facility designed to humanely handle the euthanasia, or such wild animals must be released on the property where captured. Feral swine shall be euthanized while still in the trap in accordance with G.S. 113-291.12. For all other animals taken alive, the animal shall be euthanized or released on property with permission of the landowner. When the relocation site is public property, written permission shall be obtained from the local, state, or federal official authorized to manage the property before any animal may be released. Animals transported or held for euthanasia shall be euthanized within 12 hours of ~~capture.~~ possession. Anyone in possession of live animals being transported for relocation or euthanasia under a depredation permit shall have the depredation permit in his or her possession.

~~(g)~~(h) Reporting Requirements. Any landholder who kills an alligator; coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, or Washington; deer; Canada goose; bear; elk; or wild turkey under a valid depredation permit shall report the kill on the form provided with the permit, including the number and species of animal(s) killed, and submit the form upon the expiration date of the depredation permit to the Commission. Any landowner who kills a coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, and Washington shall report the kill, including the number of coyotes killed, on the form provided with the depredation permit. The killing and method of disposition of every alligator; coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, and Washington; bear; or elk taken without a permit shall be reported to the Wildlife Resources Commission within 24 hours following the time of such killing.

(i) Exemption for Animal Control Officers. Animal Control Officers, as defined by G.S. 130A-184(1) when in the performance of official duties, shall be exempt from obtaining a depredation permit when taking wild animals that:

- (1) Exhibit visible signs of rabies;
- (2) Exhibit unprovoked aggression that may be associated with rabies;
- (3) Are suspected to be rabid; or

- (4) Have or may have exposed humans, pets, or livestock to rabies.

Authority G.S. 113-134; 113-273; 113-274; 113-291.4; 113-291.6; 113-300.1; 113-300.2; 113-307; 113-331; 113-333; 113-334(a); 113-337.

SUBCHAPTER 10H – REGULATED ACTIVITIES

SECTION .1500 - WILDLIFE AND ALLIGATOR CONTROL AGENTS

15A NCAC 10H .1501 WILDLIFE CONTROL AGENT LICENSE ELIGIBILITY AND REQUIREMENTS

- (a) The following definitions shall apply in this Section:
 - (1) "Wildlife control agent" or "WCA" means an individual that holds a current and valid wildlife control agent license issued by the Commission.
 - (2) "Wildlife control agent license" or "WCA license" means a license issued by the Commission that authorizes an individual to engage in wildlife damage control or wildlife removal activities by means of a depredation permit.
- (b) It shall be unlawful to engage in wildlife damage control or wildlife removal activities for compensation, including eviction or exclusion activities, without first obtaining a wildlife control agent (WCA) license from the Commission, except that licensed trappers taking wild animals during the applicable open trapping season for that species shall not be required to obtain a WCA license.
- (c) Individuals meeting the following requirements shall qualify for a WCA license:
 - (1) completion of a Commission-approved, WCA training course, that reviews the following:
 - (A) wildlife laws and rules, including methods of take, trapping, and depredation; and
 - (B) safe, humane wildlife handling techniques.
 - (2) a passing score of at least 80 percent on the WCA examination as specified in Paragraph (e) of this Rule.
 - (3) no wildlife misdemeanor convictions, as specified in G.S. 113-294 or G.S. 14, Article 47, that resulted in a license suspension or revocation within the five years preceding completion of the WCA training course.
- (d) Individuals may register for a Commission-approved training course at www.ncwildlife.org/wca. Required information shall include the following:
 - (1) the applicant's name, mailing address, email address, residence address, telephone number, driver's license number, and date of birth; and
 - (2) organizational affiliation, if applicable.
- (e) Individuals scoring at least an 80 percent on the WCA examination provided by the Commission shall be deemed to have received a passing score and to have successfully demonstrated

knowledge of wildlife laws and safe, humane wildlife handling techniques. Individuals failing to obtain a passing score on the WCA examination shall receive one opportunity to re-take the examination and receive a passing score without being required to retake the WCA training course.

(f) A WCA license shall not be transferable between individuals.

Authority G.S. 113-134; 113-273; 113-274.

15A NCAC 10H .1502 DEPREDATION PERMITS ISSUED BY WILDLIFE CONTROL AGENTS

- (a) WCAs may issue depredation permits to landholders and may be listed as a second party on the permit to provide wildlife damage control or wildlife removal services. Depredation permits shall be issued and administered in accordance with the applicable provisions and requirements of 15A NCAC 10B .0106.
- (b) WCAs shall not issue depredation permits for the following:
 - (1) any endangered, threatened, or special concern species listed in 15A NCAC 10I .0103 - .0105;
 - (2) coyotes in Beaufort, Dare, Hyde, Tyrrell, or Washington counties;
 - (3) big game animals, including Black Bear, White-tail Deer, and Wild Turkey;
 - (4) elk; and
 - (5) bats.
- (c) WCAs shall be authorized to issue depredation permits for the taking of wildlife not prohibited in Paragraph (b) of this Rule, provided there is evidence that the wildlife is or has been damaging or destroying property.
- (d) Depredation permits shall not be issued for the taking of migratory birds unless a corresponding, valid U.S. Fish and Wildlife Service depredation permit, as required by 50 CFR 21.41, has been obtained, if required.
- (e) WCAs shall not receive compensation for the issuance of depredation permits; however, nothing in this Section shall be construed to limit the ability of a WCA to receive compensation for investigations or wildlife damage control and removal services.

Authority G.S. 113-134; 113-273; 113-274.

15A NCAC 10H .1503 MANNER OF TAKE

- (a) WCAs shall comply with applicable manner of taking and disposition of wildlife requirements specified in 15A NCAC 10B .0106.
- (b) A WCA license number shall be equivalent to a trapper identification number for the purpose of meeting trap identification requirements specified in G.S. 113-291.6(b)(4) for all trap types used.
- (c) WCAs may only engage in bat eviction and exclusion activities from August 1 through April 30 of the next calendar year unless otherwise approved by the Commission, on a case-by-case basis, for reasons of public health and safety, species conservation, or animal health.

Authority G.S. 113-134; 113-273; 113-274.

15A NCAC 10H .1504 RECORDS AND REPORTING REQUIREMENTS

- (a) WCAs shall maintain the following records:
 - (1) a copy of each depredation permit issued; and
 - (2) the species, number, and disposition of each animal taken, organized by county.
- (b) WCAs shall submit the following information to the Commission each calendar quarter for each animal taken pursuant to a depredation permit:
 - (1) depredation permit number and date of issue of the permit that authorized take;
 - (2) WCA license number;
 - (3) county where permit issued;
 - (4) type of damage;
 - (5) species;
 - (6) number of animals estimated to be taken;
 - (7) number of animals taken;
 - (8) method of take; and
 - (9) disposition of animal.
- (c) Records shall be available for inspection by representatives of the Commission upon request or during the Commission's business hours.
- (d) Records shall be retained by the WCA for 12 months following expiration of the WCA license.

Authority G.S. 113-134; 113-273; 113-274.

15A NCAC 10H .1505 WILDLIFE CONTROL AGENT LICENSE RENEWAL AND REVOCATION

- (a) A WCA may renew his or her WCA license by completing at least one Commission-approved continuing education course within the previous year. A list of Commission-approved continuing education courses may be found at www.ncwildlife.org/wca.
- (b) WCAs that do not renew their license for two consecutive calendar years shall be ineligible for renewal and shall be required to repeat the requirements specified in 15A NCAC 10H .1501, prior to obtaining a new WCA license.
- (c) The Executive Director or his or her designee, may warn, cite, or revoke a WCA's license, if the WCA violates any provision of G.S. 14, Article 47; G.S. 113, Subchapter IV; any rules promulgated by the Commission; conditions of the WCA license; or standards taught in a Commission-approved WCA training course. The determination whether to warn, cite, or revoke a WCA's wildlife control agent license shall be based upon the seriousness of the violation.

Authority G.S. 113-134; 113-273; 113-274.

15A NCAC 10H .1506 ALLIGATOR CONTROL AGENT CERTIFICATION ELIGIBILITY AND REQUIREMENTS

- (a) The following definitions shall apply in this Section:
 - (1) "Alligator control agent" or "ACA" means a licensed Wildlife Control Agent that holds a current and valid alligator control agent certification issued by the Commission.
 - (2) "Alligator control agent certification" or "ACA certification" means a certification issued by the Commission that authorizes a Wildlife

Control Agent to engage in alligator damage control or alligator removal activities by means of a Commission-issued depredation permit.

- (b) It shall be unlawful to engage in alligator damage control or alligator removal activities for compensation without first obtaining an alligator control agent (ACA) certification from the Commission.
- (c) Only individuals with a valid WCA license shall be eligible for ACA certification.
- (d) WCAs meeting the following requirements shall qualify for ACA certification:
 - (1) completion of a Commission-approved ACA training course that reviews the following:
 - (A) alligator regulations;
 - (B) procedures for alligator data collection activities; and
 - (C) safe, humane alligator capture, handling, and transporting techniques.
 - (2) a passing score on the ACA written examination as specified in Paragraph (d) of this Rule.
 - (3) demonstration to the Commission of necessary equipment to safely and humanely capture and relocate alligators, including ropes, cables, snares, poles, passive integrated transponder (PIT) tag reader, and an alligator transport device.

- (e) WCAs may register for a Commission-approved ACA training course at www.ncwildlife.org/wca
- (f) WCAs scoring at least an 80 percent on the ACA examination provided by the Commission shall be deemed to have received a passing score. WCAs failing to obtain a passing score on the examination shall receive one opportunity to re-take the examination and receive a passing score without being required to retake the ACA training course.
- (g) An ACA certification shall not be transferable between individuals.

Authority G.S. 113-134; 113-273; 113-274.

