

# NORTH CAROLINA REGISTER

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June 1, 2021

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## Contact List for Rulemaking Questions or Concerns

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

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**NORTH CAROLINA REGISTER**  
Publication Schedule for January 2021 – December 2021

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 <sup>th</sup> day from publication in the Register
35:13	01/04/21	12/08/20	01/19/21	03/05/21	03/22/21	04/15/21	05/01/21	10/01/21
35:14	01/15/21	12/21/20	01/30/21	03/16/21	03/22/21	04/15/21	05/01/21	10/12/21
35:15	02/01/21	01/08/21	02/16/21	04/05/21	04/20/21	05/20/21	06/01/21	10/29/21
35:16	02/15/21	01/25/21	03/02/21	04/16/21	04/20/21	05/20/21	06/01/21	11/12/21
35:17	03/01/21	02/08/21	03/16/21	04/30/21	05/20/21	06/17/21	07/01/21	11/26/21
35:18	03/15/21	02/22/21	03/30/21	05/14/21	05/20/21	06/17/21	07/01/21	12/10/21
35:19	04/01/21	03/11/21	04/16/21	06/01/21	06/21/21	07/15/21	08/01/21	12/27/21
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35:21	05/03/21	04/12/21	05/18/21	07/02/21	07/20/21	08/19/21	09/01/21	01/28/22
35:22	05/17/21	04/26/21	06/01/21	07/16/21	07/20/21	08/19/21	09/01/21	02/11/22
35:23	06/01/21	05/10/21	06/16/21	08/02/21	08/20/21	09/16/21	10/01/21	02/26/22
35:24	06/15/21	05/24/21	06/30/21	08/16/21	08/20/21	09/16/21	10/01/21	03/12/22
36:01	07/01/21	06/10/21	07/16/21	08/30/21	09/20/21	10/21/21	11/01/21	03/28/22
36:02	07/15/21	06/23/21	07/30/21	09/13/21	09/20/21	10/21/21	11/01/21	04/11/22
36:03	08/02/21	07/12/21	08/17/21	10/01/21	10/20/21	11/18/21	12/01/21	04/29/22
36:04	08/16/21	07/26/21	08/31/21	10/15/21	10/20/21	11/18/21	12/01/21	05/13/22
36:05	09/01/21	08/11/21	09/16/21	11/01/21	11/22/21	12/16/21	01/01/22	05/29/22
36:06	09/15/21	08/24/21	09/30/21	11/15/21	11/22/21	12/16/21	01/01/22	06/12/22
36:07	10/01/21	09/10/21	10/16/21	11/30/21	12/20/21	01/20/22	02/01/22	06/28/22
36:08	10/15/21	09/24/21	10/30/21	12/14/21	12/20/21	01/20/22	02/01/22	07/12/22
36:09	11/01/21	10/11/21	11/16/21	01/03/22	01/20/22	02/17/22	03/01/22	07/29/22
36:10	11/15/21	10/22/21	11/30/21	01/14/22	01/20/22	02/17/22	03/01/22	08/12/22
36:11	12/01/21	11/05/21	12/16/21	01/31/22	02/21/22	03/17/22	04/01/22	08/28/22
36:12	12/15/21	11/22/21	12/30/21	02/14/22	02/21/22	03/17/22	04/01/22	09/11/22

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

## EXPLANATION OF THE PUBLICATION SCHEDULE

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

### GENERAL

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

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

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

### FILING DEADLINES

**ISSUE DATE:** The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State 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

April 28, 2021

**EXECUTIVE ORDER NO. 209**

**REMOVING THE OUTDOOR FACE COVERING REQUIREMENT, RELAXING RESTRICTIONS ON GATHERINGS, AND EXTENDING THE CAPACITY AND SOCIAL DISTANCING MEASURES OF EXECUTIVE ORDER NO. 204**

**WHEREAS**, on March 10, 2020, the undersigned issued Exec. Order No. 116, 34 N.C. Reg. 1744-1749 (April 1, 2020), 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, 169-173, 176-177, 180-181, 183-185, 188-193, 195, 197-198, 200, and 204-207; and

**WHEREAS**, the undersigned has taken a science and data-driven approach to implementing public health measures to curb the spread of the virus and to advance the state's economy in a safe and effective way, which is in the best interests of all North Carolinians; and

**WHEREAS**, the state has experienced improvement in its key COVID-19 metrics as compared to several months ago, prompting the undersigned to relax certain restrictions on businesses and gatherings, most recently in Executive Order No. 204; and

**WHEREAS**, over the course of the pandemic, North Carolina's public health experts have gained enhanced knowledge of the COVID-19 virus, including a better understanding of what settings and activities pose the greatest risk of transmitting the virus, and what mitigation strategies are most effective to curb spread; and

**WHEREAS**, over the course of the pandemic, the state has also expanded its access to personal protective equipment and other necessary materials to better protect the population from the spread of COVID-19, and has increased its ability to test for and to trace the virus; and

**WHEREAS**, the state has also mounted a robust vaccination effort, to distribute the state's allocated supply of COVID-19 vaccines authorized by the Food and Drug Administration ("FDA") to all people living in or spending significant time in North Carolina; and

**WHEREAS**, North Carolina continues to focus on distributing vaccines fair and equitably, and as of the date of this Executive Order, over thirty-eight percent (38%) of the state's population over age eighteen (18) is fully vaccinated, and over forty-eight percent (48%) of the state's population over age eighteen (18) is partially vaccinated; and

**WHEREAS**, COVID-19 vaccines are now widely available at no cost to all eligible North Carolinians who wish to receive one, and all eligible North Carolinians are encouraged to get vaccinated; and

**WHEREAS**, the continued prevalence of COVID-19 variants of concern across the state, key COVID-19 metrics that, while they are recently improved, remain elevated, and the need to make additional progress in the state's ongoing vaccination efforts together require continuation of the state's dimmer-switch approach to lifting restrictions; and

**WHEREAS**, accordingly, in light of the above factors, the undersigned deems it reasonable and necessary to lift the outdoor Face Covering requirement, further relax restrictions on gatherings, and continue the capacity restrictions and social distancing measures established by Executive Order No. 204 until June 2021, when the undersigned anticipates lifting most capacity restrictions and social distancing measures directed herein; and

**WHEREAS**, it also remains critical that North Carolinians continue to exercise personal responsibility in protecting themselves and others from the spread of the COVID-19, including by wearing Face Coverings, maintaining social distancing, washing hands frequently, and operating and frequenting businesses in compliance with this and other Executive Orders; and

Improvements in Key COVID-19 Metrics

**WHEREAS**, over recent months in North Carolina, due to the measures taken to date by the undersigned and due to the resilience and persistence of all North Carolinians, there have been improvements in the state's key COVID-19 metrics; and

**WHEREAS**, specifically, as of the date of this Executive Order, the state is experiencing lower rates of the percent of emergency department visits that are due to COVID-like illness, the number of COVID-19 daily diagnoses, the percent of total COVID-19 tests that are positive and the number of COVID-19-associated hospitalizations, relative to these metrics in January 2021; and

**WHEREAS**, these improvements are occurring across North Carolina communities, as evidenced by the fact that between March 28, 2021 and April 10, 2021, only one county in the state is rated to have a "critical" rate of COVID-19 community spread, according to the County Alert System developed by the North Carolina Department of Health and Human Services ("NCDHHS"), which evaluates a county's COVID-19 case counts, percent positives, and hospital occupancy; and

**WHEREAS**, COVID-19 has inflicted an unprecedented toll on human life in North Carolina; and

**WHEREAS**, more than nine hundred sixty-five thousand (965,000) people in North Carolina have had COVID-19, and more than twelve thousand six hundred (12,600) people in North Carolina have died from the disease; and

Lifting of Certain Restrictions under North Carolina's Phased, "Dimmer Switch" Approach

**WHEREAS**, by using a phased reopening approach, North Carolina is endeavoring to manage the risk of COVID-19 exposure from a public health perspective in order to ensure that the state's health care providers have the resources and availability to protect people's lives while also allowing people to return to work and take part in activities that are integral parts of people's lives; and

**WHEREAS**, the undersigned directs the phased reopening measures set forth in this Executive Order in consultation with NCDHHS; and

**WHEREAS**, in light of the continued measured progress the state has achieved in its key COVID-19 metrics, and the reduced risk of transmission of the virus in outdoor settings, particularly among fully vaccinated individuals, the state can lift, at this time, the requirement to wear a Face Covering in outdoor settings when social distancing of six (6) feet cannot be maintained; and

**WHEREAS**, North Carolinians are encouraged to wear Face Coverings outdoors in certain crowded, dense, and higher-risk settings when they cannot consistently maintain six (6) feet of social distance from non-household members; and

**WHEREAS**, in light of the continued measured progress the state has achieved in its key COVID-19 metrics, it is reasonable to raise the indoor mass gathering limit to one hundred (100) persons and the outdoor mass gathering limit to two hundred (200) persons, which will allow people to gather in larger numbers with friends and loved ones, while still adhering to Face Coverings and other mitigation measures; and

**WHEREAS**, in light of the continued measured progress the state has achieved in its key COVID-19 metrics, the current percentage occupancy limits on certain establishments can be maintained for the duration of this Executive Order; and

**WHEREAS**, in an effort to accelerate North Carolinians' return to pre-pandemic activities, but lower the risk of viral spread in these activities, the undersigned desires to enable certain large venues to host Guests in numbers above the generally applicable occupancy limits established by this Executive Order, provided that the venue receives pre-approval from NCDHHS to do so, in accordance with all criteria for approval established by NCDHHS; and

**WHEREAS**, larger venues have the resources, staff, and capability to design, implement and enforce safety protocols to host Guests in larger numbers; and

**WHEREAS**, larger venues have multiple entrances and exits and larger concourses, reducing crowding and allowing Guests to maintain adequate social distancing as they move about the venue; and

Certain Businesses Pose Greater Risks of COVID-19 Transmission and Loosening Restrictions  
Must be Undertaken in a Cautious Manner

**WHEREAS**, for the reasons set forth herein and in the undersigned's previous Executive Orders, restrictions have been imposed on businesses which are designed to limit the number and duration of contacts 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), that involve large numbers of people, are in settings in which it is difficult to wear Face Coverings consistently, or are in settings in which people are otherwise less likely to adhere to social distancing and other measures for reducing COVID-19 spread; and

**WHEREAS**, certain types of businesses by their very nature present greater risks of spread of COVID-19 because of the nature of the activity, the way that people have traditionally acted and interacted with each other in the space, and the duration that patrons stay in the establishment; and

**WHEREAS**, the undersigned's previous Executive Orders have addressed the particular risks posed by Bars, and other establishments in which people mingle with one another and cannot



consistently maintain social distancing or consistently wear Face Coverings, or gather in large crowds; and

**WHEREAS**, in these establishments, loosening restrictions must necessarily be undertaken in a cautious manner; 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)(1)(d) authorizes the undersigned to control the movement of persons within the emergency area; 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, **IT IS ORDERED**:

**Section 1. Introduction.**

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

**1.1. Definitions.**

- a. “**Amusement Park**” has the definition at N.C. Gen. Stat. § 95-111.3, except that it does not include waterslides as defined by N.C. Gen. Stat. § 95-111.3(h).
- b. “**Amusement Transportation**” means tour buses, tour trains, or other scenic and sightseeing transportation that is principally offered and used for amusement, regardless of whether such transportation is located in an Amusement Park.
- c. “**Bars**” means establishments that are not eating establishments or restaurants as defined in N.C. Gen. Stat. §§ 18B-1000(2) and 18B-1000(6), that have a permit to sell alcoholic beverages for on-site consumption under N.C. Gen. Stat. § 18B-1001, and that are principally engaged in the business of selling alcoholic beverages for on-site consumption.
- d. “**Emergency Maximum Occupancy**” means the maximum occupancy for a facility (or room within a facility, as applicable) under this Executive Order.
- e. “**Face Covering**” means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears and fits snugly against the side of a person’s

face. A Face Covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Face Coverings are most effective when they fit snugly against a person's face and have two (2) or more layers. This can be achieved by wearing a cloth Face Covering with two or more layers or by wearing one disposable mask underneath a cloth mask. A cloth Face Covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels. These Face Coverings are not intended for use by healthcare providers in the care of patients.

Based on recommendations from the CDC, face shields do not meet the requirements for Face Coverings.

- f. "Guest" means any attendee, customer, guest, member, patron, spectator, or other person lawfully on the property of another that does not own the property or work at the property.
- g. "N95 Respirator" means a Face Covering approved by the National Institute for Occupational Safety and Health ("NIOSH") or a respirator from another country allowed by the Occupational Safety & Health Administration, the Food & Drug Administration, or the CDC. N95 respirators are not recommended for general public use or use in public settings, as they should be reserved for healthcare providers and other medical first responders in a health care setting. However, if worn, N95 respirators would meet both the Face Covering and Surgical Mask requirements of this Executive Order.
- h. "Personal Care, Grooming, and Tattoo Businesses" means businesses that (i) do not provide health care services; and (ii) either (1) have workers directly touch Guests or (2) have a piece of equipment (other than a touchscreen) repeatedly come into contact directly with Guests' skin. This includes, but is not limited to, barber shops, beauty salons (including but not limited to waxing and hair removal centers), hair salons, nail salons, manicure or pedicure providers, tattoo businesses, tanning salons, and massage therapists.
- i. "Playground" means a recreation area for children equipped with playground equipment, including but not limited to soft contained play equipment, swings, seesaws, slides, stationary spring-mounted animal features, jungle gyms, rider-propelled merry-go-rounds, and trampolines.
- j. "Recommendations to Wear Face Coverings, Promote Social Distancing and Reduce Transmission" are defined in Subsection 1.5 below.
- k. "Restaurants" means permitted food establishments, under N.C. Gen. Stat. § 130A-248, and other establishments that both prepare and serve food. This includes, but is not limited to, restaurants, cafeterias, food halls, dining halls, food courts, and food kiosks. This includes not only free-standing locations but also locations within other businesses or facilities, including, but not limited to airports, shopping centers, educational institutions, or private or members-only clubs where food and beverages are permitted to be consumed on premises.
- l. "Retail Business" means any business in which Guests enter a space to purchase goods or services, including but not limited to grocery stores, convenience stores, large format retail stores, pharmacies, banks, and ABC stores. This also includes, but is not limited to, (i) retail establishments operated by the state, its political subdivisions, or agencies thereof, and (ii) state agencies under the jurisdiction of the undersigned which have a public-facing component offering a service, such as the Division of Motor Vehicles, the North Carolina Department of Revenue, and shops in North Carolina Department of Natural and Cultural Resources facilities.
- m. "Surgical Mask" means American Society for Testing and Materials ("ASTM") Level 1, 2, or 3 approved procedural and surgical masks.

**1.2. Exemptions.**

Worship, religious, and spiritual gatherings, funeral ceremonies, wedding ceremonies, and other activities constituting the exercise of First Amendment rights are exempt from all the requirements of this Executive Order, notwithstanding any other provision of this Executive Order.

The undersigned strongly urges that entities and individuals engaging in these exempted activities follow the Recommendations to Wear Face Coverings, Promote Social Distancing and Reduce Transmission, and avoid exceeding Emergency Maximum Occupancy in the places where they meet.

**1.3. Structure of This Executive Order.**

To control the spread of COVID-19 and protect lives during the State of Emergency, this Section lists restrictions on the operations of business establishments and other places to or from which people may travel or at which they may congregate. Businesses or operations within the scope of Sections 2 to 6 are prohibited from operating unless they follow all applicable restrictions stated in these sections.

This Executive Order removes the requirement that a Face Covering be worn in outdoor settings when at least six (6) feet of social distancing cannot be consistently maintained from non-household members. This Executive Order continues to require Face Coverings in most indoor settings, then lists a series of specific restrictions for certain kinds of businesses. Each affected type of business has a series of specific health and safety measures included in the attached appendices to this Executive Order.

Most establishments subject to this Executive Order are required to ensure six (6) feet of social distancing between Guests or groups of Guests, which may result in less than the emergency maximum occupancy limits stated below. In this Executive Order, capacity restrictions fall into three general types:

- The limit is one hundred percent (100%) of fire capacity for museums, personal care businesses, retail businesses, and the outdoor spaces of restaurants, amusement parks, fitness and physical activity facilities, and pools.
- The limit is seventy-five percent (75%) of fire capacity for the indoor spaces of restaurants, amusement parks, fitness and physical activity facilities, and pools.
- The limit is fifty percent (50%) of fire capacity for the indoor areas of movie theaters and entertainment facilities, the indoor and outdoor areas of bars, meeting spaces, conference centers, and reception venues, and other indoor and outdoor venues and arenas.

Facilities of a certain size may admit additional Guests above the occupancy limits established herein, provided the venue receives pre-approval from NCDHHS. Details on the measures summarized above are found below in Sections 2 to 6 of this Executive Order. The specific provisions of Sections 2 to 6 take precedence over the general descriptions in the summary above.

**1.4. Interpretation of Capacity Restrictions under this Executive Order.**

- a. Workers and any other support staff do not count toward the capacity limits. For sporting and entertainment events, athletes, coaches, entertainers, and other support staff do not count toward the capacity limits.
- b. Any facility that meets the definition of “Restaurant” in this Executive Order is covered by Subsection 3.14 of this Executive Order.
- c. Nothing in this Executive Order prevents establishments from opening up or expanding outdoor seating areas, subject to applicable local and state regulations.

**1.5. General Recommendations.**

All North Carolinians are strongly encouraged to follow the recommendations for reducing the spread of COVID-19 issued by NCDHHS. These include the following Recommendations to Wear Face Coverings, Promote Social Distancing and Reduce Transmission:

- a. Wear a Face Covering over the nose and mouth inside all public settings such as grocery stores, pharmacies, or other retail or public-serving businesses.
- b. Although not required, people who have not been fully vaccinated should wear a Face Covering outdoors when they cannot maintain at least six (6) feet of social distancing from non-household members, and all individuals should wear Face Coverings outdoors in crowded, dense, and higher-risk settings including outdoor Bars and large venues.
- c. Maintain at least six (6) feet social distancing from other individuals, with the exception of family or household members.
- d. Wash hands using soap and water for at least twenty (20) seconds as frequently as possible. Carry hand sanitizer with you when leaving home, and use it frequently.
- e. Isolate and get tested if you have symptoms of COVID-19 and participate in testing and screening programs offered at settings such as work or school.
- f. People who have not been fully vaccinated should get tested if they have traveled, gathered with large groups of unvaccinated individuals, or been exposed to someone who tests positive for COVID-19.
- g. People who have not been fully vaccinated should quarantine after being exposed to someone who tests positive for COVID-19.

**Section 2. Face Coverings.**

For the avoidance of doubt, this Section generally requires North Carolinians to wear Face Coverings in public places, while indoors. This Section also authorizes law enforcement to enforce Face Covering requirements against individuals who fail to wear a Face Covering indoors in any public setting without any applicable exception. Where a question might arise as to whether an individual who is able to wear a Face Covering in North Carolina is required to wear one in a certain context, this Executive Order seeks to promote the wearing of Face Coverings.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

**2.1. Face Coverings Required In Public Places, Indoors Only.**

- a. The undersigned enacts the following restriction on the movement of people in public places and restriction on the operation of offices, business establishments, schools, and other places where people may travel or congregate: for any place outside the home or living accommodations, including but not limited to businesses, schools, and other establishments and spaces, Face Coverings must be worn indoors if anyone else is in that space who is not a member of the same household.
- b. These requirements shall apply to all people at least five (5) years old, unless an exception applies. These requirements are recommended for all people over the age of two (2) years old.

**2.2. Employer Good Faith Obligation to Provide Face Coverings.** Employers who have workers who perform work outside of their home in North Carolina and have not already provided Face Coverings for their workers shall make good-faith efforts to provide a one-week supply of reusable Face Coverings or a new disposable Face Covering daily as soon as possible for workers to use at their place of employment. New Face Coverings should be provided during the work day if the worker's Face Covering becomes soiled, torn, or wet.

**2.3. Exceptions.** This Executive Order does not require Face Coverings for—and a Face Covering does not need to be worn by—a worker or Guest who:

- a. Should not wear a Face Covering due to any medical or behavioral condition or disability (including, but not limited to, any person who has trouble breathing, or is

- unconscious or incapacitated, or is otherwise unable to put on or remove the Face Covering without assistance);
- b. Is under five (5) years of age;
  - c. Is actively eating or drinking;
  - d. Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
  - e. Is giving a speech for a broadcast or to an audience;
  - f. Is working at home or is in a personal vehicle;
  - g. Is temporarily removing his or her Face Covering to secure government or medical services or for identification purposes;
  - h. Would be at risk from wearing a Face Covering at work, as determined by local, state, or federal regulations or workplace safety guidelines;
  - i. Has found that his or her Face Covering is impeding visibility to operate equipment or a vehicle; or
  - j. Is a child whose parent, guardian, or responsible person has been unable to place the Face Covering safely on the child's face.

Anyone who declines to wear a Face Covering for these reasons should not be required to produce documentation or any other proof of a condition.

Children under two (2) years of age should not wear a Face Covering.

**2.4. Face Coverings and Exercise.** People must wear Face Coverings while exercising if they are indoors and not within their own home.

However, people need not wear a Face Covering while exercising if:

- One of the exceptions stated in Subsection 2.4 applies;
- They have symptoms while strenuously exercising such as trouble breathing, dizziness, or lightheadedness;
- They are wearing equipment like a mouthguard or helmet and are having trouble breathing;
- They are doing any activity in which the Face Covering could become entangled and a choking hazard or impair vision in high risk activities such as gymnastics, cheerleading, or tumbling; or
- They are doing activities that may cause the Face Covering to become wet, like swimming or other activities in a pool, lake, water attraction, or similar body of water.

**2.5. Face Coverings for Recreational, School, Professional, and Collegiate Athletes Under a COVID-19 Health and Safety Protocol.** Face Coverings are recommended, but not required for professional or collegiate athletes in indoor or outdoor settings, or for recreational or school athletes five (5) years or older when exercising outdoors if (1) they are strenuously exercising or recovering from exercise and (2) those athletes are training for or participating in a sport that is under the oversight of a league, association, or other organizer that required teams and players to follow a protocol for reducing risk from COVID-19. Professional and collegiate athletes must wear Face Coverings indoors, including on sidelines and in practice, at any time that they are not strenuously exercising or recovering from recent exercise, and recreational and school athletes five (5) years or older should continue to wear a Face Covering while exercising indoors, unless an exception applies.

**2.6. How Businesses May Accommodate Exceptions.** If a Guest states that an exception applies, a business may choose to offer curbside service, provide home delivery, or use some other reasonable measure to deliver its goods or services.

**2.7. Enforcement of Face Covering Requirements.**

If a person does not wear a Face Covering in a situation where a Face Covering is required under this Executive Order, and if an exception to the Face Covering requirement does not apply:

- a. Law enforcement officers may cite the people who failed to wear Face Coverings as required by Executive Order; and/or
- b. Law enforcement officers may cite a business or organization that failed to enforce the requirement to wear Face Coverings.

Further, if a business or organization does not allow entry to a worker or Guest because that person refuses to wear a Face Covering, and if that worker or Guest enters the premises and refuses to leave the premises, law enforcement personnel may enforce the trespassing laws and any other laws that the worker or Guest may violate.

**2.8 Schools.** In all public school units, as defined by N.C. Gen. Stat. § 115C-5(7a), and all nonpublic schools covered by Article 39 of Chapter 115C of the General Statutes, all workers, teachers, Guests, other adults and children five (5) years or older must wear Face Coverings when indoors, at all times, unless an exception applies.

**Section 3. Restrictions on Certain Businesses and Operations.**

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

**3.1. Amusement Parks.** Amusement Parks and Amusement Transportation may operate under the following restrictions:

a. **Capacity Restrictions.**

1. **Outdoor Spaces.** The facility must limit Guests to one hundred percent (100%) of the stated fire capacity for each outdoor space controlled by the facility. For rooms or spaces without a stated fire capacity, the limit on Guests is twenty-four (24) per one thousand (1000) square feet, rounded up.
2. **Indoor Spaces.** The facility must limit Guests to seventy-five (75%) of the stated fire capacity for each building, room, or other indoor space controlled by the facility. This limit applies separately to each room within a building. For rooms or spaces without a stated fire capacity, the limit on Guests is eighteen (18) per one thousand (1000) square feet, rounded up.
3. **On each Ride or on Amusement Transportation.** The operator must limit the number of Guests within each vehicle or car to either:
  - Have all the Guests within a vehicle or car be people who came into the ride loading area together as part of the same group of friends or family; or
  - Ensure six (6) feet of social distancing between each group of friends or family within the vehicle or car.

b. **Additional Health and Safety Requirements.** The operator must follow the additional health and safety requirements specified in Appendix B.

**3.2. Bars, Night Spots, and Arenas.**

a. This Subsection applies to the following:

- Bars
- Lounges (such as cigar bars and hookah lounges) in which tobacco or related products are consumed on premises
- Auditoriums, amphitheaters, arenas, and other venues for live performances
- Music halls, night clubs, or dance halls
- Adult entertainment facilities
- Spectator stands and viewing areas at a sporting facility, stadium, sporting complex, or speedway

- b. **Must Be Seated.** To limit the degree to which Guests at the facility may come into contact with one another and spread COVID-19, a facility covered by this Subsection is closed unless it is or becomes a seated establishment for Guests. Guests must be in seats except to enter, leave, use amenities, visit the restroom, and obtain food or drink.
- c. **Capacity Restrictions.** While this Executive Order is in effect, all open facilities covered by this Subsection must limit Guests in indoor and outdoor seating areas to Emergency Maximum Occupancy. Under this Executive Order, the Emergency Maximum Occupancy for a facility is the lowest number produced by applying the following tests.
  - 1. **Overall.** The facility must limit Guests to fifty percent (50%) of the stated fire capacity for each indoor and outdoor space controlled by the facility. For rooms or spaces without a stated fire capacity, the limit on Guests is twelve (12) per one thousand (1000) square feet, rounded up.
  - 2. **Social Distancing Required.** The facility must limit the number of Guests in the space so that groups can stay six (6) feet apart.
- d. **Meetings and Private Functions.** Any meeting or function held in a private room in a facility covered by this Subsection is covered by the capacity and other restrictions stated below in Subsection 3.8 of this Executive Order (“Meeting Spaces, Conference Centers, and Reception Venues”).
- e. **Additional Health and Safety Requirements.** Facilities covered by this Subsection must follow the additional health and safety requirements specified in Appendix C to this Executive Order.

**3.3. Child Care Facilities.**

- a. **Child Care Facilities May Open and May Serve All Children.** Child care facilities may open or reopen, and they may serve all children in North Carolina. All references to “covered children” in Executive Order Nos. 130 and 138 shall refer to all children.
- b. **Additional Health and Safety Requirements.** Child care facilities that are open or reopened consistent with the Executive Order must abide by the health and safety requirements in Appendix D of this Executive Order.
- c. **Relationship to Other Executive Orders.** Subsections 3.3(a) and (b) above completely replace Subsections 2(C) and 2(D) of Executive Order No. 130. Subsections 2(A)-(B) and 2(E)-(H) of Executive Order No. 130 and Section 3 of Executive Order No. 139 shall continue in effect as specified in Executive Order Nos. 152, 177, and 193, and any subsequent executive orders.

**3.4. Children’s Day or Overnight Camps.**

- a. **Requirements.** Operators of Day Camps and Overnight Camps must follow the additional health and safety requirements in Appendix E to this Executive Order.

**3.5. Fitness and Physical Activity Facilities.**

- a. This Subsection applies to “Fitness and Physical Activity Facilities.” defined as any of the following:
  - Exercise facilities (e.g., yoga studios, dance studios, ballrooms for dancing, martial arts facilities, gymnastics, indoor trampoline and rock climbing facilities)
  - Gyms
  - Fields of play, including but not limited to basketball courts, baseball fields, volleyball courts, racquetball courts, squash courts, hockey rinks, soccer fields, and tennis courts (with spectators, if any, limited as stated in Subsection 3.2 of this Executive Order)
  - Health clubs and fitness centers



- Boxing clubs
- Skating rinks
- Bowling alleys
- Golf courses and driving ranges
- Golf ball hitting bays
- Mini-golf courses
- Go-cart tracks
- The track for any speedway or raceway (with spectators, if any, limited as stated in Subsection 3.2 of this Executive Order)
- Paintball, laser tag, and similar fields and arenas
- Indoor Playgrounds

b. Capacity Restrictions.

1. Indoor Areas. Fitness and Physical Activity Facilities must limit Guests in indoor areas to the lowest number produced by applying the following two tests:
    - a. Overall. Limit the number of Guests in indoor areas to seventy-five percent (75%) of stated fire capacity (or, for spaces without a stated fire capacity, no more than eighteen (18) Guests for every one thousand (1000) square feet of the location's total square footage, including the parts of the location that are not accessible to Guests).
    - b. In Any Room. Limit the number of Guests in any given room of the facility so that everyone can stay six (6) feet apart.
  2. Outdoor Areas. Fitness and Physical Activity Facilities must limit Guests in outdoor areas to the lowest number produced by applying the following two tests:
    - a. Overall. Limit the number of Guests in outdoor areas to one hundred percent (100%) of stated fire capacity (or, for spaces without a stated fire capacity, no more than twenty-four (24) Guests for every one thousand (1000) square feet).
    - b. Social Distancing Required. Limit the number of Guests in outdoor spaces so that everyone can stay six (6) feet apart.
  3. Games or Events with Spectators. The capacity restrictions for facilities in Subsection 3.2 above, not the capacity restrictions in Subsections 3.5(b)(1)-(2) above, apply to Fitness and Physical Activity Facilities whenever they host a game with spectators.
- c. Additional Health and Safety Requirements. Operators of Fitness and Physical Activity Facilities must follow the additional health and safety requirements in Appendix F to this Executive Order.

3.6. Government Operations. Unless an exception applies, state government agencies headed by members of the Governor's Cabinet and the Governor's Office must have their on-site workers wear Face Coverings when they are indoors. State government agencies headed by members of the Governor's Cabinet and the Governor's Office must also follow the requirements for Retail Businesses established in this Executive Order unless necessary to complete that office's mission. All other state and local government agencies are strongly encouraged to adopt similar policies.

3.7. Health Care Settings.

- a. Surgical Masks in Long Term Care Facilities. All workers in Long Term Care ("LTC") Facilities, including skilled nursing facilities ("SNF"), adult care homes ("ACH"),

family care homes (“FCH”), mental health group homes, and intermediate care facilities for individuals with intellectual disabilities (“ICF-IID”), must wear Face Coverings while in the facility, and those Face Coverings must be Surgical Masks, as long as Surgical Mask supplies are available.

- b. Other Health Care Settings. Health care facilities other than LTC facilities must follow the Face Covering requirements in the CDC Infection Control Guidance for Healthcare Professionals about Coronavirus (COVID-19).
- c. Other Requirements. Additional requirements in health care settings can be found in Executive Order Nos. 130 and 139 and in the Secretarial Orders issued under Executive Order Nos. 152, 165, 177, and 193, and any subsequent extensions thereof.

**3.8. Meeting Spaces, Conference Centers, and Reception Venues.**

- a. This Subsection applies to “Meeting Spaces, Conference Centers, and Reception Venues,” defined as private rooms or other private meeting spaces in a hotel, conference center, meeting hall, or reception venue.
- b. Must Be Seated. To limit the degree to which Guests at the facility may come into contact with one another and spread COVID-19, a facility covered by this Subsection is closed unless it is or becomes a seated establishment for Guests. Guests must be in seats except to pay, enter, leave, use amenities, visit the restroom, and obtain food or drink.
- c. Capacity Restrictions. While this Executive Order is in effect, all open facilities covered by this Subsection must limit Guests in indoor and outdoor seating areas to Emergency Maximum Occupancy. Under this Executive Order, the Emergency Maximum Occupancy for a facility is the lowest number produced by applying the following tests:
  - 1. Overall. The facility must limit Guests to fifty percent (50%) of the stated fire capacity for each indoor and outdoor space controlled by the facility. For rooms or spaces without a stated fire capacity, the limit on Guests is twelve (12) per one thousand (1000) square feet, rounded up.
  - 2. Social Distancing Required. The facility must limit the number of Guests in the space so that groups can stay six (6) feet apart.
- d. Hotels and other Large Facilities. For hotels or other facilities where private meeting spaces are a portion of a larger facility that is not restricted by this Section of this Executive Order, the limits stated above are measured only for the portion of the facility composed of private meeting spaces.
- e. Additional Health and Safety Requirements. Facilities covered by this Subsection must follow the additional health and safety requirements in Appendix G of this Executive Order.

**3.9. Movie Theaters and Entertainment Facilities.**

- a. This Subsection applies to movie theaters and any entertainment facilities that are not covered by another provision of this Section of this Executive Order, such as Subsection 3.2 (entitled “Bars, Night Spots, and Arenas”) or Subsection 3.5 (entitled “Fitness and Physical Activity Facilities”). Facilities covered by this Subsection include, but are not limited to, the following types of businesses:
  - Movie theaters
  - Bingo parlors, including bingo sites operated by charitable organizations
  - Facilities where the purpose is to engage in games of cards, such as bridge

- Gaming and business establishments which allow gaming activities (e.g., video games, arcade games, pinball machines or other computer, electronic or mechanical devices played for amusement)
- b. **Must Be Seated.** To limit the degree to which Guests at the facility may come into contact with one another and spread COVID-19, a facility covered by this Subsection is closed unless it is or becomes a seated establishment for Guests. Guests must be in seats except to play, enter, leave, use amenities, visit the restroom, and obtain food or drink.
- c. **Capacity Restrictions.** While this Executive Order is in effect, all open facilities covered by this Subsection must limit Guests in indoor and outdoor seating areas to Emergency Maximum Occupancy. Under this Executive Order, the Emergency Maximum Occupancy for a facility is the lowest number produced by applying the following tests.
  1. **Outdoor Spaces.** The facility must limit Guests to seventy five percent (75%) of the stated fire capacity for each outdoor space controlled by the facility. For rooms or spaces without a stated fire capacity, the limit on Guests is eighteen (18) per one thousand (1000) square feet, rounded up.
  2. **Indoor Spaces.** The facility must limit Guests to fifty percent (50%) of the stated fire capacity for each building, room, or other indoor space controlled by the facility. This limit applies separately to each room within a building. For rooms or spaces without a stated fire capacity, the limit on Guests is twelve (12) per one thousand (1000) square feet, rounded up.
  3. **Social Distancing Required.** The facility must limit the number of Guests in the space so that groups can stay six (6) feet apart.
- d. **Additional Health and Safety Requirements.** Facilities covered by this Subsection must follow the additional health and safety requirements in Appendix H of this Executive Order.
- e. **Gaming.** This Executive Order does not order the closure of gaming establishments. However, nothing in this Executive Order shall be construed to authorize any gaming activity prohibited by Chapter 14 of the North Carolina General Statutes.

**3.10. Museums and Aquariums.**

- a. **Capacity Restrictions.** All operators of open museums or aquariums must limit Guests to Emergency Maximum Occupancy. Under this Executive Order, the Emergency Maximum Occupancy for a facility is the lowest number produced by applying the following tests.
  1. **Overall.** Limit the number of Guests in the museum or aquarium to one hundred percent (100%) of stated fire capacity (or, for spaces without a stated fire capacity, no more than twenty-four (24) Guests for every one thousand (1000) square feet of the location's total square footage, including the parts of the location that are not accessible to Guests).
  2. **Social Distancing Required.** The facility must limit the number of Guests so that groups are able to social distance and remain six (6) feet away from groups other than those in their households.
- b. **Additional Health and Safety Requirements.** All operators of open museums or aquariums must follow the Core Signage, Sanitation and Screening Requirements in Appendix A to this Executive Order.

**3.11. Parks.**

- a. **Capacity Limits.** Parks must restrict each group of Guests to be no more than the Mass Gathering limit stated below in Subsection 5.1 of this Executive Order. Each group of people within an outdoor park, trail, or beach must be limited so that the group, counted on its own, does not exceed the Mass Gathering limit.

**Requirements for Park Operators.** All operators of open public or private parks must follow the Core Signage, Sanitation and Screening Requirements in Appendix A of this Executive Order.

**3.12. Personal Care, Grooming, and Tattoo Businesses.**

- a. **Requirements.** While this Executive Order is in effect, all open Personal Care, Grooming, and Tattoo Businesses must do all of the following:
1. Limit Guests inside the store to Emergency Maximum Occupancy. Under this Executive Order, the Emergency Maximum Occupancy for a Personal Care, Grooming, and Tattoo Business is the lowest number produced by applying the following two tests:
    - a. **Overall.** Limit the number of Guests in the store to one hundred percent (100%) of stated fire capacity (or, for spaces without a stated fire capacity, no more than twenty-four (24) Guests for every one thousand (1000) square feet of the location's total square footage, including the parts of the location that are not accessible to Guests).
    - b. **Social Distancing Required.** Limit the number of Guests in the store so that Guests can stay six (6) feet apart.
  - b. **Additional Health and Safety Requirements.** Follow the additional health and safety measures in Appendix I of this Executive Order.

**3.13. Pools.**

- a. **Requirements.** While this Executive Order is in effect, all open indoor and outdoor pool facilities (whether standalone or part of other facilities) must do all of the following:
1. **Outdoor Pools.** The facility must limit Guests in the pool to no more than one hundred percent (100%) of the maximum occupancy as determined by fire code (or, when fire code number is not known, twenty-four (24) Guests per one thousand (1000) square feet in deck areas, wading pools and splash pads, and in the water).
  2. **Indoor Pools.** The facility must limit Guests in the pool to no more than seventy-five (75%) of maximum occupancy as determined by fire code (or, when fire code number is not known, eighteen (18) Guests per one thousand (1000) square feet in deck areas, wading pools, splash pads, and in the water).
  3. **Events with Spectators.** The capacity restrictions for facilities in Subsection 3.2 above, not the capacity restrictions in Subsections 3.13(a)(1)-(2) above, apply to Pools whenever they host a meet or other event with spectators.
  4. **Additional Health and Safety Requirements.** Follow the Core Signage, Screening, and Sanitation Requirements as defined in Appendix A to this Executive Order.
- b. Establishments that are not Amusement Parks and offer waterslides over fifteen (15) feet in height must abide, for each waterslide, by the occupancy restrictions for pools stated in this Section.

- c. This Subsection applies only to shared pools in commercial settings or at residential complexes. It does not apply to family pools at people's homes.

**3.14. Restaurants.**

- a. May Open for On-Premises Service. During the effective period of this Executive Order, Restaurants may allow on-premises consumption of food and beverages. Restaurants must meet the sanitation requirements of this Section even if they are open only for take-out or delivery service.
- b. Capacity Restrictions. While this Executive Order is in effect, all open Restaurants must limit Guests in indoor and outdoor seating areas to Emergency Maximum Occupancy. Under this Executive Order, the Emergency Maximum Occupancy for a restaurant is the lowest number produced by applying the following tests:
  - 1. Indoor Areas. Limit the number of Guests in the indoor dining areas of the restaurant to seventy-five percent (75%) of stated fire capacity. For rooms or spaces without a stated fire capacity, the limit on Guests is eighteen (18) per one thousand (1000) square feet of the location's total square footage, including the parts of the location that are not accessible to Guests, rounded up.
  - 2. Outdoor Areas. Limit the number of Guests in the outdoor dining areas of the restaurant to one hundred percent (100%) of stated fire capacity. For rooms or spaces without a stated fire capacity, the limit on Guests is twenty-four (24) per one thousand (1000) square feet of the location's total square footage, including the parts of the location that are not accessible to Guests, rounded up.
  - 3. Social Distancing Required. Limit the number of Guests in the space so that groups can stay six (6) feet apart.
- c. Private Functions. Any meeting or function held in a private room in a Restaurant is covered by the capacity and other restrictions stated above in Subsection 3.8 of this Executive Order ("Meeting Spaces, Conference Centers, and Reception Venues").
- d. Additional Health and Safety Restrictions. In addition, while this Executive Order is in effect, all open Restaurants must comply with the additional health and safety measures in Appendix J to this Executive Order.
- e. Essential Business. A Restaurant that operates consistent with the terms of this Subsection of this Executive Order shall continue to be considered an "Essential Business" for the purpose of N.C. Sess. L. 2020-03, Sec. 4.14(a) to the extent that COVID-19-related claims are made against the restaurant.
- f. Other. Breweries, wineries, and distilleries are subject to the same restrictions as Restaurants under this Executive Order.

**3.15. Retail Businesses.**

- a. Requirements for Retail Businesses. While this Executive Order is in effect, all open Retail Businesses must do all of the following:
  - 1. Limit Guests inside the store to Emergency Maximum Occupancy. Under this Executive Order, the Emergency Maximum Occupancy for a Retail Business is the lowest number produced by applying the following two tests:
    - a. Limit the number of Guests in the store to one hundred (100%) of stated fire capacity (or, for spaces without a stated fire capacity, no more than twenty-four (24) Guests for every one thousand (1000) square feet of

the location's total square footage, including the parts of the location that are not accessible to Guests).

- b. Limit the number of Guests in the store so that everyone can stay six (6) feet apart.
2. Mark six (6) feet of spacing in lines at point of sale and in other high-traffic areas for Guests, such as at deli counters and near high-demand products.
3. Follow the Core Signage, Screening, and Sanitation Requirements as defined in Appendix A to this Executive Order.

**3.16. Transportation.**

All workers and riders on public or private transportation regulated by the State of North Carolina, as well as all people in North Carolina airports, bus and train stations or stops, must wear Face Coverings at all times, unless an exception applies. This provision does not apply to people traveling alone with household members or friends in their personal vehicles, but does apply to ride-shares, cabs, vans, and shuttles, even if the vehicles are privately owned. Guests may be removed from or denied entry to public transportation if they refuse to wear a Face Covering.

**3.17. Workplaces in Agriculture, Construction, and Manufacturing.**

Social distancing is inherently difficult where multiple workers are together in manufacturing settings, at construction sites, and in migrant farm, other farm, and agricultural settings. Therefore, in businesses or operations within North American Industry Classification System ("NAICS") sectors 311 to 339 (manufacturing), 236 to 238 (construction), and 111, 112, 1151, and 1152 (agriculture), all workers not participating in a respiratory protection program must wear Face Coverings when indoors. Notwithstanding the above, workers may remove their Face Covering if an exception applies, if they become overheated, or if they eat and drink while working.

**Section 4. Overnight Restrictions.**

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

The restrictions on late night service of alcoholic beverages in Executive Order No. 195 are rescinded as of the effective date of Executive Order No. 204.

**Section 5. Mass Gatherings.**

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

- 5.1. **Prohibition.** Mass Gatherings are prohibited. "**Mass Gathering**" means an event or convening which is in a category not otherwise covered by this Executive Order, is not excepted by the following provisions of this Executive Order, and brings together more than one hundred (100) people indoors or more than two hundred (200) people outdoors at the same time in a single confined indoor or outdoor space. In publicly accessible indoor facilities, the Mass Gathering limit applies per room of the facility.

At a park, beach, or trail, or at outdoor events such as parades, running races or festivals, the outdoor Mass Gathering limit of two hundred (200) people applies to each group of people that may gather together.

- 5.2. **Exceptions from Prohibition on Mass Gatherings.** Notwithstanding the Mass Gathering limit above:

- a. The prohibition on Mass Gatherings does not apply to any of the restricted businesses and operations identified in Section 3 of this Executive Order, except as specifically stated above, because in those situations, transmission of COVID-19 will be controlled through the measures specifically tailored for each situation listed in those Sections.

The prohibition on Mass Gatherings and the capacity limits in Section 3 generally do not apply to educational institutions or government operations. The capacity limits in Section 3.2 of this Executive Order, however, apply to educational institutions and government operations.

- b. The prohibition on Mass Gatherings does not include gatherings for health and safety, to look for and obtain goods and services, for work, or for receiving governmental services. A Mass Gathering does not include normal operations at airports, bus and train stations or stops, medical facilities, libraries, shopping malls, and shopping centers. However, in those settings, people must follow the Recommendations to Wear Face Coverings, Promote Social Distancing and Reduce Transmission as much as possible, and they should circulate within the space so that there is minimal contact between people.

5.3. **Drive-Ins.** Events are not prohibited Mass Gatherings if the participants all stay within their vehicle, such as at a drive-in movie theater. Drive-in events are also not subject to the capacity limitations specified herein in Sections 3 and 6 of this Executive Order, provided that all participants stay in their vehicle, except to enter, leave, use amenities, visit the restroom, and obtain food or drink.

**Section 6. Larger Venues.**

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

Indoor facilities with seating capacity greater than five thousand (5,000) and outdoor facilities with seating capacity greater than ten thousand (10,000) must take the following additional measures stated in Subsection 6.1 and Subsection 6.2.

6.1. **Limiting Crowding in Concourses.** The facility operator must have staff direct or monitor the flow of Guests through common spaces to maintain social distancing as Guests enter the arena, leave the arena, or visit concession stands. The operator must also establish a guest flow plan that limits people massing together throughout the facility and when they are entering or exiting the facility.

6.2. **Socially Distanced Seating Required.** The establishment must use assigned seats as follows:

- a. All events must be ticketed. No tickets shall be sold for “standing room only” or “general admission.”
- b. The facility operator must, through the use of assigned seating, ensure that each group of Guests attending the event is actually physically separated by six (6) feet from each Guest in each other group.
- c. This includes not only separating each Guest group horizontally within a row, but also separating Guest groups vertically between rows so that no person has someone from another group within six (6) feet in front or behind them.
- d. The facility operator must have staff periodically monitor crowds to ensure that Guests do not take seats other than their assigned seats.
- e. In this Subsection, a “group” of spectators means a set of friends or family members who bought tickets together and came into the event venue together.

6.3. **Larger Venues Covered by this Subsection May Admit Guests at a Higher Capacity Provided the Venue Receives Pre-Approval from DHHS of its Health and Safety Plan.**

To facilitate the state’s economic reopening efforts, COVID-19 vaccination efforts, and North Carolinians’ return to pre-pandemic activities, and for the reasons and pursuant to the authority set forth above, the undersigned delegates to the Secretary of NCDHHS the authority to waive the requirements in this Executive Order for venues to space out Guests and waive the restrictions which would prevent those outdoor venues with a seating capacity of over one thousand (1,000) seats, or indoor venues with a seating capacity of over five thousand (5,000) seats from hosting

Guests at occupancy limits above those otherwise established by this Executive Order, based on review and approval of the venue's health and safety plan. In considering a venue's health and safety plan, the Secretary shall consider whether the plan has adopted sufficient strategies to limit the transmission of COVID-19; and whether, to the Secretary's knowledge, the venue has failed, at other events, to implement health and safety promises or has violated executive orders.

**Section 7. Miscellaneous Provisions.**

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

- 7.1. **Statewide Standing Order for COVID-19 Testing.** In order to further protect the public health by providing greater access to COVID-19 testing, the undersigned orders the State Health Director, in addition to and in accordance with her powers set out in N.C. Gen. Stat. Chapter 130A, to issue any statewide standing order needed in her medical judgment that would allow individuals who meet NCDHHS criteria for testing to access and undergo testing for COVID-19, subject to the terms of the standing order. This standing order may continue for the duration of the State of Emergency.
- 7.2. **School and Health Officials to Continue Efforts.** NCDHHS, the North Carolina Department of Public Instruction, and the North Carolina State Board of Education are directed to continue to work together during this State of Emergency to maintain and implement measures to provide for the health, nutrition, safety, educational needs, and well-being of children being taught by remote learning.
- 7.3. **Effect on Local Emergency Management Orders.**
  - a. **Most of the Restrictions in This Executive Order Are Minimum Requirements. And Local Governments Can Impose Greater Restrictions.** The undersigned recognizes that the impact of COVID-19 has been and will likely continue to be different in different parts of North Carolina. Over the course of the COVID-19 emergency in North Carolina, COVID-19 outbreaks have occurred, at different times, in urban and rural areas; in coastal areas, the piedmont, and the mountains; and in a variety of employment and living settings. As such, the undersigned acknowledges that counties and cities may deem it necessary to adopt ordinances and issue state of emergency declarations which impose restrictions or prohibitions to the extent authorized under North Carolina law, such as on the activity of people and businesses, to a greater degree than in this Executive Order. To that end, nothing herein, except where specifically stated below in Subsections 7.3(b) and 7.3(c), is intended to limit or prohibit counties and cities in North Carolina from enacting ordinances and issuing state of emergency declarations which impose greater restrictions or prohibitions to the extent authorized under North Carolina law.
  - b. **Local Restrictions Cannot Restrict State or Federal Government Operations.** Notwithstanding Subsection 7.3(a) above, no county or city ordinance or declaration shall have the effect of restricting or prohibiting governmental operations of the State or the United States.
  - c. **Local Restrictions Cannot Set Different Retail Requirements.** Notwithstanding Subsection 7.3(a) above, in an effort to create uniformity across the state for Retail Businesses that may continue to operate, the undersigned amends all local prohibitions and restrictions imposed under any local state of emergency declarations to remove any language that sets a different maximum occupancy standard for Retail Businesses or otherwise directly conflicts with Section 6.2(a)(i) of Executive Order No. 163, which is incorporated into this Executive Order by Subsection 3.15 above. The undersigned also hereby prohibits during the pendency of this Executive Order the adoption of any prohibitions and restrictions under any local state of emergency declarations that set a different maximum occupancy standard for Retail Businesses or otherwise directly conflict with Section 6.2(a)(i) of Executive Order No. 163.
  - d. **Local Restrictions Cannot Prevent COVID-19 Testing.** To ensure that COVID-19 testing is available to the maximum extent possible, and to create certainty and



uniformity across the state for businesses and operations that are providing this valuable testing, the undersigned specifically prohibits all local prohibitions and restrictions that would prevent or restrict businesses or operations from providing COVID-19 testing or would prevent or restrict businesses or operations from advertising COVID-19 testing services that they are providing to the public. This preemption includes, but is not limited to, building permits, signage restrictions, and zoning requirements. However, the preemption provided by this Section is available only to COVID-19 testing sites that are operated in accordance with state and federal law and in cooperation with the NCDHHS or a local public health department.

- e. **Local Restrictions Cannot Prevent COVID-19 Vaccine Administration.** To ensure that COVID-19 vaccines are available to the maximum extent possible, and to create certainty and uniformity across the state for businesses and operations that are providing this valuable service, the undersigned specifically prohibits all local prohibitions and restrictions that would prevent or restrict businesses or operations from providing COVID-19 vaccines or would prevent or restrict businesses or operations from advertising COVID-19 vaccines that they are providing to the public. This preemption includes, but is not limited to, building permits, signage restrictions and zoning requirements. However, the preemption provided by this Section is available only to COVID-19 vaccination sites that are operated in accordance with state and federal law and in cooperation with the NCDHHS or a local public health department.

**7.4. Previous Executive Orders.** This Executive Order amends, restates, and replaces Executive Order Nos. 141, 153, 162, 163, 169, 170, 176, 180, 181, 188, 189, 195 and 204 in full.

**Section 8. Extension of Price Gouging Period.**

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

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 June 1, 2021 at 5:00 pm.

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 9. 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 10. 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 11. 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 12. Enforcement.**

12.1. 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.

12.2. 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. Local governments are specifically authorized and encouraged to adopt ordinances that provide law enforcement officials with flexibility to use civil, rather than criminal, penalties to enforce violations of this Executive Order.

12.3. 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).

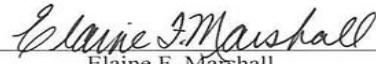
**Section 13. Effective Date.**

This Executive Order is effective April 30, 2021, at 5:00 pm. This Executive Order shall remain in effect through June 1, 2021, at 5:00 pm 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 28<sup>th</sup> day of April in the year of our Lord two thousand and twenty-one.

  
\_\_\_\_\_  
Roy Cooper  
Governor

ATTEST:

  
\_\_\_\_\_  
Elaine F. Marshall  
Secretary of State



**APPENDIX A: Core Signage, Screening, and Sanitation Requirements**

The following are the “Core Signage, Screening, and Sanitation Requirements”:

1. Post the Emergency Maximum Occupancy in a noticeable place.
2. Post signage reminding Guests and workers about social distancing (staying at least six (6) feet away from others) and requesting that people who have COVID-19 symptoms not enter.
3. Immediately isolate and remove sick workers.
4. Clean surfaces once a day, prioritizing high-touch surfaces. If there has been a sick person or an individual who has tested positive for COVID-19 within the past twenty-four (24) hours on-site at the establishment, clean and disinfect the space using an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19).

**APPENDIX B: Additional Health and Safety Requirements for Amusement Parks**

1. Spread out waiting lines for rides, amusements, and other areas where people may congregate or wait, with each group separated by six (6) feet.
2. The operator must mark six (6) feet of spacing along the line and in waiting areas for rides and amusements and other areas where people may congregate or wait.
3. Establish a Guest flow plan that limits people massing together throughout the park and when they are entering or exiting the park.
4. Provide alcohol-based hand sanitizer (with at least 60% alcohol) at the entrance and at other areas throughout the premises as needed. Promote frequent use of hand-washing and hand sanitizer for workers and Guests.
5. Follow the restrictions set out in Subsection 3.14 and Appendix J of this Executive Order for any food, beverage, and retail service.
6. Follow the Core Signage, Screening and Sanitation Requirements as defined in Appendix A this Executive Order.

**APPENDIX C: Additional Health and Safety Requirements for Bars, Night Spots, and Arenas and All Other Facilities Covered by Subsection 3.2**

1. Mark six (6) feet of spacing in lines at high-traffic areas for Guests.
2. Promote frequent use of hand-washing and hand sanitizer for waitstaff and food service staff throughout the shift and upon reporting to work. Hand-washing must at least meet the requirements specified in the North Carolina Food Code Manual.
3. Provide alcohol-based hand sanitizer (with at least 60% alcohol) at the entrance and at other areas throughout the premises as needed. Promote frequent use of hand-washing and hand sanitizer for workers and Guests.
4. The facility must arrange the space so that Guests sitting at a counter or table are not within six (6) feet of any Guests sitting at another counter or table. Moreover, each group of Guests sitting at a counter should be separated from other groups by six (6) feet. Entertainers also must stay at least six (6) feet away from any Guest. People sitting at a table need not be members of the same household and do not need to stay six (6) feet apart. Moreover, this Executive Order does not require waitstaff to stay six (6) feet away from Guests.
5. Follow all applicable NCDHHS guidelines.
  1. Follow the restrictions set out in Subsection 3.14 and Appendix J of this Executive Order for any food or beverage service.
  2. Follow the Core Signage, Screening and Sanitation Requirements as defined in Appendix A to this Executive Order.

**APPENDIX D: Additional Health and Safety Requirements for Child  
Care Facilities**

1. Immediately isolate sick workers and children from the rest of the facility and send them home.
2. Have a plan to work with local health departments to identify close contacts of confirmed cases in the child care setting.
3. Follow all applicable NCDHHS guidelines.
4. Follow the Core Signage, Screening, and Sanitation Requirements as defined in Appendix A to this Executive Order.

**APPENDIX E: Additional Health and Safety Requirements for  
Children's Day or Overnight Camps**

1. Immediately isolate sick workers and campers from the rest of the facility.
2. Have a plan to work with local health departments to identify close contacts of confirmed cases in the camp setting.
3. Follow all applicable NCDHHS guidelines.
4. Follow the Core Signage, Screening, and Sanitation Requirements as defined in Appendix A to this Executive Order.

**APPENDIX F: Additional Health and Safety Requirements for Fitness and Activity Facilities**

1. Promote frequent use of hand-washing and hand sanitizer for workers and Guests. Require workers to wash hands immediately upon reporting to work, after contact with Guests, after performing cleaning and disinfecting activities, and frequently throughout the day.
2. Clean all shared equipment between users or provide cleaning materials with instructions for guests to clean equipment before and/or after use.
3. Mark six (6) feet of spacing in lines at point of sale and in other high-traffic areas for Guests.
4. Post the Emergency Maximum Occupancy of any room or other enclosed space at the door to that space.
5. Take the following Social Distancing Measures.
  - a. Spread Out Guests and Equipment. Operators of Fitness and Physical Activity Facilities must:
    - i. For activities involving Guests spread out among fixed equipment or lanes, tape off or move the equipment, or restrict access to lanes, so that the Guests conducting the exercise activity are at least six (6) feet apart.
    - ii. For group classes or group activities, ensure that all Guests are spaced at least six (6) feet apart. Instructors may come within six (6) feet of students for brief periods of time (less than 15 minutes).
  - b. Seating in Waiting Areas. For Guests waiting to take their turn in the activity, operators must space out any seating so that Guests can be socially distanced and stay six (6) feet apart from each other.
6. Follow all applicable NCDHHS guidelines.
7. Follow the restrictions set out in Sections 3.14 and Appendix J of this Executive Order for any food and beverage service.
8. Follow the Core Signage, Screening and Sanitation Requirements as defined in Appendix A to this Executive Order.



**APPENDIX G: Additional Health and Safety Requirements for Meeting Spaces,  
Conference Centers, and Reception Venues**

1. Mark six (6) feet of spacing in lines at point of sale and in other high-traffic areas for Guests.
2. Provide alcohol-based hand sanitizer (with at least 60% alcohol) at the entrance and at other areas throughout the premises as needed. Promote frequent use of hand-washing and hand sanitizer for workers and Guests.
3. The facility must arrange the space so that Guests sitting at a counter or table are not within six (6) feet of any Guests sitting at another counter or table. Moreover, each group of Guests sitting at a counter should be separated from other groups by six (6) feet. Entertainers also must stay at least six (6) feet away from any Guest. People sitting at a table need not be members of the same household and do not need to stay six (6) feet apart. Moreover, this Executive Order does not require waitstaff to stay six (6) feet away from Guests.
4. Follow all applicable NCDHHS guidelines.
5. Follow the restrictions set out in Subsection 3.14 and Appendix J of this Executive Order for any food or beverage service.
6. Follow the Core Signage, Screening and Sanitation Requirements as defined in Appendix A to this Executive Order.

**APPENDIX H: Additional Health and Safety Requirements for Movie Theaters and Entertainment Facilities**

1. Mark six (6) feet of spacing in lines at point of sale and in other high-traffic areas for Guests.
2. Provide alcohol-based hand sanitizer (with at least 60% alcohol) at the entrance and at other areas throughout the premises as needed. Promote frequent use of hand-washing and hand sanitizer for workers and Guests.
3. The facility must arrange the space so that Guests sitting at a counter or table are not within six (6) feet of any Guests sitting at another counter or table. Moreover, each group of Guests sitting at a counter should be separated from other groups by six (6) feet. Entertainers must also stay at least six (6) feet away from any Guest. People sitting at a table need not be members of the same household and do not need to stay six (6) feet apart. Moreover, this Executive Order does not require waitstaff to stay six (6) feet away from Guests.
4. Follow all applicable NCDHHS guidelines.
5. Follow the restrictions set out in Subsection 3.14 and Appendix J of this Executive Order for any food or beverage service.
6. Follow the Core Signage, Screening and Sanitation Requirements as defined in Appendix A to this Executive Order.

**APPENDIX I: Additional Health and Safety Requirements for Personal Care and Grooming Businesses**

1. Arrange seating so that groups of Guests are separated from one another by six (6) feet.
2. Follow the Core Signage, Screening, and Sanitation Requirements as defined in Appendix A of this Executive Order, except for the requirement to have signage remind people about staying six (6) feet apart.
3. Ensure that all equipment that comes into direct personal contact with Guests and all furniture in service areas (such as chairs, capes, and the shampooing area in a barber shop or salon) are completely cleaned between each Guest.
4. Mark six (6) feet of spacing in lines at point of sale and in other high-traffic areas for Guests, such as at cash registers and waiting areas.
5. Follow all applicable NCDHHS guidelines.

**APPENDIX J: Additional Health and Safety Requirements for Restaurants**

1. Promote frequent use of hand-washing and hand sanitizer for waitstaff and food service staff throughout the shift and upon reporting to work. Hand-washing must at least meet the requirements specified in the North Carolina Food Code Manual.
  2. Mark six (6) feet of spacing in lines at high-traffic areas for Guests, such as a cash register or place where Guests wait to be seated at their table.
  3. Arrange the Restaurant so that Guests sitting at a counter or table are not within six (6) feet of any Guests sitting at another counter or table. Moreover, each group of Guests sitting at a counter should be separated from other groups by six (6) feet. Entertainers also must stay at least six (6) feet away from any Guest. People sitting at a table need not be members of the same household and do not need to stay six (6) feet apart. Moreover, this Executive Order does not require servers and waitstaff to stay six (6) feet away from Guests.
1. Follow all applicable NCDHHS guidelines.
  2. Follow the Core Signage, Screening, and Sanitation Requirements as defined in Appendix A of this Executive Order.



# State of North Carolina

**ROY COOPER**  
GOVERNOR

April 29, 2021

**EXECUTIVE ORDER NO. 210**

**FURTHER EXTENSION OF AUTHORIZATION OF DELIVERY AND CARRY-OUT  
OF SERVICES AND PRODUCTS AS AN ALTERNATIVE TO ON-SITE  
CONSUMPTION AND RECEIPT**

**WHEREAS**, on March 10, 2020, the undersigned issued Executive Order No. 116, 34 N.C. Reg. 1744-1749 (April 1, 2020), 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, 169-173, 176-177, 180-181, 183-185, 188-193, 195, 197-198, 200, 204-207, and 209; and

**WHEREAS**, the undersigned has taken a science and data-driven approach to implementing public health measures to curb the spread of the virus and to advance the state's economy in a safe and effective way, which is in the best interests of all North Carolinians; and

**WHEREAS**, on April 28, 2021, in light of sustained improvement in key COVID-19 metrics, and the state's accelerating vaccination efforts, the undersigned issued Executive Order No. 209 which removed the outdoor Face Covering requirement, loosened restrictions on gatherings, and extended the capacity limitations and social distancing measures of Executive Order No. 204; and

**WHEREAS**, due to the continuing dangers posed by COVID-19, bars and other establishments that sell alcohol must continue to operate at reduced capacity and must adhere to indoor Face Covering and social distancing requirements between patrons; and

Benefits of Take-Out and Delivery During the Pandemic

**WHEREAS**, settings that are indoor, where people gather, remain stationary for an extended period of time, and cannot consistently wear a Face Covering have an increased risk of viral spread; and

**WHEREAS**, settings where there is increased respiratory effort — for example, conversations being held over music or background noise, singing, and dancing — increase the risk of viral spread; and

**WHEREAS**, these settings include restaurants, hotels, private clubs, private bars, and distilleries that sell mixed beverages; and

**WHEREAS**, in light of the risks of transmission presented by the sustained, maskless interactions inherent in indoor dining and drinking at restaurants, bars, and similar establishments, it reduces the risk of viral spread to allow delivery and take-out service; and

**WHEREAS**, for these reasons, restrictions should be lifted, wherever feasible and appropriate, to allow goods and services to be delivered to one's home; and

**WHEREAS**, for these reasons, the undersigned has determined that the Secretary of the North Carolina Health and Human Services requires authority to temporarily waive the enforcement of any legal or regulatory constraints that would prevent or impair the ability of open establishments to provide curbside pickup or delivery of health care goods and services; and

Benefits of Allowing To-Go or Delivery Sales for Mixed Beverages

**WHEREAS**, allowing delivery of food and drinks decreases customer-to-customer interactions between people who are not members of the same household and significantly reduces customer-to-employee interactions, thereby significantly reducing the likelihood of viral spread; and

**WHEREAS**, allowing delivery of mixed beverage drinks to homes, as is done for other goods and services, can reduce the risk of viral spread; and

**WHEREAS**, during the pandemic, public health will benefit if it is easier for people to gather at home, reducing the number of people coming together in bars, restaurants, hotels, private clubs, and distilleries; and

Economic Benefits of Mixed Beverage Sales

**WHEREAS**, the sale of alcoholic beverages generates a substantial percentage of revenue for many restaurants and bars in the state; and

**WHEREAS**, bars and restaurants are currently limited in how they may sell mixed beverages, and thereby are denied a much-needed source of revenue during the COVID-19 pandemic; and

**WHEREAS**, the undersigned's administration has taken action to alleviate the financial hardship borne by bars and restaurants in the COVID-19 pandemic, including through the implementation of grant and loan programs, and mortgage and utility relief for these impacted businesses; and

**WHEREAS**, the undersigned has determined that enabling the sale of mixed beverages for off-premise consumption ("to-go" sales) will provide an additional source of revenue for restaurants and bars in the state, that may offset any reduction in sales that may be caused by the reduced occupancy limits under Executive Order No. 209; and

**WHEREAS**, since the issuance of Executive Order No. 183, many bars have implemented to-go sales of mixed beverages and have benefitted from the additional source of revenue afforded by that order; and

**WHEREAS**, the undersigned extended the measures of Executive Order No. 183 through April 30, 2021 under Executive Order No. 205; and

**WHEREAS**, for the reasons stated herein and in Executive Order Nos. 183, 190 and 205 the undersigned finds it reasonable and necessary to continue the measures of Executive Order No. 183 through June 1, 2021; and

Flexibility for the North Carolina Alcoholic Beverage Control Commission to Permit To-Go Sales of Mixed Beverages

**WHEREAS**, the undersigned has determined that it is in the best interests of all North Carolinians to have additional goods and services available via home delivery or to-go orders; and

**WHEREAS**, enabling these channels to sell mixed beverages may reduce crowding in bars, restaurants, and other open establishments; and

**WHEREAS**, the undersigned has determined that by opening up these additional channels of commerce, crowds may be limited in open establishments, abating a need that otherwise might arise to increase restrictions on bars, restaurants, and other similar businesses; and

**WHEREAS**, the North Carolina Alcoholic Beverage Control Commission (“ABC Commission”) is charged under state law with regulating the access and availability of beer, wine, and mixed beverages; and

**WHEREAS**, the ABC Commission has the requisite experience and ability to monitor the sale, service, and distribution of alcoholic beverages in the state; and

**WHEREAS**, accordingly, the ABC Commission is best equipped to devise and implement all necessary terms and conditions to ensure that bars and restaurants engage in the sale of mixed beverages to-go in a safe and effective manner; and

**WHEREAS**, for the reasons stated above, the undersigned has determined that the Chair of the ABC Commission should have authority to temporarily waive the enforcement of any legal or regulatory constraints that would prevent or impair the sale of mixed beverages for off-premise consumption; and

**WHEREAS**, for avoidance of doubt, the terms of this Executive Order and the delegation of authority to the Chair of the ABC Commission herein do not permit unsealed containers of alcoholic beverages in vehicles, and do not permit the sale of mixed beverages to any individual who is under the age of twenty-one (21) or to any individual who is visibly intoxicated; 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-19.30(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(b)(2), the undersigned, with the concurrence of the Council of State, may establish a system of economic controls over all resources, materials, and services, including shelter and rents; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(4), the undersigned, with concurrence of the Council of State, may waive a provision of any regulation or ordinance of a state agency or political subdivision which restricts the immediate relief of human suffering; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5), the undersigned, with concurrence of the Council of State, may perform and exercise such other powers, functions, and duties as are necessary to promote the safety and protection of the civilian population; and

**WHEREAS**, the undersigned has sought and obtained concurrence from the Council of State consistent with the Governor's emergency powers authority in N.C. Gen. Stat. § 166A-19.30.

**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 stated above and in Executive Order Nos. 183, 190 and 205, **IT IS ORDERED**:

**Section 1. Extension of Executive Order No. 183.**

Executive Order No. 183 shall remain in effect until 5:00 pm on June 1, 2021. The effective date provision of Executive Order No. 183 is amended to have that order continue in effect through the above-listed time and date.

**Section 2. 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 3. 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 4. 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 5. Enforcement.**

- A. 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.



- B. 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.
- C. This Executive Order does not limit Alcohol Law Enforcement’s existing authority to take any action necessary (criminal or administrative through the ABC Commission) to enforce the provisions of this Executive Order or any waivers or modifications for sales and deliveries of alcoholic beverages prescribed by the ABC Commission.
- D. 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 6. Effective Date.**

This Executive Order is effective April 29, 2021, at 5:00 pm. This Executive Order shall remain in effect through June 1, 2021 at 5:00 pm, 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 29<sup>th</sup> day of April in the year of our Lord two thousand and twenty one.