15A NCAC 10H .1507 ADDITIONAL PERMIT REQUIREMENTS FOR ALLIGATOR CONTROL AGENTS

- (a) ACAs shall obtain an endangered species permit from the Commission each calendar year prior to conducting any alligator handling and relocation activities.
- (b) ACAs shall only handle alligators after a separate depredation permit for each alligator has been issued from a representative of the Commission.
- (c) In emergency situations, where an alligator must be moved without delay due to a current or imminent threat to human safety, the safety of the alligator, or disruption of traffic, ACAs shall obtain an authorization code from a representative of the Commission prior to conducting any alligator handling and relocation activities. Authorization codes may be obtained from Commission District Biologists or by contacting the Commission's communications center at 1-800-662-7137 to be directed to an appropriate Commission representative.

Authority G.S. 113-134; 113-273; 113-274.

15A NCAC 10H .1508 ALLIGATOR CONTROL AGENT RECORDS AND REPORTING REQUIREMENTS

(a) ACAs shall maintain alligator datasheets for each alligator handled or relocated, which shall include the following information:

- (1) dates and times of capture and release;
- (2) the GPS locations of the capture and release sites;
- (3) PIT tag number inserted or found upon scanning;
- (4) scute numbers removed;
- (5) total length and snout-to-vent length measurements;
- (6) gender as determined by cloacal examination;
- (7) general observations on physical condition including any injuries observed; and
- (8) the Commission-issued deprecation permit number or authorization code.

(b) ACAs shall follow the reporting requirements on the endangered species permit.

(c) Records shall be available for inspection by representatives of the Commission upon request or during the Commission's business hours.

(d) Records shall be retained by the ACA for 12 months following expiration of the ACA certification.

Authority G.S. 113-134; 113-273; 113-274.

15A NCAC 10H .1509 ALLIGATOR CONTROL AGENT CERTIFICATION RENEWAL AND REVOCATION

(a) An ACA may renew his or her alligator control agent certification by certifying proof of attending at least one Commission-approved alligator-specific continuing education course within the previous year. A list of Commission-approved renewal courses may be found at www.ncwildlife.org.

(b) ACAs shall maintain a valid WCA license at all times.

(c) The Executive Director or his or her designee may warn, cite, suspend, or revoke an ACA's certification, if the ACA violates any provision of G.S. 14, Article 47, or G.S. 113, Subchapter IV, or any rules promulgated by the Commission; conditions of the certification; or standards taught in a Commission-approved ACA training course. The determination whether to warn, cite, suspend, or revoke an ACA's certification shall be based upon the seriousness of the violation.

Authority G.S. 113-134; 113-273; 113-274.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 32 - NORTH CAROLINA MEDICAL BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the Medical Board intends to adopt the rules cited as 21 NCAC 32B .1708; and 32M .0119.

Link to agency website pursuant to G.S. 150B-19.1(c): www.ncmedboard.org/about_the_board/rule_changes

Proposed Effective Date: April 1, 2021

Public Hearing:

Date: January 15, 2021

Time: 10:00 am

Location: Public Hearing will be held via teleconference: 1-919-518-9840; Conference ID: 932 383 181#

Reason for Proposed Action: *On March 10, 2020, the Governor of North Carolina, by issuing Executive Order No. 116, declared a state of emergency to coordinate a response and enact protective measures to help prevent the spread of COVID-19. COVID-19 is respiratory disease that can result in serious illness or death. COVID-19, previously unidentified in humans, spreads easily from person to person. Once an outbreak of COVID-19 begins, it is difficult to contain. The World Health Organization, the Center for Disease Control and Prevention, and the United States Department of Health and Human Services have declared COVID-19 a public health threat and emergency. The search for potential treatments for COVID-19 has caused shortages and threatens to cause further shortages in certain drugs. On March 24, 2020, the North Carolina State Health Director requested that the Medical Board, the Board of Nursing and the Board of Pharmacy adopt the COVID-19 Drug Preservation Rule in order to alleviate shortages and ensure that these drugs are available to patients who need them. This rule was adopted as an emergency and then a temporary rule. The State Health Director has requested that the rule be adopted as a permanent rule because the state of emergency and corresponding potential drug shortages now may potentially extend beyond the expiration of the temporary rule. The Board intends to repeal the rule upon the conclusion of the state of emergency. The State Health Director has determined that the State is unlikely to suffer future shortages of two of the drugs previously listed in the temporary and emergency rule, and that those drugs may be removed from the list, while the others should remain.*

Note: The underlined and struck through text are changes from the temporary rule currently in effect, to the proposed permanent rule.

Comments may be submitted to: Wanda Long, P.O. Box 20007, Raleigh, NC 27619-0007; email rules@ncmedboard.org

Comment period ends: January 15, 2021

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 written objections to the Rules Review Commission after the adoption of the Rule. 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 those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

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

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

**SUBCHAPTER 32B – LICENSE TO PRACTICE
MEDICINE**

SECTION .1700 – OTHER LICENSES

**21 NCAC 32B .1708 COVID-19 DRUG
PRESERVATION RULE**

(a) The following drugs are "Restricted Drugs" as that term is used in this Rule:

- (1) Hydroxychloroquine;
- (2) Chloroquine;
- (3) Lopinavir-ritonavir;
- (4) Ribavirin; and
- (5) Darunavir. Oseltamivir;
- (6) ~~Darunavir; and~~
- (7) ~~Azithromycin.~~

(b) A physician or physician assistant shall prescribe a Restricted Drug only if that prescription bears a written diagnosis from the prescriber consistent with the evidence for its use.

(c) When a patient has been diagnosed with COVID-19, any prescription of a Restricted Drug for the treatment of COVID-19 shall:

- (1) Indicate on the prescription that the patient has been diagnosed with COVID-19;
- (2) Be limited to no more than a 14-day supply; and
- (3) Not be refilled, unless a new prescription is issued in conformance with this Rule, including not being refilled through an emergency prescription refill.

(d) A physician or physician assistant shall not prescribe a Restricted Drug for the prevention of, or in anticipation of, the contraction of COVID-19 by someone who has not yet been diagnosed.

(e) A prescription for a Restricted Drug may be transmitted orally only if all information required by this Rule is provided to the pharmacy by the ~~physician or the physician's~~ physician, physician assistant, or either of their agent, and that information is recorded in writing in accordance with 21 NCAC 46 .1819(e).

(f) This Rule does not affect orders for administration to inpatients of health care facilities.

(g) This Rule does not apply to prescriptions for a Restricted Drug for a patient previously established on that particular Restricted Drug on or before March 10, 2020.

Authority G.S. 90-5.1(a)(3).

**SUBCHAPTER 32M - APPROVAL OF NURSE
PRACTITIONERS**

**21 NCAC 32M .0119 COVID-19 DRUG
PRESERVATION RULE**

(a) The following drugs are "Restricted Drugs" as that term is used in this Rule:

- (1) Hydroxychloroquine;
- (2) Chloroquine;
- (3) Lopinavir-ritonavir;
- (4) Ribavirin; and
- (5) Darunavir. Oseltamivir;
- (6) ~~Darunavir; and~~
- (7) ~~Azithromycin.~~

(b) A nurse practitioner shall prescribe a Restricted Drug only if that prescription bears a written diagnosis from the prescriber consistent with the evidence for its use.

(c) When a patient has been diagnosed with COVID-19, any prescription of a Restricted Drug for the treatment of COVID-19 shall:

- (1) Indicate on the prescription that the patient has been diagnosed with COVID-19;
- (2) Be limited to no more than a 14-day supply; and
- (3) Not be refilled, unless a new prescription is issued in conformance with this Rule, including not being refilled through an emergency prescription refill.

(d) A nurse practitioner shall not prescribe a Restricted Drug for the prevention of, or in anticipation of, the contraction of COVID-19 by someone who has not yet been diagnosed.

(e) A prescription for a Restricted Drug may be transmitted orally only if all information required by this Rule is provided to the pharmacy by the nurse practitioner or nurse practitioner's agent, and that information is recorded in accordance with 21 NCAC 46 .1819(e).

(f) This Rule does not affect orders for administration to inpatients of health care facilities.

(g) This Rule does not apply to prescriptions for a Restricted Drug for a patient previously established on that particular Restricted Drug on or before March 10, 2020.

Authority G.S. 90-5.1(a)(3); 90-18.2.

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

TITLE 10A - DEPARTMENT OF HEALTH AND HUMAN SERVICES

Rule-making Agency: *Medical Care Commission*

Rule Citation: 10A NCAC 13F .1801, .1802; 13G .1701, and .1702

Effective Date: *October 23, 2020*

Findings Reviewed and Approved by the Codifier: *October 15, 2020*

Reason for Action: *On March 10, 2020, the Governor of North Carolina, by issuing Executive Order No. 116, declared a state of emergency to coordinate a response and enact protective measures to help prevent the spread of SARS-CoV-2, commonly known as COVID-19. COVID-19 is a respiratory disease that can result in serious illness or death. The World Health Organization, the Center for Disease Control and Prevention (CDC), and the United States Department of Health and Human Services have declared COVID-19 a public health threat and emergency. In order to protect the health and safety of citizens residing in adult care homes and family care homes and the healthcare workforce employed in these facilities, the NC Medical Care Commission seeks to adopt 10A NCAC 13F .1801, .1802; 13G .1701 and .1702 under emergency procedures. These regulations are needed to save lives in adult care homes and family care homes and protect the health of the residents and staff.*