  
\_\_\_\_\_  
Roy Cooper  
Governor

**ATTEST:**

  
\_\_\_\_\_  
Elaine F. Marshall  
Secretary of State





# State of North Carolina

**ROY COOPER**  
GOVERNOR

May 10, 2021

**EXECUTIVE ORDER NO. 211**

**EXTENDING CERTAIN HEALTH AND HUMAN SERVICES PROVISIONS IN  
PREVIOUS EXECUTIVE ORDERS AND DELEGATIONS OF AUTHORITY**

**WHEREAS**, on March 10, 2020, the undersigned issued Executive Order No. 116, 34 N.C. Reg. 1744-1749 (April 1, 2020), 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 to provide for the health, safety, and welfare of residents and visitors located in North Carolina; 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, 169-173, 176-177, 180-181, 183-185, 188-193, 195, 197-198, 200, 204-207, and 209-210; and

**WHEREAS**, as of the date of this Executive Order, the state is experiencing lower rates of the percent of emergency department visits that are due to COVID-19-like illness, the daily number of new diagnosed COVID-19 cases, the percent of total COVID-19 tests that are positive, and the number of COVID-19 hospitalizations, relative to these metrics in January 2021; and

**WHEREAS**, COVID-19 continues to inflict an unprecedented toll on human life in North Carolina; and

**WHEREAS**, more than nine hundred and eighty thousand (980,000) people in North Carolina have been diagnosed with COVID-19, and more than twelve thousand seven hundred and eighty (12,780) people in North Carolina have died from the disease; and

**WHEREAS**, the continued prevalence of variants of concern across the state, key COVID-19 metrics that, while improved, remain elevated, and the need to make additional progress in the state's ongoing vaccination efforts together require continuation of the measures specified herein; and

**WHEREAS**, in Executive Order Nos. 130, 139 and 152, the undersigned, with the concurrence of the Council of State, determined that the Secretary of NCDHHS (the “Secretary”) required authority to modify or waive enforcement of certain legal constraints or regulations which restrict the immediate relief of human suffering; and

**WHEREAS**, certain provisions of Executive Order Nos. 130 and 139 were extended by Executive Order Nos. 144, 148, 152, 165, 177 and 193, but these provisions are set to expire unless the undersigned takes further action; and

**WHEREAS**, it is anticipated that the need for these measures will continue for at least a period of ninety (90) days; and

**WHEREAS**, since the Declaration of a State of Emergency in Executive Order No. 116, North Carolina has accumulated increased personal protective equipment (“PPE”) for health care workers and first responders, developed health care protocols and procedures for the treatment of COVID-19, and adopted personal recommendations to promote social distancing and reduce transmission of COVID-19; and

**WHEREAS**, despite the accumulation of additional PPE, the advancements made by health care professionals to treat the disease, and the efforts made by the undersigned’s administration and all North Carolinians to reduce transmission of the disease across the state, hospital administrators and health care providers continue to express concerns that unless the spread of COVID-19 is limited, existing health care facilities may be insufficient to care for those who become sick or need hospital-level care for other conditions; and

**WHEREAS**, until enough North Carolinians are vaccinated, COVID-19 will continue to cause devastating illness and death; and

**WHEREAS**, as of the date of this Executive Order, the United States Food and Drug Administration (the “FDA”) has authorized three vaccines for COVID-19, it is anticipated that the vaccines may be authorized for additional age groups, and more vaccines may be authorized in the future; and

**WHEREAS**, rigorous clinical trials have demonstrated that the FDA-authorized COVID-19 vaccinations are safe and effective, and that the known and potential benefits of the FDA-authorized COVID-19 vaccines outweigh the known and potential harms of contracting the COVID-19 virus; and

**WHEREAS**, the vaccine is free to all North Carolinians, regardless of insurance status; and

**WHEREAS**, North Carolina and its mental health, developmental disabilities, and substance abuse facility and service providers need to take all reasonable actions to expand capacity as to improve the ability to efficiently respond to the COVID-19 pandemic, thereby reducing the probability that the demand for care in North Carolina will outpace capacity; and

**WHEREAS**, in some cases, these actions have required and will continue to require temporarily waiving or modifying legal and regulatory constraints so that these mental health, developmental disability, and substance abuse facilities and providers can maintain licensure and continue to provide necessary services; and

**WHEREAS**, decisions about adding and transferring resources continue to require real-time decision-making; and

**WHEREAS**, to continue to enable rapid decision-making, the undersigned has determined that it is in the best interest of the people of North Carolina to provide the Secretary with authority to modify or waive enforcement of certain legal and regulatory constraints as necessary in order to expand capacity and save lives; and

**WHEREAS**, for example, there is a growing need of health care providers to administer the vaccine, however, many individuals with medical training are not authorized to administer vaccines due to licensing requirements; accordingly, the undersigned wishes to remove any such barriers which would prevent or impair the ability of these medical personnel from assisting with vaccine administration; and

**WHEREAS**, to prevent barriers to vaccine administration that would leave doses unadministered and would leave people unprotected, it is also critically important that those administering the vaccine, and those providing their property and facilities for purposes of vaccine administration, are provided with insulation from liability to the maximum extent permitted by law; and

**WHEREAS**, the process of vaccinating North Carolinians to levels sufficient to protect the population requires comprehensive and aggressive statewide efforts together with robust community participation; and

**WHEREAS**, accordingly, state officials are directed to marshal all available state property, equipment, and personnel towards facilitating the statewide vaccination effort; and

**WHEREAS**, the State Health Director has been assigned authority by the Secretary, pursuant to N.C. Gen. Stat. § 130A-3, to exercise authorities under N.C. Gen. Stat. § 130A-5, including to investigate the causes of communicable disease affecting the public health in order to control and prevent those diseases, to provide, under the rules of the North Carolina Commission for Public Health, for the prevention, detection, reporting, and control of communicable diseases, and to develop and carry out health programs necessary for the protection and promotion of the public health and the control of diseases; and

**WHEREAS**, the state-wide Standing Orders for COVID-19 vaccinations remove barriers and increase access to vaccinations for individuals and facilitate widespread community vaccinations, and high through-put vaccination sites; and

**WHEREAS**, to support local health departments on the front lines of responding to the COVID-19 pandemic, it has been necessary to waive certain local health department regulations in Executive Orders Nos. 119, 139, and subsequent extensions, including requirements around accreditation, and as local health departments have been for a year and will continue to be the lead agencies in the state's efforts to combat the COVID virus, additional waivers are needed to provide relief to local health departments on the front lines responding to the COVID-19 pandemic; 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 any Gubernatorial vested authority under the Emergency Management Act and to provide for the subdelegation of any authority; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.10(b)(4) gives the undersigned the authority to "cooperate and coordinate" with the President of the United States; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(7) the undersigned is authorized and empowered to utilize the services, equipment, supplies, and facilities of departments, offices, and agencies of the state in response to the emergency; 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(b)(2), the undersigned, with the concurrence of the Council of State, may establish a system of economic controls over all resources, materials, and services, including shelter and rents; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(4), the undersigned, with the concurrence of the Council of State, may waive a provision of any regulation or ordinance of a state agency or political subdivision which restricts the immediate relief of human suffering; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5) the undersigned, with the concurrence of the Council of State, may perform and exercise such other functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population; and

**WHEREAS**, the undersigned has sought and obtained concurrence from the Council of State on the provisions of this Executive Order requiring concurrence, consistent with the Governor's emergency powers authority in N.C. Gen. Stat. § 166A-19.30; and

**WHEREAS**, all the authority granted by this Executive Order is intended to be temporary, and the waivers and modifications of enforcement set out in this Executive Order are intended to extend only through the period where they are needed to address the COVID-19 pandemic.

**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 in Executive Orders Nos. 130, 139, 144, 148, 152, 165, 177, and 193, **IT IS ORDERED**:

**Section I. Extension, Generally.**

To meet the goal of providing health care, public health, and human services during the COVID-19 pandemic, which includes the administration of FDA-authorized COVID-19 vaccines, and to protect and save lives during the COVID-19 pandemic, the undersigned orders as follows:

Executive Order No. 152, as amended by Executive Order No. 165 and as extended by Executive Order No. 177, and as further modified and extended by Executive Order No. 193 and this Executive Order, is modified to be in effect until August 8, 2021.

For avoidance of doubt, the preceding sentence also extends through the listed date the provisions of Executive Orders Nos. 130 and 139 that were previously extended by Executive Order No. 193. Subsections 2(C), 2(D), 4(A)(2), and 6(A) of Executive Order No. 130, which have expired or have been rescinded or replaced under the terms of previous Executive Orders, continue to no longer be in effect.

References to "September 22, 2020," "November 20, 2020," "February 11, 2021," "February 18, 2021," or "May 10, 2021" in Executive Orders Nos. 152, 165, 177, and 193 shall be replaced with "August 8, 2021."

**Section II. Flexibility Under Regulations to Support and Accelerate Vaccination Efforts; Amendments to Executive Order No. 130.**

- A. **Flexibility to Allow Additional Persons to Administer Vaccine.** To meet the goal of providing health care and human services, which includes the administration of FDA-authorized

COVID-19 vaccines, and to protect and save lives in the COVID-19 pandemic, the undersigned orders as follows:

Section 3(A) of Executive Order No. 130, as extended by Executive Order Nos. 148, 152, 165, 177, and as amended by Executive Order No. 193 and this Executive Order, is modified to include a delegation of authority to the North Carolina Board of Optometry to waive or modify regulations that would prevent or impair the provision of care, including the provision of COVID-19 vaccines, as follows:

**“Section 3. Increasing the Pool of Professional Health Care Workers, Including Those Who Can Administer FDA-authorized COVID-19 Vaccines.”**

**A. Regulatory flexibility to expand the health care workforce.**

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

1. Authority to meet extraordinary health care and vaccination needs.
  - a. To meet the goal of providing health care and saving lives in response to the wave of illness brought on by the COVID-19 pandemic, and to meet the need for additional health care workers to treat patients, as well as to administer FDA-authorized COVID-19 vaccines, the undersigned delegates to each professional health care licensure board the authority to waive or modify enforcement of any legal or regulatory constraints that would prevent or impair the following:
    - i. Allowing persons to provide care, including but not limited to administering FDA-authorized COVID-19 vaccines, if they are licensed in other states, territories, or the District of Columbia, but not licensed in North Carolina.
    - ii. Allowing persons to provide care, including but not limited to administering FDA-authorized COVID-19 vaccines, if they are retired or if their licenses are inactive.
    - iii. Allowing skilled, but unlicensed volunteers to provide care, including but not limited to administering FDA-authorized COVID-19 vaccines.
    - iv. Allowing students at an appropriately advanced stage of professional study to provide care, including but not limited to administering FDA-authorized COVID-19 vaccines.
    - v. Allowing dentists licensed in North Carolina to administer FDA-authorized COVID-19 vaccines and to administer, by injection, epinephrine or diphenhydramine for the treatment of a severe allergic reaction to a COVID-19 vaccine.
    - vi. Allowing optometrists licensed in North Carolina to administer FDA-authorized COVID-19 vaccines.
  - b. Without limiting the foregoing, the undersigned delegates to each professional health care licensure board the authority to accomplish the goals listed in Subdivision (a)(i)-(iv) above by waiving or modifying any of the following regulations:
    - i. The regulations on admission and licensure for the practice of medicine, at 21 N.C. Admin. Code Chapter 32.
    - ii. The regulations on admission and licensure for the practice of nursing, at 21 N.C. Admin. Code Chapter 36.

- iii. The regulations on admission and licensure for the practice of midwifery, at 21 N.C. Admin. Code Chapter 33.
  - iv. The admission and licensure regulations for the social worker profession, at 21 N.C. Admin. Code Chapter 63.
  - v. The regulations on admission and licensure for the practice of respiratory care, at 21 N.C. Admin. Code Chapter 61.
  - vi. The admission and licensure regulations for the pharmacy profession, at 21 N.C. Admin. Code Chapter 46.
  - vii. The regulations on admission and licensure for the practice of speech language pathology/therapy, at 21 N.C. Admin. Code Chapter 64.
  - viii. The regulations on admission and licensure for the practice of psychology, at 21 N.C. Admin. Code Chapter 54.
  - ix. The regulations on admission and licensure for the practice of clinical mental health counseling, at 21 N.C. Admin. Code Chapter 53.
  - x. The admission and licensure regulations for substance use disorder professionals, at 21 N.C. Admin. Code Chapter 68.
  - xi. The regulations on admission and licensure for the practice of occupational therapy, at 21 N.C. Admin. Code Chapter 38.
  - xii. The regulations on admission and licensure for the practice of physical therapy, at 21 N.C. Admin. Code Chapter 48.
  - xiii. The regulations on admission and licensure for the practice of recreational therapy, at 21 N.C. Admin. Code Chapter 65. The admission and licensure regulations for the profession of interpreters and transliterators, at 21 N.C. Admin. Code Chapter 25.
  - xiv. The admission and licensure regulations for the profession of nursing home administrators, at 21 N.C. Admin. Code Chapter 37.
  - xv. The admission and licensure regulations for the profession of assisted living administrators, at 10A N.C. Admin Code 13F. 1701.
  - xvi. The admission and licensure regulations for the perfusionist profession, at 21 N.C. Admin. Code Subchapter 32V.
  - xvii. The admission and licensure regulations for the practice of optometry, at 21 N.C. Admin Code Subchapter 42.
  - xviii. Any regulations that are related to the provisions listed above.
- c. In each case, the professional health care licensure board shall have the authority to allow or not allow, in its discretion, these waivers or modifications, and the board shall have the authority to impose conditions on any persons authorized to provide care under this Subsection.
  - d. In the case of dentists administering FDA-authorized COVID-19 vaccinations, and without modifying the foregoing, the undersigned delegates to the Secretary, in consultation with the North Carolina Dental Board and the North Carolina Medical Board, the authority to accomplish the goals listed in Subdivision (1)(a)(v), above, by waiving or modifying legal or regulatory constraints on the administration of vaccines to the extent only that such legal or regulatory constraints may impede accomplishment of the goals listed in Subdivision (1)(a)(v) above.

2. Posting waivers and modifications. Each professional health care licensure board shall document such waivers and modifications in writing and post them on their respective websites.
3. Guidance on training and qualifications. The professional health care licensure boards shall provide guidance on the training and qualifications necessary for their licensees to be ready to address workforce shortages in essential health care services needed to properly manage this State of Emergency.
4. No reduction in existing waiver authority. Nothing in this Subsection shall limit the existing statutory waiver authority of any board.
5. Temporary nature of this Subsection.
  - a. Waivers and modifications under authority of this Subsection are temporary and shall be effective only for the duration of this Executive Order.
  - b. The undersigned delegates to each professional health care licensure board the authority to reimpose, during the duration of this Executive Order, any legal or regulatory constraint for which the board has waived or modified enforcement under this Subsection.
6. This Subsection supersedes the first paragraph of Section 16 of Executive Order 116.”

**Section III. 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 IV. Effective Date.**

This Executive Order is effective immediately. Except as set forth expressly above, this Executive Order shall remain in effect until August 8, 2021, unless rescinded or replaced with a superseding 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 10<sup>th</sup> day of May in the year of our Lord two thousand and twenty-one.

  
\_\_\_\_\_  
Roy Cooper  
Governor

ATTEST:

  
\_\_\_\_\_  
Elaine F. Marshall  
Secretary of State







# State of North Carolina

**ROY COOPER**  
GOVERNOR

May 10, 2021

**EXECUTIVE ORDER NO. 212**

**REISSUING PRIOR EXECUTIVE ORDERS ON REMOTE SHAREHOLDER AND  
NONPROFIT MEETINGS DURING THE COVID-19 STATE OF EMERGENCY**

**WHEREAS**, on March 10, 2020, the undersigned issued Executive Order No. 116, 34 N.C. Reg. 1744-1749 (April 1, 2020), 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 to provide for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); 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 of the United States, pursuant to Section 401 of the Stafford Act, approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; and

**WHEREAS**, over the course of the pandemic, North Carolina's public health experts have gained enhanced knowledge of the COVID-19 virus, including a better understanding of what settings and activities pose the greatest risk of transmitting the virus, and what mitigation strategies are most effective to curb spread; and

**WHEREAS**, over the course of the pandemic, the state has also expanded its access to personal protective equipment and other necessary materials to better protect the population from the spread of COVID-19, and has increased its ability to test for and to trace the virus; and

**WHEREAS**, in recent months, the state has also mounted a robust vaccination effort, to distribute the state's allocated supply of vaccines authorized by the Food and Drug Administration ("FDA") to all North Carolinians; and

**WHEREAS**, in light of the above factors, the undersigned issued Executive Order No. 209, on April 28, 2021, which extended the social distancing and capacity provisions of Executive Order No. 204, removed the outdoor face covering requirement and relaxed restrictions for gatherings; and

**WHEREAS**, due to the heightened risk of transmission of COVID-19 from gathering in large numbers, especially without adhering to certain mitigation protocols, the undersigned's executive orders place limitations on in-person gatherings; and

**WHEREAS**, the North Carolina Business Corporation Act provides that annual and special meetings of a corporation's shareholders be held at a "place" stated in or fixed in accordance with a corporation's bylaws, N.C. Gen. Stat. § 55-7-01, and "shareholders of any class or series" may, upon the board of directors' authorization, "participate in any meeting of shareholders by means of remote communication" so long as the corporation has implemented certain "reasonable measures," N.C. Gen. Stat. § 55-7-09(b); and

**WHEREAS**, electronic devices and processes exist that allow shareholders to be in the same place that a separately located meeting is being conducted and to participate in the separately located meeting by sight and sound; and

**WHEREAS**, many other states, including the State of Delaware, permit annual shareholders' meetings to be held by remote participation; and

**WHEREAS**, corporations have sought guidance as to interactions between the restrictions on gatherings and the North Carolina Business Corporation Act; and

**WHEREAS**, for the protection of the public health, the undersigned encourages North Carolina corporations to hold shareholders' meetings by remote participation, to the maximum extent practicable, to prevent shareholders from having to gather in a place, and thereby to promote social distancing and the mitigation of the spread of COVID-19; and

**WHEREAS**, the North Carolina Nonprofit Corporation Act provides that annual and special meetings of a nonprofit corporation's members be held at a "place" stated in or fixed in accordance with the corporation's by-laws, pursuant to N.C. Gen. Stat. §§ 55A-7-01 and -02; and

**WHEREAS**, the North Carolina Nonprofit Corporation Act provides that "any action that may be taken at any annual, regular, or special meetings of members may be taken without a meeting if the corporation delivers a written ballot to every member entitled to vote on the matter," and that "any requirement that any vote of the members be made by written ballot may be satisfied by a ballot submitted by electronic transmission, including electronic mail, provided that such electronic transmission shall either set forth or be submitted with information from which it can be determined that the electronic transmission was authorized by the member or the member's proxy," pursuant to N.C. Gen. Stat. § 55A-7-08; and

**WHEREAS**, the North Carolina Nonprofit Corporation Act provides that a nonprofit corporation "may permit any or all directors to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating may simultaneously hear each other during the meeting," pursuant to N.C. Gen. Stat. § 55A-8-20; and

**WHEREAS**, electronic devices and processes exist that allow members and directors to be in the same place that a separately located meeting is being conducted and to participate in the separately located meeting by sight and sound; and

**WHEREAS**, nonprofit corporations have sought guidance as to the interaction between the Mass Gathering restrictions and the North Carolina Nonprofit Corporation Act; and

**WHEREAS**, for the protection of public health, the undersigned encourages North Carolina nonprofit corporations to hold members' and board of directors' meetings by remote participation and balloting, to the maximum extent practicable, to prevent members and directors from having to gather in a place, and thereby to promote social distancing and the mitigation of the spread of COVID-19; and

**WHEREAS**, Executive Order No. 198, issued on February 26, 2021, extended the provisions in Executive Order Nos. 125 and 136 regarding remote shareholder and nonprofit meetings during the COVID-19 State of Emergency; and

**WHEREAS**, the provisions in these Executive Orders are set to expire unless the undersigned takes further action; and

**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**, N.C. Gen. Stat. § 166A-19.10(b)(3) authorizes and empowers the undersigned to delegate any Gubernatorial vested authority under the Emergency Management Act and to provide for the subdelegation of any authority; 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**, 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 direction of functions of state agencies 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**, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(2), the undersigned may give to all participating state officers such directions as may be necessary to assure coordination among them; and

**WHEREAS**, pursuant to N.C. Gen. Stat. §§ 166A-19.30(c)(2) and 166A-19.31(b)(2), the undersigned may enact prohibitions and restrictions on the operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate.

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 Nos. 125, 136, 149, 161, 173, 185, and 198, **IT IS ORDERED:**

**Section 1. Prior Executive Orders**

For the reasons and pursuant to the authority set forth above and set forth in the relevant Executive Orders referenced below, the undersigned orders as follows:

Executive Order No. 125 is reissued and shall remain in full effect until June 1, 2021.

Executive Order No. 136 is reissued and shall remain in full effect until June 1, 2021.

The Effective Date provisions of Executive Orders Nos. 125 and 136 are modified to be in effect through the above listed date.

Future Executive Orders may extend the term of these Executive Orders. An Executive Order rescinding the Declaration of a State of Emergency will automatically rescind this Executive Order.

**Section 2. 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 3. Effective Date**

This Executive Order is effective immediately. This Executive Order shall remain in effect until June 1, 2021 unless repealed, replaced, or rescinded by another applicable Executive Order. An Executive Order rescinding the Declaration of a 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 10<sup>th</sup> day of May in the year of our Lord two thousand and twenty-one.

  
\_\_\_\_\_  
Roy Cooper  
Governor

ATTEST:

  
\_\_\_\_\_  
Elaine F. Marshall  
Secretary of State





# State of North Carolina

**ROY COOPER**  
GOVERNOR

May 10, 2021

EXECUTIVE ORDER NO. 213

**DECLARATION OF A STATE OF EMERGENCY AND  
TEMPORARY SUSPENSION OF MOTOR VEHICLE REGULATIONS TO  
ENSURE ADEQUATE FUEL SUPPLIES THROUGHOUT THE STATE**

**WHEREAS**, the Colonial Pipeline system ("Colonial Pipeline"), a primary fuel pipeline for North Carolina and the East Coast of the United States, reported a ransomware cyber-attack on May 7, 2021, which has resulted in a temporary shutdown of that line, and may cause a disruption in the delivery of refined petroleum products including but not limited to fuel oil, diesel, jet fuel and gasoline; and

**WHEREAS**, the uninterrupted supply of refined petroleum products including but not limited to fuel oil, diesel, jet fuel and gasoline, is essential for the health, safety or economic well-being of persons or property in North Carolina, and any interruption in the delivery of those products threatens the public welfare; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.1(4) provides that it is the responsibility of the undersigned, state agencies, and local governments to "provide for cooperation and coordination of activities relating to emergency mitigation preparedness, response, and recovery among agencies and officials of this state and with similar agencies and officials of other states, with local and federal governments, with interstate organizations, and with other private and quasi-official organizations"; and

**WHEREAS**, N.C. Gen. Stat. §§ 166A-19.10 and 166A-19.20 authorize the undersigned to declare a state of emergency and exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

**WHEREAS**, on May 9, 2021, the Federal Motor Carrier Safety Administration ("FMCSA") issued Regional Emergency Declaration 2021-002 to provide regulatory relief for commercial motor vehicle operations commercial motor vehicle operations while providing direct assistance in supporting emergency relief efforts transporting gasoline, diesel, jet fuel, and other refined petroleum products into the affected states during the emergency from shortages due to the shutdown, partial shutdown, and/or manual operation of the Colonial Pipeline system; and

**WHEREAS**, the unanticipated shutdown of the Colonial Pipeline due to a ransomware cyber-incident and network issues that affect the supply of refined petroleum products including but not limited to fuel oil, diesel, jet fuel and gasoline constitutes a state of emergency for the State of North Carolina as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(19); and

**WHEREAS**, the emergency area, as defined in N.C. Gen. Stat §§ 166A-19.3(7) and 166A-19.20(b), is the entire State of North Carolina; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(3), the undersigned, with the concurrence of the Council of State, may regulate and control the flow of vehicular traffic and the operation of transportation services; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(4), the undersigned, with the concurrence of the Council of State, may waive a provision of any regulation or ordinance of a state agency which restricts the immediate relief of human suffering; and

**WHEREAS**, the undersigned has found that residents may suffer losses and further widespread damage within the meaning of N.C. Gen. Stat. §§ 166A-19.3(3) and 166A-19.21(b); and

**WHEREAS**, 49 C.F.R. § 390.23 allows the Governor of a state to suspend the rules and regulations under 49 C.F.R. Parts 390-399 for up to thirty (30) days if the Governor determines that an emergency condition exists; and

**WHEREAS**, with the concurrence of the Council of State, the undersigned hereby waives the registration requirements of N.C. Gen. Stat. §§ 20-86.1 and 20-382, the fuel tax requirements of N.C. Gen. Stat. § 105-449.47, and the size and weight requirements of N.C. Gen. Stat. §§ 20-116, 20-118 and 20-119 that would apply to vehicles carrying emergency relief supplies to assist with ensuring adequate fuel supplies within North Carolina or the East Coast of the United States.

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

**Section 1.**

I hereby declare that a state of emergency, as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(19), exists in the State of North Carolina due to the unanticipated shutdown of the Colonial Pipeline due to a cyber incident and potential impacts from that incident.

For purposes of this Executive Order, the emergency area is the entire State of North Carolina (“the Emergency Area”).

**Section 2.**

I order all state and local government entities and agencies to cooperate in the implementation of the provisions of this declaration and the provisions of the North Carolina Emergency Operations Plan (“the Plan”).

**Section 3.**

I delegate to Erik A. Hooks, the Secretary of the North Carolina Department of Public Safety (“DPS”), or his designee, all power and authority granted to and required of me by Article 1A of Chapter 166A of the North Carolina General Statutes for the purpose of implementing the Plan and deploying the State Emergency Response Team to take the appropriate actions necessary to promote and secure the safety and protection of the populace in North Carolina.

**Section 4.**

Further, Secretary Hooks, as Chief Coordinating Officer for the State of North Carolina, shall exercise the powers prescribed in N.C. Gen. Stat. § 143B-602.

**Section 5.**

I further direct Secretary Hooks or his designee to seek assistance from any and all agencies of the United States Government as may be needed to meet the emergency and seek reimbursement for costs incurred by the state in responding to this emergency.

**Section 6.**

DPS, in conjunction with the North Carolina Department of Transportation (“DOT”), shall waive the maximum hours of service for drivers prescribed by DPS pursuant to N.C. Gen. Stat. § 20-381.

**Section 7.**

DPS, in conjunction with DOT, shall waive certain size and weight restrictions and penalties

arising under N.C. Gen. Stat. §§ 20-116, 20-118, and 20-119, certain registration requirements and penalties arising under N.C. Gen. Stat. §§ 20-86.1 and 20-382, and certain registration and filing requirements and penalties arising under N.C. Gen. Stat. §§ 105-449.45, 105-449.47, and 105-449.49 for vehicles supporting emergency relief efforts by transporting gasoline, diesel, jet fuel, and other refined petroleum products in North Carolina and the affected states during the emergency from shortages due to the shutdown, partial shutdown, and/or manual operation of the Colonial Pipeline system in the Emergency Area.

**Section 8.**

Notwithstanding the waivers set forth above, size and weight restrictions and penalties have not been waived under the following conditions:

- a. When the vehicle weight exceeds the maximum gross weight criteria established by the manufacturer ("GVWR") or 90,000 pounds gross weight, whichever is less.
- b. When the tandem axle weight exceeds 42,000 pounds and the single axle weight exceeds 22,000 pounds.
- c. When a vehicle and vehicle combination exceed twelve (12) feet in width and the total overall vehicle combination's length exceeds seventy-five (75) feet from bumper to bumper.
- d. Vehicles and vehicle combinations subject to exemptions or permits by authority of this Executive Order shall not be exempt from the requirement of having (A) a yellow banner on the front and rear that is seven (7) feet long and eighteen (18) inches wide and bears the legend "Oversized Load" in ten (10) inch black letters, 1.5 inches wide and (B) red flags measuring eighteen (18) inches square on all sides at the widest point of the load. In addition, when operating between sunset and sunrise, a certified escort shall be required for loads exceeding eight (8) feet six (6) inches in width.

**Section 9.**

Vehicles referenced under Sections 7 and 8 of this Executive Order shall be exempt from the following registration requirements:

- a. The requirement to obtain a temporary trip permit and payment of the associated \$50.00 fee listed in N.C. Gen. Stat. § 105-449.49.
- b. The requirement of filing a quarterly fuel tax return as the exemption in N.C. Gen. Stat. § 105-449.45(b)(1) applies.
- c. The registration requirements under N.C. Gen. Stat. §§ 20-382.1 and 20-382 concerning interstate for-hire authority are waived; however, vehicles shall maintain the required limits of insurance as required.
- d. Non-participants in North Carolina's International Registration Plan and International Fuel Tax Agreement will be permitted to enter North Carolina in accordance with the exemptions identified by this Executive Order.

**Section 10.**

The size and weight exemption for vehicles will be allowed on all DOT designated routes, except those routes designated as light traffic roads under N.C. Gen. Stat. § 20-118. This order shall not be in effect on bridges posted pursuant to N.C. Gen. Stat. § 136-72.

**Section 11.**

The waiver of regulations under Title 49 of the Code of Federal Regulations does not apply to the Commercial Drivers' License and Insurance Requirements. This waiver shall be in effect for thirty (30) days or the duration of the emergency, whichever is less.

**Section 12.**

The North Carolina State Highway Patrol shall enforce the conditions set forth in Sections 6 through 11 of this Executive Order in a manner that does not endanger North Carolina motorists.

**Section 13.**

Upon request by law enforcement officers, exempted vehicles must produce documentation sufficient to establish that their loads are for direct assistance being used for providing direct assistance supporting emergency relief efforts by transporting gasoline, diesel, jet fuel, and other refined petroleum products in North Carolina and the affected states during the emergency to address shortages due to the shutdown, partial shutdown, and/or manual operation of the Colonial Pipeline system.

Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo or provide services not in support of emergency relief efforts related to the shortages of gasoline, diesel, jet fuel, and other refined petroleum products due to the shutdown, partial shutdown, and/or manual operation of the Colonial pipeline system in North Carolina, or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. (49 C.F.R. § 390.23(b)).

Upon termination of direct assistance to emergency relief efforts related to the shortages of gasoline, diesel, jet fuel, and other refined petroleum products due to the shutdown, partial shutdown and/or manual operation of the Colonial pipeline system in the North Carolina or the affected states, the motor carrier and driver are subject to the requirements of 49 C.F.R. Parts 390 through 399, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with Parts 390 through 399. When a driver is moving from emergency relief efforts to normal operations a 10-hour break is required when the total time a driver operates conducting emergency relief efforts, or a combination of emergency relief and normal operation, equals 14 hours.

**Section 14.**

This Executive Order does not prohibit or restrict lawfully possessed firearms or ammunition or impose any limitation on the consumption, transportation, sale, or purchase of alcoholic beverages as provided in N.C. Gen. Stat. § 166A-19.30(c).

**Section 15.**

This Executive Order is effective immediately and shall remain in effect for thirty (30) days or the duration of the emergency, whichever is less.

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 10<sup>th</sup> day of May in the year of our Lord two thousand and twenty-one.

Roy Cooper  
Governor

ATTEST:

Elaine F. Marshall  
Secretary of State





**Note from the Codifier:** The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept 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 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Child Care Commission intends to adopt the rules cited as 10A NCAC 09 .3101-.3104.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://ncchildcare.ncdhhs.gov/Whats-New>

**Proposed Effective Date:** October 1, 2021

**Public Hearing:**

**Date:** June 28, 2021

**Time:** 9:00 a.m.

**Location:**

<https://ncgov.webex.com/ncgov/onstage/g.php?MTID=e39ad49011322dde164a73a0af0d61d02>

**Reason for Proposed Action:** *The NC Child Care Commission (Commission) previously adopted emergency and temporary rules to meet working families’ needs and to allow for compliance with the Governor’s declaration of a state of emergency due to the Coronavirus Disease (COVID-19).*

*Per this declaration, schools were closed to prevent the spread of the disease, but child care centers could continue operating, with additional precautions, to provide care so essential workers could maintain critical functions. Due to some child care programs not operating at full capacity, and the unusual need for care for school-age children during what is typically the school day, families had limited options for daytime care for school-age children learning remotely. The Commission adopted emergency and temporary rules to grant child care centers temporary flexibility to repurpose existing space or open new space to provide safe, daytime care to school-age children and help parents remain in the workforce.*

*The Commission proposes to adopt permanent rules to extend this flexibility through the duration of the state of emergency. The proposed permanent rules would allow existing, currently licensed child care facilities to immediately utilize space, in addition to what is currently licensed for their facility, to provide temporary care to school-age children who are learning remotely, rather than in typical in-person school, only during a declared state of emergency.*

**Comments may be submitted to:** *Dedra Alston, 2201 Mail Service Center, Raleigh, NC 27609; phone (919) 814-6307; email [Dedra.Alston@dhhs.nc.gov](mailto:Dedra.Alston@dhhs.nc.gov)*

**Comment period ends:** August 2, 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 ( $\geq$  \$1,000,000)
- Approved by OSBM
- No fiscal note required

**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") and any subsequent declared State of Emergency arising out of or related to the COVID-19 public health emergency. All rules in Section .2500 of this Chapter apply except as provided in this Section.

*Authority G.S. 110-85; 110-86; 110-88; 110-91.*

**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, 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.

*Authority G.S. 110-85; 110-86; 110-88; 110-91.*

**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.

*Authority G.S. 110-85; 110-86; 110-88; 110-91.*

**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.

*Authority G.S. 110-85; 110-86; 110-88; 110-91.*

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*Notice is hereby given in accordance with G.S. 150B-21.2 that the HHS - Division of Health Benefits intends to adopt the rule cited as 10A NCAC 21A .0304.*

**Link to agency website pursuant to G.S. 150B-19.1(c):** <https://medicaid.ncdhhs.gov/meetings-and-notice/rules-actions>

**Proposed Effective Date:** *October 1, 2021*

**Public Hearing:**

**Date:** *June 17, 2021*

**Time:** *10:00 a.m.*

**Location:** *Join by dialing (877) 336-1839, entering access code 3956100.*

**Reason for Proposed Action:** *Pursuant to GS 108A-79(i) (Public Assistance and Social Services Appeals and Access to Records) and 108A-54 (Authorization of Medical Assistance Program; administration), the Department is authorized to adopt rules to implement the program including appeals processes.*

DHB wishes to permit Medicaid hearing officers to conduct appeal hearings by electronic means with the parties attending at the DSS office in order to streamline disposition, reduce staff time spent on travel, and offer alternative means of holding hearings in the event a local DSS office is closed due to emergency.

Pursuant to G.S. 150B-21.2(c)(8) a copy of the fiscal note may be obtained from DHB.

Comments may be submitted to: Shazia Keller, 1985 Umstead Drive, 2501 Mail Service Center, Raleigh, NC 27699; phone (919) 218-1372; email MedicaidRulesComments@dhhs.nc.gov

Comment period ends: August 2, 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 21 - MEDICAL ASSISTANCE ADMINISTRATION

SUBCHAPTER 21A - GENERAL PROGRAM ADMINISTRATION

SECTION .0300 - APPEALS

10A NCAC 21A .0304 CONDUCTING DEPARTMENT APPEAL HEARINGS BY TELEPHONE OR ELECTRONIC MEANS

For public assistance and social services de novo appeals, including appeals of cases involving disability filed pursuant to G.S. 108A-79(i):

- (1) The Department shall conduct the appeal hearing by telephone or other electronic means with the parties attending at the county department of social services with jurisdiction over the case.

- (2) The Department shall notify the appellant of the hearing by First Class U.S. Mail.
(3) In the case of an emergency that causes a county department of social services to be closed to the public, the parties shall attend by telephone or other electronic means. The county department of social services shall make available by electronic mail, U.S. Mail or physical pick up the case file materials the appellant is entitled to examine pursuant to G.S. 108A-79(i)(1).
(4) The Department shall continue such appeal hearings as necessary to fulfill procedural rights of the appellant as defined by 42 CFR 431.242, which is incorporated by reference including subsequent amendments and editions, and available free of charge at https://www.ecfr.gov.

Authority G.S. 108A-54; 108A-79; 108A-80(d); 42 CFR 431.205; 42 CFR 431.240; 42 CFR 431.242.

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Notice is hereby given in accordance with G.S. 150B-21.2 that the HHS - Division of Health Benefits intends to amend the rule cited as 10A NCAC 23B .0102.

Link to agency website pursuant to G.S. 150B-19.1(c): https://medicaid.ncdhhs.gov/meetings-and-notice/rules-actions

Proposed Effective Date: October 1, 2021

Public Hearing:

Date: June 17, 2021

Time: 10:00 a.m.

Location: Join by dialing (877) 336-1839, entering access code 3956100.

Reason for Proposed Action: Pursuant to S.L. 2020-78 Section 4D.2, DHB is codifying its existing practice of issuing annual Medicaid ID cards.

Comments may be submitted to: Shazia Keller, 1985 Umstead Drive, 2501 Mail Service Center, Raleigh, NC 27699; phone (919) 218-1372; MedicaidRulesComment@dhhs.nc.gov

Comment period ends: August 2, 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 23 - MEDICAL ASSISTANCE ADMINISTRATION**

**SUBCHAPTER 23B - BENEFITS**

**SECTION .0100 - GENERAL**

**10A NCAC 23B .0102 ISSUANCE**

(a) Cards shall be issued by the State at any time of the month for:

- (1) Approved applications;
- (2) Cases authorized after meeting a deductible;
- (3) ~~Requests by the county agency.~~ Change in primary care provider; or
- (4) Change in LME/MCO catchment area.

~~(b) Cards shall be issued by the state at the beginning of each month for clients authorized for the month.~~

~~(b)(e)~~ Cards shall be ~~issued~~ requested by the county agency for issuance by the state for:

- (1) Emergencies as indicated in the Eligibility Manuals;
- (2) Replacement of lost, stolen, burned or incorrect cards;
- (3) Non-receipt of a state issued card; and
- (4) Requests by a second county during a county transfer.

~~(c)(d)~~ Cards shall be issued by the State 12 months from the last issuance date if the client remains eligible.

Authority G.S. 108A-54; S.L. 2020-78, s. 4D.2.

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*Notice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Public Health intends to adopt the rule cited as 10A NCAC 41A .0107.*

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

**Proposed Effective Date:** October 1, 2021

**Public Hearing:**  
**Date:** June 28, 2021

**Time:** 2:00 p.m.

**Location:** *This public hearing will be held by teleconference at (919) 715-0769 (no access code).*

**Reason for Proposed Action:** *COVID-19, a novel coronavirus, was identified as the cause of an emerging infectious disease outbreak in December 2019 in Wuhan, Hubei Province, China. This novel coronavirus causes respiratory illness ranging in severity from mild illness to death. The North Carolina Division of Public Health is working closely with the Centers for Disease Control and Prevention (CDC) to monitor and respond to this pandemic in North Carolina.*

*Due to the widespread community transmission of this serious, infectious disease, testing is occurring in non-traditional environments, such as community-based testing sites. For this reason, reporting requirements need to be extended to other types of healthcare providers potentially involved in testing, such as nurses, pharmacists, and dentists. It is also imperative that public health officials receive not only positive tests results, but also negative test results, to better understand the prevalence of the disease in North Carolina.*

*To address this, the legislature enacted S.L. 2020-4 Sec. 4.10(a)(1) and the State Health Director issued a temporary order, pursuant to her authority under G.S. 130A-141.1, requiring healthcare providers and laboratories to report all COVID-19 diagnostic test results, both positive and negative, effective July 7, 2020. On September 15, 2020, the Commission for Public Health (CPH) adopted 10A NCAC 41A .0107 under emergency procedures and simultaneously proposed to adopt 10A NCAC 41A .0107 under temporary procedures to continue the reporting requirement. The temporary rule was adopted by CPH at its meeting on November 4, 2020. This proposed permanent rule would ensure the continuation of the requirement that healthcare providers and laboratories report all COVID-19 diagnostic test results, both positive and negative, to public health officials.*

**Comments may be submitted to:** Virginia Niehaus, CPH Rulemaking Coordinator, 1931 Mail Service Center, Raleigh, NC 27699-1931; email [cphcomment@lists.ncmail.net](mailto:cphcomment@lists.ncmail.net)

**Comment period ends:** August 2, 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 41 - EPIDEMIOLOGY HEALTH

SUBCHAPTER 41A - COMMUNICABLE DISEASE CONTROL

SECTION .0100 - COMMUNICABLE DISEASE CONTROL

10A NCAC 41A .0107 REPORTING OF COVID-19 DIAGNOSTIC TEST RESULTS

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

- (1) "COVID-19 diagnostic test" means any nucleic acid or antigen test that identifies SARS-CoV-2, the virus that causes COVID-19.
- (2) "Electronic laboratory reporting" means the automated messaging of laboratory reports sent to the Division of Public Health using a machine-readable electronic communication protocol.
- (3) "Healthcare provider" means a healthcare provider as defined in G.S. 130A-476(g).
- (4) "Laboratory" means a facility that performs testing on specimens obtained from humans for the purpose of providing information for health assessment and for the diagnosis, prevention, or treatment of disease and is certified by the United States Department of Health and Human Services under the Clinical Laboratory Improvement Amendments of 1988 (CLIA) and implementing regulations. This definition includes a healthcare provider who performs testing in an on-site facility that meets these requirements.

(b) Each person in charge of a laboratory providing diagnostic service in this State shall report the results of all COVID-19 diagnostic tests to the Division of Public Health using electronic laboratory reporting. For purposes of COVID-19, a novel coronavirus under Rule .0101(c)(1) of this Section, the required method of reporting set out in Rules .0101(c) and .0102(d)(3) of this Section shall not apply. The report shall include all of the elements required to be reported under the United States Department of Health and Human Services, laboratory data reporting guidance, which is hereby incorporated by reference, including any subsequent amendments and editions, and available free of charge at <https://www.hhs.gov/sites/default/files/covid-19-laboratory-data-reporting-guidance.pdf>.

(c) The requirements set forth in Paragraph (b) of this Rule shall be considered met if a laboratory:

(1) submits a COVID-19 Laboratory Data Automation Registration form to the Division of Public Health and acts to onboard to electronic laboratory reporting. This form shall be submitted within seven calendar days of the date the laboratory starts performing COVID-19 diagnostic testing and shall contain the following elements:

- (A) the name, address, phone number, and CLIA number of the laboratory;
- (B) the name, address, and phone number of the person in charge of the laboratory or that person's designee;
- (C) the type of test performed, testing capacity, and whether the laboratory will use a third-party laboratory to perform part or all of the testing; and
- (D) if the laboratory will use a third-party laboratory to perform part or all of the testing, the information in Parts (A)-(B) of this Subparagraph for the third-party laboratory; and

(2) until onboarding to electronic laboratory reporting is complete:

- (A) reports the results of positive COVID-19 diagnostic tests to the Division of Public Health, including all elements required in Paragraph (b) of this Rule, by telefax; and
- (B) reports the aggregate number of positive and negative nucleic acid COVID-19 diagnostic tests and the aggregate number of positive and negative antigen COVID-19 diagnostic tests per day to the Division of Public Health through an online survey available at: <https://files.nc.gov/covid/documents/e-CATR-Reference-Guide.pdf>.

(d) The requirements set forth in Paragraph (b) of this Rule shall be considered met if a laboratory that completes fewer than 50 total COVID-19 diagnostic tests per week submits results as set out in Subparagraph (c)(2) of this Rule.

(e) Healthcare providers who order COVID-19 diagnostic testing in this State shall:

(1) report the results of positive COVID-19 diagnostic tests by telefax to the local health director in the county or district where the patient resides. The report shall contain:

- (A) patient first and last name, date of birth, address, county of residence, phone number, sex, race, and ethnicity;
- (B) provider name, address, phone number, and NPI;
- (C) the specimen collection date, the test order date, and the test result date;
- (D) the test result; and

(E) all other available elements required in Paragraph (b) of this Rule; and

(2) report the aggregate number of positive and negative nucleic acid COVID-19 diagnostic tests and the aggregate number of positive and negative antigen COVID-19 diagnostic tests per day to the Division of Public Health through an online survey.

(f) The requirements set forth in Paragraph (e) of this Rule shall be considered met if a healthcare provider:

(1) verifies that the laboratory that receives the specimen for testing will report the test result in accordance with Paragraph (b) of this Rule; and

(2) includes patient first and last name, date of birth, address, county of residence, phone number, sex, race, ethnicity, and specimen collection date on the lab order.

(g) The requirement for healthcare providers to report COVID-19 diagnostic test results, as set out in Paragraph (e) of this Rule, is separate from the requirement for physicians to report suspected infections of COVID-19, a novel coronavirus, including positive COVID-19 diagnostic test results, in accordance with G.S. 130A-135 and Rules .0101(a) and .0102(a) of this Section.

(h) Laboratories and healthcare providers who are required to report under this Rule shall report positive COVID-19 diagnostic test results immediately upon receiving the result and negative COVID-19 diagnostic test results within 24 hours of receiving the result. Results reported to a local health department under this Rule shall be forwarded to the Division of Public Health within 24 hours of receipt by the local health department.

Authority *G.S. 130A-134; 130A-135; 130A-139; 130A-141; 130A-141.1; S.L. 2020-4, s. 4.10(a)(1); P.L. 100-578; 42 C.F.R. 493.*

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*Notice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Public Health intends to amend the rule cited as 10A NCAC 41A .0212.*

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

**Proposed Effective Date:** *October 1, 2021*

**Public Hearing:**

**Date:** *June 30, 2021*

**Time:** *10:00 a.m.*

**Location:** *This public hearing will be held by teleconference at (919) 715-0769 (no access code).*

**Reason for Proposed Action:** *COVID-19, a novel coronavirus, was identified as the cause of an emerging infectious disease outbreak in December 2019 in Wuhan, Hubei Province, China. This novel coronavirus causes respiratory illness ranging in severity from mild illness to death. The North Carolina Division of Public Health is working closely with the Centers for Disease*

*Control and Prevention (CDC) to monitor and respond to this pandemic in North Carolina.*

*On June 18, 2020, the North Carolina Commission for Public Health (CPH) received a petition for rulemaking from the North Carolina Board of Funeral Service, requesting that CPH consider amending rule 10A NCAC 41A .0212 to set out the proper precautions to prevent infection in the handling and transportation of the bodies of persons infected with COVID-19 and require notification of those precautions. Pursuant to G.S. 150B-20, CPH fully considered and granted the petition at its meeting on August 5, 2020. At a special meeting on September 15, 2020, CPH adopted an amendment to 10A NCAC 41A .0212 under emergency procedures and simultaneously proposed to amend 10A NCAC 41A .0212 under temporary procedures. The temporary amendment was adopted on November 4, 2020. This proposed permanent amendment would ensure that these changes do not expire from the Administrative Code.*

**Comments may be submitted to:** *Virginia Niehaus, CPH Rulemaking Coordinator, 1931 Mail Service Center, Raleigh, NC 27699-1931; email [cphcomment@lists.ncmail.net](mailto:cphcomment@lists.ncmail.net)*

**Comment period ends:** *August 2, 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 41 - EPIDEMIOLOGY HEALTH**

**SUBCHAPTER 41A - COMMUNICABLE DISEASE CONTROL**

**SECTION .0200 - CONTROL MEASURES FOR COMMUNICABLE DISEASES**

**10A NCAC 41A .0212 HANDLING AND TRANSPORTATION OF BODIES**

(a) Persons handling the body of any person who has died shall comply with the standard precautions for all patient care published by the United States Centers for Disease Control and Prevention, which are hereby incorporated by reference, including any subsequent amendments and editions, and available free of charge at: <https://www.cdc.gov/infectioncontrol/basics/standard-precautions.html>.

(~~a~~)(b) It shall be the duty of the ~~physician~~ physician, physician assistant, or nurse practitioner attending to any person who dies and is known to be infected with HIV, plague, ~~or~~ hepatitis B, B, or COVID-19 or any person who dies and is known or reasonably suspected to be infected with smallpox, rabies, severe acute respiratory syndrome (SARS), or Jakob-Creutzfeldt to provide ~~written~~ written, verbal, or electronic notification to all individuals handling the body of the proper precautions to prevent ~~infection~~ infection, as set forth in Paragraphs (d), (e), and (f) of this Rule. This ~~written~~ written, verbal, or electronic notification shall be provided to the funeral service director, funeral service worker, or body transporter personnel at the time the body is removed from any hospital, nursing home, or other health care facility. When the patient dies in a location other than a health care facility, the ~~attending physician~~ physician, physician assistant, or nurse practitioner shall notify the funeral service director, funeral service worker, or body transporter personnel verbally of the precautions required as soon as the ~~physician~~ physician, physician assistant, or nurse practitioner becomes aware of the death. These precautions are noted in Paragraphs (~~b~~)(d), (e), and (~~e~~)(f) of this Rule. The duty to notify shall be considered met if performed by one of the following individuals:

- (1) the physician, physician assistant, or nurse practitioner attending to the person who died;
- or
- (2) a designated representative of the physician, physician assistant, or nurse practitioner.

(c) It shall also be the duty of a medical examiner with jurisdiction pursuant to G.S. 130A-383 over the body of any person who dies and is known to be infected with COVID-19 to provide written, verbal, or electronic notification to the funeral service director, funeral service worker, or body transporter at the time the body is removed from medical examiner custody of the proper precautions to prevent ~~infection~~ infection, as set forth in Paragraph (f) of this Rule. These precautions are noted in Paragraph (f) of this Rule. The duty to notify shall be considered met if performed by a designated representative of the medical examiner.

(~~b~~)(d) The body of any person who died and is known or reasonably suspected to be infected with smallpox or severe acute respiratory syndrome (SARS) or any person who died and is known to be infected with plague shall not be embalmed. The body shall be enclosed in a strong, tightly sealed outer case ~~which~~ that will prevent leakage or escape of odors as soon as possible after death and before the body is removed from the hospital room, home, building, or other premises where the death occurred. This case shall not be reopened except with the consent of the local health director. Nothing in this Paragraph shall prohibit cremation.

(~~e~~)(e) Persons handling the body of any person who died and is known to be infected with HIV or hepatitis B or any person who died and is known or reasonably suspected to be infected with Jakob-Creutzfeldt or rabies shall be provided ~~written~~ written, verbal, or electronic notification to observe blood and body fluid precautions.

(f) Persons handling the body of any person who died and is known to be infected with COVID-19 shall be provided written, verbal, or electronic notification to observe the COVID-19 guidance for funeral home workers published by the United States Centers for Disease Control and Prevention, which is hereby incorporated by reference, including any subsequent amendments or editions, and available free of charge at: <https://www.cdc.gov/coronavirus/2019-ncov/community/funeral-faqs.html>.

Authority G.S. 130A-144; 130A-146.

**TITLE 11 – DEPARTMENT OF INSURANCE**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Code Officials Qualification Board intends to amend the rule cited as 11 NCAC 08 .0734.*

**Link to agency website pursuant to G.S. 150B-19.1(c):** <https://www.ncosfm.gov/licensing-cert/code-officials-qualification-board-coqb/coqb-board-statutes-and-rules>

**Proposed Effective Date:** October 1, 2021

**Public Hearing:**

**Date:** July 27, 2021

**Time:** 1:00 p.m.

**Location:** NCDOT, Albemarle Building, 325 North Salisbury Street, Raleigh, NC 27603, Hearing Room

**Reason for Proposed Action:** *This rule is being proposed for amendment to provide clarification to the modification of venting and the change out of gas appliance that fall within the score of this rule.*

**Comments may be submitted to:** Loretta Peace-Bunch, 325 North Salisbury Street, Raleigh, NC 27603; phone (919) 807-6004; email [Loretta.Peace-Bunch@ncdot.gov](mailto:Loretta.Peace-Bunch@ncdot.gov)

**Comment period ends:** August 2, 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 ( $\geq$  \$1,000,000)
- Approved by OSBM
- No fiscal note required

**CHAPTER 08 - ENGINEERING AND BUILDING CODES DIVISION**

**SECTION .0700 - QUALIFICATION BOARD-STANDARD CERTIFICATE**

**11 NCAC 08 .0734 RESIDENTIAL CHANGEOUT INSPECTOR**

**(a) Qualifications and types:**

- (1) A residential changeout inspector shall be authorized to inspect the replacement of a residential appliance as described in Subparagraph (2) of this Paragraph for one-and-two family dwellings, and individual residential units of condominiums and apartments provided the individual residential appliance serves only that residential dwelling unit.
- (2) A residential changeout inspector may inspect the replacement of heating and air conditioning appliances and water heaters, provided that all of the following apply:
  - (A) the new appliance requires no alterations to the existing ducting, fuel type, venting, or piping systems other than that required for transitioning to the new appliance;
  - (B) any venting associated with the new appliance shall be allowed to be installed, replaced, and repaired where such venting does not pass through a rated assembly;
  - (C) any new gas appliance shall be of the same category as the appliance being replaced;
  - ~~(B)(D)~~ the new appliance does not require relocation, excluding minor adjustments in the same general vicinity;
  - ~~(C)(E)~~ the installation of the new appliance does not require the relocation or addition to the existing electrical system, except the replacement of the appliance's branch circuit overcurrent device, or the replacement of the appliance's branch circuit where such

circuit does not pass through a rated assembly shall be allowed; and ~~(D)(F)~~ the electrical branch circuit serving the appliance is single phase.

(b) The inspection performance log referenced in this Rule is available on the Office of State Fire Marshal website. The inspection performance log shall describe the criteria for authenticating the applicant and supervisors' qualifications, and the inspections performed.

**(c) Every applicant shall:**

- (1) provide documentation that the applicant possesses a minimum of a high school education or a high school equivalency certificate;
- (2) provide notarized certification by a city or county manager, clerk, or director of inspection department that the applicant will be performing "code enforcement," as defined in G.S. 143-151.8(a)(3), as an employee of that city or county; or provide certification by the head of the Engineering and Building Codes Division of the North Carolina Department of Insurance that the applicant will be performing "code enforcement," as defined in G.S. 143-151.8(a)(3), for a State department or agency;
- (3) successfully complete courses developed by the Board. All applicants must successfully complete a law and administration course and a residential changeout inspections course. For the purpose of entry into the written examination administered by the Board, courses must be completed within five years of the exam in Subparagraph (4) of this Paragraph. These courses shall be administered and taught in the N.C. Community College System or other educational agencies accredited by a regional accrediting association. The North Carolina Department of Insurance, Office of State Fire Marshal may administer and teach certification courses for the purposes of developing program content and professional development. For the purposes of this Rule, "successful completion" is defined as attendance of a minimum of 80 percent of the hours taught and achieving a minimum score of 70 percent on the course exam; and
- (4) achieve a passing grade of 70 percent on the written examination administered by the Board.

(d) Residential Changeout Inspector. A standard certificate, residential changeout inspector, shall be issued to any applicant who possesses a probationary residential changeout inspection certificate pursuant to Rule 11 NCAC 08 .0602, complies with Paragraph (c) of this Rule, and one of the following education and experience qualifications:

- (1) possess any level standard certificate as an electrical inspector, mechanical inspector, or plumbing inspector; or
- (2) all the following:



- (A) at least six months of conducting residential changeout inspections with a probationary residential changeout inspection certificate; and
- (B) completion and submission of an inspection performance log as administered by the North Carolina Department of Insurance, Office of State Fire Marshal.

**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 16 - PRIVATE PROTECTIVE SERVICES BOARD**

**SECTION .0200 - LICENSES: TRAINEE PERMITS**

**14B NCAC 16 .0201 APPLICATION FOR LICENSES AND TRAINEE PERMITS**

(a) Each applicant for a license or trainee permit shall submit an online application on the website provided by the Board. The online application shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (2) one head and shoulders digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (3) upload online a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the applicant's non-refundable application fee, along with a four dollar (\$4.00) convenience fee and credit card transaction fee;
- (5) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board; and
- (6) an Equifax credit check run within 30 days of the license application submission date, which will be submitted to the Board's investigator during the application process.

(b) Applications for trainee permits shall be accompanied by a notarized statement on a form provided by the Board and signed by the applicant and his or her prospective supervisor, stating that the trainee applicant shall at all times work with and under the direct supervision of that supervisor and the form shall be uploaded as part of the online application process.

(c) Private investigator trainees applying for a license shall make available for inspection a log of experience on a form provided by the Board.

(d) Each applicant must upload evidence of high school graduation either by diploma, G.E.D. certificate, or other proof.

(e) Each applicant for a license shall meet personally with a Board investigator, the Screening Committee, the Director, or another

Authority G.S. 143-151.12; 143-151.13.

**TITLE 14B – DEPARTMENT OF PUBLIC SAFETY**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Private Protective Services Board intends to amend the rules cited as 14B NCAC 16 .0201, .0806, .0904, .1202, and .1203.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://www.ncdps.gov/dps-services/permits-licenses/private-protective-services-board>

**Proposed Effective Date:** October 1, 2021

**Public Hearing:**

**Date:** June 22, 2021

**Time:** 2:00 p.m.

**Location:** 3101 Industrial Drive, Suite 104, Raleigh, NC 27609

**Reason for Proposed Action:** *These amendments are currently temporary rules to ease the burden on licensees during the current pandemic. They are being proposed as a permanent amendment to alleviate any similar burden for a future national or State declared emergency.*

**Comments may be submitted to:** Paul Sherwin, 3101 Industrial Drive, Suite 104, Raleigh, NC 27609; phone (919) 788-5320; fax (919) 715-0370; email paul.sherwin@ncdps.gov

**Comment period ends:** August 2, 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.

Board representative designated by the Director prior to being issued a license. The applicant shall discuss the provisions of G.S. 74C and the administrative rules in this Chapter during the personal meeting. The applicant shall sign a form provided by the Board indicating that he or she has reviewed G.S. 74C and the administrative rules in this Chapter with the Board's representative. During a national or State declared state of emergency that restricts or prohibits travel, the personal meeting requirement may be waived if requested by the applicant in lieu of alternative means of communication.

Authority G.S. 74C-2; 74C-5; 74C-8; 74C-8.1; 74C-12.

**SECTION .0800 - ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT**

**14B NCAC 16 .0806 RENEWAL OF ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT**

(a) Each applicant for renewal of an armed security guard firearm registration permit identification card or his or her employer shall complete an online form on the website provided by the Board. This online form shall be submitted not more than 90 days prior to expiration of the applicant's current armed registration and shall be accompanied by:

- (1) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (2) upload online a statement of the results of a statewide criminal history search obtained by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months;
- (3) the applicant's renewal fee, along with the four dollar (\$4.00) convenience fee and credit card transaction fee;
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;
- (5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0807 of this Section; and
- (6) a completed affidavit form and public notice statement form.

(b) The employer of each applicant for a registration renewal shall give the applicant a copy of the online application and a copy of the completed affidavit form to serve as a record of application for renewal and shall retain a copy of the application, including affidavit in the guard's personnel file in the employer's office.

(c) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

(d) A registered armed security guard may utilize a dedicated light system or gun-mounted light for requalification.

(e) During a national or State declared state of emergency that restricts or prohibits a registered armed security guard from requalifying, the Board may extend the deadline for requalification up to 60 days beyond the effective period of the state of emergency. Any registration renewed pursuant to this Paragraph shall be issued conditionally and shall automatically expire on the 60<sup>th</sup> day if requalification requirements have not been met.

Authority G.S. 74C-5; 74C-13.

**SECTION .0900 – TRAINER CERTIFICATE**

**14B NCAC 16 .0904 RENEWAL OF A FIREARMS TRAINER CERTIFICATE**

(a) Each applicant for renewal of a firearms trainer certificate shall complete an online renewal form on the website provided by the Board. This form shall be submitted online not less than 30 days prior to the expiration of the applicant's current certificate and shall be accompanied by:

- (1) uploaded online a certificate of successful completion of a firearms trainer refresher course approved by the Board and the Secretary of Public Safety consisting of a minimum of eight hours of classroom and practical range training in safety and maintenance of the applicable firearm (i.e. handgun, shotgun, or rifle), range operations, control and safety procedures, and methods of firing. This training shall be completed within 180 days of the submission of the renewal application;
- (2) uploaded online a statement of the results of a criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 48 months;
- (3) the applicant's renewal fee, along with the four dollar (\$4.00) convenience fee and credit card transaction fee; and
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board.

(b) Members of the armed forces whose certification is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay

the certification renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

(c) Any firearms trainer who fails to qualify with the minimum score during the refresher course shall not continue to instruct during the period between the failure to qualify and the expiration of his or her permit.

(d) The holder of a firearms trainer certificate may utilize a dedicated light system or gun mounted light for personal requalification.

(e) During a national or State declared state of emergency that restricts or prohibits a certified firearms trainer from requalifying, the Board may extend the deadline for requalification up to 60 days beyond the effective period of the state of emergency. Any certificate renewed pursuant to this Paragraph shall be issued conditionally and shall automatically expire on the 60<sup>th</sup> day if requalification requirements have not been met.

Authority G.S. 74C-5; 74C-8.1(a); 74C-13.

**SECTION .1200 – CONTINUING EDUCATION**

**14B NCAC 16 .1202 REQUIRED CONTINUING EDUCATION HOURS**

(a) Each licensee shall complete 12 credit hours of continuing education training during each two year renewal period.

(b) Credit shall be given only for classes that have been approved by the Board as set forth in Rule .1203 of this Section.

(c) A licensee who attends a complete meeting of a regularly scheduled meeting of the Board shall receive two credit hours for each meeting that the licensee attends, with credit being given for a maximum of two meetings per year with no more than four credit hours per year and eight credit hours per renewal period.

(d) No more than six hours of CEU credit shall be given during a renewal period for online courses. However, during a national or State declared state of emergency that restricts or prohibits a licensee from attending live continuing education courses or a meeting of the Board, all required hours may be obtained online and credit shall be given upon written request to the Director.

(e) No course offering CEU credits may be taken for credit more than one time during a renewal period.

Authority G.S. 74C-2; 74C-5; 74C-22.

**14B NCAC 16 .1203 ACCREDITATION STANDARDS**

(a) CE courses may obtain the approval of the Board by submitting the following information to the Board for consideration:

- (1) the nature and purpose of the course;
- (2) the course objectives or goals;
- (3) the outline of the course, including the number of training hours for each segment; and
- (4) the name of the instructor.

(b) To determine if a course will receive approval from the Board, the Board shall complete the following review:

- (1) The matter shall be referred to the Training and Education Committee for the appointment of a

sub-committee that shall review the course under consideration. The sub-committee shall consist of at least two industry members of the Training and Education Committee. Other members of the sub-committee may be appointed at the discretion of the Training and Education Committee Chairman.

(2) The sub-committee shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objectives or goals.

(3) When the sub-committee completes its review, it shall report to the Training and Education Committee. The Training and Education Committee shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objectives and goals. The Training and Education Committee shall then report the findings with a recommendation of acceptance or denial to the Private Protective Services Board.

(c) Upon receipt of the Training and Education Committee report, the Private Protective Services Board shall determine by majority vote if the course will be approved for continuing education credits. In making its determination, the Board shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objectives or goals.

(d) Each approved course shall remain an approved course for four years from the date of approval by the Board, unless the course instructor changes.

(e) Trainers and instructors shall receive continuing education credit of five hours for every actual teaching hour with an eight hour cap of continuing education credit every two years.

(f) Colleges, universities, trade schools, and other degree granting institutions shall be granted standing approval when the institutions are accredited, certified, or approved by the Department of Public Instruction or by a similar agency in another state and the course is related to law, criminal justice, security profession, finance, ethics, forensics, crime prevention, and investigation. Approval is one credit hour per contact hour not to exceed eight credit hours.

(g) Online courses shall be approved by the Board based on compliance with the standards set forth in Paragraph (a) of this Rule. ~~No more than six hours of CEU credit shall be given during a renewal period for online courses.~~

~~(h) No course offering CEU credits may be taken for credit more than one time during a renewal period.~~

Authority G.S. 74C-5; 74C-22.

**TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY**

*Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Commission for Public Health intends to amend the rules cited as 15A NCAC 18A .2651-.2655, .2661 and readopt with substantive changes the rules cited as 15A NCAC 18A .2650, .2670, and .2674.*

Link to agency website pursuant to G.S. 150B-19.1(c): <https://cph.publichealth.nc.gov/>

Proposed Effective Date: October 1, 2021

Public Hearing:

Date: June 28, 2021

Time: 10:00 a.m.

Location: This public hearing will be held by teleconference at (919) 715-0769 (no access code).

Reason for Proposed Action: The North Carolina Commission for Public Health is proposing to update these rules to align with the United States Food and Drug Administration's 2017 Food Code and Supplement as well as to reflect current requirements and practices and clarify language. In addition, 15A NCAC 18A .2650, .2670, and .2674 are being readopted with substantive changes pursuant to G.S. 150B-21.3A, Periodic Review and Expiration of Existing Rules.

Comments may be submitted to: Virginia Niehaus, CPH Rulemaking Coordinator, 1931 Mail Service Center, Raleigh, NC 27699-1931; email [cphcomment@lists.ncmail.net](mailto:cphcomment@lists.ncmail.net)

Comment period ends: August 2, 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 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18A - SANITATION

SECTION .2600 - THE SANITATION OF FOOD SERVICE ESTABLISHMENTS

15A NCAC 18A .2650 GENERAL - ADOPTION BY REFERENCE

The 2009 2017 Food Code, Code and the accompanying 2017 Food Code Supplement, not including subsequent amendments and editions, established by the U.S. Department of Health and Human Services, Food and Drug Administration (hereinafter referred to as the "Food Code") is are hereby incorporated by reference. The A copy of the Food Code is available online and free of charge at: www.fda.gov/food/fda-food-code/food-code-2017. may be accessed from the internet at www.fda.gov/Food/FoodSafety/RetailFoodProtection/FoodCode/default.htm, or a copy can be obtained by contacting the U.S. Department of Commerce, National Technical Information Service, at (703) 605-6040, and is also available for inspection at the Division of Public Health, N.C. Department of Health and Human Services.

Authority G.S. 130A-248; S.L. 2011-394, Section 15(a); 2019-129.

15A NCAC 18A .2651 DEFINITIONS

The provisions of this Rule make amendments, additions, and deletions to the Food Code incorporated by reference in Rule .2650 of this Section. In Chapter 1, the following apply:

- (1) In Paragraph 1-201.10(B), add: "Commissary' means a food establishment that services a mobile food unit or a pushcart."
(2) In Paragraph 1-201.10(B), add: "Congregate nutrition sites' means food establishments where food preparation is limited to same day service, reheating of potentially hazardous food (time/temperature control for safety food), time/temperature control for safety food, and operated under the rules of the Division of Aging and Adult Services, N.C. Department of Health and Human Services."
(3) In Paragraph 1-201.10(B), add: "'Department' means the N.C. Department of Health and Human Services."
(4) In Paragraph 1-201.10(B), "Equipment (1)" to read: "means an article that is used in the operation of a food establishment such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, or warewashing machine."
(4)(5) In Paragraph 1-201.10(B), amend "Food establishment (2)(b)" to read: "An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location and where consumption is on or off the premises."
(5)(6) In Paragraph 1-201.10(B), amend "Food establishment (3)" to read: "'Food establishment' does not include entities exempted as described in G.S. 130A-250 or establishments that only serve such items as dip ice cream, popcorn, candied apples, or cotton candy."