CHAPTER 13 - NC MEDICAL CARE COMMISSION

SUBCHAPTER 13F – LICENSING OF ADULT CARE HOMES OF SEVEN OR MORE BEDS

SECTION .1800 - INFECTION PREVENTION AND CONTROL

10A NCAC 13F .1801 INFECTION PREVENTION AND CONTROL PROGRAM

- (a) In accordance with Rule .1211 of this Subchapter and G.S. 131D-4.4A(b)(1), the facility shall establish and implement a comprehensive infection prevention and control program (IPCP) consistent with the federal Centers for Disease Control and Prevention (CDC) guidelines on infection prevention and control.
- (b) The facility shall ensure implementation of the facility's IPCP, related policies and procedures, and guidance or directives issued by the CDC, the local health department, and/or the North Carolina Department of Health and Human Services.
- (c) The facility shall assure the following policies and procedures are established and implemented consistent with the federal CDC

guidelines on infection control and addresses at least the following:

- (1) Standard and transmission-based precautions, for which guidance can be found on the CDC website at <https://www.cdc.gov/infectioncontrol/basics>, including:
 - (A) respiratory hygiene and cough etiquette;
 - (B) environmental cleaning and disinfection;
 - (C) reprocessing and disinfection of reusable resident medical equipment;
 - (D) hand hygiene;
 - (E) accessibility and proper use of personal protective equipment (PPE);
 - (F) types of transmission-based precautions and when each type is indicated, including contact precautions, droplet precautions, and airborne precautions;
- (2) When and how to report to the local health department when there is a suspected or confirmed reportable communicable disease case or condition, or communicable disease outbreak in accordance with Rule .1802 of this Section;
- (3) Resident care when there is suspected or confirmed communicable disease in the facility, including, when indicated, isolation of infected residents, limiting or stopping group activities and communal dining, and based on the mode of transmission, use of source control by the residents. Source control includes the use of face coverings for residents when the mode of transmission is through a respiratory pathogen;
- (4) Procedures for screening visitors to the facility and criteria for restricting visitors who exhibit signs of illness, as well as posting signage for visitors regarding screening and restriction procedures;
- (5) Procedures for screening facility staff and criteria for restricting staff who exhibit signs of illness from working;
- (6) Procedures and strategies for addressing staffing issues and ensuring staffing to meet the needs of the residents during a communicable disease outbreak;
- (7) The annual review of the facility's IPCP and update of the IPCP as necessary; and

(8) a process for updating policies and procedures to reflect guidelines and recommendations by the CDC, local health department, and North Carolina Department of Health and Human Services during a public health emergency as declared by the United States and that applies to North Carolina or a public health emergency declared by the State of North Carolina.

(d) In accordance with Rule .1211 of this Subchapter, the facility shall ensure all staff are trained within 30 days of hire and annually on the policies and procedures listed in Subparagraphs (c)(1) through (5) of this Rule. Training on Parts (c)(1)(D) and (E) of this Rule shall include hands-on demonstration by a trained instructor and return demonstration by the staff person.

(e) The facility shall ensure that, prior to administration, all staff responsible for administering tests to residents for the diagnosis of a communicable disease or condition shall be trained on the proper use of testing devices and materials consistent with manufacturer's specifications.

(f) The facility shall ensure staff employed in a management or supervisory role in the facility are trained within 30 days of hire and annually on the policies and procedures listed in Subparagraphs (c)(1) through (6) of this Rule.

(g) The policies and procedures listed in Paragraph (c) of this Rule shall be maintained in the facility and accessible to staff working at the facility.

(h) The facility shall ensure that the IPCP is incorporated into the facility's emergency preparedness disaster plan and updated as needed to address any emerging infectious disease threats to protect the residents during a shelter-in-place or emergency evacuation event.

History Note: Authority G.S. 131D-2.16; 131D-4.4A; 131D-4.5; 143B-165; Emergency Adoption Eff. October 23, 2020.

10A NCAC 13F .1802 REPORTING AND NOTIFICATION OF A SUSPECTED OR CONFIRMED COMMUNICABLE DISEASE OUTBREAK

(a) The facility shall report suspected or confirmed communicable diseases and conditions within the time period and in the manner determined by the Commission for Public Health as specified in Rules 10A NCAC 41A .0101 and 10A NCAC 41A .0102(a)(1) through (a)(3), including subsequent amendments and editions.

(b) The facility shall implement recommendations to the greatest extent practicable provided by the local health department in response to a suspected or confirmed communicable disease case or condition or communicable disease outbreak.

(c) The facility shall inform the residents and their representative(s) within 24 hours following confirmation by the local health department of a communicable disease outbreak, or one or more confirmed cases of COVID-19 among any resident or staff person. The facility, in its notification to residents and their representative(s), shall:

- (1) not disclose any personally identifiable information of the residents or staff;
- (2) provide information on the measures the facility is taking to prevent or reduce the risk of

transmission, including whether normal operations of the facility will change;

(3) provide weekly updates until the communicable illness within the facility has resolved, as determined by the local health department; and

(4) provide education to the resident(s) concerning measures they can take to reduce the risk of spread or transmission of infection.

History Note: Authority G.S. 131D-2.16; 131D-4.4B; 131D-4.5; 143B-165; Emergency Adoption Eff. October 23, 2020.

SUBCHAPTER 13G – LICENSING OF FAMILY CARE HOMES

SECTION .1700 - INFECTION PREVENTION AND CONTROL

10A NCAC 13G .1701 INFECTION PREVENTION AND CONTROL PROGRAM

(a) In accordance with Rule .1211 of this Subchapter and G.S. 131D-4.4A(b)(1), the facility shall establish and implement a comprehensive infection prevention and control program (IPCP) consistent with the federal Centers for Disease Control and Prevention (CDC) guidelines on infection prevention and control.

(b) The facility shall ensure implementation of the facility's IPCP, related policies and procedures, and guidance or directives issued by the CDC, the local health department, and/or the North Carolina Department of Health and Human Services.

(c) The facility shall assure the following policies and procedures are established and implemented consistent with the federal CDC guidelines on infection control and addresses at least the following:

- (1) Standard and transmission-based precautions, for which guidance can be found on the CDC website at <https://www.cdc.gov/infectioncontrol/basics>, including:
 - (A) respiratory hygiene and cough etiquette;
 - (B) environmental cleaning and disinfection;
 - (C) reprocessing and disinfection of reusable resident medical equipment;
 - (D) hand hygiene;
 - (E) accessibility and proper use of personal protective equipment (PPE);
 - (F) types of transmission-based precautions and when each type is indicated, including contact precautions, droplet precautions, and airborne precautions;
- (2) When and how to report to the local health department when there is a suspected or confirmed reportable communicable disease case or condition, or communicable disease outbreak in accordance with Rule .1702 of this Section;

- (3) Resident care when there is suspected or confirmed communicable disease in the facility, including, when indicated, isolation of infected residents, limiting or stopping group activities and communal dining, and based on the mode of transmission, use of source control by the residents. Source control includes the use of face coverings for residents when the mode of transmission is through a respiratory pathogen;
- (4) Procedures for screening visitors to the facility and criteria for restricting visitors who exhibit signs of illness, as well as posting signage for visitors regarding screening and restriction procedures;
- (5) Procedures for screening facility staff and criteria for restricting staff who exhibit signs of illness from working;
- (6) Procedures and strategies for addressing staffing issues and ensuring staffing to meet the needs of the residents during a communicable disease outbreak;
- (7) The annual review of the facility's IPCP and update of the IPCP as necessary; and
- (8) a process for updating policies and procedures to reflect guidelines and recommendations by the CDC, local health department, and North Carolina Department of Health and Human Services during a public health emergency as declared by the United States and that applies to North Carolina or a public health emergency declared by the State of North Carolina.

(d) In accordance with Rule .1211 of this Subchapter, the facility shall ensure all staff are trained within 30 days of hire and annually on the policies and procedures listed in Subparagraphs (c)(1) through (5) of this Rule. Training on Parts (c)(1)(D) and (E) of this Rule shall include hands-on demonstration by a trained instructor and return demonstration by the staff person.

(e) The facility shall ensure that, prior to administration, all staff responsible for administering tests to residents for the diagnosis of a communicable disease or condition shall be trained on the proper use of testing devices and materials consistent with manufacturer's specifications.

(f) The facility shall ensure staff employed in a management or supervisory role in the facility are trained within 30 days of hire and annually on the policies and procedures listed in Subparagraphs (c)(1) through (6) of this Rule.

(g) The policies and procedures listed in Paragraph (c) of this Rule shall be maintained in the facility and accessible to staff working at the facility.

(h) The facility shall ensure that the IPCP is incorporated into the facility's emergency preparedness disaster plan and updated as needed to address any emerging infectious disease threats to protect the residents during a shelter-in-place or emergency evacuation event.

History Note: Authority G.S. 131D-2.16; 131D-4.4A; 131D-4.5; 143B-165; Emergency Adoption Eff. October 23, 2020.

10A NCAC 13G .1702 REPORTING AND NOTIFICATION OF A SUSPECTED OR CONFIRMED COMMUNICABLE DISEASE OUTBREAK

(a) The facility shall report suspected or confirmed communicable diseases and conditions within the time period and in the manner determined by the Commission for Public Health as specified in Rules 10A NCAC 41A .0101 and 10A NCAC 41A .0102(a)(1) through (a)(3), including subsequent amendments and editions.

(b) The facility shall implement recommendations to the greatest extent practicable provided by the local health department in response to a suspected or confirmed communicable disease case or condition or communicable disease outbreak.

(c) The facility shall inform the residents and their representative(s) within 24 hours following confirmation by the local health department of a communicable disease outbreak, or one or more confirmed cases of COVID-19 among any resident or staff person. The facility, in its notification to residents and their representative(s), shall:

- (1) not disclose any personally identifiable information of the residents or staff;
- (2) provide information on the measures the facility is taking to prevent or reduce the risk of transmission, including whether normal operations of the facility will change;
- (3) provide weekly updates until the communicable illness within the facility has resolved, as determined by the local health department; and
- (4) provide education to the resident(s) concerning measures they can take to reduce the risk of spread or transmission of infection.