- (6)(7) In Paragraph 1-201.10(B), add: "Food stand' means a food establishment that prepares or serves food and that ~~does not only provide~~ provides seating facilities ~~for customers to use while eating or drinking.~~" as set forth in G.S. 130A-248(a6)."
- (7)(8) In Paragraph 1-201.10(B), add: "Good repair' means equipment and utensils shall be maintained in a state of repair and condition that meets the requirements specified under Parts 4-1 and 4-2 of the Food Code as amended by Rule .2654."
- (8)(9) In Paragraph 1-201.10(B), amend "Imminent health hazard" ~~to read:~~ "Imminent health hazard' means an imminent hazard as defined in G.S. 130A-2(3)."
- (9)(10) In Paragraph 1-201.10(B), add: "Limited food services establishment' means a food establishment as defined in G.S. 130A-247(7)."
- (10)(11) In Paragraph 1-201.10(B), add: "Local health director' means a local health director as defined in G.S. 130A-2(6)."
- (11)(12) In Paragraph 1-201.10(B), amend "Meat" to read: "Meat' means the flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goat, other edible animals, and as defined in G.S. 106-549.15(14), except fish, poultry, and wild game animals as specified under Subparagraphs 3-201.17(A)(3) and (4)."
- (12)(13) In Paragraph 1-201.10(B), add: "Mobile food unit' means a food establishment ~~or pushcart with no permanent utility connections, except for an onsite electrical connection, that is designed to be readily moved and vend food.~~ food and that does not provide seating facilities for customers to use while eating or drinking."
- (13)(14) In Paragraph 1-201.10(B), amend "Person" ~~to read:~~ "Person' means person as defined in G.S. 130A-2(7)."
- (14)(15) In Paragraph 1-201.10(B), amend "Poultry (1)" to read: "Any domesticated bird (chickens, turkeys, ducks, geese, guineas, ratites, or squabs), whether live or dead, as defined in 9 CFR 381.1 Poultry Products Inspection Regulations Definitions, Poultry, and G.S. 106-549.51(26); and"
- (15)(16) In Paragraph 1-201.10(B), add: "Pushcart' means a mobile piece of equipment or vehicle used to vend food."
- (16)(17) In Paragraph 1-201.10(B), add: "Registered Environmental Health Specialist' means a Registered Environmental Health Specialist as defined in G.S. 90A-51(2b) and 90A-51(4) and authorized agent of the Department."
- (17)(18) In Paragraph 1-201.10(B), ~~add:~~ amend "Regulatory Authority" to read: "Regulatory Authority' means the Department or authorized agent of the Department."
- (18)(19) In Paragraph 1-201.10(B), add: "Restaurant' means a food establishment that prepares or serves food and provides seating."
- (19)(20) In Paragraph 1-201.10(B), add: "Supplemental cooking room' means a separate attached or detached structure in that food is cooked on grills, pits, or fireplaces and no other processing occurs."
- (20)(21) In Paragraph 1-201.10(B), amend "Temporary food establishment" ~~to read:~~ "(1) "Temporary 'Temporary food establishment' means a food establishment ~~that operates for a period of time not to exceed 21 days in one location, affiliated with and endorsed by a transitory fair, carnival, circus, festival, or public exhibition. Food establishments that operate in the same event location for more than 21 days per calendar year are not eligible for a temporary food establishment permit. Domestic yard sales and businesses such as auctions, flea markets, or farmers' markets are not eligible for a temporary food establishment permit.~~ does not include domestic yard sales and businesses such as auctions and flea markets."
- (21)(22) In Paragraph 1-201.10(B), add: "Temporary food establishment commissary' means a food establishment affiliated with a temporary food establishment that prepares food in advance ~~of or off-site.~~ off-site from the event. The temporary food establishment commissary permit shall be valid for no more than ~~21 consecutive days~~ the time period described in G.S. 130A-247(8) and shall be permitted no more than 7 days prior to commencement of the event. Food establishments that operate in the same location for more than ~~21 days~~ the time period described in G.S. 130A-247(8) per calendar year are not eligible for a temporary food establishment commissary permit. Food shall not be sold directly from the temporary food establishment commissary. The temporary food establishment commissary shall comply with all temporary food establishment requirements."
- (22)(23) In Paragraph 1-201.10(B), add: "Transitional Permit' means ~~a permit issued by the regulatory authority upon the transfer of ownership or lease of an existing food establishment to allow the correction of construction and equipment problems that do not represent an immediate threat to public health.~~ as defined at G.S. 130A-248(c). The transitional permit shall expire 180 days after the date of issuance."
- (23)(24) In Paragraph 1-201.10(B), delete the definition of "Vending machine."
- (24)(25) In Paragraph 1-201.10(B), delete the definition of "Vending machine location."

Authority G.S. 130A-248; S.L. 2011-394, Section 15(a); 2019-129.

15A NCAC 18A .2652 MANAGEMENT AND PERSONNEL

The provisions of this Rule make amendments, additions, and deletions to the Food Code incorporated by reference in Rule .2650 of this Section. In Chapter 2, the following apply:

- (1) In Paragraph 2-101.11(B), amend to read: "In a food establishment with two or more separately permitted departments that are the legal responsibility of the same permit holder and that are located on the same premises, the permit holder may designate a single person in charge who is present on the premises during all hours of operation, and who is responsible for each separately permitted food establishment on the premises."
(2) In Section Paragraph 2-102.11, 2-102.11(A), amend the last sentence in the first paragraph to: to read: "The person in charge shall demonstrate this knowledge by being a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program. The person in charge is not required to be a certified food protection manager when the food establishment is not operating and food is not being prepared, packaged, or served for immediate consumption." "Complying with this code by having no violations of priority items during the current inspection; or"
(3) In Section 2 102.11, delete (A), (B), and (C).
(4) In Subpart 2 102, add Section 2 102.12, Certified Food Protection Manager, to read:
"2-102.12 Certified Food Protection Manager.
(A) At least one employee who has supervisory and management responsibility and the authority to direct and control food preparation and service shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an American National Standards Institute (ANSI) accredited program.
(B) This section does not apply to congregate nutrition sites and Risk Category I food establishments as defined in 10A NCAC 46 .0213."
(C) The requirements of this section are effective on January 1, 2014.
(5)(3) In Section 2-102.20, replace "Paragraph 2-102.11(B)" with "Section 2 102.11." In Paragraph 2-102.12(B), amend to read: "This section does not apply to congregate nutrition sites and Risk Category I food establishments as defined in 10A NCAC 46 .0213."

Authority G.S. 130A-248; S.L. 2011-394, Section 15(a); 2019-129.

15A NCAC 18A .2653 FOOD

The provisions of this Rule make amendments, additions, and deletions to the Food Code incorporated by reference in Rule .2650 of this Section. In Chapter 3, the following apply:

- (1) In Paragraph 3-201.11(A), add at the end: "Food from food establishments in states adjacent to North Carolina may be sold within North Carolina if the food establishments are under jurisdiction of the local or state enforcement body in that originating state and approved by the regulatory authority in North Carolina. Carolina in accordance with G.S. 130A-248(b). To determine the extent of compliance with this Code, the regulatory authority shall obtain reports regarding compliance and compliance history from responsible authorities in other jurisdictions where the food establishments are located."
(2) In Paragraph 3 301.11(B), amend to read: "Except when washing fruits and vegetables as specified under Section 3 302.15 or as specified in Paragraphs (D) and (E) of this section, food employees may not contact exposed ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment."
(3) In Paragraph 3 301.11(D), amend to read: "Paragraph (B) of this section does not apply to a food employee who contacts exposed, ready-to-eat food with bare hands at the time the ready-to-eat food is being added as an ingredient to a food that is to be cooked in the food establishment to heat all parts of the food to a temperature of at least 74°C (165°F)."
(4) In Section 3 301.11, redesignate existing Paragraph (D) as new Paragraph (E).
(5) In Subparagraph 3 301.11(D)(7), replace "(D)(1) (6)" with "(E)(1) (6)."
(6)(2) Delete Section 3-305.13.
(7)(3) In Section 3-306.12, delete (B).
(8) In Paragraph 3 403.11(D), amend to read: "Reheating for hot holding as specified under Paragraphs (A) through (C) of this section shall be completed within 2 hours and the time the food is between 5°C (41°F) or 7°C (45°F) and the temperatures specified under Paragraphs (A) through (C) of this section may not exceed 2 hours."
(9) In Paragraph 3 501.12(A), amend to read: "Under refrigeration that maintains the food temperature at 5°C (41°F) or less, or at 7°C (45°F) or less as specified under Subparagraph 3 501.16(A)(2)(b)."
(10) In Paragraph 3 501.13(A), amend to read: "Under refrigeration that maintains the food"

- temperature at 5°C (41°F) or less, or at 7°C (45°F) or less as specified under Subparagraph 3-501.16(A)(2)(b)."
- (11) In Paragraph 3-501.13(B), amend to read:  
 "Completely submerged under running water:  
 (1) At a water temperature of 21°C (70°F) or below,  
 (2) With sufficient water velocity to agitate and float off loose particles in an overflow,  
 (3) Such that for ready to eat food, the temperature of thawed portions do not rise above 5°C (41°F), or 7°C (45°F) as specified under Subparagraph 3-501.16(A)(2)(b), and  
 (4) Such that for raw animal food requiring cooking as specified under Paragraph 3-401.11(A) or (B), thawed portions are not above 5°C (41°F), or 7°C (45°F) as specified under Subparagraph 3-501.16(A)(2)(b), for more than 4 hours including:  
     (a) The time the food is exposed to the running water and the time needed for preparation for cooking, or  
     (b) The time it takes under refrigeration to lower the food temperature to 5°C (41°F), or 7°C (45°F) as specified under Subparagraph 3-501.16(A)(2)(b);"
- (12) In Subparagraph 3-501.14(A)(2), amend to read: "Within a total of 6 hours from 57°C (135°F) to 5°C (41°F) or less, or to 7°C (45°F) or less as specified under Subparagraph 3-501.16(A)(2)(b)."
- (13) In Paragraph 3-501.14(B), amend to read: "Potentially hazardous food (time/temperature control for safety food) shall be cooled within 4 hours to 5°C (41°F) or less, or to 7°C (45°F) or less as specified under Subparagraph 3-501.16(A)(2)(b) if prepared from ingredients at ambient temperature such as reconstituted foods and canned tuna."
- (14) In Subparagraph 3-501.16(A)(2), amend to read:  
 "At a temperature specified in the following:  
 (a) 5°C (41°F) or less; or  
 (b) 7°C (45°F) or between 5°C (41°F) and 7°C (45°F) in existing refrigeration equipment that is not capable of maintaining the food at 5°C (41°F) or less if:  
     (i) The equipment is in place and in use in the food establishment; and  
     (ii) On or before, January 1, 2019, the equipment is upgraded or replaced to maintain food at a temperature of 5°C (41°F) or less."
- (15) In Paragraph 3-501.17(A), amend to read:  
 "(A) Except when packaging food using a reduced oxygen packaging method as specified under Section 3-502.12, and except as specified

in Paragraphs (D) and (E) of this section, refrigerated, ready to eat, potentially hazardous food (time/temperature control for safety food) prepared and held in a food establishment for more than 24 hours shall be marked to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded, based on the temperature and time combinations specified below. The day of preparation shall be counted as Day 1.

- (1) 5°C (41°F) or less for a maximum of 7 days; or  
 (2) 7°C (45°F) or between 5°C (41°F) and 7°C (45°F) for a maximum of 4 days in existing refrigeration equipment that is not capable of maintaining the food at 5°C (41°F) or less if:  
     (a) The equipment is in place and in use in the food establishment, and  
     (b) On or before, January 1, 2019, the equipment is upgraded or replaced to maintain food at a temperature of 5°C (41°F) or less."
- (16) In Paragraph 3-501.19(B), amend to read: "If time without temperature control is used as the public health control up to a maximum of 4 hours:"
- (17) In Subparagraph 3-501.19(B)(1), amend to read: "The food shall have an initial temperature of 5°C (41°F) or less, or 7°C (45°F) or less when removed from cold holding temperature control, or 57°C (135°F) or greater when removed from hot holding temperature control;"
- (18) In Paragraph 3-801.11(D), amend to read: "Food employees may not contact ready to eat food as specified under Paragraphs 3-301.11(B) and (E)."

Authority G.S. 130A-248; S.L. 2011-394, Section 15(a); 2019-129.

**15A NCAC 18A .2654 EQUIPMENT, UTENSILS, AND LINENS**

The provisions of this Rule make amendments, additions, and deletions to the Food Code incorporated by reference in Rule .2650 of this Section. In Chapter 4, the following apply:

- (1) Delete Sections 4-204.14, 4-204.19, 4-204.111, 4-204.121, and 4-204.123.
- (2) In Section 4-205.10, amend to read: "Except for toasters, mixers, microwave ovens, water heaters, and hoods, food equipment shall be used in accordance with the manufacturer's intended use and certified or classified for sanitation by an American National Standards Institute (ANSI)-accredited certification program. If the equipment is not certified or classified for sanitation, the equipment shall meet comply with Parts 4-1 and 4-2 of the Food Code as amended by this Rule. Nonabsorbent

wooden shelves that are in good repair may be used in dry storage areas."

- (3) In Section 4-301.14, amend to read: "Ventilation hood systems and devices shall prevent grease or condensation from collecting on equipment, walls, and ceilings."
- (4) In Section 4-502.14, amend to read: "Except as permitted under G.S. 130A-248(c3), mollusk and crustacea shells shall not be used more than once as serving containers."

Authority G.S. 130A-248; S.L. 2011-394, Section 15(a); 2019-129.

**15A NCAC 18A .2655 WATER, PLUMBING, AND WASTE**

The provisions of this Rule make amendments, additions, and deletions to the Food Code incorporated by reference in Rule .2650 of this Section. In Chapter 5, the following applies: ~~Delete Paragraph 5-203.11(C) and Section 5-501.14.~~

- (1) In Paragraph 5-202.12(A), change the risk designation from "priority foundation item" to "core item."
- (2) Delete Section 5-501.14.

Authority G.S. 130A-248; S.L. 2011-394, Section 15(a); 2019-129.

**15A NCAC 18A .2661 INSPECTIONS AND REINSPECTIONS**

(a) Upon entry into a food establishment, the regulatory authority shall provide identification and the purpose in visiting that establishment. The regulatory authority shall inquire as to the identity of the person in charge and invite the person in charge to accompany the regulatory authority during the inspection. If no employee is identified as the person in charge, the regulatory authority shall invite an employee to accompany the regulatory authority on the inspection. Following the inspection, the regulatory authority shall offer to review the results of the inspection with the person in charge or employee, as applicable.

(b) The grading of food establishments shall be conducted using an inspection form furnished by the regulatory authority. The form shall provide for the following information:

- (1) ~~The the~~ name and mailing address of the food establishment;
- (2) ~~The the~~ name of the permit holder;
- (3) ~~The the~~ permit status and score given;
- (4) ~~Standards standards~~ of construction and operation as listed in .2651 through .2677 of this Section;
- (5) ~~An an~~ explanation for all points deducted;
- (6) ~~The the~~ signature of the regulatory authority; and
- (7) ~~The the~~ date.

(c) The grading of food establishments shall be based on the standards of operation and construction as set forth in Rules .2650 through .2676 of this Section.

(d) The Food Establishment Inspection form shall be used to document points assessed for violation of the rules of this Section as follows:

- (1) Violation of Chapter 2 of the Food Code as amended by Rule .2652 of this Section related to person in charge present, demonstration of knowledge, certification by accredited program or performs duties shall equal no more than ~~2 points.~~ 1 point.
- (2) Violation of Chapter 2 of the Food Code as amended by Rule .2652 of this Section related to the person in charge being a certified food protection manager by having certification from an accredited program shall equal no more than 1 point.
- ~~(2)(3)~~ Violation of Chapter 2 of the Food Code as amended by Rule .2652 of this Section related to management awareness, policy present, and allergy awareness shall equal no more than 3 points.
- ~~(3)(4)~~ Violation of Chapter 2 of the Food Code as amended by Rule .2652 of this Section related to proper use of reporting, restriction, and exclusion shall equal no more than 3 points.
- (5) Violation of Chapter 2 of the Food Code as amended by Rule .2652 of this Section related to procedures responding to vomiting and diarrheal events shall equal no more than 1 point.
- ~~(4)(6)~~ Violation of Chapters 2 and 3 of the Food Code as amended by Rules .2652 and .2653 of this Section related to proper eating, tasting, drinking, or tobacco use shall equal no more than ~~2 points.~~ 1 point.
- ~~(5)(7)~~ Violation of Chapter 2 of the Food Code as amended by Rule .2652 of this Section related to no discharge from eyes, nose, and mouth shall equal no more than 1 point.
- ~~(6)(8)~~ Violation of Chapter 2 of the Food Code as amended by Rule .2652 of this Section related to hands clean and properly washed shall equal no more than 4 points.
- ~~(7)(9)~~ Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to no bare hand contact with ready-to-eat food or approved alternate method properly followed shall equal no more than ~~3~~ 4 points.
- ~~(8)(10)~~ Violation of Chapters 5 and 6 of the Food Code as amended by Rules .2655 and .2656 of this Section related to handwashing facilities supplied and accessible shall equal no more than 2 points.
- ~~(9)(11)~~ Violation of Chapters 3 and 5 of the Food Code as amended by Rules .2653 and .2655 of this Section related to food obtained from an approved source shall equal no more than 2 points.
- ~~(10)(12)~~ Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related



- to food received at proper temperature shall equal no more than 2 points.
- ~~(13)~~(13) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to food in good condition, safe, and unadulterated shall equal no more than 2 points.
- ~~(12)~~(14) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to required records available, shellstock tags, and parasite destruction shall equal no more than 2 points.
- ~~(13)~~(15) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to food separated and protected shall equal no more than 3 points.
- ~~(14)~~(16) Violation of Chapter 4 of the Food Code as amended by Rule .2654 of this Section related to food-contact surfaces cleaned and sanitized shall equal no more than 3 points.
- ~~(15)~~(17) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to disposition of returned, previously served, reconditioned, and unsafe food shall equal no more than 2 points.
- ~~(16)~~(18) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to cooking time and temperatures shall equal no more than 3 points.
- ~~(17)~~(19) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to reheating for hot holding shall equal no more than 3 points.
- ~~(18)~~(20) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to cooling time and temperatures shall equal no more than 3 points.
- ~~(19)~~(21) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to hot holding temperatures shall equal no more than 3 points.
- ~~(20)~~(22) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to cold holding temperatures shall equal no more than 3 points.
- ~~(21)~~(23) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to date marking and disposition shall equal no more than 3 points.
- ~~(22)~~(24) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to time as a public health control procedures and records shall equal no more than 3 points.
- ~~(23)~~(25) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to consumer advisory provided for raw or undercooked foods shall equal no more than 1 point.
- ~~(24)~~(26) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to pasteurized foods used and prohibited foods not offered shall equal no more than 3 points.
- ~~(25)~~(27) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to food additives approved and properly used shall equal no more than 1 point.
- ~~(26)~~(28) Violation of Chapter 7 of the Food Code as amended by Rule .2657 of this Section related to toxic substances properly identified, stored, and used shall equal no more than 2 points.
- ~~(27)~~(29) Violation of Chapters 3, 4 and 8 of the Food Code as amended by Rules .2653, .2654, and .2658 of this Section related to compliance with variance, specialized process, and HACCP plan shall equal no more than 2 points.
- ~~(28)~~(30) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to pasteurized eggs used where required shall equal no more than 1 point.
- ~~(29)~~(31) Violation of Chapters 3 and 5 of the Food Code as amended by Rules .2653 and .2655 of this Section related to water from an approved source shall equal no more than 2 points.
- ~~(30)~~(32) Violation of Chapter 8 of the Food Code as amended by Rule .2658 of this Section related to variance obtained for specialized processing methods shall equal no more than ~~1 point~~ 2 points.
- ~~(31)~~(33) Violation of Chapters 3 and 4 of the Food Code as amended by Rules .2653 and .2654 of this Section related to proper cooling methods used or adequate equipment for temperature control shall equal no more than 1 point.
- ~~(32)~~(34) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to plant food properly cooked for hot holding shall equal no more than 1 point.
- ~~(33)~~(35) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to approved thawing methods used shall equal no more than 1 point.
- ~~(34)~~(36) Violation of Chapter 4 of the Food Code as amended by Rule .2654 of this Section related to thermometers provided and accurate shall equal no more than 1 point.
- ~~(35)~~(37) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to food properly labeled or original container shall equal no more than 2 points.
- ~~(36)~~(38) Violation of Chapters 2 and 6 of the Food Code as amended by Rules .2652 and .2656 of this Section related to insects and rodents not present or no unauthorized animals or persons shall equal no more than 2 points.
- ~~(37)~~(39) Violation of Chapters 3 and 6 of the Food Code as amended by Rules .2653 and .2656 of this Section related to contamination prevented during food preparation, storage, and display shall equal no more than 2 points.

- ~~(38)~~(40) Violation of Chapter 2 of the Food Code as amended by Rule .2652 of this Section related to personal cleanliness shall equal no more than 1 point.
- ~~(39)~~(41) Violation of Chapters 3 and 4 of the Food Code as amended by Rules .2653 and .2654 of this Section related to wiping cloths properly used and stored shall equal no more than 1 point.
- ~~(40)~~(42) Violation of Chapters 3 and 7 of the Food Code as amended by Rules .2653 and .2657 of this Section related to washing fruits and vegetables shall equal no more than 1 point.
- ~~(41)~~(43) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to in-use utensils properly stored shall equal no more than 1 point.
- ~~(42)~~(44) Violation of Chapter 4 of the Food Code as amended by Rule .2654 of this Section related to utensils, equipment, and linens properly stored, dried and handled shall equal no more than 1 point.
- ~~(43)~~(45) Violation of Chapter 4 of the Food Code as amended by Rule .2654 of this Section related to single-use and single-service articles properly stored and used shall equal no more than 1 point.
- ~~(44)~~(46) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to gloves used properly shall equal no more than 1 point.
- ~~(45)~~(47) Violation of Chapters 3 and 4 of the Food Code as amended by Rules .2653 and .2654 of this Section related to equipment, food and non-food contact surfaces approved, cleanable, properly designed, constructed and used shall equal no more than ~~2 points~~. 1 point.
- ~~(46)~~(48) Violation of Chapter 4 of the Food Code as amended by Rule .2654 of this Section related to warewashing facilities installed, maintained, used, and test strips shall equal no more than 1 point.
- ~~(47)~~(49) Violation of Chapter 4 of the Food Code as amended by Rule .2654 of this Section related to non-food contact surfaces clean shall equal no more than 1 point.
- ~~(48)~~(50) Violation of Chapter 5 of the Food Code as amended by Rule .2655 of this Section related to hot and cold water available and adequate pressure shall equal no more than ~~2 points~~. 1 point.
- ~~(49)~~(51) Violation of Chapter 5 of the Food Code as amended by Rule .2655 of this Section related to plumbing installed and proper backflow devices shall equal no more than 2 points.
- ~~(50)~~(52) Violation of Chapter 5 of the Food Code as amended by Rule .2655 of this Section related to sewage and wastewater properly disposed shall equal no more than 2 points.

- ~~(51)~~(53) Violation of Chapters 5 and 6 of the Food Code as amended by Rules .2655 and .2656 of this Section related to toilet facilities properly constructed, supplied, and cleaned shall equal no more than 1 point.
- ~~(52)~~(54) Violation of Chapters 5 and 6 of the Food Code as amended by Rules .2655 and .2656 of this Section related to garbage and refuse properly disposed and facilities maintained shall equal no more than 1 point.
- ~~(53)~~(55) Violation of Chapters 4 and 6 of the Food Code as amended by Rules .2654 and .2656 of this Section related to physical facilities installed, maintained, and clean shall equal no more than 1 point.
- ~~(54)~~(56) Violation of Chapters 4 and 6 of the Food Code as amended by Rules .2654 and .2656 of this Section related to meets ventilation and lighting requirements and designated areas used shall equal no more than 1 point.

(e) In filling out the inspection form, points may be deducted only once for a single occurrence or condition existing within or outside of the food establishment. Deductions shall be based on actual violations of the rules of this Section observed during the inspection. The regulatory authority shall take zero, one-half, or a full deduction of points depending upon the severity or the recurring nature of the core item violations. Priority items or priority foundation items may be corrected during the inspection and no more than one-half of the total point value shall be deducted when the violation meets the following criteria:

- (1) ~~The~~ the priority item or priority foundation item violation was not documented on the previous inspection; and
- (2) ~~Correction~~ correction of the item is documented on the inspection form.

(f) At the time of inspection, if a priority item or priority foundation item violation is observed and not corrected, the regulatory authority shall take one-half or a full deduction of points depending upon the severity or the recurring nature of the violation. ~~The regulatory authority shall specify a time frame of no more than 10 calendar days to correct the priority items or priority foundation items.~~

(g) In determining whether items or areas of a food establishment are clean for purposes of enforcing the rules set forth in this Section and grading a food establishment, the regulatory authority shall consider, among other things:

- (1) ~~The~~ the age of the accumulated material;
- ~~(2) The relative percentage of items which are clean and not clean;~~
- ~~(3)~~(2) ~~The~~ the cleaning practices of the food establishment; and
- ~~(4)~~(3) ~~The~~ the health risk posed by the circumstances.

(h) Upon request of the permit holder or his or her representative a reinspection shall be made. In the case of a food establishment that requests an inspection for the purpose of raising the alphabetical grade, and that holds an unrevoked permit, the regulatory authority shall make an unannounced inspection within 15 calendar days from the date of the request.

- (i) In the case of food establishments that have been closed for failure to comply with the rules of this Section, a reinspection to consider the issuance or reissuance of a permit shall be scheduled by made at the earliest convenience of the regulatory authority.
- (j) In Section 8-304.11 of the Food Code delete (K).

Authority G.S. 130A-248; S.L. 2011-394, Section 15(a); 2019-129.

**15A NCAC 18A .2670 GENERAL REQUIREMENTS FOR PUSHCARTS AND MOBILE FOOD UNITS**

Notwithstanding the provisions set forth in Rules .2671 and .2672, pushcarts and mobile food units shall comply with all requirements in this Section with the following exceptions:

- ~~(a)~~(1) A permit shall be issued by the regulatory authority that inspects the commissary from which a pushcart or mobile food unit is to operate ; if the regulatory authority determines that the pushcart or mobile food unit complies with the rules of this Section. The permit shall be maintained on the pushcart or mobile food unit and made available to the regulatory authority upon request.
- ~~(b)~~(2) The regulatory authority that issues the permit shall be provided by the permit holder a list of counties and locations where each pushcart or mobile food unit will operate.
- ~~(c)~~(3) Prior to initiating food service operations in a particular county, the pushcart or mobile food unit permit holder shall provide the regulatory authority in each county in which food service operations are proposed a list of locations where they will operate. Such lists must be kept current.
- ~~(d)~~(4) Pushcarts or mobile food units shall operate in conjunction with a permitted commissary and shall report at least daily to the commissary for supplies, cleaning, and servicing. Facilities, in compliance with this Section, shall be provided at the commissary for storage of all supplies. The pushcart shall also be stored in an area that protects it from dirt, debris, vermin, and other contamination. Water faucets used to supply water for pushcarts or mobile food units shall be protected to prevent contact with chemicals, splash, and other sources of contamination. Solid waste storage and liquid waste disposal facilities must also be provided on the commissary premises.
- ~~(e)~~ All food shall be obtained from sources that comply with Chapter 3 of the Food Code as amended by Rule .2653 of this Section.
- ~~(f)~~ All potentially hazardous food (time/temperature control for safety food) shall be maintained at temperatures as required in Chapter 3 of the Food Code as amended by Rule .2653 of this Section. A metal stem type thermometer accurate to 1°C (2°F) shall be available to check food temperatures.
- ~~(g)~~(5) Single service articles shall be used for serving customers. ~~Single service articles shall be~~

~~purchased in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a manner to prevent contamination.~~

- ~~(h)~~ All garbage and other solid waste shall be stored and disposed in an approved manner.
- ~~(i)~~ Employees shall wear effective hair restraints, clean outer clothing, and maintain good hygienic practices as specified in Part 2-4 of the Food Code as amended by Rule .2652 of this Section.
- ~~(j)~~ Employees shall comply with the requirements in Subpart 2-201 of the Food Code as amended by Rule .2652. of this Section
- ~~(k)~~ Equipment and utensils shall meet the requirements in Parts 4-1 and 4-2 of the Food Code as amended by Rule .2654 of this Section.
- ~~(l)~~ The pushcart or mobile food unit shall be kept clean and free of flies, roaches, rodents, and other vermin.

Authority G.S. 130A-248; S.L. 2011-394, Section 15(a); 2019-129.

**15A NCAC 18A .2674 LIMITED FOOD SERVICES ESTABLISHMENTS**

Limited food services establishments shall comply with all the requirements in Rules .2650 through .2662 of this Section, except as follows: that the following provisions apply in lieu of Rules .2654(2) and .2659(a) and (b), Section 5-204.11(b) of the Food Code as amended by Rule .2655 of this Section, and Sections 8-201.11 and 8-201.12 of the Food Code as amended by Rule .2658 of this Section:

- (1) The permit for a limited food services establishment shall be posted in a conspicuous place where it can be readily seen by the public at all times. Permits for limited food services establishments shall expire ~~on December 31 of each year.~~ one year from the date of issuance. A new permit from the regulatory authority shall be obtained before the limited food services establishment shall be allowed to operate each year. Transitional permits shall not be issued.
- (2) The permit application shall be submitted to the local health department at least 30 days prior to construction or commencing operation. The permit application shall include a proposal for review and approval by the local health department that includes a menu, plans, and specifications for the proposed limited food services establishment, and ~~location~~ location, hours, and dates of operation.
- (3) Limited food services establishments shall not prepare any ~~potentially hazardous food (time/temperature control for safety food)~~ time/temperature control for safety food prior to the day of sale.
- (4) ~~Potentially hazardous food (time/temperature control for safety food)~~ Time/temperature control for safety food that has been heated at the limited food services establishment and remains at the end of the day shall not be served

or placed in refrigeration to be used another day.

- (5) All meats, poultry, and fish shall be purchased in a pre-portioned and ready-to-cook form.
- (6) Equipment in the limited food services establishment that is not certified or classified for sanitation by an ANSI-accredited certificate program ~~that is in good repair and operating properly~~ may be used. At least a two-compartment sink shall be provided. The sink shall be of sufficient size to submerge, wash, rinse, and sanitize utensils and shall have splashback protection. At least one drainboard, table, or counter space shall be provided for air-drying.
- (7) Only single-service articles shall be ~~used~~ used as tableware as defined in Chapter 1 of the Food Code.
- (8) Limited food services establishments may ~~prepare~~ reheat pre-cooked and cook food in accordance with the overhead protection requirements set forth in Rule .2669(b) of this Section.
- (9) Floors, walls, and ceilings of limited food services establishments shall meet the requirements of this Section, except those limited food services establishments preparing food in accordance with Rule .2669(b) of this Section. ~~Limited food establishments shall use dustless methods of floor cleaning and all, except emergency floor cleaning, shall be done during those periods when the least amount of food and drink is exposed, such as after closing, or between meals.~~
- (10) All areas in which food is handled, prepared, or in which utensils are washed, shall be provided with artificial lighting that complies with Section 6-202.11 of the Food Code as amended by Rule .2656 of this Section.
- (11) A handwashing sink shall be provided in food service areas for use by employees only.
- (12) Toilet facilities shall be provided for use by employees. Public toilet facilities provided on the grounds of the facility where the ~~associated amateur athletic~~ event is taking place are acceptable. Toilet facilities for the public are not required.

Authority G.S. 130A-248; S.L. ~~2011-394, Section 15(a); 2019-129.~~

**TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS**

**CHAPTER 10 – BOARD OF CHIROPRACTIC EXAMINERS**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Chiropractic Examiners intends to amend the rules cited as 21 NCAC 10 .0204, .0213, .0304 and repeal the rules cited as 21 NCAC 10 .0201, .0205, and .0206.*

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

**Link to agency website pursuant to G.S. 150B-19.1(c):** [www.ncchiroboard.com](http://www.ncchiroboard.com)

**Proposed Effective Date:** January 1, 2022

**Public Hearing:**

**Date:** July 8, 2021

**Time:** 10:00 a.m.

**Location:** Via Zoom:  
<https://us02web.zoom.us/j/83902423399?pwd=Q1NaNGZBS0lEN0U5NGoyaitmS0dnUT09>

**Reason for Proposed Action:**

**21 NCAC 10 .0201** -Repealed as unnecessary; existing rule restates statutory language and definition of "good character" contained therein is potentially unclear.

**21 NCAC 10 .0204** -To combine information about initial licensure and renewal within one rule.

**21 NCAC 10 .0205** -Repealed as substantive content was transferred to amended rule .0204.

**21 NCAC 10 .0206** -Repealed as substantive content was transferred to amended rule .0213.

**21 NCAC 10 .0213** -To streamline the existing application and renewal process for clinical assistants and radiologic technologists under one category to be known as "Certified Chiropractic Assistants."

**21 NCAC 10 .0304** -To streamline the process for recognizing and applying for specialties.

**Comments may be submitted to:** Dr. Joe Siragusa, NC Board of Chiropractic Examiners, 9121 Anson Way, Suite 200, Raleigh, NC 27615

**Comment period ends:** August 2, 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

**SECTION .0200 - PRACTICE OF CHIROPRACTIC**

**21 NCAC 10 .0201 REQUIREMENTS FOR LICENSURE**

*Authority G.S. 90-142; 90-143; 90-143.1; 150B-9(d).*

**21 NCAC 10 .0204 LICENSURE RENEWAL OF LICENSE**

(a) Initial Licensure. The initial license awarded to an applicant who passed the examination shall be mailed to the address appearing on the application form.

(b) Change of Contact Information. The licentiate shall inform the Board of any change in his or her contact information. Updated contact information shall be forwarded to the Board office email at [neboce@ncchiroboard.com](mailto:neboce@ncchiroboard.com), by regular mail to the Board office located at 6070 Six Forks Rd., Ste. L, Raleigh, NC 27609, or fax at (704) 793-1385 [ncboce@ncchiroboard.com](mailto:ncboce@ncchiroboard.com) within 30 days after any such change.

(c) General. The renewal, cancellation, and restoration of a license are governed by G.S. 90-155 and this Rule. A current license that is not renewed shall be cancelled 30 days after the Tuesday immediately following the first Monday in January of the ensuing year. A licentiate desiring license renewal shall submit to the Board, on or before the date of cancellation, a completed license renewal form accompanied by the renewal fee as provided in Paragraph (i) of this Rule. The renewal fee shall not be paid in cash and may be paid by credit card through the Board's website, [www.ncchiroboard.com](http://www.ncchiroboard.com), or by a check made payable to the North Carolina Board of Chiropractic Examiners.

(d) License Renewal Notification and Form. On or before December 1 of each year, the Board shall email to each licentiate, at the licentiate's current email address on file with the Board, license renewal instructions. The license renewal form with instructions shall also be available at the Board's website, [www.ncchiroboard.com](http://www.ncchiroboard.com), or upon request at the Board's office. A licentiate desiring license renewal shall note on the form changes in name, address, specialty, employment circumstances, and criminal convictions since the last renewal form was submitted to the Board. The licentiate shall also note on the form any professional development continuing education for which the licentiate seeks credit pursuant to Rule .0210(d) of this Chapter.

(e) Continuing Education. As used in G.S. 90-155, one "day" of continuing education shall mean nine hours. Except as provided in Paragraphs (f), (g) and (h) of this Rule, a licentiate seeking license renewal shall obtain 18 hours (2 days) of Board-approved continuing education each calendar year. At least 10 hours shall

be obtained by attending in-person educational sessions. As many as eight hours may be obtained in the manner set forth in Rule .0210 of this Chapter. The Board shall not award credit for any continuing education hours until the sponsor or licentiate submits to the Board the sponsor's certificate of attendance or course completion.

(f) First-Year Continuing Education Exemptions. A licentiate who was enrolled in chiropractic college at any time during the year of initial licensure or a licentiate initially licensed after September 1st of the current year shall be permitted to renew his or her license for the ensuing year without obtaining continuing education but shall be required to submit a license renewal form and pay the renewal fee. In subsequent years, a licentiate shall not be permitted to renew his or her license until the continuing education requirements set forth in Paragraph (e) of this Rule are satisfied.

(g) Hardship Waivers. A licentiate seeking a hardship waiver of the continuing education requirement shall make written application to the Board no later than December 15th of the current year explaining the nature and circumstances of the hardship. Upon the applicant's showing that compliance with the continuing education requirement poses an undue hardship, the Board may waive the requirement in whole or part or grant an extension of time within which to comply. "Undue hardship" shall include protracted medical illness, natural disaster, or extended absence from the United States.

(h) Military Hardship. A licentiate who is serving in the Armed Forces of the United States and to whom G.S. 93B-15(a) grants an extension of time to pay a renewal fee shall also be granted an identical extension of time to complete the continuing education required for license renewal.

(i) Renewal Fee. A renewal fee in the maximum amount allowed by G.S. 90-155 shall be paid by each licentiate applying for renewal.

(j) Restoration of Cancelled License; Evidence of Proficiency. In order to provide evidence of proficiency, a former licentiate whose license has been cancelled for 180 or fewer days due to non-compliance with G.S. 90-155 shall be re-examined and shall pay the non-refundable application fee prescribed in Rule .0202(d) of this Chapter and shall demonstrate compliance with continuing education requirements. A former licentiate whose license has been cancelled for more than 180 days shall comply with Rule .0203(f) of this Chapter in addition to this Paragraph. Payment of the application fee shall not constitute payment of the reinstatement fee of twenty-five dollars (\$25.00) mandated by G.S. 90-155.

*Authority G.S. 90-142; 90-145; 90-155; 90-148; 93B-15.*

**21 NCAC 10 .0205 RENEWAL OF LICENSE**

*Authority G.S. 90-142; 90-155; 93B-15.*

**21 NCAC 10 .0206 CERTIFICATION OF RADIOLOGIC TECHNOLOGISTS**

*Authority G.S. 90-143.2; 90-154.3.*

21 NCAC 10 .0213 CERTIFICATION OF CLINICAL ASSISTANTS CERTIFIED CHIROPRACTIC ASSISTANTS

(a) ~~Classification of Applicants.~~ Applicants for clinical assistant competency certification shall be classified as follows:

- (1) ~~Reciprocity applicants.~~ A "reciprocity applicant" means an applicant who is currently certified or registered as a clinical assistant in another state whose requirements for certification or registration are substantially similar to or more stringent than the requirements for certification in North Carolina.
- (2) ~~New applicants.~~ A "new applicant" means any applicant who is not a reciprocity applicant.

(b) ~~Requirements for Certification.~~ Every applicant, regardless of classification, shall complete an application form available on the Board's website at <https://nechiroboard.com> and requiring the applicant to confirm and submit documentary evidence satisfactory to the Board that the applicant is at least 18 years of age, a high school graduate or the equivalent, and possessed of good moral character. A photocopy of the applicant's birth certificate, driver's license, or government-issued identification card shall constitute prima facie evidence of the applicant's age. A photocopy of the applicant's high school diploma, transcript, or general equivalency diploma (G.E.D.) shall constitute prima facie evidence of the applicant's graduation from high school. An affidavit attesting to good moral character and signed by a chiropractic physician or other responsible party who knows the applicant and is not related to the applicant shall constitute prima facie evidence of the applicant's good moral character. Every applicant, regardless of classification, shall pay to the Board an initial certification fee in the amount of twenty dollars (\$20.00). The initial certification fee shall not be paid in cash and may be paid by credit card through the Board's website at <https://nechiroboard.com> or by a check made payable to the North Carolina Board of Chiropractic Examiners. In addition to the general certification requirements, an applicant shall satisfy the requirements for the appropriate category of certification, as follows:

- (1) ~~Reciprocity Applicants.~~ A reciprocity applicant shall submit a copy of the applicant's current certification or registration as a clinical assistant in a state with which North Carolina reciprocates and shall also submit written confirmation from the state's certifying authority or registrar that the applicant is in good standing in that state.
- (2) ~~New Applicants.~~ A new applicant shall submit evidence that the applicant has completed an approved clinical assistant education program as described in Paragraph (c) of this Rule. A certificate of completion filed with the Board by the program sponsor shall constitute prima facie evidence that the applicant has obtained the required education. A new applicant shall also take and pass the standard proficiency examination administered by or under the

~~authority of the Board, as described in Paragraph (d) of this Rule.~~

(c) ~~Education Programs.~~ In order to be approved by the Board, a clinical assistant education program for new applicants shall be at least 24 hours in length, of which at least six hours shall be in-person didactic training with an instructor or instructors who, based on education and experience, are competent to teach the portion of the curriculum they have been assigned. Credit for online coursework shall not exceed 18 hours, and all online coursework shall precede didactic training. The education program shall provide sufficient instruction in the five subjects set forth in G.S. 90-143.4(c) to enable its graduates to satisfy all applicable standards of care. To obtain approval of an education program, the program sponsor shall submit to the Board, at least 60 days prior to the proposed starting date, all instructional materials to be used in the program, including a syllabus of the didactic training, and a curriculum vitae for each instructor.

(d) ~~Examinations.~~ The proficiency examination for new applicants shall assess both academic knowledge and practical skills acquired through education programs and shall be administered in person at least four times per year on dates and at locations to be announced by the Board at least 90 days in advance and published on the Board's website at <https://nechiroboard.com>. In its discretion, the Board may authorize additional testing sessions based on the number of applications received. The minimum passing score on the examination is 75 percent.

(e) ~~Certificate Expiration and Renewal.~~ Unless renewed, a certificate of competency shall expire on June 30th of the third year following the year in which it was issued. A certificate holder seeking to renew shall submit evidence that the applicant has completed six hours of Board approved continuing education. A certificate of attendance or completion issued by the course sponsor and filed with the Board shall constitute prima facie evidence that the applicant has completed the number of hours recited in the certificate. The applicant shall pay to the Board a renewal fee in the amount of twenty five dollars (\$25.00). The renewal fee shall not be paid in cash and may be paid by credit card through the Board's website at <https://nechiroboard.com> or by a check made payable to the North Carolina Board of Chiropractic Examiners.

(f) ~~Lapsed Certificates.~~ If a certificate of competency has lapsed due to non renewal and the lapse does not exceed 60 days, the certificate holder may obtain reinstatement by making up the accrued deficiency in continuing education. If the lapse is greater than 60 days, no make up continuing education shall be required, but the certificate holder shall re take and pass the proficiency examination for new applicants. Regardless of the length of lapse, a certificate holder seeking reinstatement shall pay the renewal fee set forth in Paragraph (e) of this Rule.

(g) ~~Exemptions.~~ Graduates of accredited chiropractic colleges and students enrolled in accredited chiropractic colleges who are serving college sponsored preceptorships in North Carolina are deemed by the Board to have satisfied all requirements imposed by this Rule and shall be deemed competent to perform the duties of a clinical assistant. Any person who qualifies for exemption and who works as a clinical assistant in this state for more than 180 days shall submit the application form described in Paragraph (b) of this Rule and note the claim of exempt status. Exempt persons shall not be required to pay a certification fee.

~~(h) Displaying Certificate. The holder of a certificate issued pursuant to this Rule shall display the certificate in the chiropractic clinic in which the holder is employed in a location where the certificate may be viewed by patients.~~

(a) Designation. The Board shall classify Certified Chiropractic Assistants as follows:

- (1) Level 1 – Clinical
- (2) Level 2 – X-ray

For purposes of this Rule, a Certified Chiropractic Assistant – Level 1 is the same as a "chiropractic clinical assistant" as defined in G.S. 90-143.4(a). For purposes of this Rule, a Certified Chiropractic Assistant – Level 2 is the same as a "diagnostic imaging technician" as defined in G.S. 90-143.2 and may be referred to as a "radiologic technologist", "X-ray tech", and "X-ray technician."

(b) Application Procedure. Anyone seeking to be certified as a Chiropractic Assistant shall submit an application found on the Board's website at <https://ncchiroboard.com>. All applicants shall:

- (1) Be at least 18 years of age;
- (2) Demonstrate that he or she graduated from high school or the equivalent;
- (3) Possess good moral character as determined by the Board; and
- (4) Submit an application fee of thirty-five dollars (\$35.00).

(c) New Applicants – Level 1.

- (1) Education. In addition to the requirements set forth in Paragraph (b) of this Rule, new applicants shall submit evidence of completion of a clinical assistant education program at least 24 hours in length, of which at least 6 hours shall be in-person didactic training with an instructor or instructors who, based on education and experience, are competent to teach the portion of the curriculum they have been assigned. Credit for online coursework shall not exceed 18 hours, and all online coursework shall precede didactic training. The education program shall provide sufficient instruction in the five subjects set forth in G.S. 90-143.4(c) to enable its graduates to satisfy all applicable standards of care. To obtain approval of an education program, the program sponsor shall submit to the Board, at least 60 days prior to the proposed starting date, all instructional materials to be used in the program, including a syllabus of the didactic training, and a curriculum vitae for each instructor.
- (2) Examination. The proficiency examination for new applicants shall assess both academic knowledge and practical skills acquired through education programs and shall be administered at least four times per year on dates and at locations to be announced by the Board at least 30 days in advance and published on the Board's website at <https://ncchiroboard.com>. In its discretion, the Board may authorize additional testing sessions based on the number

of applications received. The minimum passing score on the examination is 75 percent.

(d) New Applicants – Level 2.

- (1) Education. In addition to the requirements set forth in Paragraphs (b) and (c) of this Rule, new applicants shall complete a radiological technologist education program at least 50 hours in length, of which at least 6 hours shall be in-person didactic training with an instructor or instructors who, based on education and experience, are competent to teach the portion of the curriculum they have been assigned, and completion of the practical requirement as set forth in Subparagraph (d)(2) of this Rule. The education program shall provide sufficient instruction in the five subjects set forth in G.S. 90-143.2 to enable its graduates to satisfy all applicable standards of care governing the production of X-rays. To obtain approval of an education program, the program sponsor shall submit to the Board, at least 60 days prior to the proposed starting date, all instructional materials to be used in the program, including a syllabus of the didactic training and a curriculum vitae for each instructor. Any person registered as "active" with the American Chiropractic Registry of Radiologic Technologists shall be deemed to have satisfied the educational requirements of this paragraph.
- (2) Practical Requirement. Upon completion of the training set forth in Subparagraph (d)(1) of this Rule, a person desiring certification as a Certified Chiropractic Assistant – Level 2 shall undergo a Practical whereby the person is evaluated by his or her program sponsor on the following competencies while performing x-ray examinations under the direct supervision of a sponsor for four different patients:
  - (A) Image quality;
  - (B) Marking sides of the body;
  - (C) Technique input to controller;
  - (D) Tube/focal film distance;
  - (E) Bucky/tube alignment;
  - (F) Patient positioning;
  - (G) Gonad shielding;
  - (H) Ability to name additional views in the series; and
  - (I) Collimation.The person shall submit written documentation of the Practical evaluation on a form prescribed by the Board that is available on the Board's website at <https://ncchiroboard.com/x-ray-technician>.
- (3) Examination. The competency examination shall be administered at least three times per year. The Board shall publish on its website, <https://ncchiroboard.com>, the date, time, and location of the examination at least 30 days in advance. In its discretion, the Board may

authorize additional testing sessions based on the number of applications received. The minimum passing score is 75 percent.

(e) Reciprocity Applicants. A "reciprocity applicant" means an applicant who is currently certified or registered as a clinical assistant or X-ray technician in another state whose requirements for certification or registration are substantially similar to or more stringent than the requirements for certification in North Carolina. A reciprocity applicant shall submit a copy of the applicant's current certification or registration as a clinical assistant in a state with which North Carolina reciprocates and shall also submit written confirmation from the state's certifying authority or registrar that the applicant is in good standing in that state.

(f) Certification Expiration and Renewal. Starting with certifications issued or renewed on or after July 1, 2022, a certificate of competency shall expire on June 30<sup>th</sup> of the second year following the year in which it was issued unless otherwise renewed. A certificate holder seeking to renew shall submit evidence that the applicant has completed six hours of Board-approved continuing education. A Level 2 certificate holder shall complete six hours of education applicable to a Level 1 renewal plus six hours in radiologic technology. A certificate of attendance or completion issued by the course sponsor and filed with the Board shall constitute prima facie evidence that the applicant has completed the number of hours recited in the certificate. The applicant shall pay to the Board a renewal fee in the amount of fifty dollars (\$50.00).

(g) Lapsed Certificates. If a certificate of competency has lapsed due to non-renewal and the lapse does not exceed 60 days, the certificate holder may obtain reinstatement by making up the accrued deficiency in continuing education. If the lapse is greater than 60 days, no make-up continuing education shall be required, but the certificate holder shall re-take and pass the proficiency examination for new applicants. Regardless of the length of lapse, a certificate holder seeking reinstatement shall pay the renewal fee set forth in Paragraph (f) of this Rule.

(h) Exemptions. Graduates of accredited chiropractic colleges and students enrolled in accredited chiropractic colleges who are serving college-sponsored preceptorships in North Carolina are deemed by the Board to have satisfied all requirements imposed by this Rule and shall be deemed competent to perform the duties of a clinical assistant. Any person who qualifies for exemption and who works as a clinical assistant in this state for more than 180 days shall submit the applicant pursuant to this Rule and note the claim of exempt status. Exempt persons shall not be required to pay a certification fee.

(i) Displaying Certificate. The holder of a Level 1 certificate issued pursuant to this Rule shall display the certificate in the chiropractic clinic in which the holder is employed in a location where the certificate may be viewed by patients. The holder of a Level 2 certificate issued pursuant to this Rule shall display the certificate in the x-ray room of the chiropractic clinic in which the holder is employed in a location where the certificate may be viewed by patients.

*Authority G.S. 90-142; 90-143.2; 90-143.4; 90-154.3.*

**SECTION .0300 - RULES OF UNETHICAL CONDUCT**

**21 NCAC 10 .0304 DESIGNATION OF SPECIALTIES**

~~(a) Definitions. For purposes of this Rule, the following definitions shall apply:~~

~~(1) Claim of Specialization: any use of the designations listed in this Rule or any representation stating or implying that, by virtue of additional training, a licentiate possesses greater expertise in any aspect of health care than is possessed by chiropractic physicians who have not had additional training. The mere recitation of academic degrees awarded to a licentiate does not constitute a claim of specialization.~~

~~(2) Publication: includes but is not limited to representations made in a licentiate's advertising, whether printed or broadcast; written representations appearing on professional stationery, business cards, curriculum vitae or office signage; and oral representations made in judicial proceedings.~~

~~(b) Recognized Specialties. The Board of Examiners recognizes only the specialties listed in this Rule. Any published claim of specialization outside the listed subject areas or any published claim of specialization made by or at the behest of a licentiate who has not satisfied all applicable provisions of this Rule constitutes false or misleading advertising.~~

~~(c) Chiropractic Orthopedies. This specialty is designated by the terms "Diplomate of the American Board of Chiropractic Orthopedies" ("DABCO"), "Diplomate of the Academy of Chiropractic Orthopedies" ("DACO"), "Fellow of the Academy of Chiropractic Orthopedies" ("FACO") or "Chiropractic Orthopedist." In order to claim chiropractic orthopedies as a specialty, a licentiate shall first:~~

~~(1) Complete a post-graduate course of study in orthopedies at least 300 hours in length and offered by a college approved by the Council on Chiropractic Education; and~~

~~(2) Pass all parts of the DABCO examination, or all parts of an examination deemed by the Board of Examiners to be the equivalent of the DABCO examination, and cause a copy of the DABCO diploma or its equivalent to be filed with the Board of Examiners.~~

~~(d) Chiropractic Radiology. This specialty is designated by the terms "Diplomate of the American Chiropractic Board of Radiology" ("DACBR") or "Chiropractic Radiologist." In order to claim chiropractic radiology as a specialty, a licentiate shall first:~~

~~(1) Complete a post-graduate course of study in radiology at least 300 hours in length and offered by a college approved by the Council on Chiropractic Education; and~~

~~(2) Pass all parts of the DACBR examination, or all parts of an examination deemed by the Board of Examiners to be the equivalent of the DACBR examination, and cause a copy of the DACBR diploma or its equivalent to be filed with the Board of Examiners.~~



~~(e) Chiropractic Neurology. This specialty is designated by the terms "Diplomate of the American Chiropractic Neurology Board" ("DACNB"), "Diplomate of the International Board of Chiropractic Neurology" ("DIBCN") or "Chiropractic Neurologist." In order to claim chiropractic neurology as a specialty, a licentiate shall first:~~

- ~~(1) Complete a post graduate course of study in neurology at least 300 hours in length and offered by a college approved by the Council on Chiropractic Education; and~~
- ~~(2) Pass all parts of the DACNB or DIBCN examination, or all parts of an examination deemed by the Board of Examiners to be the equivalent of the DACNB or DIBCN examinations, and cause a copy of the DACNB or DIBCN diploma or their equivalent to be filed with the Board of Examiners.~~

~~(f) Chiropractic Internal Disorders. This specialty is designated by the terms "Diplomate of the American Board of Chiropractic Internists" ("DABCI") or "Chiropractic Internist." In order to claim chiropractic internal disorders as a specialty, a licentiate shall first:~~

- ~~(1) Complete a post graduate course of study in internal disorders at least 300 hours in length and offered by a college approved by the Council on Chiropractic Education; and~~
- ~~(2) Pass all parts of the DACBI examination, or all parts of an examination deemed by the Board of Examiners to be the equivalent of the DACBI examination, and cause a copy of the DACBI diploma or its equivalent to be filed with the Board of Examiners.~~

~~(g) Chiropractic Pediatrics. This specialty is designated by the terms "Diplomate of the International Council on Chiropractic Pediatrics" ("DICCP") or "Chiropractic Pediatrician." In order to claim chiropractic pediatrics as a specialty, a licentiate shall first:~~

- ~~(1) Complete a post graduate course of study in pediatrics at least 300 hours in length and offered by a college approved by the Council on Chiropractic Education; and~~
- ~~(2) Pass all parts of the DICCP examination, or all parts of an examination deemed by the Board of Examiners to be the equivalent of the DICCP examination, and cause a copy of the DICCP diploma or its equivalent to be filed with the Board of Examiners.~~

~~(h) Chiropractic Sports Injuries. This specialty is designated by the terms "Diplomate of the American Chiropractic Board of Sports Physicians" ("DACBSP") or "Chiropractic Sports Physician." In order to claim chiropractic sports injuries as a specialty, a licentiate shall first:~~

- ~~(1) Complete a post graduate course of study in sports injuries at least 300 hours in length and offered by a college approved by the Council on Chiropractic Education; and~~
- ~~(2) Pass all parts of the DACBSP examination, or all parts of an examination deemed by the Board of Examiners to be the equivalent of the DACBSP examination, and cause a copy of the~~

~~DACBSP diploma or its equivalent to be filed with the Board of Examiners.~~

~~(i) Chiropractic Nutrition. This specialty is designated by the terms "Diplomate of the American Chiropractic Board of Nutrition" ("DACBN") or "Chiropractic Nutritionist." In order to claim chiropractic nutrition as a specialty, a licentiate shall first:~~

- ~~(1) Complete a post graduate course of study in nutrition at least 300 hours in length and offered by a college approved by the Council on Chiropractic Education; and~~
- ~~(2) Pass all parts of the DACBN examination, or all parts of an examination deemed by the Board of Examiners to be the equivalent of the DACBN examination, and cause a copy of the DACBN diploma or its equivalent to be filed with the Board of Examiners.~~

~~(j) Chiropractic Rehabilitation. This specialty is designated by the terms "Diplomate of the American Chiropractic Rehabilitation Board" ("DACRB") or "Chiropractic Rehabilitation Specialist." In order to claim chiropractic rehabilitation as a specialty, a licentiate shall first:~~

- ~~(1) Complete a post graduate course of study in rehabilitation at least 300 hours in length and offered by a college approved by the Council on Chiropractic Education; and~~
- ~~(2) Pass all parts of the DACRB examination, or all parts of an examination deemed by the Board of Examiners to be the equivalent of the DACRB examination, and cause a copy of the DACRB diploma or its equivalent to be filed with the Board of Examiners.~~

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

- (1) Claim of Specialization: any use of the designations listed in this Rule or any representation stating or implying that, by virtue of additional training, a licentiate possesses greater expertise in any aspect of health care than is possessed by chiropractic physicians who have not had additional training. The mere recitation of academic degrees awarded to a licentiate does not constitute a claim of specialization.
- (2) Publication: representations regarding any claim of specialization made by a licentiate which may include representations made in advertising, whether printed or broadcast; written representations appearing on professional stationery, business cards, curriculum vitae, or office signage; and oral representations made in judicial proceedings.

(b) Recognized Specialties. The Board of Examiners recognizes the specialties in the following fields of practice:

- (1) Chiropractic Orthopedics;
- (2) Chiropractic Radiology;
- (3) Chiropractic Neurology;
- (4) Chiropractic Internal Disorders;
- (5) Chiropractic Pediatrics;
- (6) Chiropractic Sports Injuries;

(7) Chiropractic Nutrition; and

(8) Chiropractic Rehabilitation.

(c) Any licentiate wishing to request a specialty designation not listed in Paragraph (b) of this Rule shall first submit a written request to the Board and provide evidence that the designation meets the criteria set forth in Paragraph (d) of this Rule. A licentiate shall not publish the specialty designation until the Board has approved, in writing, the specialty designation requested.

(d) Criteria for approval. In order to publish a claim of specialization as set forth in Paragraph (b) of this Rule or upon request of a specialty pursuant to Paragraph (c) of this Rule, a licentiate shall demonstrate the following:

(1) Evidence of completion of a post-graduate course of study in the specialty requested at least 300 hours in length and offered by a college approved by the Council on Chiropractic Education; and

(2) Evidence that the licentiate has passed an examination offered by a 501(c)(3) organization whose testing for specialization is recognized by the House of Delegates of the American Chiropractic Association or an exam deemed by the Board to be an equivalent.

(e) Claim of Specialty. Any published claim of specialization outside the recognized specialties or any published claim of specialization made by or at the behest of a licentiate who has not satisfied all applicable provisions of this Rule constitutes false or misleading advertising.

Authority G.S. 90-142; 90-154; 90-154.2(5).

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CHAPTER 34 – BOARD OF FUNERAL SERVICE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Funeral Service intends to adopt the rule cited as 21 NCAC 34B .0707 and amend the rule cited as 21 NCAC 34C .0202.

Link to agency website pursuant to G.S. 150B-19.1(c): [www.ncbfs.org](http://www.ncbfs.org)

Proposed Effective Date: October 1, 2021

Public Hearing:

Date: June 16, 2021

Time: 10:00 a.m.

Location: NC Board of Funeral Service, 1033 Wade Avenue, Suite 108, Raleigh, NC 27605

Reason for Proposed Action: Rule 21 NCAC 34B .0707 and Rule 21 NCAC 34C .0202 regulate the use by a funeral establishment and crematory, respectively, of temporary refrigeration units and off-site refrigeration units to ensure proper protocols for a decedent's identification, care, and chain of custody.

Comments may be submitted to: Stephen Davis, NC Board of Funeral Service, 1033 Wade Avenue, Suite 108, Raleigh, NC 27605; phone (919) 733-9380; email [sdavis@ncbfs.org](mailto:sdavis@ncbfs.org)

Comment period ends: August 2, 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 34B - FUNERAL SERVICE

SECTION .0700 - PREPARATION OF DEAD BODIES

21 NCAC 34B .0707 REFRIGERATION

(a) Any refrigeration unit procured and maintained by a funeral establishment must satisfy the following requirements:

- (1) be capable of storing at least three adult human bodies, each measuring up to seven feet in length and three hundred pounds in weight, in the holding facility;
(2) be capable of maintaining an interior temperature of 40 degrees Fahrenheit while loaded with the maximum number of bodies for which it is designed;
(3) shall have sealed concrete, stainless steel, galvanized, aluminum, or other flooring in walk-in units;
(4) shall have stainless steel, aluminum, or other non-corrosive materials for the remainder of all units; and
(5) be subject to inspection by Board inspectors at all times.

(b) The Board shall allow funeral establishments to procure and maintain one or more temporary refrigeration units. Any such temporary refrigeration unit must satisfy the requirements set forth in Subparagraphs (a)(2)-(5) of this Rule. Any such temporary refrigeration unit not located inside the funeral

establishment shall be kept locked at all times when human remains are stored inside.

(c) Human remains stored in a refrigeration unit, as set forth in Paragraphs (a) and (b) of this Rule, must be kept in a container that complies with G.S. 90-210.121(9)(b)-(f).

(d) Prior to using a refrigeration unit that is not located on its premises, a funeral establishment shall provide the Board with a written document that sets forth the following:

- (1) the name, contact information, and license number, if applicable, of the entity that owns the property on which the refrigeration unit is located;
- (2) the physical address of the property on which the refrigeration unit is located;
- (3) the name, contact information, and license number, if applicable, of the entity responsible for maintaining the refrigeration unit that meets the requirements of Paragraphs (a) and (b) of this Rule;
- (4) certification from both the licensed manager of the funeral establishment and an officer, owner, member, or partner of the entity responsible for maintaining the refrigeration unit in compliance with Paragraphs (a) and (b) of this Rule, acknowledging that:
  - (A) the funeral establishment shall use the refrigeration unit for the storage of human remains;
  - (B) the refrigeration unit complies with Paragraphs (a) and (b) of this Rule;
  - (C) a log documenting the chain of possession of human remains shall be maintained, which sets forth the name of the decedent, the funeral establishment or other entity for whom the human remains are being stored, and the date and time that human remains are placed inside and removed from the refrigeration unit;
  - (D) the Board inspectors shall have access to the refrigeration unit at all times;
  - (E) any licensee or permit holder that uses or maintains a refrigeration unit that is not compliant with this Rule is subject to disciplinary action pursuant to G.S. 210.25(d)(4) and 90-210.25(e)(1)(j).

Authority G.S. 90-210.23; 90-210.27A(h), (l).

**SUBCHAPTER 34C - CREMATORIES**

**SECTION .0200 - EQUIPMENT AND PROCESSING**

**21 NCAC 34C .0202 REFRIGERATION**

(a) Crematory and hydrolysis licensees shall have located on its premises a refrigeration unit that: capable of storing at least three adult human bodies, each measuring up to seven feet in length and three hundred pounds in weight, in the holding facility. Each refrigeration unit required by this Rule shall be capable of

~~maintaining an interior temperature of 40 degrees Fahrenheit while loaded with the maximum number of bodies for which it is designed; shall be a sealed concrete, stainless steel, galvanized, aluminum, or other flooring in walk-in units; and shall be stainless steel, aluminum, or other non-corrosive materials for the remainder of all units.~~

- (1) is capable of storing at least three adult human bodies, each measuring up to seven feet in length and three hundred pounds in weight, in the holding facility;
- (2) is capable of maintaining an interior temperature of 40 degrees Fahrenheit while loaded with the maximum number of bodies for which it is designed;
- (3) has sealed concrete, stainless steel, galvanized, aluminum, or other flooring in walk-in units; and
- (4) has stainless steel, aluminum, or other non-corrosive materials for the remainder of all units.

(b) A refrigeration unit in compliance with Subparagraphs (a)(1)-(4) of this Rule shall satisfy a crematory or hydrolysis licensee's compliance with Paragraph (a) of this Rule if the refrigeration unit is housed in a funeral establishment, crematory, or hydrolysis licensee sharing common ownership with, and located on the same contiguous piece of property as, the crematory or hydrolysis licensee.

~~(b)~~(c) Unembalmed human remains retained in the custody of a crematory or hydrolysis licensee for more than 24 hours prior to cremation or hydrolysis shall be kept in a refrigeration unit. Human remains stored in a refrigeration unit, as set forth in Paragraphs (a) and (c) of this Rule, must be kept in a container that complies with G.S. 90-210.121(9)(a)-(f). The Board shall allow a crematory or hydrolysis licensee to procure and maintain one or more temporary refrigeration units. Any such temporary refrigeration unit must satisfy the requirements set forth in Subparagraphs (a)(1)-(4) of this Rule. Any such temporary refrigeration unit not located inside the crematory shall be kept locked at all times when human remains are stored inside.

(d) Prior to using a refrigeration unit that is not located on its premises, a crematory or hydrolysis licensee shall provide the Board with a written document that sets forth the following:

- (1) the name, contact information, and license number, if applicable, of the entity that owns the property on which the refrigeration unit is located;
- (2) the physical address of the property on which the refrigeration unit is located;
- (3) the name, contact information, and license number, if applicable, of the entity responsible for maintaining the refrigeration unit that meets the requirements of Subparagraphs (a)(1)-(4) of this Rule;
- (4) certification from both the manager of the crematory and an officer, owner, member, or partner of the entity responsible for maintaining the refrigeration unit in compliance with Subparagraphs (a)(1)-(4) of this Rule, acknowledging that:

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*PROPOSED RULES*

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- (A) the crematory or hydrolysis licensee shall use the refrigeration unit for the storage of human remains;
- (B) the refrigeration unit complies with Subparagraphs (a)(1)-(4) of this Rule;
- (C) a log documenting the chain of possession of human remains shall be maintained, which sets forth the name of the decedent, the funeral establishment or other entity for whom the human remains are being stored, and the date and time that human remains are placed inside and removed from the refrigeration unit;

- (D) the Board inspectors shall have access to the refrigeration unit at all times;
- (E) any licensee or permit holder that uses or maintains a refrigeration unit that is not compliant with this Rule is subject to disciplinary action pursuant to G.S. 210.25(d)(4) and 90-210.25(e)(1)(j).

~~(e) The provisions of this Rule shall not be construed to require a crematory facility and hydrolysis facility that share common ownership and are located on a single contiguous piece of property to maintain more than one refrigeration unit.~~

*Authority* G.S. 90-210.121(9),(12); 90-210.123(g); 90-210.134(a); 90-210.136(d),(h).

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**APPROVED RULES**

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

Rules approved by the Rules Review Commission at its meeting on April 15, 2021 Meeting.