History Note: Authority G.S. 131D-2.16; 131D-4.4B; 131D-4.5; 143B-165;

Emergency Adoption Eff. October 23, 2020.

TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY

Rule-making Agency: *Wildlife Resources Commission*

Rule Citation: *15A NCAC 10F .0323*

Effective Date: *November 2, 2020*

Findings Reviewed and Approved by the Codifier: *October 23, 2020*

Reason for Action: *A pedestrian bridge is being constructed over Mill Creek on Lake James in connection with the New Lake James Visitor Center and Fonta Flora Trail. Construction will begin in mid-November 2020. During this time, the construction company will have equipment in the water and on the land. The temporary restriction of access to this area is necessary to ensure the safety of the public and construction crew, and to ensure that the construction company complies with OSHA standards.*

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

15A NCAC 10F .0323 BURKE COUNTY

(a) Regulated Areas. This Rule applies only to the following waters or portions of waters in Burke County:

- (1) Lake Hickory;
- (2) Lake James, delineated by markers consistent with Paragraph (e) of this Rule, at the following locations:
 - (A) Holiday Shores Subdivision;
 - (B) Lake James Campground;
 - (C) Laurel Pointe Subdivision;
 - (D) The waters of Boyd Moore Cove shore to shore, north of a line from a point on the northwest shore at 35.76667 N, 81.82337 W to a point on the southeast shore at 35.76558 N, 81.82245 W;
 - (E) East Shores development;
 - (F) Eastern shore of Lake James at Mallard Cove;
 - (G) That portion of Lake James shore to shore, beginning 50 yards northeast of the NC Highway 126 bridge at a line from a point on the north shore at 35.74398 N, 81.88426 W, to a point on the south shore at 35.74334 N, 81.88383 W, and ending at a line 215 yards southwest of the NC Highway 126 bridge, from a point on the northwest shore at 35.74257 N, 81.88679 W to a point on the southeast shore at 35.74160 N, 81.88516 W;
 - (H) Within 50 yards of the Canal Bridge Boating Access area dock;
 - (I) The waters within 50 yards of the end of the South Pointe Subdivision peninsula from a point east of the peninsula at 35.76399 N, 81.83768 W, and surrounding the peninsula from a point east of the peninsula at 35.76399 N, 81.83768 W, and surrounding the peninsula to a point west of the peninsula at 35.76307 N, 81.83648 W; and
 - (J) The waters of Sherman's Hollow Cove shore to shore, and contiguous with those waters beginning at a point on the west shore of the mouth of Sherman's Hollow Cove at 35.76423 N, 81.82748 W, extending northeast within 50 yards of Linville Point to a

point on the northeast shore of Linville Point at 35.76596 N, 81.82432 W.

(3) Lake Rhodhiss.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within 50 yards of any designated public boat launching ramp, bridge, marina, boat storage structure, boat service area, dock, or pier; or while on designated waters of the areas described in Paragraph (a) of this Rule.

(c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a marked mooring area on the regulated areas described in Paragraph (a) of this Rule.

(d) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the regulated areas described in Paragraph (a) of this Rule.

(e) Placement of Markers. The Board of Commissioners of Burke County is the designated agency for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

(f) Notwithstanding Paragraphs (a) through (e) of this Rule, no person shall operate a vessel at greater than no-wake speed in the waters known as Mill Creek at Lake James State Park, on Lake James shore to shore, beginning 345 yards northwest of a line from a point on the southwest shore at 35.76016 N, 81.87322 W to a point on the northeast shore at 35.762040 N, 81.87150 W, and ending at a line from a point on the southwest shore at 35.76215 N, 81.87624 W to a point on the northeast shore at 35.76343 N, 81.87442 W. Vessel entry not authorized by the North Carolina Wildlife Resources Commission shall be prohibited by establishment of a safety zone in the waters of Mill Creek on Lake James, northeast and northwest of a line from a point on the southwest shore at 35.76215 N, 81.87624 W to a point on the northeast shore at 35.76343 N, 81.87442 W. The North Carolina Wildlife Resources Commission shall be the designated agency for placement and maintenance of markers for this regulated area.

History Note: Authority G.S. 75A-3; 75A-15; 102-1.1. Eff. July 1, 1976; Amended Eff. December 1, 1995; December 1, 1994; December 1, 1992; March 1, 1992; Temporary Amendment Eff. April 1, 1999; Amended Eff. July 1, 2000; Temporary Amendment Eff. August 15, 2001; Amended Eff. July 1, 2009; May 1, 2009; August 1, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. November 1, 2017; Emergency Amendment Eff. November 2, 2020.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 16 – BOARD OF DENTAL EXAMINERS

Rule-making Agency: *Board of Dental Examiners*

Rule Citation: 21 NCAC 16B .0318 and 16C .0312

Effective Date: October 22, 2020

Findings Reviewed and Approved by the Codifier: October 14, 2020

Reason for Action: On May 4, 2020, S.L. 2020-3, the COVID-19 Recovery Act, became law. Section 4.38.(b) of S.L. 2020-3 states that, "Notwithstanding any other provisions of State law, if a State agency determines that, due to the impacts of the coronavirus, it is in the public interest, including the public health, safety, and welfare and the economic well-being of the citizens and businesses of the State, the agency shall: . . . (3) Delay or modify any educational or examination requirements implemented by the agency pursuant to its statutes." Section 4.38.(e) permits State agencies to adopt emergency rules to implement this section, which shall expire August 1, 2020. Section 4.38.(a) defines a "State agency" as an agency in the executive branch of the government of this State, including a "board." S.L. 2020-97, Section 3.20 was signed into law on September 4, 2020, and reauthorizes such agency adoption of emergency rules effective until the earlier of March 31, 2021, or 30 days after Executive Order No. 116 is rescinded. In addition, the COVID-19 Recovery Act enacted G.S. 90-28.5, which authorizes the North Carolina State Board of Dental Examiners to waive requirements of Article 2 and Article 16 of Chapter 90 of the General Statutes to permit the provision of dental and dental hygiene services to the public during a state of emergency. Pursuant to the authority of S.L. 2020-3 s. 4.38, S.L. 2020-97 s. 3.20, and G.S. 90-28.5, the Dental Board has determined that, due to the impacts of the coronavirus, it is in the public interest to delay or modify examination requirements implemented by the Dental Board pursuant to its statutes. Applicants for dental licenses and dental hygiene licenses are unable to complete the clinical examination requirements for licensure because of test limitations due to social distancing and protective measures. The Dental Board seeks to assist applicants by granting a temporary limited license to applicants that satisfy all other application requirements and conditions, thereby enabling applicants to practice under the supervision of a North Carolina licensed dentist until such time as they are able to complete the necessary clinical examinations for licensure, and protecting the public health, safety, and welfare and the economic well-being of the citizens and businesses of the State.

SUBCHAPTER 16B - LICENSURE DENTISTS

SECTION .0300 - APPLICATION FOR LICENSURE

21 NCAC 16B .0318 TEMPORARY LIMITED LICENSE DURING STATE OF EMERGENCY

(a) An individual shall be eligible for a temporary limited dental license during a state of emergency, subject to the requirements and limitations set out in this Rule, if he or she:

- (1) is a graduate of and has a DMD or DDS degree from a dental school or program accredited by the Commission on Dental Accreditation of the American Dental Association;

- (2) satisfies the requirements set out in Rules .0301(a), (b), and (c)(1) - (2) of this Subchapter;
- (3) satisfies the examination requirements in Rule .0303(a) of this Subchapter; and
- (4) achieves a passing score on the examination administered by the Joint Commission on National Dental Examinations as set out in Rule .0303(b) of this Subchapter.

(b) A temporary limited dental license shall not be granted to an individual who:

- (1) is licensed to practice dentistry in any jurisdiction;
- (2) lacks good moral character;
- (3) has been disciplined by any dental board or other licensing body in another state or country; or
- (4) has completed and failed the clinical examinations required by Rule .0303(b) of this Subchapter or any other clinical examinations accepted by another jurisdiction.

(c) An applicant for a temporary limited dental license under this Rule shall submit to the Board:

- (1) a notarized application form provided by the Board at www.ncdentalboard.org that includes the information and materials required by Rule .0301(a) of this Subchapter;
- (2) the nonrefundable application fee set forth in 21 NCAC 16M .0101;
- (3) a letter from the dean of the dental school or program satisfying the requirements of Subparagraph (a)(1) of this Rule, confirming:
 - (A) the applicant is a graduate of the dental school or program; and
 - (B) the applicant is competent to practice dentistry under the supervision of a North Carolina licensed dentist; and
- (4) a statement disclosing and explaining any investigations, malpractice claims, or state or federal agency complaints, judgments, or settlements that are related to licensure and are not disclosed elsewhere in the application.

(d) In addition to the requirements of Paragraph (c) of this Rule, an applicant for a temporary limited dental license shall request the applicable entity to provide the following required information or documents to the Board office, with each document in an unopened envelope sealed by the entity involved:

- (1) the information or documents as set out in Rule .0301(c)(1) and (2) of this Subchapter;
- (2) examination scores on the examination administered by the Joint Commission on National Dental Examinations as set out in Rule .0303(b) of this Subchapter; and
- (3) examination scores on the clinical examinations required by Rule .0303(b) of this Subchapter or any other clinical examinations accepted by another jurisdiction if the applicant has taken all or any portion of a clinical examination prior to submitting the application.

(e) The Board shall receive all information and documentation set forth in Paragraphs (c) and (d) of this Rule and the applicant's passing scores on all examinations required by Rule .0303(a) of this Subchapter for the application to be complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded as expired without a refund of the application fee.

(f) The licensee practicing pursuant to a temporary limited dental license granted under this Rule shall practice under the direct supervision of a North Carolina licensed dentist, who shall:

- (1) supervise the functions performed by the licensee;
- (2) employ and supervise no more than two temporary licensee dentists at the same time; and
- (3) be responsible for all consequences or results arising from the temporary licensee's practice of dentistry.