**REGISTER CITATION TO THE  
NOTICE OF TEXT**

**PLANT CONSERVATION BOARD**

Protected Plant Species List 02 NCAC 48F .0301\* 35:07 NCR

**COMMERCE - EMPLOYMENT SECURITY, DIVISION OF**

Notice to Employer of Potential Charges 04 NCAC 24D .0102 35:13 NCR

Requirements for Requesting Noncharging of Benefit Payments 04 NCAC 24D .0103 35:18 NCR

Time for Filing Requests for Noncharging 04 NCAC 24D .0104 35:18 NCR

Determination on Requests for Noncharging 04 NCAC 24D .0105 35:18 NCR

Appealing Denial or Request for Noncharging 04 NCAC 24D .0106 35:18 NCR

Notice of Employer Quarterly Charges 04 NCAC 24D .0201\* 35:13 NCR

Requirements for Filing Protests to List of Charges 04 NCAC 24D .0202 35:13 NCR

Grounds for Protesting List of Charges 04 NCAC 24D .0203 35:13 NCR

Telephone Hearings Before the Board of Review 04 NCAC 24F .0303 35:13 NCR

In-Person Hearings 04 NCAC 24F .0304\* 35:13 NCR

**CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION**

Responsibilities of the School Director 12 NCAC 09B .0202\* 35:12 NCR

Criminal Justice Instructor Training 12 NCAC 09B .0209\* 35:12 NCR

Evaluation for Training Waiver 12 NCAC 09B .0403\* 35:12 NCR

Minimum Training Specifications: Annual In-Service Training 12 NCAC 09E .0105\* 35:12 NCR

Instructor Training 12 NCAC 09G .0414\* 35:12 NCR

**SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION**

Terms and Conditions of Detention Officer Instructor Cert... 12 NCAC 10B .0905\* 35:13 NCR

Terms and Conditions of a Limited Lecturer Certification 12 NCAC 10B .0909\* 35:13 NCR

Terms and Conditions of Telecommunicator Instructor Certi... 12 NCAC 10B .0915\* 35:13 NCR

**MARINE FISHERIES COMMISSION**

Standards and Requirements for Shellfish Leases and Franc... 15A NCAC 03O .0201\* 35:07 NCR

Shellfish Lease Applications 15A NCAC 03O .0202\* 35:07 NCR

Permanent Secondary Nursery Areas 15A NCAC 03R .0104 35:07 NCR

Special Secondary Nursery Areas 15A NCAC 03R .0105 35:07 NCR

Oyster Sanctuaries 15A NCAC 03R .0117 35:07 NCR

**WILDLIFE RESOURCES COMMISSION**

Emergency Closures and Waivers 15A NCAC 10A .1102 35:11 NCR

Wildlife Taken for Depredations 15A NCAC 10B .0106\* 35:10 NCR

Attendance of Traps 15A NCAC 10B .0110\* 35:11 NCR

Permitted Archery Equipment 15A NCAC 10B .0116 35:11 NCR

Bear 15A NCAC 10B .0202 35:11 NCR

Deer (White Tailed) 15A NCAC 10B .0203\* 35:11 NCR

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*APPROVED RULES*

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<u>Wild Quail Management Areas</u>	15A NCAC 10B .0227*	35:11 NCR
<u>Public Mountain Trout Waters</u>	15A NCAC 10C .0205*	35:11 NCR
<u>Possession of Certain Fishes</u>	15A NCAC 10C .0211	35:11 NCR
<u>Largemouth Bass</u>	15A NCAC 10C .0305*	35:11 NCR
<u>Striped Bass</u>	15A NCAC 10C .0314	35:11 NCR
<u>Trout</u>	15A NCAC 10C .0316	35:11 NCR
<u>Smallmouth Bass</u>	15A NCAC 10C .0321	35:11 NCR
<u>Alabama Bass and Spotted Bass</u>	15A NCAC 10C .0322*	35:11 NCR
<u>Manner of Taking Nongame Fishes</u>	15A NCAC 10C .0401	35:11 NCR
<u>Taking Nongame Fishes for Bait or Personal Consumption</u>	15A NCAC 10C .0402	35:11 NCR
<u>General Regulations Regarding Use</u>	15A NCAC 10D .0102*	35:11 NCR
<u>Brunswick County</u>	15A NCAC 10F .0305*	35:11 NCR
<u>Wildlife Control Agent License Eligibility and Requirements</u>	15A NCAC 10H .1501	35:10 NCR
<u>Depredation Permits Issued by Wildlife Control Agents</u>	15A NCAC 10H .1502	35:10 NCR
<u>Manner of Take</u>	15A NCAC 10H .1503*	35:10 NCR
<u>Records and Reporting Requirements</u>	15A NCAC 10H .1504	35:10 NCR
<u>Wildlife Control Agent License Renewal and Revocation</u>	15A NCAC 10H .1505*	35:10 NCR
<u>Alligator Control Agent Certification Eligibility and Req...</u>	15A NCAC 10H .1506*	35:10 NCR
<u>Additional Permit Requirements for Alligator Control Agents</u>	15A NCAC 10H .1507*	35:10 NCR
<u>Alligator Control Agent Certification Eligibility and Req...</u>	15A NCAC 10H .1508	35:10 NCR
<u>Alligator Control Agent Certification Renewal and Revocation</u>	15A NCAC 10H .1509	35:10 NCR
<u>Hunting on Wildlife Conservation Areas</u>	15A NCAC 10J .0103*	35:11 NCR

**ENVIRONMENTAL MANAGEMENT COMMISSION**

<u>Definitions</u>	15A NCAC 13B .1701	35:12 NCR
<u>General Provisions for Structural Fill Facilities</u>	15A NCAC 13B .1702	35:12 NCR
<u>Notification for Structural Fill Facilities</u>	15A NCAC 13B .1703	35:12 NCR
<u>Siting for Structural Fill Facilities</u>	15A NCAC 13B .1704	35:12 NCR
<u>Design, Construction, and Operation for Structural Fill F...</u>	15A NCAC 13B .1705	35:12 NCR
<u>Closure of Structural Fill Facilities</u>	15A NCAC 13B .1706	35:12 NCR
<u>Recordation of Structural Fill Facilities</u>	15A NCAC 13B .1707	35:12 NCR
<u>Other Uses for Coal Combustion By-Products</u>	15A NCAC 13B .1708	35:12 NCR
<u>Storage and Containment of Coal Combustion By-Products</u>	15A NCAC 13B .1709	35:12 NCR
<u>Annual Reporting</u>	15A NCAC 13B .1710	35:12 NCR
<u>Requirements for Existing Structural Fills</u>	15A NCAC 13B .1713*	35:12 NCR

**MARINE FISHERIES COMMISSION**

<u>Floors</u>	15A NCAC 18A .0140*	35:07 NCR
<u>Walls and Ceilings</u>	15A NCAC 18A .0141*	35:07 NCR
<u>Lighting</u>	15A NCAC 18A .0142	35:07 NCR
<u>Ventilation</u>	15A NCAC 18A .0143	35:07 NCR
<u>Premises</u>	15A NCAC 18A .0146*	35:07 NCR
<u>Sewage Disposal</u>	15A NCAC 18A .0150*	35:07 NCR
<u>Employees' Personal Articles</u>	15A NCAC 18A .0154	35:07 NCR
<u>Supply Storage</u>	15A NCAC 18A .0155	35:07 NCR
<u>Separation of Operations</u>	15A NCAC 18A .0159	35:07 NCR
<u>Raw Crustacea Receiving and Refrigeration</u>	15A NCAC 18A .0160	35:07 NCR
<u>Cooked Crustacea Refrigeration</u>	15A NCAC 18A .0163	35:07 NCR

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**APPROVED RULES**

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<u>Delivery Window or Shelf</u>	15A NCAC 18A .0167	35:07 NCR
<u>Freezing</u>	15A NCAC 18A .0169	35:07 NCR
<u>Shipping</u>	15A NCAC 18A .0170	35:07 NCR
<u>Whole Crustacea or Crustacea Products</u>	15A NCAC 18A .0171	35:07 NCR
<u>Cooked Claw Shipping Conditions</u>	15A NCAC 18A .0172*	35:07 NCR
<u>Recall Procedure</u>	15A NCAC 18A .0179	35:07 NCR
<u>Sampling and Testing</u>	15A NCAC 18A .0180	35:07 NCR
<u>Hazard Analysis</u>	15A NCAC 18A .0188	35:07 NCR
<u>HACCP Plan</u>	15A NCAC 18A .0189*	35:07 NCR
<u>Sanitation Monitoring</u>	15A NCAC 18A .0190	35:07 NCR
<u>Standards for an Approved Shellfish Growing Area</u>	15A NCAC 18A .0431	35:07 CFR
<u>Laboratory Procedures</u>	15A NCAC 18A .0704*	35:07 NCR
<u>Definitions</u>	15A NCAC 18A .0901*	35:07 NCR
<u>Classification of Shellfish Growing Waters</u>	15A NCAC 18A .0902	35:07 NCR
<u>Sanitary Survey</u>	15A NCAC 18A .0903*	35:07 NCR
<u>Approved Waters</u>	15A NCAC 18A .0904*	35:07 NCR
<u>Conditionally Approved Waters</u>	15A NCAC 18A .0905*	35:07 NCR
<u>Restricted Areas</u>	15A NCAC 18A .0906*	35:07 NCR
<u>Prohibited Waters</u>	15A NCAC 18A .0907*	35:07 NCR
<u>Unsurveyed Areas</u>	15A NCAC 18A .0908	35:07 NCR
<u>Buffer Zones</u>	15A NCAC 18A .0909*	35:07 NCR
<u>Reclassification</u>	15A NCAC 18A .0910	35:07 NCR
<u>Public Health Emergency</u>	15A NCAC 18A .0913*	35:07 NCR
<u>Laboratory Procedures</u>	15A NCAC 18A .0914*	35:07 NCR

**TRANSPORTATION - MOTOR VEHICLES, DIVISION OF**

<u>Purpose</u>	19A NCAC 03C .0101	35:14 NCR
<u>Forms</u>	19A NCAC 03C .0102	35:14 NCR
<u>Function</u>	19A NCAC 03C .0201*	35:14 NCR
<u>Class of License Plate</u>	19A NCAC 03C .0225*	35:14 NCR
<u>Date First Operated</u>	19A NCAC 03C .0227*	35:14 NCR
<u>Signature</u>	19A NCAC 03C .0229*	35:14 NCR
<u>Leased Vehicles</u>	19A NCAC 03C .0233*	35:14 NCR
<u>Display of License Plate Renewal Sticker</u>	19A NCAC 03C .0237*	35:14 NCR
<u>Self-Propelled Camping Vehicles</u>	19A NCAC 03C .0423	35:14 NCR
<u>Personalized Plates and Specialty Plates</u>	19A NCAC 03C .0427*	35:14 NCR
<u>Purchase of Out-Of-State Vehicles: Removal of Plates</u>	19A NCAC 03C .0431*	35:14 NCR

**STATE HUMAN RESOURCES COMMISSION**

<u>Eligibility</u>	25 NCAC 01E .0908*	35:04 NCR
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*The following rules are subject to Legislative Review.*

**MARINE FISHERIES COMMISSION**

<u>Marking Shellfish Leases and Franchises</u>	15A NCAC 03O .0204*	35:07 NCR
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**WILDLIFE RESOURCES COMMISSION**

<u>Marking Shellfish Leases and Franchises</u>	15A NCAC 10D .0103*	35:11 NCR
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**EDUCATION, STATE BOARD OF**

Marking Shellfish Leases and Franchises

16 NCAC 06G .0508\*

34:13 NCR

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

**02 NCAC 48F .0301 PROTECTED PLANT SPECIES LIST**

The North Carolina Plant Conservation Board hereby establishes the following list of protected plant species (\*\* indicates federally listed):

	Species	Status
(1)	Acmispon helleri Carolina Prairie-trefoil;	Threatened
(2)	Acrobolbus ciliatus A liverwort;	Special Concern, Vulnerable
(3)	Adiantum capillus-veneris Venus Hair Fern;	Threatened
(4)	Adlumia fungosa Climbing Fumitory;	Special Concern, Vulnerable
(5)	Aeschynomene virginica** Sensitive Jointvetch;	Threatened
(6)	Agalinis virgata Branched Gerardia;	Threatened
(7)	Agrostis mertensii Arctic Bentgrass;	Endangered
(8)	Aletris lutea Yellow Colic-root;	Threatened
(9)	Allium allegheniense Allegheny Onion;	Special Concern, Vulnerable
(10)	Allium keeverae Keever's Onion;	Special Concern, Vulnerable
(11)	Alnus crispa Green Alder;	Special Concern, Vulnerable
(12)	Amaranthus pumilus** Seabeach Amaranth;	Threatened
(13)	Amorpha confusa Savanna Indigo-bush;	Threatened
(14)	Amorpha georgiana Georgia Indigo-bush;	Endangered
(15)	Amphicarpum muhlenbergianum Florida Goober Grass, Blue Maidencane;	Endangered
(16)	Anemone berlandieri Southern Anemone;	Endangered
(17)	Anemone caroliniana Prairie Anemone;	Endangered
(18)	Arabis adpressipilis Hairy Rockcress;	Endangered
(19)	Arethusa bulbosa Bog Rose;	Endangered
(20)	Aristida condensata Big Three-awn Grass;	Threatened
(21)	Aristida simpliciflora Chapman's Three-awn;	Endangered
(22)	Arnoglossum ovatum var. lanceolatum Savanna Indian-plantain;	Endangered
(23)	Asclepias cinerea Carolina Milkweed;	Special Concern, Historical
(24)	Asclepias pedicellata	Special Concern, Vulnerable



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*APPROVED RULES*

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(25)	Savanna Milkweed; Asplenium heteroresiliens	Endangered
(26)	Carolina Spleenwort; Asplenium monanthes	Endangered
(27)	Single-sorus Spleenwort; Asplenium ruta-muraria var. cryptolepis	Special Concern, Vulnerable
(28)	American Wall-rue; Astragalus michauxii	Special Concern, Vulnerable
(29)	Sandhills Milkvetch; Baccharis glomeruliflora	Endangered
(30)	Silverling; Bacopa caroliniana	Threatened
(31)	Blue Water-hyssop; Bacopa innominata	Special Concern, Historical
(32)	Tropical Water-hyssop; Balduina atropurpurea	Endangered
(33)	Purple-disk Honeycomb-head; Baptista aberrans	Endangered
(34)	Eastern Prairie Blue Wild Indigo Baptisia alba	Threatened
(35)	Thick-pod White Wild Indigo; Baptisia bracteata	Special Concern, Historical
(36)	Creamy Wild Indigo; Berberis canadensis	Special Concern, Vulnerable
(37)	American Barberry; Betula cordifolia	Special Concern, Vulnerable
(38)	Mountain Paper Birch; Bouteloua curtipendula var. curtipendula	Threatened
(39)	Sideoats Grama; Bromus ciliatus	Special Concern, Vulnerable
(40)	Fringed Brome; Buchnera americana	Endangered
(41)	American Bluehearts; Buckleya distichophylla	Threatened
(42)	Piratebush; Bulbostylis warei	Special Concern, Historical
(43)	Ware's Hair Sedge; Calamagrostis cainii	Endangered
(44)	Cain's Reedgrass; Calamagrostis canadensis var. canadensis	Special Concern, Vulnerable
(45)	Canada Reedgrass; Calopogon multiflorus	Endangered
(46)	Many-flowered Grass-pink; Caltha palustris var. palustris	Endangered
(47)	Marsh Marigold; Camassia scilloides	Threatened
(48)	Wild Hyacinth; Campanula rotundifolia	Endangered
(49)	Bluebells; Campylium stellatum	Special Concern, Vulnerable
(50)	Yellow Starry Fen Moss; Cardamine dissecta	Special Concern, Vulnerable
(51)	Dissected Toothwort; Cardamine longii	Special Concern, Vulnerable
(52)	Long's Bittercress; Cardamine micranthera**	Endangered
(53)	Small-anthered Bittercress; Carex arctata	Special Concern, Vulnerable
	Black Sedge;	

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*APPROVED RULES*

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(54)	Carex argyrantha Hay Sedge;	Endangered
(55)	Carex barrattii Barratt's Sedge;	Special Concern, Historical
(56)	Carex basiantha Widow Sedge;	Endangered
(57)	Carex buxbaumii Brown Bog Sedge;	Special Concern, Vulnerable
(58)	Carex calcifugens Calcium-fleeing Sedge;	Special Concern, Vulnerable
(59)	Carex careyana Carey's Sedge;	Threatened
(60)	Carex cherokeensis Cherokee Sedge;	Threatened
(61)	Carex conoidea Cone-shaped Sedge, Field Sedge;	Threatened
(62)	Carex cristatella Crested Sedge;	Special Concern, Vulnerable
(63)	Carex eburnea Bristle-leaf Sedge;	Threatened
(64)	Carex exilis Coastal Sedge;	Endangered
(65)	Carex hormathodes Marsh Straw Sedge;	Threatened
(66)	Carex impressinervia Ravine Sedge;	Special Concern, Vulnerable
(67)	Carex jamesii James's Sedge;	Special Concern, Vulnerable
(68)	Carex lasiocarpa var. americana Slender Sedge;	Special Concern, Vulnerable
(69)	Carex lutea** Golden Sedge;	Endangered
(70)	Carex meadii Mead's Sedge;	Endangered
(71)	Carex oligocarpa Rich-woods Sedge;	Threatened
(72)	Carex oligosperma Few-seeded Sedge;	Endangered
(73)	Carex pedunculata var. pedunculata Longstalk Sedge;	Special Concern, Vulnerable
(74)	Carex radfordii Radford's Sedge;	Threatened
(75)	Carex reniformis Kidney Sedge;	Threatened
(76)	Carex superata Limestone Forest Sedge;	Threatened
(77)	Carex tenax Wire Sedge;	Endangered
(78)	Carex trichocarpa Hairy-fruited Sedge;	Special Concern, Vulnerable
(79)	Carex trisperma Three-seeded Sedge;	Endangered
(80)	Carex utriculata Beaked Sedge;	Endangered
(81)	Carex vesicaria Inflated Sedge;	Endangered
(82)	Carex vestita Velvet Sedge;	Threatened
(83)	Carya laciniosa	Threatened

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*APPROVED RULES*

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(84)	Big Shellbark Hickory; <i>Carya myristiciformis</i> Nutmeg Hickory;	Endangered
(85)	<i>Caulophyllum giganteum</i> Northern Blue Cohosh;	Special Concern, Vulnerable
(86)	<i>Celastrus scandens</i> American Bittersweet;	Endangered
(87)	<i>Cetraria arenaria</i> Sand-loving Iceland Lichen;	Special Concern, Vulnerable
(88)	<i>Chamerion angustifolium</i> ssp. <i>circumvagum</i> Fireweed;	Endangered
(89)	<i>Chasmanthium nitidum</i> Shiny Spanglegrass;	Threatened
(90)	<i>Chelone cuthbertii</i> Cuthbert's Turtlehead;	Special Concern, Vulnerable
(91)	<i>Chenopodiastrum simplex</i> Mapleleaf Goosefoot;	Threatened
(92)	<i>Chiloscyphus appalachianus</i> A liverwort;	Special Concern, Vulnerable
(93)	<i>Chiloscyphus muricatus</i> A liverwort;	Special Concern, Vulnerable
(94)	<i>Chrysoma pauciflosculosa</i> Woody Goldenrod;	Endangered
(95)	<i>Cirsium carolinianum</i> Carolina Thistle;	Endangered
(96)	<i>Cirsium lecontei</i> LeConte's Thistle;	Special Concern, Vulnerable
(97)	<i>Clematis occidentalis</i> var. <i>occidentalis</i> Mountain Clematis;	Special Concern, Vulnerable
(98)	<i>Clinopodium georgianum</i> Georgia Calamint;	Endangered
(99)	<i>Collinsonia verticillata</i> Whorled Horsebalm;	Threatened
(100)	<i>Conioselinum chinense</i> Hemlock-parsley;	Threatened
(101)	<i>Coptis trifolia</i> Goldthread;	Threatened
(102)	<i>Coreopsis aristulata</i> Short-awned Coreopsis;	Threatened
(103)	<i>Corydalis micrantha</i> Slender Corydalis;	Threatened
(104)	<i>Coryphopteris simulata</i> Bog Fern;	Endangered
(105)	<i>Crataegus pallens</i> Pale Hawthorn;	Threatened
(106)	<i>Crinum americanum</i> var. <i>americanum</i> Swamp-lily;	Special Concern, Historical
(107)	<i>Crocanthemum bicknellii</i> Plains Sunrose;	Special Concern, Vulnerable
(108)	<i>Crocanthemum carolinianum</i> Carolina Sunrose;	Endangered
(109)	<i>Crocanthemum corymbosum</i> Pinebarren Sunrose;	Threatened
(110)	<i>Crocanthemum georgianum</i> Georgia Sunrose;	Endangered
(111)	<i>Crocanthemum nashii</i> Florida Scrub Sunrose, Florida Scrub Frostweed;	Endangered
(112)	<i>Crocanthemum propinquum</i>	Threatened

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*APPROVED RULES*

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(113)	Creeping Sunrose; <i>Crocanthemum rosmarinifolium</i>	Threatened
(114)	Rosemary Sunrose; <i>Croton monanthogynus</i>	Endangered
(115)	Prairie-tea Croton; <i>Cyperus dentatus</i>	Special Concern, Historical
(116)	Toothed Flatsedge; <i>Cyperus granitophilus</i>	Threatened
(117)	Granite Flatsedge; <i>Cyperus lecontei</i>	Threatened
(118)	LeConte's Flatsedge; <i>Cyperus subsquarrosus</i>	Special Concern, Historical
(119)	Small-flowered Halfchaff; <i>Cyperus tetragonus</i>	Special Concern, Vulnerable
(120)	Four-angled Flatsedge; <i>Cyperus virens</i>	Special Concern, Vulnerable
(121)	Greens Flatsedge; <i>Cystopteris tennesseeensis</i>	Endangered
(122)	Tennessee Bladder-fern; <i>Dactylorhiza viridis</i>	Threatened
(123)	Long-bracted Frog Orchid; <i>Dalibarda repens</i>	Endangered
(124)	Robin Runaway; <i>Delphinium exaltatum</i>	Threatened
(125)	Tall Larkspur; <i>Deschampsia cespitosa</i> ssp. <i>glauca</i>	Threatened
(126)	Tufted Hairgrass; <i>Desmodium ochroleucum</i>	Special Concern, Historical
(127)	White Tick-trefoil, Creamy Tick-trefoil; <i>Desmodium sessilifolium</i>	Special Concern, Historical
(128)	Sessile Tick-trefoil; <i>Diarrhena americana</i>	Threatened
(129)	Eastern Beakgrain; <i>Dichanthelium annulum</i>	Endangered
(130)	Ringed Witchgrass; <i>Dichanthelium caeruleascens</i>	Threatened
(131)	Blue Witchgrass; <i>Dichanthelium hirstii</i>	Endangered
(132)	Hirst Brothers' Witchgrass; <i>Dichanthelium spretum</i>	Endangered
(133)	Eaton's Witchgrass; <i>Dichanthelium strigosum</i> var. <i>glabrescens</i>	Threatened
(134)	Hairless Witchgrass; <i>Diervilla rivularis</i>	Threatened
(135)	Riverbank Bush-honeysuckle; <i>Dionaea muscipula</i>	Threatened
(136)	Venus Flytrap; <i>Diplachne maritima</i>	Endangered
(137)	Salt-meadow Grass; <i>Drosera filiformis</i> var. <i>filiformis</i>	Special Concern, Vulnerable
(138)	Threadleaf Sundew; <i>Echinacea laevigata</i> **	Endangered
(139)	Smooth Coneflower; <i>Eleocharis cellulosa</i>	Threatened
(140)	Gulfcoast Spikerush; <i>Eleocharis elongata</i>	Endangered
(141)	Florida Spikerush; <i>Eleocharis parvula</i>	Threatened
	Dwarf Spikerush;	

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*APPROVED RULES*

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(142)	Eleocharis robbinsii Robbins' Spikerush;	Special Concern, Vulnerable
(143)	Eleocharis vivipara Viviparous Spikerush;	Threatened
(144)	Elymus trachycaulus ssp. trachycaulus Slender Wheatgrass;	Threatened
(145)	Enemion biternatum Eastern Isopyrun;	Special Concern, Vulnerable
(146)	Epidendrum conopseum Green-fly Orchid;	Threatened
(147)	Erigenia bulbosa Harbinger-of-spring;	Threatened
(148)	Eriocaulon aquaticum Seven-angled Pipewort;	Special Concern, Vulnerable
(149)	Eriocaulon parkeri Estuary Pipewort;	Threatened
(150)	Eriocaulon texense Texas Hatpins;	Endangered
(151)	Eriogonum tomentosum Southern Wild-buckwheat	Special Concern, Historical
(152)	Erythrina herbacea Coralbean;	Endangered
(153)	Eupatorium leptophyllum Limesink Dog-fennel;	Endangered
(154)	Eupatorium paludicola Bay Boneset;	Endangered
(155)	Euphorbia commutata Cliff Spurge;	Threatened
(156)	Euphorbia cordifolia Heartleaf Sandmat;	Threatened
(157)	Euphorbia mercurialina Cumberland Spurge;	Special Concern, Vulnerable
(158)	Filipendula rubra Queen-of-the-Prairie;	Endangered
(159)	Fimbristylis perpusilla Harper's Fimbry;	Threatened
(160)	Gaillardia aestivalis var. aestivalis Sandhills Blanket-flower;	Endangered
(161)	Galactia mollis Soft Milk-pea;	Threatened
(162)	Gaylussacia brachycera Box Huckleberry;	Endangered
(163)	Gaylussacia nana Dwarf Dangleberry;	Endangered
(164)	Gaylussacia orocola Appalachian Dwarf Huckleberry;	Endangered
(165)	Gelsemium rankinii Swamp Jessamine;	Special Concern, Vulnerable
(166)	Gentiana alba Pale Gentian;	Special Concern, Historical
(167)	Gentiana latidens Balsalm Mountain Gentian;	Threatened
(168)	Gentianopsis crinita Eastern Fringed Gentian;	Endangered
(169)	Geum aleppicum Yellow Avens;	Endangered
(170)	Geum geniculatum Bent Avens;	Special Concern, Vulnerable
(171)	Geum laciniatum	Endangered

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(172)	Rough Avens; Geum radiatum**	Endangered
(173)	Spreading Avens; Gillenia stipulata	Threatened
(174)	Indian Physic; Glyceria laxa	Special Concern, Vulnerable
(175)	Lax Mannagrass; Gratiola lutea	Special Concern, Vulnerable
(176)	Golden Hedge-hyssop; Gymnocarpium appalachianum	Threatened
(177)	Appalachian Oak Fern; Gymnoderma lineare**	Endangered
(178)	Rock Gnome Lichen; Harperella nodosa [Ptilimnium nodosum]**	Endangered
(179)	Harperella; Helianthium tenellum	Endangered
(180)	Dwarf Burhead; Helenium brevifolium	Endangered
(181)	Littleleaf Sneezeweed; Helenium vernale	Endangered
(182)	Spring Sneezeweed; Helianthus floridanus	Threatened
(183)	Florida Sunflower; Helianthus laevigatus	Special Concern, Vulnerable
(184)	Smooth Sunflower; Helianthus occidenatlis ssp. occidentalis	Special Concern, Historical
(185)	Naked-stem Sunflower; Helianthus schweinitzii**	Endangered
(186)	Schweinitz's Sunflower; Helonias bullata**	Threatened
(187)	Swamp Pink; Hexastylis contracta	Endangered
(188)	Mountain Heartleaf; Hexastylis naniflora**	Threatened
(189)	Dwarf-flowered Heartleaf; Hibiscus aculeatus	Threatened
(190)	Comfortroot; Hottonia inflata	Special Concern, Vulnerable
(191)	Featherfoil; Houstonia montana**	Endangered
(192)	Roan Mountain Bluet; Hudsonia montana**	Threatened
(193)	Mountain Golden-heather; Hudsonia tomentosa	Threatened
(194)	Sand Heather; Hydrastis canadensis	Special Concern, Vulnerable
(195)	Goldenseal; Hymenocallis occidentalis var. occidentalis	Special Concern, Historical
(196)	Hillside Spider-lily; Hymenocallis pygmaea	Special Concern, Vulnerable
(197)	Waccamaw River Spiderlily; Hypericum adpressum	Special Concern, Historical
(198)	Bog St. John's-wort; Hypericum brachyphyllum	Special Concern, Vulnerable
(199)	Coastal Plain St. John's-wort; Hypericum fasciculatum	Endangered
(200)	Peelbark St. John's-wort; Hypericum radfordiorum	Special Concern, Vulnerable
	Radford's St. John's-wort;	

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*APPROVED RULES*

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(201)	<i>Hypericum suffruticosum</i> Pineland St. John's-wort;	Special Concern, Historical
(202)	<i>Hypotrachyna virginica</i> Virginia Loop Lichen;	Special Concern, Vulnerable
(203)	<i>Ilex collina</i> Long-stalked Holly;	Special Concern, Vulnerable
(204)	<i>Ipomoea imperati</i> Beach Morning-glory;	Special Concern, Vulnerable
(205)	<i>Ipomoea macrorhiza</i> Manroot;	Special Concern, Historical
(206)	<i>Isoetes microvela</i> Thin-wall Quillwort;	Threatened
(207)	<i>Isoetes piedmontana</i> Piedmont Quillwort;	Threatened
(208)	<i>Isotria medeoloides</i> ** Small Whorled Pogonia;	Threatened
(209)	<i>Iva microcephala</i> Small-headed Marsh Elder;	Threatened
(210)	<i>Jeffersonia diphylla</i> Twinleaf;	Threatened
(211)	<i>Juncus articulatus</i> Jointleafed Rush;	Special Concern, Historical
(212)	<i>Juncus caesariensis</i> New Jersey Rush;	Endangered
(213)	<i>Juniperus communis</i> var. <i>depressa</i> Dwarf Juniper;	Threatened
(214)	<i>Kalmia angustifolia</i> Sheep-laurel;	Threatened
(215)	<i>Koeleria spicata</i> Spike Trisetum;	Special Concern, Historical
(216)	<i>Lachnocaulon minus</i> Brown Bogbutton;	Threatened
(217)	<i>Lechea maritima</i> var. <i>virginica</i> Maritime Pinweed;	Threatened
(218)	<i>Lechea torreyi</i> var. <i>congesta</i> Torrey's Pinweed;	Endangered
(219)	<i>Lejeunea blomquistii</i> A liverwort;	Special Concern, Vulnerable
(220)	<i>Liatris aspera</i> Rough Blazing-star;	Special Concern, Vulnerable
(221)	<i>Liatris helleri</i> ** Heller's Blazing-star;	Threatened
(222)	<i>Liatris microcephala</i> Small-head Blazing-star;	Special Concern, Vulnerable
(223)	<i>Lilium canadense</i> Canada Lily;	Endangered
(224)	<i>Lilium grayi</i> Gray's Lily;	Threatened
(225)	<i>Lilium philadelphicum</i> var. <i>philadelphicum</i> Wood Lily;	Endangered
(226)	<i>Lilium pyrophilum</i> Sandhills Lily;	Endangered
(227)	<i>Limosella australis</i> Awl-leaf, Mudwort;	Threatened
(228)	<i>Lindera melissifolia</i> ** Pondberry;	Endangered
(229)	<i>Lindera subcoriacea</i> Bog Spicebush;	Special Concern, Vulnerable
(230)	<i>Linum floridanum</i> var. <i>chrysocarpum</i>	Threatened

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*APPROVED RULES*

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(231)	Yellow-fruited Flax; Linum sulcatum	Special Concern, Historical
(232)	Glade Flax; Liparis loeselii	Endangered
(233)	Fen Orchid; Lithospermum canescens	Threatened
(234)	Hoary Puccoon; Litsea aestivalis	Special Concern, Vulnerable
(235)	Pondspice; Lobelia boykinii	Endangered
(236)	Boykin's Lobelia; Lophiola aurea	Endangered
(237)	Golden-crest; Ludwigia lanceolata	Endangered
(238)	Lanceleaf Seedbox; Ludwigia linifolia	Threatened
(239)	Flaxleaf Seedbox; Ludwigia ravenii	Endangered
(240)	Raven's Seedbox; Ludwigia sphaerocarpa	Endangered
(241)	Globe-fruit Seedbox; Ludwigia suffruticosa	Threatened
(242)	Shrubby Seedbox; Lupinus villosus	Endangered
(243)	Pink Sandhill Lupine; Lycopodiella inundata	Endangered
(244)	Northern Bog Clubmoss; Lysimachia asperulifolia**	Endangered
(245)	Rough-leaf Loosestrife; Lysimachia borealis	Threatened
(246)	Northern Starflower; Lysimachia fraseri	Endangered
(247)	Fraser's Loosestrife; Macbridea caroliniana	Endangered
(248)	Carolina Birds-in-a-Nest, Carolina Bogmint; Magnolia macrophylla	Special Concern, Vulnerable
(249)	Bigleaf Magnolia; Malaxis spicata	Special Concern, Vulnerable
(250)	Florida Adder's-mouth; Marshallia grandiflora	Special Concern, Historical
(251)	Large-flowered Barbara's-buttons; Marshallia legrandii	Endangered
(252)	Oak Barrens Barbara's-buttons; Marshallia trinervia	Special Concern, Historical
(253)	Broadleaf Barbara's-buttons; Melanthium woodii	Threatened
(254)	Ozark Bunchflower; Melica nitens	Endangered
(255)	Three-flowered Melic; Menyanthes trifoliata	Threatened
(256)	Buckbean; Micranthes pensylvanica	Endangered
(257)	Swamp Saxifrage; Mnesithea cylindrica	Special Concern, Historical
(258)	Carolina Jointgrass; Mononeuria groenlandica	Threatened
(259)	Greenland Sandwort; Mononeuria paludicola	Endangered



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*APPROVED RULES*

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(260)	Godfrey's Sandwort; Mononeuria uniflora	Endangered
(261)	Single-flowered Sandwort; Moranopteris nimbata	Threatened
(262)	West Indian Dwarf Polypody; Muhlenbergia glomerata	Special Concern, Vulnerable
(263)	Spiked Muhly; Muhlenbergia sobolifera	Threatened
(264)	Rock Muhly; Muhlenbergia torreyana	Special Concern, Vulnerable
(265)	Pinebarren Smokegrass; Myrica gale	Endangered
(266)	Sweet Gale; Myriophyllum laxum	Endangered
(267)	Loose Water-milfoil; Myriophyllum tenellum	Endangered
(268)	Leafless Water-milfoil; Nabalus albus	Special Concern, Vulnerable
(269)	White Rattlesnakeroot; Narthecium montanum	Special Concern, Historical
(270)	Appalachian Yellow Asphodel; Oenothera perennis	Special Concern, Vulnerable
(271)	Perennial Sundrops; Oldenlandia boscii	Threatened
(272)	Bosc's Bluet; Oligoneuron album	Endangered
(273)	Prairie Goldenrod; Oligoneuron jacksonii	Special Concern, Vulnerable
(274)	Southeastern Bold Goldenrod; Oligoneuron rigidum	Threatened
(275)	Midwestern Bold Goldenrod; Orbexilum macrophyllum	Special Concern, Historical
(276)	Bigleaf Scurfpea; Orbexilum onobrychis	Special Concern, Historical
(277)	Lanceleaf Scurfpea; Orbexilum pedunculatum	Endangered
(278)	Western Sampson's Snakeroot; Oreojuncus trifidus	Threatened
(279)	Highland Rush; Orthochilus ecristatus	Endangered
(280)	Spiked Medusa; Pachysandra procumbens	Endangered
(281)	Allegheny Spurge; Packera crawfordii	Endangered
(282)	Crawford's Ragwort; Packera millefolium	Special Concern, Vulnerable
(283)	Blue Ridge Ragwort; Packera paupercula var. appalachiana	Threatened
(284)	Appalachian Ragwort; Packera paupercula var. paupercula	Special Concern, Vulnerable
(285)	Balsam Ragwort; Packera schweinitziana	Threatened
(286)	New England Ragwort; Packera serpenticola	Threatened
(287)	Buck Creek Ragwort; Palustricodon aparinoides var. aparinoides	Threatened
(288)	Marsh Bellflower; Panicum flexile	Threatened
	Wiry Panic Grass;	

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(289)	<i>Parnassia caroliniana</i> Carolina Grass-of-parnassus;	Threatened
(290)	<i>Parnassia grandifolia</i> Bigleaf Grass-of-parnassus;	Threatened
(291)	<i>Paronychia hemiarioides</i> Michaux's Whitflow-wort;	Endangered
(292)	<i>Paspalum dissectum</i> Mudbank Crown Grass;	Endangered
(293)	<i>Pedicularis lanceolata</i> Swamp Lousewort;	Threatened
(294)	<i>Pellaea wrightiana</i> Wright's Cliff-brake;	Endangered
(295)	<i>Persicaria hirsuta</i> Hairy Smartweed;	Endangered
(296)	<i>Phacelia maculata</i> Flatrock Phacelia;	Endangered
(297)	<i>Phegopteris connectilis</i> Northern Beech Fern;	Endangered
(298)	<i>Phemeranthus piedmontanus</i> Piedmont Rock-pink;	Endangered
(299)	<i>Pinguicula lutea</i> Yellow Butterwort;	Special Concern, Vulnerable
(300)	<i>Pinguicula pumila</i> Small Butterwort;	Threatened
(301)	<i>Pityopsis graminifolia</i> A Silkgrass;	Endangered
(302)	<i>Plantago cordata</i> Heart-leaf Plantain;	Endangered
(303)	<i>Plantago sparsiflora</i> Pineland Plantain;	Threatened
(304)	<i>Platanthera herbiola</i> Tuberclcd Rein Orchid;	Special Concern, Vulnerable
(305)	<i>Platanthera integra</i> Yellow Fringeless Orchid;	Threatened
(306)	<i>Platanthera integrilabia**</i> White Fringeless Orchid;	Threatened
(307)	<i>Platanthera nivea</i> Snowy Orchid;	Endangered
(308)	<i>Platanthera peramoena</i> Purple Fringeless Orchid;	Threatened
(309)	<i>Platanthera shriveri</i> Shriver's Purple Fringed Orchid;	Endangered
(310)	<i>Poa saltuensis</i> Old-pasture Bluegrass;	Threatened
(311)	<i>Polemonium reptans</i> var. <i>reptans</i> Spreading Jacob's Ladder;	Threatened
(312)	<i>Polygala hookeri</i> Hooker's Milkwort;	Special Concern, Vulnerable
(313)	<i>Polygala senega</i> Seneca Snakeroot;	Special Concern, Vulnerable
(314)	<i>Polygonella articulata</i> Northern Wireweed, Coast Jointweed;	Special Concern, Historical
(315)	<i>Polygonum glaucum</i> Seabeach Knotweed;	Endangered
(316)	<i>Ponthieva racemosa</i> Shadow-witch;	Threatened
(317)	<i>Portulaca smallii</i> Small's Portulaca;	Threatened
(318)	<i>Potamogeton illinoensis</i>	Endangered