The temporary limited dental license shall not take effect until the Board receives a letter from a North Carolina licensed dentist stating he or she will supervise and be responsible for the licensee in accordance with this Paragraph. The temporary licensee shall maintain documentation of any additional dentists under whose supervision the licensee practices, including a signed statement from each dentist agreeing to supervise the licensee and be responsible for all consequences or results arising from the temporary licensee's practice of dentistry. The licensee shall provide the documentation to the Board at its request.

(g) A temporary limited dental license granted under this Rule shall be in effect until the earlier of:

- (1) the applicant completes the clinical examinations required by Rule .0303(b) of this Subchapter and receives passing scores, in which event the applicant's temporary dental license shall be converted to a dental license under Rule .0301 of this Subchapter as of the date the passing scores are provided to the Board by the testing agency;
- (2) the applicant completes the clinical examinations required by Rule .0303(b) of this Subchapter or any other clinical examinations accepted by another jurisdiction and receives failing scores, in which event the applicant shall promptly notify the Board and the applicant's temporary dental license shall expire as of the date the failing scores are issued; or
- (3) one year from the date the temporary limited dental license is issued.

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

(i) Any license obtained through fraud or by any false representation shall be revoked.

History Note: Authority G.S. 90-28; 90-28.5; 90-30; 90-39; S.L. 2020-3, s. 4.38; S.L. 2020-97, s. 3.20;

Emergency Adoption Eff. May 22, 2020 to expire pursuant to S.L. 2020-3, s. 4.38.(e);

Emergency Adoption Expired Eff. August 1, 2020 pursuant to S.L. 2020-3, s. 4.38.(e);

Emergency Adoption Eff. October 22, 2020 to expire pursuant to S.L. 2020-97, s. 3.20.

SUBCHAPTER 16C - LICENSURE DENTAL HYGIENISTS

SECTION .0300 - APPLICATION

21 NCAC 16C .0312 TEMPORARY LIMITED LICENSE DURING STATE OF EMERGENCY

(a) An individual shall be eligible for a temporary limited dental hygiene license during a state of emergency, subject to the requirements and limitations set out in this Rule, if he or she:

- (1) is a graduate of a dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association;
- (2) satisfies the requirements set out in Rules .0301(a), (b), and (c)(1) - (3) of this Subchapter; and
- (3) satisfies the examination requirements in Rule .0303(a) of this Subchapter.

(b) A temporary limited dental hygiene license shall not be granted to an individual who:

- (1) is licensed to practice dental hygiene in any jurisdiction;
- (2) lacks good moral character;
- (3) has been disciplined by any dental board or other licensing body in another state or country; or
- (4) has failed the clinical examinations required by Rule .0303(b) of this Subchapter or any other clinical examinations accepted by another jurisdiction.

(c) An applicant for a temporary limited dental hygiene license under this Rule shall submit to the Board:

- (1) a notarized application form provided by the Board at www.ncdentalboard.org that includes the information and materials required by Rule .0301(a) of this Subchapter;
- (2) the nonrefundable application fee set forth in 21 NCAC 16M .0102;
- (3) a letter from the dean of the dental hygiene program satisfying the requirements of Subparagraph (a)(1) of this Rule, confirming:
 - (A) the applicant is a graduate of the dental hygiene program; and
 - (B) the applicant is competent to practice dental hygiene under the supervision of a North Carolina licensed dentist; and
- (4) a statement disclosing and explaining any investigations, malpractice claims, or state or federal agency complaints, judgments, or settlements that are related to licensure and are not disclosed elsewhere in the application.

(d) In addition to the requirements of Paragraph (c) of this Rule, an applicant for a temporary limited dental hygiene license shall request the applicable entity to provide the following required

information or documents to the Board office, with each document in an unopened envelope sealed by the entity involved:

- (1) the information or documents as set out in Rule .0301(c)(1) - (3) of this Subchapter;
- (2) examination scores on the examination administered by the Joint Commission on National Dental Examinations required by Rule .0303(b) of this Subchapter if the applicant has taken the examination prior to submitting the application; and
- (3) examination scores on the clinical examinations required by Rule .0303(b) of this Subchapter or any other clinical examinations accepted by another jurisdiction if the applicant has taken all or any portion of a clinical examination prior to submitting the application.

(e) The Board shall receive all information and documentation set forth in Paragraphs (c) and (d) of this Rule and the applicant's passing scores on all examinations required by Rule .0303(a) of this Subchapter for the application to be complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded as expired without a refund of the application fee.

(f) The temporary limited dental hygiene license shall not take effect until the Board receives a letter from a North Carolina licensed dentist stating he or she will supervise the licensee and be responsible for all consequences or results arising from the temporary licensee's practice of dental hygiene. The temporary licensee shall maintain documentation of any additional dentists under whose supervision the licensee practices, including a signed statement from each dentist agreeing to supervise the licensee and be responsible for all consequences or results arising from the temporary licensee's practice of dental hygiene. The licensee shall provide the documentation to the Board at its request.

(g) A temporary limited dental hygiene license granted under this Rule shall be in effect until the earlier of:

- (1) the applicant completes the written and clinical examinations required by Rule .0303(b) of this Subchapter and receives passing scores, in which event the applicant's temporary dental

hygiene license shall be converted to a dental hygiene license under Rule .0301 of this Subchapter as of the date the passing scores are provided to the Board by the testing agencies;

- (2) the applicant completes the written examination administered by the Joint Commission on National Dental Examinations required by Rule .0303(b) of this Subchapter and receives failing scores three times, thereby requiring additional study pursuant to Rule .0311(c) of this Subchapter, in which event the applicant shall promptly notify the Board of the third failing score and the applicant's temporary dental hygiene license shall expire as of the date the third failing score is issued;

- (3) the applicant completes the clinical examinations required by Rule .0303(b) of this Subchapter or any other clinical examinations accepted by another jurisdiction and receives failing scores, in which event the applicant shall promptly notify the Board and the applicant's temporary dental hygiene license shall expire as of the date the failing scores are issued; or
- (4) one year from the date the temporary limited dental hygiene license is issued.

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

(i) Any license obtained through fraud or by any false representation shall be revoked.

History Note: Authority G.S. 90-28.5; 90-223; 90-224; S.L. 2020-3, s. 4.38; S.L. 2020-97, s. 3.20; Emergency Adoption Eff. May 22, 2020 to expire pursuant to S.L. 2020-3, s. 4.38.(e); Emergency Adoption Expired Eff. August 1, 2020 pursuant to S.L. 2020-3, s. 4.38.(e); Emergency Adoption Eff. October 22, 2020 to expire pursuant to S.L. 2020-97, s. 3.20.

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

TITLE 10A - DEPARTMENT OF HEALTH AND HUMAN SERVICES

Rule-making Agency: Child Care Commission

Rule Citation: 10A NCAC 09 .3101-.3104

Effective Date: October 23, 2020

Date Approved by the Rules Review Commission: October 15, 2020

Reason for Action: These rules were previously adopted as emergency rules effective August 13, 2020. The NC Child Care Commission has now adopted these rules as temporary rules to comply with the Governor's declaration of a state of emergency due to the Coronavirus Disease (COVID-19) to enact protective measures to help prevent the spread of the disease. This disease can result in serious illness or death to the public. The public health emergency, and the resulting closure of public schools, has impacted North Carolina school-age children and their families. To the degree that it is able, the North Carolina Child Care Commission is implementing temporary rules in order to give public schools options to provide care outside, or in addition to the traditional school building, as well as give licensed facilities some flexibility to create and fill additional slots for school-age children to receive care while attending remote/online learning programs.

CHAPTER 09 - CHILD CARE RULES

SECTION .3100 – CARE FOR SCHOOL-AGE CHILDREN DURING STATE OF EMERGENCY

10A NCAC 09 .3101 SCOPE

The rules in this Section apply to care for school-age children, as defined by 10A NCAC 09 .0102(41), during the declared State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 (COVID-19) public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"). All rules in Section .2500 of this Chapter apply except as provided in this Section.

History Note: Authority G.S. 110-85; 110-86; 110-88; 110-91; Emergency Adoption Eff. August 13, 2020; Temporary Adoption Eff. October 23, 2020.

10A NCAC 09 .3102 DEFINITIONS

The terms and phrases used in this Chapter are defined as follows except when the context of the rule requires a different meaning.

- (1) "Public schools" means:
 - (a) any building that is approved for school occupancy and which houses school-age children as part of the public school system during the school year; or
 - (b) a remote learning facility.
- (2) "Remote learning facility" means any building that is used by a public school system, pursuant to a ~~Contractual Arrangement~~, contractual arrangement, to house school-age children enrolled in that public school system during the school year for the purpose of facilitating online or remote learning programs, and that follows any and all guidance or considerations offered by the Centers for Disease Control and Prevention related to mitigation strategies, the protection of students, teachers, and staff, or slowing the spread of COVID-19 in K-12 schools. The information and documents are hereby incorporated by reference, including subsequent amendments and editions, and may be _____ accessed _____ at <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html> at no cost.
- (3) "Contractual arrangement" means a written agreement wherein the public school unit, as defined in G.S. 115C-5(7A), agrees as follows:
 - (a) to be responsible for the enrollment and attendance of school-age children at a remote learning facility; and
 - (b) that it shall be liable for any incidents or occurrences at the remote learning facility in the same way it would be liable if the school-age child(ren) were in a building that is approved for school occupancy and which houses any part of the public school system. Notwithstanding the foregoing, this provision shall not prohibit the public school unit from obtaining liability insurance or from contracting with the remote learning facility regarding indemnification or other terms regarding the apportionment of liability between themselves for incidents or occurrences.

History Note: Authority G.S. 110-85; 110-86; 110-88; 110-91; Emergency Adoption Eff. August 13, 2020;

Temporary Adoption Eff. October 23, 2020.

10A NCAC 09 .3103 PUBLIC SCHOOLS

Pursuant to G.S. 110-86(2)(e), public schools are not child care and are, therefore, exempt from licensure. Notwithstanding any other provision of this Section, all NC Pre-K programs, as defined in Section .3000 of this Chapter, and Developmental Day Services, as defined in Section .2900 of this Chapter, and any program or arrangement housed in a public school that is not operated by the public school unit and provides care to three or more infants, toddlers, or preschoolers on a regular basis of at least once per week for more than four hours from persons other than their guardians or full time custodians or from persons not related to them by birth, marriage, or adoption are child care as defined in G.S. 110-86(2) and requires a child care license.

History Note: Authority G.S. 110-85; 110-86; 110-88; 110-91;

Emergency Adoption Eff. August 13, 2020;

Temporary Adoption Eff. October 23, 2020.

10A NCAC 09 .3104 ADDING SPACE AT LICENSED CENTERS FOR CARE OF SCHOOL-AGE CHILDREN

If an operator of a licensed child care center wishes to use additional space not previously approved for child care, regardless of location, to care for school-age children during the Declaration of a State of Emergency, the operator shall notify the Division of the desired change pursuant to 10A NCAC 09 .0204, but shall have six months to obtain any required inspections of the additional space by the local health, building, and fire inspections

in accordance with G.S. 110-91(1), (4), and (5). If all other standards set forth in G.S. 110-91 and this Chapter are met, the operator may provide care to school-age children in the additional space and the Division shall document the same in a manner that will notify parents and the public of the change. Once the operator provides documentation that the additional space conforms to all applicable sanitation, building, and fire standards, and if all applicable requirements of G.S. 110, Article 7 and this Chapter are met, the Division shall issue a new license pursuant to 10A NCAC 09 .0204. If a health, building, or fire inspection reveals that the additional space does not conform to the required standards, the Division may issue a provisional license as set forth in 10A NCAC 09 .2204. Any space that the operator desires to use as additional space for care of school-age children, which is not located within the currently licensed facility, shall not be required to meet the outdoor space and fencing requirements of G.S. 110-91(6). If there is no outdoor space at the additional space to be used for care of school-age children, that is not located within the currently licensed facility, operators shall not be required to meet the requirements of 10A NCAC 09 .0508(c). Notwithstanding any other provision in this Section, operators shall provide indoor space for daily gross motor activities when outdoor space is not available.

History Note: Authority G.S. 110-85; 110-86; 110-88; 110-91;

Emergency Adoption Eff. August 13, 2020;

Temporary Adoption Eff. October 23, 2020.

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission October 15, 2020 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 984-236-1850. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate

Jeanette Doran (Chair)
Robert A. Bryan, Jr.
Margaret Currin
Jeff Hyde
Randy Overton

Appointed by House

Anna Baird Choi (1st Vice Chair)
Andrew P. Atkins (2nd Vice Chair)
Paul Powell
Garth Dunklin

COMMISSION COUNSEL

Amber Cronk May	984-236-1936
Amanda Reeder	984-236-1939
Ashley Snyder	984-236-1941
Karlene Turrentine	984-236-1948

RULES REVIEW COMMISSION MEETING DATES

November 19, 2020	December 17, 2020
January 21, 2021	February 18, 2021

RULES REVIEW COMMISSION MEETING

MINUTES

October 15, 2020

The Rules Review Commission met on Thursday, October 15, 2020 in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx. The Commissioners held a WebEx meeting to ensure compliance with Executive Orders limiting mass gatherings, and to encourage social distancing. The meeting was conducted in accordance with the provisions of G.S. 166A-19.24.

Commissioners present via teleconference were Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeanette Doran, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell.

Staff members present were Commission Counsel Ashley Snyder and Amanda Reeder, and Alex Burgos. Commission Counsel Amber Cronk May and Karlene Turrentine were present via WebEx.

The meeting was called to order at 9:00 a.m. with Chair Doran presiding.

The Chair recognized former Commissioner, Senator Tommy Tucker, for his service with the Commission.

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.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the September 17, 2020 meeting. There were none and the minutes were approved as distributed.

Upon the call of the Chair, the minutes were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

FOLLOW UP MATTERS

Crime Victims Compensation Commission

14B NCAC 09 .0303 and .0304 – Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Environmental Management Commission

15A NCAC 02D .0403, .0501, .0502, .0503, .0504, .0506, .0507, .0508, .0509, .0510, .0511, .0512, .0513, .0514, .0515, .0516, .0517, .0519, .0521, .0524, .0527, .0528, .0529, .0531, .0532, .0533, .0534, .0535, .0536, .0537, .0538, .0539, .0541, .0542, .0543, .0544, and .0615 - Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Environmental Management Commission

15A NCAC 02D .0901, .0902, .0903, .0906, .0909, .0912, .0918, .0919, .0922, .0923, .0924, .0925, .0926, .0927, .0928, .0930, .0931, .0933, .0935, .0937, .0943, .0944, .0945, .0947, .0948, .0949, .0951, .0952, .0955, .0956, .0957, .0958, .0959, .0961, .0962, .0963, .0964, .0965, .0966, .0967, and .0968 - Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Coastal Resources Commission

15A NCAC 07H .0301, .0302, .0303, .0304, .0305, .0306, .0308, .0309, .0310, .0311, and .0312 - The agency is addressing the technical change requests from the September meeting. No action was required by the Commission.

Environmental Management Commission

15A NCAC 13B .0531, .0532, .0533, .0534, .0535, .0536, .0537, .0538, .0539, .0540, .0541, .0542, .0543, .0544, .0545, .0547, .1601, .1602, .1603, .1604, .1617, .1618, .1619, .1620, .1621, .1622, .1623, .1624, .1625, .1626, .1627, .1629, .1630, .1631, .1632, .1633, .1634, .1635, .1636, .1637, and .1680 - Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

The Commission received over 10 letters of objection in accordance with G.S. 150B-21.3(b2), requesting a delayed effective date and legislative review of 15A NCAC 13B .0532, .0534, .0535, .0545, .1602, .1603, .1604, .1617, .1626, and .1631.

State Board of Education

16 NCAC 06B .0112, .0113, and .0114 - The agency is addressing the objections from the September meeting. No action was required by the Commission.

State Board of Education

16 NCAC 06D .0211, .0212, .0307, .0308, .0309, .0310, .0311; 06E .0107, .0204, .0206; 06G .0314, .0315, .0316, .0503, .0505, .0506, .0507, .0508, .0509, .0514, .0517, .0518, .0519, .0520, .0521, and .0522 - The agency is addressing the objections from the August and September meetings. No action was required by the Commission.

State Board of Education

16 NCAC 06H .0113, .0115, .0116, .0117; 06K .0101, .0103, .0104, and .0105 - The agency is addressing the objections from the September meeting. No action was required by the Commission.

Addictions Specialist Professional Practice Board

21 NCAC 68 .0216, .0227, .0228, and .0708 – The agency is addressing the objections from the September meeting. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

Alcoholic Beverage Control Commission

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Environmental Management Commission

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Department of Transportation

Upon the call of the Chair, the period of review was extended by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

Prior to the review of the rules from the Department of Transportation, Commissioner Bryan recused himself and did not participate in any discussion or vote concerning the rules because of a conflict.

Local Government Commission

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Board of Funeral Service

Upon the call of the Chair, 21 NCAC 34B .0110 was approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

Prior to the review of the rule from the Board of Funeral Service, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rule because her law firm provides legal representation to the Board.

Board of Nursing

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

Prior to the review of the rules from the Board of Nursing, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rules because her law firm provides legal representation to the Board.

State Board of Opticians

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

Prior to the review of the rules from the State Board of Opticians, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rules because her law firm provides legal representation to the Board.

State Human Resources Commission

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

LOG OF FILINGS (TEMPORARY RULES)

Child Care Commission

10A NCAC 09 .3101, .3102, .3103, and .3104 - Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jeff Hyde, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

COMMISSION BUSINESS

The meeting adjourned at 9:23 a.m.

The next regularly scheduled meeting of the Commission is Thursday, November 19, 2020 at 9:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:
Jeanette Doran, Chair

DRAFT

**Rules Review Commission Meeting October 15, 2020
Held Via WebEx**

First Name	Last Name	Agency/Company
Will	Polk	DPS
Craig	Justus	NCOAA
TJ	Bugbee	NCOAA
Laura	Rowe	Treasurer
Amber	Davis	DOJ
Debbie	Tomasko	Treasurer
Jennifer	Everett	DEQ
Carrie	Pickett	DEQ
Amy	Fitzhugh	Nursing
Bradley	Nelson	DEQ
Rahatul	Ashique	Air Quality
Cindy	Aiken	Treasurer
Jessica	Montie	DEQ
Sharon	Edmundson	
Patrick	Knowlson	DEQ
Angela	Ellis	Nursing
Christine	Ryan	OSHR
Melaine	Mabrey	Nursing
Danice	Henderson	Kinetic Minds
Perry	Sugg	DEQ
Ebony	Pittman	DOT
Walker	Reagan	ABC Commission
Alison	Keisler	DHHS
Jonathan	Puryear	Revenue
Catherine	Lee	DPS
Jeff	Vernon	
Joelle	Burleson	DEQ
Kerru	Yoakum	
Eskabonna	Henderson	Kinetic Minds
Anna	Szamosi	DIT

**LIST OF APPROVED PERMANENT RULES
October 15, 2020 Meeting****CRIME VICTIMS COMPENSATION COMMISSION**

<u>Meetings of the Commission</u>	14B NCAC 09 .0303
<u>Contested Cases</u>	14B NCAC 09 .0304

ALCOHOLIC BEVERAGE CONTROL COMMISSION

<u>Definitions</u>	14B NCAC 15C .1301
<u>Tastings Held for Consumers</u>	14B NCAC 15C .1303
<u>Special Event Compliance Procedure</u>	14B NCAC 15C .1304

<u>Special Event Sale of Branded Merchandise, Point-of-Sale ...</u>	14B NCAC 15C .1305
<u>ABC Store Spirituous Liquor Tastings</u>	14B NCAC 15C .1307
 ENVIRONMENTAL MANAGEMENT COMMISSION	
<u>Total Suspended Particulates</u>	15A NCAC 02D .0403
<u>Compliance with Emission Control Standards</u>	15A NCAC 02D .0501
<u>Purpose</u>	15A NCAC 02D .0502
<u>Particulates from Fuel Burning Indirect Heat Exchangers</u>	15A NCAC 02D .0503
<u>Particulates from Wood Burning Indirect Heat Exchangers</u>	15A NCAC 02D .0504
<u>Particulates from Hot Mix Asphalt Plants</u>	15A NCAC 02D .0506
<u>Particulates from Chemical Fertilizer Manufacturing Plants</u>	15A NCAC 02D .0507
<u>Particulates from Pulp and Paper Mills</u>	15A NCAC 02D .0508
<u>Particulates from MICA or Feldspar Processing Plants</u>	15A NCAC 02D .0509
<u>Particulates from Sand, Gravel, or Crushed Stone Operations</u>	15A NCAC 02D .0510
<u>Particulates from Lightweight Aggregate Processes</u>	15A NCAC 02D .0511
<u>Particulates from Wood Products Finishing Plants</u>	15A NCAC 02D .0512
<u>Particulates from Portland Cement Plants</u>	15A NCAC 02D .0513
<u>Particulates from Ferrous Jobbing Foundries</u>	15A NCAC 02D .0514
<u>Particulates from Miscellaneous Industrial Processes</u>	15A NCAC 02D .0515
<u>Sulfur Dioxide Emissions from Combustion Sources</u>	15A NCAC 02D .0516
<u>Emissions from Plants Producing Sulfuric Acid</u>	15A NCAC 02D .0517
<u>Control of Nitrogen Dioxide and Nitrogen Oxides</u>	15A NCAC 02D .0519
<u>Control of Visible Emissions</u>	15A NCAC 02D .0521
<u>New Source Performance Standards</u>	15A NCAC 02D .0524
<u>Emissions from Spodumene Ore Roasting</u>	15A NCAC 02D .0527
<u>Total Reduced Sulfur from Kraft Pulp Mills</u>	15A NCAC 02D .0528
<u>Fluoride Emissions from Primary Aluminum Reduction Plants</u>	15A NCAC 02D .0529
<u>Sources in Nonattainment Areas</u>	15A NCAC 02D .0531
<u>Sources Contributing to an Ambient Violation</u>	15A NCAC 02D .0532
<u>Stack Height</u>	15A NCAC 02D .0533
<u>Fluoride Emissions from Phosphate Fertilizer Industry</u>	15A NCAC 02D .0534
<u>Excess Emissions Reporting and Malfunctions</u>	15A NCAC 02D .0535
<u>Particulate Emissions from Electric Utility Boilers</u>	15A NCAC 02D .0536
<u>Control of Mercury Emissions</u>	15A NCAC 02D .0537
<u>Control of Ethylene Oxide Emissions</u>	15A NCAC 02D .0538
<u>Odor Control of Feed Ingredient Manufacturing Plants</u>	15A NCAC 02D .0539
<u>Control of Emissions from Abrasive Blasting</u>	15A NCAC 02D .0541
<u>Control of Particulate Emissions from Cotton Ginning Oper...</u>	15A NCAC 02D .0542
<u>Best Available Retrofit Technology</u>	15A NCAC 02D .0543
<u>Prevention of Significant Deterioration Requirements for ...</u>	15A NCAC 02D .0544
<u>Control of Emissions from Log Fumigation</u>	15A NCAC 02D .0546
<u>Delegation</u>	15A NCAC 02D .0615
<u>Definitions</u>	15A NCAC 02D .0901
<u>Applicability</u>	15A NCAC 02D .0902
<u>Recordkeeping: Reporting: Monitoring</u>	15A NCAC 02D .0903
<u>Circumvention</u>	15A NCAC 02D .0906
<u>Compliance Schedules for Sources In Ozone Nonattainment a...</u>	15A NCAC 02D .0909

<u>General Provisions on Test Methods and Procedures</u>	15A NCAC 02D .0912
<u>Can Coating</u>	15A NCAC 02D .0918
<u>Coil Coating</u>	15A NCAC 02D .0919
<u>Metal Furniture Coatings</u>	15A NCAC 02D .0922
<u>Surface Coating of Large Appliance Parts</u>	15A NCAC 02D .0923
<u>Magnet Wire Coating</u>	15A NCAC 02D .0924
<u>Petroleum Liquid Storage in Fixed Roof Tanks</u>	15A NCAC 02D .0925
<u>Bulk Gasoline Plants</u>	15A NCAC 02D .0926
<u>Bulk Gasoline Terminals</u>	15A NCAC 02D .0927
<u>Gasoline Service Stations Stage 1</u>	15A NCAC 02D .0928
<u>Solvent Metal Cleaning</u>	15A NCAC 02D .0930
<u>Cutback Asphalt</u>	15A NCAC 02D .0931
<u>Petroleum Liquid Storage in External Floating Roof Tanks</u>	15A NCAC 02D .0933
<u>Factory Surface Coating of Flat Wood Paneling</u>	15A NCAC 02D .0935
<u>Manufacture of Pneumatic Rubber Tires</u>	15A NCAC 02D .0937
<u>Synthetic Organic Chemical and Polymer Manufacturing</u>	15A NCAC 02D .0943
<u>Manufacture of Polyethylene: Polypropylene and Polystyrene</u>	15A NCAC 02D .0944
<u>Petroleum Dry Cleaning</u>	15A NCAC 02D .0945
<u>Manufacture of Synthesized Pharmaceutical Products</u>	15A NCAC 02D .0947
<u>VOC Emissions from Transfer Operations</u>	15A NCAC 02D .0948
<u>Storage of Miscellaneous Volatile Organic Compounds</u>	15A NCAC 02D .0949
<u>RACT for Sources of Volatile Organic Compounds</u>	15A NCAC 02D .0951
<u>Petition for Alternative Controls for RACT</u>	15A NCAC 02D .0952
<u>Thread Bonding Manufacturing</u>	15A NCAC 02D .0955
<u>Glass Christmas Ornament Manufacturing</u>	15A NCAC 02D .0956
<u>Commercial Bakeries</u>	15A NCAC 02D .0957
<u>Work Practices for Sources of Volatile Organic Compounds</u>	15A NCAC 02D .0958
<u>Petition for Superior Alternative Controls</u>	15A NCAC 02D .0959
<u>Offset Lithographic Printing and Letterpress Printing</u>	15A NCAC 02D .0961
<u>Industrial Cleaning Solvents</u>	15A NCAC 02D .0962
<u>Fiberglass Boat Manufacturing Materials</u>	15A NCAC 02D .0963
<u>Miscellaneous Industrial Adhesives</u>	15A NCAC 02D .0964
<u>Flexible Package Printing</u>	15A NCAC 02D .0965
<u>Paper, Film and Foil Coatings</u>	15A NCAC 02D .0966
<u>Miscellaneous Metal and Plastic Parts Coatings</u>	15A NCAC 02D .0967
<u>Automobile and Light Duty Truck Assembly Coatings</u>	15A NCAC 02D .0968
<u>Toxic Air Pollutant Guidelines</u>	15A NCAC 02D .1104
<u>Purpose and Applicability for Construction and Demolition...</u>	15A NCAC 13B .0531
<u>Definitions for C&DLF Facilities</u>	15A NCAC 13B .0532
<u>General Application Requirements and Processing for C&DLF...</u>	15A NCAC 13B .0533
<u>General Requirements for C&DLF Facilities and Units</u>	15A NCAC 13B .0534
<u>Application Requirements for C&DLF Facilities</u>	15A NCAC 13B .0535
<u>Site Study for C&DLF Facilities</u>	15A NCAC 13B .0536
<u>Facility Plan for C&DLFs</u>	15A NCAC 13B .0537
<u>Geologic and Hydrogeologic Investigations for C&DLF Facil...</u>	15A NCAC 13B .0538
<u>Engineering Plan for C&DLF Facilities</u>	15A NCAC 13B .0539
<u>Construction Requirements for C&DLF Facilities</u>	15A NCAC 13B .0540

<u>Construction Quality Assurance for C&DLF Facilities</u>	15A NCAC 13B .0541
<u>Operation Plan and Requirements for C&DLF Facilities</u>	15A NCAC 13B .0542
<u>Closure and Post-Closure Requirements for C&DLF Facilities</u>	15A NCAC 13B .0543
<u>Monitoring Plans and Requirments for C&DLF Facilities</u>	15A NCAC 13B .0544
<u>Assessment and Corrective Action Program for C&DLF Facili...</u>	15A NCAC 13B .0545
<u>Existing C&DLF Units as of January 1, 2007</u>	15A NCAC 13B .0547
<u>Purpose and Applicability</u>	15A NCAC 13B .1601
<u>Definitions</u>	15A NCAC 13B .1602
<u>General Application and Requirements and Processing</u>	15A NCAC 13B .1603
<u>General Requirements for MSWLF Facilities</u>	15A NCAC 13B .1604
<u>Application Requirements for MSWLF Facilities</u>	15A NCAC 13B .1617
<u>Site Study for MSWLF Facilities</u>	15A NCAC 13B .1618
<u>Facility Plan</u>	15A NCAC 13B .1619
<u>Engineering Plan</u>	15A NCAC 13B .1620
<u>Construction Quality Assurance Plan</u>	15A NCAC 13B .1621
<u>Location Restrictions for MSWLF Facility Siting</u>	15A NCAC 13B .1622
<u>Geologic and Hydrogeologic Investigations for MSWLF Facil...</u>	15A NCAC 13B .1623
<u>Construction Requirements for SMWLF Facilities</u>	15A NCAC 13B .1624
<u>Operation Plan for MSWLF Facilities</u>	15A NCAC 13B .1625
<u>Operational Requirements for MSWLF Facilities</u>	15A NCAC 13B .1626
<u>Closure and Post-Closure Requirements for MSWLF Facilities</u>	15A NCAC 13B .1627
<u>Closure and Post-Closure Plan</u>	15A NCAC 13B .1629
<u>Applicability of Groundwater Monitoring Requirements</u>	15A NCAC 13B .1630
<u>Groundwater Monitoring Systems</u>	15A NCAC 13B .1631
<u>GroundWater Sampling and Analysis Requirements</u>	15A NCAC 13B .1632
<u>Detection Monitoring Program</u>	15A NCAC 13B .1633
<u>Assessment Monitoring Program</u>	15A NCAC 13B .1634
<u>Assessment of Corrective Measures</u>	15A NCAC 13B .1635
<u>Selection of Remedy</u>	15A NCAC 13B .1636
<u>Implementation of the Corrective Action Program</u>	15A NCAC 13B .1637
<u>Leachate Storage Requirements</u>	15A NCAC 13B .1680

LOCAL GOVERNMENT COMMISSION

<u>Audit Contract</u>	20 NCAC 03 .0502
<u>Audit Billings</u>	20 NCAC 03 .0505
<u>Response to the Independent Auditor's Findings, Recommend...</u>	20 NCAC 03 .0508

FUNERAL SERVICE, BOARD OF

<u>Work Reports and Checklists</u>	21 NCAC 34B .0110
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NURSING, BOARD OF

<u>Petitioning for Rulemaking</u>	21 NCAC 36 .0121
<u>Petitions for Declaratory Rulings</u>	21 NCAC 36 .0122
<u>Clinical Nurse Specialist Practice</u>	21 NCAC 36 .0228
<u>Records and Reports</u>	21 NCAC 36 .0323

OPTICIANS, STATE BOARD OF

<u>Registration Optical Place of Business and Optician in Ch...</u>	21 NCAC 40 .0202
<u>Professional Responsibility; Continuing Education</u>	21 NCAC 40 .0206

STATE HUMAN RESOURCES COMMISSION

<u>Purpose</u>	25 NCAC 01E .1601
<u>Definitions</u>	25 NCAC 01E .1602
<u>Uses of Volunteer Service and Child Involvement Leave</u>	25 NCAC 01E .1604
<u>Leave Administration</u>	25 NCAC 01E .1605
<u>Special Leave Provisions</u>	25 NCAC 01E .1607

LIST OF APPROVED TEMPORARY RULES
October 15, 2020 Meeting

CHILD CARE COMMISSION

<u>Scope</u>	10A NCAC 09 .3101
<u>Definitions</u>	10A NCAC 09 .3102
<u>Public Schools</u>	10A NCAC 09 .3103
<u>Adding Space at Licensed Centers for Care of School-Age C...</u>	10A NCAC 09 .3104

CONTESTED CASE DECISIONS

This Section contains a listing of recently issued Administrative Law Judge decisions for contested cases that are non-confidential. Published decisions are available for viewing on the OAH website at <http://www.ncoah.com/hearings/decisions/>. If you are having problems accessing the text of the decisions online or for other questions regarding contested cases or case decisions, please contact the Clerk's office by email: oah.clerks@oah.nc.gov or phone 984-236-1850.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge

JULIAN MANN, III

Senior Administrative Law Judge

FRED G. MORRISON JR.

ADMINISTRATIVE LAW JUDGES

Melissa Owens Lassiter
Don Overby
J. Randall May
David Sutton

Selina Malherbe
J. Randolph Ward
Stacey Bawtinheimer
Tenisha Jacobs

Year	Code	Number	Date Decision Filed	Petitioner		Respondent	ALJ
				<u>Published</u>			
20	BLC	00366	9/28/2020	North Carolina Landscape Contractors Licensing Board	v.	Jason Lee Atkins and Natural Choice Contracting LLC f/k/a ALM Contracting LLC	Ward
20	CTY	00292	9/18/2020	Mohamad Kodaimati	v.	Town of Mint Hill	Malherbe
19	DOJ	05371	9/22/2020; 9/23/2020	William Donald Britt	v.	NC Sheriffs Education and Training Standards Commission	Lassiter
19	DOJ	06179	9/11/2020	Donald Ray McGlamery	v.	NC Sheriffs Education and Training Standards Commission	May
19	DOJ	06469	9/11/2020	Paul J Eagle	v.	North Carolina Sheriffs Education and Training Standards Commission	May
19	DOJ	06638	9/23/2020	Scott McCoy	v.	NC Sheriffs Education and Training Standards Commission	Sutton
19	DOJ	06927	9/14/2020	Jacqueline Deneen Coefield	v.	North Carolina Criminal Justice Education and Training Standards Commission	Ward
20	DOJ	00518	9/9/2020	Alicia Micole Smith	v.	NC Criminal Justice Education and Training Standards Commission	Bawtinheimer
20	DOJ	00742	9/10/2020	David Scott Sutton Jr.	v.	NC Criminal Justice Education and Training Standards Commission	Bawtinheimer
20	DOJ	02155	9/16/2020	William Thomas Whiting	v.	NC Private Protective Services Board	Bawtinheimer
20	OSP	01463	9/28/2020	Velma Sharpe-Johnson	v.	NC Department of Public Instruction Eastern North Carolina School for the Deaf	Culpepper
				<u>Unpublished</u>			

CONTESTED CASE DECISIONS

20	ABC	02585	9/14/2020	NC Alcoholic Beverage Control Commission	v.	Vinayak Stores Inc T/A Triangle Food Mart	May
20	CPS	01750	9/1/2020	Tawanda S McKinney	v.	NC Crime Victims Compensation Commission	Mann
20	CPS	01834	9/9/2020	Clotene Freeman(for Husband) Michael Freeman	v.	Department of Public Safety Victims Services	Bawtinhimer
20	CPS	02330	9/15/2020	Russell C Rowe	v.	NC Department of Public Safety Victim Services	Overby
19	CSE	05959	9/15/2020	Alvin V Brookins	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Culpepper
19	CSE	06118	9/15/2020	Jason Addams	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Lassiter
19	CSE	06583	9/23/2020	Lamont Fagan	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Overby
20	CSE	00323	9/2/2020	Douglas A Gibson	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Overby
20	CSE	01804	9/16/2020	Christopher R Santana	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Sutton
20	CSE	01833	9/10/2020	Jonathan F Hall	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Overby
20	CSE	01911	9/8/2020	Teresa Myers	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Overby
20	CSE	02071	9/14/2020	Chris Newman	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Mann
20	CSE	02102	9/22/2020	Reginald J Lise	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Byrne
20	CSE	02348	9/15/2020	Frank J Rush	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	May
20	CSE	02369	9/15/2020	Olis Ray Bryant	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	May
20	CSE	02409	9/4/2020	Corshaun Williams	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Lassiter
20	CSE	02603	9/17/2020	Leonardo Chavez	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Malherbe
20	CSE	02835	9/23/2020	Joe Nathan Sikes II	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer

CONTESTED CASE DECISIONS

20	CSE	02991	9/23/2020	James M Redmond	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
19	DCS	06464	9/21/2020	Crystal M Humphrey	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Ward
19	DHR	06737	7/29/2020; 9/1/2020	Kenesha Lofton	v.	NC Department of Health Human Services	Jacobs; Lassiter
20	DHR	02051	9/25/2020	Christopher Hilliard	v.	Department of Health and Human Services	Byrne
20	DHR	02368	9/15/2020	Renee J Williams	v.	NC Dept of Health and Human Serv Div of Child Development and Early Ed	Lassiter
20	DHR	02386	9/11/2020	Tyra Whitaker	v.	NCDON (OAH)	Lassiter
20	DHR	02583	9/4/2020	Theddies Lewis Butler/Butler's Day Care Center	v.	Division of Child Development and Early Education	Lassiter
20	DHR	02628	9/10/2020	Kingshuk Roy Choudhury	v.	Orange County Board of County Commissioners	Jacobs
20	DHR	02916	9/23/2020	Micah Glenn Smith Sr	v.	DHHS	Lassiter
20	DOT	01985	9/1/2020	Trent Demond Bellamy	v.	NC Department of Transportation	Mann
20	EDC	02795	9/11/2020	Kinetic Minds Inc and Kinetic Minds Inspire LLC	v.	NC Department of Public Instruction	Byrne
20	INS	01520	9/4/2020	Mary Elizabeth Franklin Tanner	v.	North Carolina State Health Plan	Overby
20	INS	01658	9/15/2020	Lisa Bass	v.	North Carolina State Health Plan	Overby
20	MIS	01515	5/26/2020; 9/4/2020	Demetrius Marwin Holder	v.	Gaston County Sheriff's Dept Gaston County Police Department Gaston County Clerk of Superior Court	Malherbe
19	OSP	06219	9/3/2020	Lailtrice Graham Biteye	v.	Guilford County Department of Health and Human Services CWS	May
20	OSP	00418	9/18/2020	Laquannah N Hester	v.	North Carolina Department of Public Safety	Culpepper
20	SOS	00931	9/1/2020	Raleigh Police Memorial Foundation Inc	v.	NC Department of the Secretary of State, Charitable Solicitation Licensing Division	Mann
20	UNC	01561	9/1/2020	Lyndon Melvin Whitfield	v.	UNC Health Care Collections	Mann