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(319)	Illinois Pondweed; Primula meadia	Special Concern, Vulnerable
(320)	Eastern Shooting-star; Pseudognaphalium helleri	Endangered
(321)	Heller's Rabbit-tobacco; Ptilimnium costatum	Threatened
(322)	Big Bishop-weed; Pyrola elliptica	Threatened
(323)	Elliptic Shinleaf; Pyxidantha brevifolia	Threatened
(324)	Sandhills Pyxie-moss; Quercus elliotii	Endangered
(325)	Running Oak; Quercus ilicifolia	Endangered
(326)	Bear Oak Quercus minima	Endangered
(327)	Dwarf Live Oak; Quercus prinoides	Endangered
(328)	Dwarf Chinquapin Oak; Ranunculus ambiguus	Special Concern, Historical
(329)	Water-plantain Spearwort; Ranunculus hederaceus	Threatened
(330)	Ivy-leaved Water Crowfoot; Rhexia aristosa	Special Concern, Vulnerable
(331)	Awned Meadow-beauty; Rhodiola rosea	Endangered
(332)	Roseroot; Rhododendron prinophyllum	Threatened
(333)	Election Pink; Rhus michauxii**	Endangered
(334)	Michaux's Sumac; Rhynchospora crinipes	Threatened
(335)	Alabama Beaksedge; Rhynchospora decurrens	Threatened
(336)	Swamp Forest Beaksedge; Rhynchospora harperi	Special Concern, Vulnerable
(337)	Harper's Beaksedge; Rhynchospora macra	Threatened
(338)	Southern White Beaksedge; Rhynchospora microcarpa	Threatened
(339)	Southern Beaksedge; Rhynchospora odorata	Special Concern, Vulnerable
(340)	Fragrant Beaksedge; Rhynchospora pleiantha	Threatened
(341)	Coastal Beaksedge; Rhynchospora thornei	Special Concern, Vulnerable
(342)	Thorne's Beaksedge; Rhynchospora tracyi	Threatened
(343)	Tracy's Beaksedge; Rubus strigosus	Threatened
(344)	American Red Raspberry; Rudbeckia heliopsisidis	Endangered
(345)	Sun-facing Coneflower; Ruellia ciliosa	Threatened
(346)	Sandhills Wild-petunia; Ruellia humilis	Threatened
(347)	Low Wild-petunia; Ruellia purshiana	Special Concern, Vulnerable
	Pursh's Wild-petunia;	

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(348)	<i>Ruellia strepens</i>	Endangered
(349)	Limestone Wild-petunia; <i>Sabal palmetto</i>	Threatened
(350)	Cabbage Palmetto; <i>Sabatia kennedyana</i>	Threatened
(351)	Plymouth Gentian; <i>Sageretia minutiflora</i>	Threatened
(352)	Small-flowered Buckthorn; <i>Sagittaria chapmanii</i>	Threatened
(353)	Chapman's Arrowhead; <i>Sagittaria fasciculata</i> **	Endangered
(354)	Bunched Arrowhead; <i>Sagittaria isoetiformis</i>	Threatened
(355)	Quillwort Arrowhead; <i>Sagittaria macrocarpa</i>	Threatened
(356)	Streamhead Arrowhead; <i>Sagittaria weatherbiana</i>	Endangered
(357)	Grassleaf Weatherby's Arrowhead; <i>Sarracenia jonesii</i> **	Endangered
(358)	Mountain Sweet Pitcher Plant; <i>Sarracenia minor</i> var. <i>minor</i>	Endangered
(359)	Hooded Pitcher Plant; <i>Sarracenia oreophila</i> **	Endangered
(360)	Green Pitcher Plant; <i>Sarracenia purpurea</i> var. <i>montana</i>	Endangered
(361)	Southern Appalachian Purple Pitcher Plant; <i>Sceptridium jenmanii</i>	Special Concern, Vulnerable
(362)	Alabama Grape-fern; <i>Schisandra glabra</i>	Threatened
(363)	Magnolia Vine; <i>Schwalbea americana</i> **	Endangered
(364)	Chaffseed; <i>Scirpus flaccidifolius</i>	Endangered
(365)	Reclining Bulrush; <i>Scirpus lineatus</i>	Threatened
(366)	Drooping Bulrush; <i>Scleria baldwinii</i>	Threatened
(367)	Baldwin's Nutrush; <i>Scleria bellii</i>	Endangered
(368)	Smooth-seeded Hairy Nutrush; <i>Scleria reticularis</i>	Special Concern, Vulnerable
(369)	Netted Nutrush; <i>Sclerolepis uniflora</i>	Threatened
(370)	<i>Sclerolepis</i> ; <i>Scutellaria australis</i>	Endangered
(371)	Southern Skullcap; <i>Scutellaria galericulata</i>	Special Concern, Historical
(372)	Hooded Skullcap; <i>Scutellaria leonardii</i>	Endangered
(373)	Shale-barren Skullcap; <i>Scutellaria nervosa</i>	Endangered
(374)	Veined Skullcap; <i>Sedum pusillum</i>	Endangered
(375)	Puck's Orpine; <i>Senecio suaveolens</i>	Endangered
(376)	Sweet Indian-plantain; <i>Sesuvium maritimum</i>	Endangered
(377)	Slender Sea-purslane; <i>Sesuvium portulacastrum</i>	Endangered

(378)	Shoreline Sea-purslane; Seymeria pectinata ssp.pectinata Comb Seymeria;	Special Concern, Historical
(379)	Shortia brevistyla Northern Oconee Bells;	Threatened
(380)	Shortia galacifolia Southern Oconee Bells;	Special Concern, Vulnerable
(381)	Sideroxylon tenax Tough Bumelia;	Threatened
(382)	Silene ovata Mountain Catchfly;	Special Concern, Vulnerable
(383)	Silphium connatum Virginia Cup-plant;	Special Concern, Vulnerable
(384)	Silphium perfoliatum Common Cup-plant;	Special Concern, Vulnerable
(385)	Sisyrinchium dichotomum** White Irisette;	Endangered
(386)	Solidago leavenworthii Leavenworth's Goldenrod;	Endangered
(387)	Solidago plumosa Yadkin River Goldenrod;	Threatened
(388)	Solidago radula Western Rough Goldenrod;	Endangered
(389)	Solidago spithamaea** Blue Ridge Goldenrod;	Threatened
(390)	Solidago tortifolia Leafy Pineywoods Goldenrod;	Endangered
(391)	Solidago verna Spring-flowering Goldenrod;	Threatened
(392)	Solidago villosicarpa Carolina Maritime Goldenrod:	Threatened
(393)	Sparganium acaule Greenfruit Bur-reed;	Endangered
(394)	Spartina pectinata Freshwater Cordgrass;	Threatened
(395)	Sphagnum contortum Contorted Peatmoss;	Threatened
(396)	Sphagnum warnstorffii Fen Peatmoss;	Special Concern, Vulnerable
(397)	Spigelia marilandica Pink-root;	Threatened
(398)	Spiraea corymbosa Rock Spiraea;	Endangered
(399)	Spiraea virginiana** Virginia Spiraea;	Threatened
(400)	Spiranthes lacera var. lacera Northern Slender Ladies'-tresses;	Endangered
(401)	Spiranthes laciniata Lace-lip Ladies'-tresses;	Special Concern, Vulnerable
(402)	Spiranthes longilabris Giant Spiral Orchid;	Endangered
(403)	Spiranthes lucida Shining Ladies'-tresses;	Endangered
(404)	Spiranthes ochroleuca Yellow Nodding Ladies'-tresses;	Threatened
(405)	Sporobolus heterolepis Prairie Dropseed;	Threatened
(406)	Sporobolus teretifolius Wireleaf Dropseed;	Endangered

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(407)	Sporobolus virginicus Seashore Dropseed;	Threatened
(408)	Stachys appalachiana Appalachian Hedge-nettle;	Endangered
(409)	Stachys eplingii Epling's Hedge-nettle;	Endangered
(410)	Stachys matthewsii Yadkin Hedge-nettle;	Endangered
(411)	Stenanthium gramineum Featherbells;	Endangered
(412)	Stenanthium leimanthoides Pinebarrens Death-camas;	Threatened
(413)	Stylisma aquatica Water Dawnflower;	Endangered
(414)	Stylisma pickeringii var. pickeringii Pickering's Dawnflower;	Special Concern, Vulnerable
(415)	Swida asperifolia Roughleaf Dogwood;	Endangered
(416)	Swida racemose Gray Dogwood;	Special Concern, Vulnerable
(417)	Symphyotrichum concinnum Narrow-leaved Smooth Aster;	Endangered
(418)	Symphyotrichum depauperatum Serpentine Aster;	Endangered
(419)	Symphyotrichum georgianum Georgia Aster;	Threatened
(420)	Symphyotrichum oblongifolium Eastern Aromatic Aster;	Threatened
(421)	Symphyotrichum rhiannon Buck Creek Aster;	Threatened
(422)	Synandra hispidula Synandra;	Threatened
(423)	Taxus canadensis Canada Yew;	Threatened
(424)	Thalictrum cooleyi** Cooley's Meadowrue;	Endangered
(425)	Thalictrum macrostylum Small-leaved Meadowrue;	Special Concern, Vulnerable
(426)	Thaspium pinnatifidum Mountain Thaspium;	Endangered
(427)	Thermopsis fraxinifolia Ash-leaved Golden-banner;	Special Concern, Vulnerable
(428)	Tiedmannia [Oxypolis] canbyi** Canby's Dropwort;	Endangered
(429)	Triantha glutinosa Sticky Bog Asphodel;	Special Concern, Vulnerable
(430)	Trichostema brachiatum Glade Bluecurls;	Endangered
(431)	Trichostema nesophilum Dune Bluecurls;	Special Concern, Vulnerable
(432)	Tridens ambiguus Pineland Triodia;	Endangered
(433)	Tridens chapmanii Chapman's Triodia;	Special Concern, Vulnerable
(434)	Tridens strictus Spike Triodia;	Special Concern, Historical
(435)	Trifolium carolinianum Carolina Clover;	Special Concern, Historical
(436)	Trifolium reflexum	Threatened

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(437)	Buffalo Clover; Trillium discolor	Threatened
(438)	Pale Yellow Trillium; Trillium flexipes	Threatened
(439)	Bent White Trillium; Trillium pusillum var. ozarkanum	Endangered
(440)	Alabama Least Trillium; Trillium pusillum var. pusillum	Endangered
(441)	Carolina Least Trillium; Trillium pusillum var. virginianum	Endangered
(442)	Virginia Least Trillium; Trillium recurvatum	Threatened
(443)	Prairie Trillium; Trillium sessile	Threatened
(444)	Sessile-flowered Trillium; Trillium simile	Special Concern, Vulnerable
(445)	Sweet White Trillium; Turritis glabra	Endangered
(446)	Tower Mustard; Urtica chamaedryoides	Threatened
(447)	Dwarf Stinging Nettle; Utricularia cornuta	Threatened
(448)	Horned Bladderwort; Utricularia geminiscapa	Special Concern, Vulnerable
(449)	Two-flowered Bladderwort; Utricularia minor	Special Concern, Historical
(450)	Small Bladderwort; Utricularia olivacea	Threatened
(451)	Dwarf Bladderwort; Utricularia resupinata	Endangered
(452)	Northeastern Bladderwort; Vaccinium macrocarpon	Threatened
(453)	Cranberry; Vandenboschia boschiana	Endangered
(454)	Appalachian Filmy-fern; Veronica americana	Threatened
(455)	American Speedwell; Waldsteinia lobata	Endangered
(456)	Lobbed Barren-strawberry; Warea cuneifolia	Endangered
(457)	Carolina Pineland-cress; Woodsia ilvensis	Endangered
(458)	Rusty Cliff Fern; Xyris floridana	Special Concern, Vulnerable
(459)	Florida Yellow-eyed-grass; Xyris scabrifolia	Special Concern, Vulnerable
(460)	Roughleaf Yellow-eyed-grass; Xyris serotina	Special Concern, Historical
(461)	Acid-swamp Yellow-eyed-grass; Xyris stricta	Endangered
(462)	Pineland Yellow-eyed-grass; Zephyranthes simpsonii	Endangered
	Florida Atamasco-lily.	

*History Note: Authority G.S. 106-202.15;*

*Eff. July 1, 1980;*

*Amended Eff. December 1, 2010; August 1, 2006; March 1, 2004; July 1, 1998; April 1, 1993; December 1, 1992; September 1, 1991; August 1, 1990;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017;*

Amended Eff. May 1, 2021.

TITLE 04 - DEPARTMENT OF COMMERCE

04 NCAC 24D .0102 NOTICE TO EMPLOYER OF POTENTIAL CHARGES

(a) DES shall notify each employer in writing of potential charges to the employer's account. The notice shall contain the:

- (1) date of the notice;
(2) claimant's name and social security number;
(3) date the claimant's benefit year began;
(4) claimant's weekly benefit amount and weekly earnings allowance;
(5) employer's reporting number used to report wages for the claimant;
(6) base period wages reported by the employer by calendar quarter and dollar amount;
(7) employer's percentage of total base period wages reported;
(8) maximum potential charge amount that can be applied to the employer's experience rating account if the claimant exhausts his or her benefits;
(9) a statement containing the employer's right to protest the notice; and
(10) a statement containing the employer's right to notify the Division within 15 days of the mailing date of the notice if the claimant did not work for the employer or the wages are incorrect.

(b) DES shall provide notice of potential charges to the employer's account using the following forms, as applicable:

- (1) Notice of Claim and Potential Charges to Your Account;
(2) Notice of Unemployment Claim, Wages Reported and Potential Charges;
(3) Notice of Initial Claim and Potential Charges to Reimbursable Employer;
(4) Notice of Initial Claim and Potential Charges for Claimants on Temporary Layoff.

History Note: Authority G.S. 96-4; 96-11.1; 96-11.2; 96-11.3; 96-11.4; 96-15; Eff. July 1, 2015; Amended Eff. May 1, 2021; July 1, 2018.

04 NCAC 24D .0103 REQUIREMENTS FOR REQUESTING NONCHARGING OF BENEFIT PAYMENTS

04 NCAC 24D .0104 TIME FOR FILING REQUESTS FOR NONCHARGING

04 NCAC 24D .0105 DETERMINATION ON REQUESTS FOR NONCHARGING

04 NCAC 24D .0106 APPEALING DENIAL OF REQUEST FOR NONCHARGING

History Note: Authority G.S. 96-4; 96-11.1; 96-11.3, 96-11.4; Eff. July 1, 2015;

Recodified from 04 NCAC 24D .0201-.0203 Eff March 1, 2017; Amended Eff. July 1, 2018; October 1, 2017; Repealed Eff. May 1, 2021.

04 NCAC 24D .0201 NOTICE OF EMPLOYER QUARTERLY CHARGES

DES shall notify each employer in writing of the quarterly list of charges to the employer's

Account using Form NC CLM 626-9 that shall contain the:

- (1) date of the notice;
(2) charging quarter ending date;
(3) employer's name and mailing address;
(4) claimant's name and social security number;
(5) date the claimant's benefit year began;
(6) employer's reporting number used to report wages for the claimant;
(7) benefit charges to the employer for each listed claimant; and
(8) a statement containing the employer's right to protest the list of charges.

History Note: Authority G.S. 96-4; 96-11.2; 96-11.3; 96-11.4; 96-11.5; 96-15; Eff. May 1, 2021.

04 NCAC 24D .0202 REQUIREMENTS FOR FILING PROTESTS TO LIST OF CHARGES

An employer who protests the benefit charges to its account shall make the protest in writing within 30 days of the mailing date of Form NC CLM 626-9 to DES's Claims Unit in accordance with 04 NCAC 24A .0104(s), and shall list all grounds for the protest as prescribed under Rule .0203 of this Section.

History Note: Authority G.S. 96-4; 96-11.3; 96-11.4; Eff. July 1, 2015; Recodified from 04 NCAC 24D .0103 Eff. March 1, 2017; Amended Eff. May 1, 2021; October 1, 2017.

04 NCAC 24D .0203 GROUNDS FOR PROTESTING LIST OF CHARGES

An employer shall only file protests for:

- (1) the reasons set forth in G.S. 96-11.3;
(2) clerical errors in the list of charges;
(3) charges resulting from individuals who were never employed by the employer; or
(4) the claimant has new separation from employment occurring between the date that the claimant's benefit year began and the last week ending date for which the claimant was paid benefits, and a base period employer did not have an opportunity to request noncharging on the subsequent separation.

History Note: Authority G.S. 96-4; 96-11.3; 96-11.4; 96-11.5; Eff. July 1, 2015; Recodified from 04 NCAC 24D .0105 Eff. March 1, 2017;



Amended Eff. May 1, 2021; October 1, 2017.

**04 NCAC 24F .0303 TELEPHONE HEARINGS BEFORE THE BOARD OF REVIEW**

History Note: Authority G.S. 96-4; Eff. July 1, 2015; Recodified from 04 NCAC 24D .1103 Eff. October 1, 2017; Amended Eff. July 1, 2018; Repealed Eff. May 1, 2021.

**04 NCAC 24F .0304 IN-PERSON HEARINGS**

- (a) Hearings shall be conducted in-person by the Board of Review, or a Board designee, as required by G.S. 96-4(q).
- (b) Upon good cause, as defined in 04 NCAC 24A .0105(28), the Board of Review, upon its own accord, may designate alternate means of hearing, for example, by telephone, video, or web conferencing
- (c) A party may object to the venue of hearing or alternate means of hearing designated by the Board. The Board will consider such objection if it is filed with the Board within 10 days of the issuance of a notice of hearing. The objection shall be in writing and provide good cause as to the reason for a request in a change of venue.

History Note: Authority G.S. 96-4; Eff. July 1, 2015; Recodified from 04 NCAC 24D .1104 Eff. October 1, 2017; Amended Eff. May 1, 2021.

- (7) Develop, adopt, reproduce, and distribute any supplemental rules and requirements determined by the school to be necessary or appropriate for:
  - (A) effective course delivery;
  - (B) establishing responsibilities and obligations of agencies or departments employing or sponsoring course trainees; and
  - (C) regulating trainee participation and demeanor, ensuring trainee attendance, and maintaining performance records;
- (8) If appropriate, recommend housing and dining facilities for trainees;
- (9) Administer the course delivery in accordance with Commission approved lesson plans and course management guides;
- (10) Maintain direct supervision, direction, and control over the performance of all persons to whom any portion of the planning, development, presentation, or administration of a course has been delegated. The comprehensive final examination shall be administered by the Criminal Justice Education and Training Standards Commission; and
- (11) Report the completion of each presentation of a Commission-certified criminal justice training course to the Commission, utilizing forms required for submission, which are located on the Agency's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>.

**TITLE 12 - DEPARTMENT OF JUSTICE**

**12 NCAC 09B .0202 RESPONSIBILITIES OF THE SCHOOL DIRECTOR**

- (a) In planning, developing, coordinating, and delivering each Commission-certified criminal justice training course, the School Director shall:
- (1) Formalize and schedule the course curriculum in accordance with the curriculum standards established in this Subchapter;
  - (2) Select and schedule instructors who are certified by the Commission;
  - (3) Provide each instructor with a current Commission course outline and all necessary additional information concerning the instructor's duties and responsibilities;
  - (4) Notify each instructor that he or she shall comply with the Basic Law Enforcement Training Course Management Guide and provide him or her access to the most current version of the Course Management Guide;
  - (5) Ensure each instructor utilizes Commission approved lesson plans and instructional materials;
  - (6) Arrange for the availability of appropriate audiovisual aids and materials, publications, facilities, and equipment for training in all topic areas;

- (b) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-certified Basic Law Enforcement Training Course, the School Director shall:
  - (1) Deliver training in accordance with the most current version of the Basic Law Enforcement Training Course Management Guide as published by the North Carolina Justice Academy;
  - (2) Schedule course presentation to include 12 hours of instruction each week during consecutive calendar weeks, except that there may be as many as three one-week breaks until course requirements are completed;
  - (3) Schedule only specialized instructors certified by the Commission to teach those high-liability areas as specified in Rule .0304(a) of this Subchapter as either the lead instructor or as assistant instructors or role players;
  - (4) With the exception of the First Responder, Physical Fitness, Explosives and Hazardous Materials, and topical areas outlined in Rule .0304(a) of this Subchapter, schedule one specialized instructor certified by the Commission for every six trainees while engaged in a practical performance exercise;

- (5) Schedule one specialized instructor certified by the Commission for every eight trainees while engaged in a practical performance exercise in the topical area "Subject Control Arrest Techniques";
- (6) Schedule no single individual to instruct more than 35 percent of the total hours of the curriculum during any one delivery of the Basic Law Enforcement Training Course presentation;
- (7) Not less than 30 days before commencing delivery of the Basic Law Enforcement Training Course, submit to the Commission a Pre-Delivery Report of Training Course Presentation pursuant to 12 NCAC 09C .0211. The Pre-Delivery Report (Form F-10A) shall indicate a requested date and location for the administration of the State comprehensive exam, and include the following attachments:
  - (A) a course schedule showing the arrangement of topical presentations and proposed instructional assignments; and
  - (B) a copy of any rules and requirements for the school. A copy of those rules shall also be given to each trainee and to the executive officer of each trainee's employing or sponsoring agency or department at the time the trainee enrolls in the course;
- (8) Monitor, or designate an instructor certified by the Commission to monitor, a presentation of each instructor once during each three year certification period in each topic taught by the instructor and prepare a written evaluation on the instructor's performance and suitability for subsequent instructional assignments. The observations shall be of sufficient duration to ensure that the instructor is using the Instructional System Design model, and that the delivery is objective-based, documented by, and consistent with a Commission-approved lesson plan. For each topic area, the School Director's evaluation shall be based upon the course delivery observations, the instructor's use of the approved lesson plan, and the results of the student evaluations of the instructor. For probationary instructors, the evaluations conducted by another instructor shall be prepared on the Criminal Justice Instructor Evaluation (Form F-16) and forwarded to the Commission. Based on this evaluation, the School Director shall recommend approval or denial of requests for General Instructor Certification. For all other instructors, these evaluations shall be prepared on the Criminal Justice Instructor Evaluation (Form F-16), be kept on file by the school for a period of three years, and shall be made available for inspection by a representative of the Commission upon request. In the event the evaluation of an instructor indicates that his or her performance was less than acceptable, the School Director shall forward a copy of the evaluation to the Commission. Any instructor who is evaluating the instructional presentation of another instructor shall hold certification in the same instructional topic area as that for which the instructor is being evaluated;
- (9) Administer or designate a staff person to administer course specific tests during course delivery:
  - (A) to determine and record the level of trainee comprehension and retention of instructional subject matter;
  - (B) to provide a basis for a final determination or recommendation regarding the minimum degree of knowledge and skill of each trainee to function as an inexperienced law enforcement officer; and
  - (C) to determine subject or topic areas of deficiency for the application of Rule .0405(a)(3) of this Subchapter; and
- (10) Not more than 10 days after the conclusion of a school's offering of Basic Law Enforcement Training, submit to the Commission a Post-Delivery Report of Training Course Presentation (Form F-10B) that shall include:
  - (A) a "Student Course Completion" form for each individual enrolled on the day of orientation;
  - (B) a "Certification and Test Score Release" form;
  - (C) the "Police Officer Physical Ability Test (POPAT) Post-Course" final form; and
  - (D) the orientation class enrollment roster.
- (c) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-certified "Criminal Justice Instructor Training Course," the School Director shall:
  - (1) Schedule course presentation pursuant to Rule .0209 of this Subchapter;
  - (2) Schedule evaluators as follows:
    - (A) each evaluator, as well as the instructors, shall have completed a Commission-certified instructor training course or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise; and
    - (B) each instructor and evaluator shall document successful participation in a program presented by the North Carolina Justice Academy for

purposes of familiarization and supplementation relevant to delivery of the instructor training course and trainee evaluation;

- (3) Not fewer than 30 days before commencing delivery of the course, submit to the Commission a Pre-Delivery Report of Training Course Presentation [Form F-10A(ITC)] with the following attachments:
  - (A) a course schedule showing the arrangement of topical presentations and proposed instructional assignments;
  - (B) the names and last four digits of the social security numbers of all instructors and evaluators; and
  - (C) a copy of any rules and requirements for the school; and
- (4) Not more than 10 days after course completion, submit to the Commission a Post-Delivery Report [Form F-10B(ITC)] containing the following:
  - (A) class enrollment roster;
  - (B) a course schedule with the designation of instructors and evaluators utilized in delivery;
  - (C) scores recorded for each trainee on the 70 minute skill presentation; and
  - (D) designation of trainees who completed the course in its entirety and whom the School Director finds to be competent to instruct.

(d) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-certified RADAR, RADAR and Time-Distance, Time-Distance, or LIDAR speed measurement operator training course or re-certification course, the School Director shall:

- (1) select and schedule speed measurement instrument instructors who are certified by the Commission as instructors for the specific speed measurement instruments in which the trainees are to receive instruction as follows:
  - (A) provide to the instructor the Commission form(s) for motor skill examination on each trainee;
  - (B) require the instructor to complete the motor skill examination form on each trainee indicating the level of proficiency obtained on each specific instrument; and
  - (C) require each instructor to sign each individual form and submit the original to the School Director;
- (2) not fewer than 30 days before the scheduled starting date, submit to the Director of the Standards Division a Pre-Delivery Report of Speed Measuring Instrument Course Presentation [Form F-10A (SMI)] that shall contain a period of course delivery including

the proposed starting date, course location, requested date and location for the administration of the State exam, and the number of trainees to be trained on each type of approved speed measurement instrument. The Director of the Standards Division shall review the request and notify the School Director within thirty business days if the request is approved or denied; and

- (3) upon completing delivery of the Commission-certified course, and not more than 10 days after the conclusion of a school's offering of a certified RADAR, RADAR and Time-Distance, Time-Distance, or LIDAR speed measurement operator training course or re-certification course, the School Director shall notify the Commission regarding the progress and achievements of each trainee by submitting a Post-Delivery Report of Training Course Presentation [Form F-10B (SMI)]. This report shall include the original motor-skill examination form(s) completed and signed by the certified instructor responsible for administering the motor-skill examination to the respective trainee.

*History Note: Authority G.S. 17C-6; Eff. January 1, 1981; Amended Eff. November 1, 1981; Readopted w/change Eff. July 1, 1982; Amended Eff. January 1, 2015; June 1, 2013; April 1, 2009; November 1, 2007; January 1, 2006; May 1, 2004; August 1, 2000; January 1, 1996; November 1, 1993; December 1, 1987; January 1, 1985; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. July 1, 2021; January 1, 2021; July 1, 2020.*

**12 NCAC 09B .0209 CRIMINAL JUSTICE INSTRUCTOR TRAINING**

(a) The Instructor Training course required for General Instructor certification shall consist of a minimum of 40 hours of classroom instruction, plus the time required to conduct practical exercises, student presentations, and post testing presented during a period of no more than 15 business days.

(b) Each Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the functions of a criminal justice instructor.

(c) Each Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

- (1) Orientation and Pre-Test 1 Hour
- (2) Instructional Systems Design (ISD) 5 Hours
- (3) Law Enforcement Instructor Liabilities and Legal Responsibilities 2 Hours
- (4) Criminal Justice Instructional Leadership 4 Hours

- (5) Lesson Plan Preparation: Professional Resources 2 Hours
- (6) Lesson Plan Development and Formatting 3 Hours
- (7) Adult Learning 2 Hours
- (8) Instructional Styles and Platform Skills 5 Hours
- (9) Classroom Management 3 Hours
- (10) Active Learning: Demonstration and Practical Exercises 3 Hours
- (11) The Evaluation Process of Learning 4 Hours
- (12) Audio Visual Aids 5 Hours
- (13) Course Closing and Post-test 1 Hour
- (14) Completion of tasks associated with practical exercises, student presentations, and post testing; the number of hours required to complete this portion of the curriculum shall be based on the number of enrolled students, available facilities, and number of instructors.

(d) The "Instructor Training" manual published by the North Carolina Justice Academy shall be the curriculum for instructor training courses. Copies of this publication may be inspected at the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
1700 Tryon Park Drive  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be purchased at the cost of printing and postage from the Academy at the following address:

North Carolina Justice Academy  
Post Office Drawer 99  
Salemberg, North Carolina 28385

*History Note: Authority G.S. 17C-6;*

*Eff. January 1, 1981;*

*Amended Eff. July 1, 2018; April 1, 2018; January 1, 2018; January 1, 2015; December 1, 2009; August 1, 2005; November 1, 1998; January 1, 1995; March 1, 1990; July 1, 1989; January 1, 1985;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;*

*Amended Eff. July 1, 2021; January 1, 2021.*

**12 NCAC 09B .0403 EVALUATION FOR TRAINING WAIVER**

(a) The Standards Division staff shall evaluate each law enforcement officer's training and experience to determine if equivalent training has been completed as specified in Rule .0402(a) of this Section. Applicants for certification with prior law enforcement experience shall have been employed in a full-time, sworn law enforcement position in order to be considered for training evaluation under this Rule. Applicants for certification with a combination of full-time and part-time experience shall be evaluated on the basis of the full-time experience only. The following criteria shall be used by Standards Division staff in evaluating a law enforcement officer's training and experience to determine eligibility for a waiver of training requirements:

(1) Persons having completed a Commission-accredited basic training program and not having been duly appointed and sworn as a law enforcement officer within one year of completion of the program shall complete a subsequent Commission-accredited basic training program, as prescribed in Rule .0405(a) of this Section, and shall achieve a passing score on the State Comprehensive Examination prior to obtaining probationary law enforcement certification, unless the Director determines that a delay in applying for certification was not due to neglect on the part of the applicant, in which case the Director shall accept a Commission-accredited basic training program that is over one year old. The appointing agency shall request in writing the extension of the one year period, which shall not exceed 30 days from the first year anniversary of the passing of the State Comprehensive Examination;

(2) Out-of-state transferees shall be evaluated to determine the amount and quality of their training and experience. Out-of-state transferees shall not have a break in service exceeding three years. At a minimum, out-of-state transferees shall have two years' full-time, sworn law enforcement experience and have completed a basic law enforcement training course accredited by the transferring state. An individual's attendance at his or her basic law enforcement class shall not count towards the two years' full-time sworn law enforcement experience. Prior to employment as a certified law enforcement officer, out-of-state transferees shall complete with a passing score the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E .0106. In addition, out-of-state transferees shall complete the Legal Unit in a Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within the 12 month probationary period;

(3) Persons who have completed a 369-hour basic law enforcement training program accredited by the Commission under guidelines administered beginning October 1, 1984, have been separated from a sworn position for over one year but less than three years, and who have had a minimum of two years' experience as a full-time, sworn law enforcement officer in North Carolina shall complete the Legal Unit in a Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and shall achieve a passing score on the State

Comprehensive Examination within the 12 month probationary period. Prior to employment as a certified law enforcement officer, these persons shall complete with a passing score the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E;

(4) Persons who have completed a 396-hour basic law enforcement training program accredited by the Commission under guidelines administered beginning October 1, 1984, have been separated from a sworn position more than one year but less than five years and who have a minimum of two years' experience as a full-time, sworn law enforcement officer in North Carolina, who have not been convicted of a disqualifying criminal offense as listed in Rule .0111(1) of this Subchapter, and who have successfully completed the mandatory in-service training requirements pursuant to 12 NCAC 09E .0105 or 12 NCAC 10B .2005, with the exception of Firearms Training and Requalification, during each year the person was separated from a sworn position prior to employment as a certified law enforcement officer shall complete the topic areas within the following time frames:

(A) Prior to employment as a certified law enforcement officer, the person shall complete the appointing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E;

(B) Prior to employment as a certified law enforcement officer, the person shall achieve a passing score on the practical skills testing for the First Responder, Law Enforcement Driver Training, and Subject Control Arrest Techniques topics set forth in Rule .0205(b)(5) of this Subchapter. The person shall also successfully complete the Police Officer Physical Abilities Test. The practical skills testing and the Police Officer Physical Abilities Test may be completed either in a Commission-accredited Basic Law Enforcement Training course or under the instruction of a Commission-certified instructor for that particular skill. The person shall also meet the requirements per Rule .0101 of this Subchapter; and

(C) Within 12 months of being issued probationary certification, the person shall complete the remaining topics in the legal unit of instruction in the Basic Law Enforcement Training course as set forth in Rule .0205(b)(1)

of this Subchapter. The person shall achieve a passing score on the appropriate topic tests for each course. The person may undertake each of these legal unit topics of instruction either in a Commission-accredited Basic Law Enforcement Training course or under the instruction of a Commission-certified instructor for that particular topic of instruction.

An individual's attendance at his or her basic law enforcement class shall not count towards the two years' full-time sworn law enforcement experience. Persons who meet the criteria of this Part shall be processed as a probationary certification and shall serve a one-year probationary period as defined in 12 NCAC 09C .0303;

(5) Persons out of the law enforcement profession for over one year but less than three years who have had less than two years' experience as a full-time, sworn law enforcement officer in North Carolina shall complete a Commission-accredited basic training program, as prescribed in Rule .0405(a) of this Section, and achieve a passing score on the State Comprehensive Examination;

(6) Persons out of the law enforcement profession for over three years who do not meet the criteria of Subparagraph (4) of this Paragraph shall complete a Commission-accredited basic training program, as prescribed in Rule .0405(a) of this Section, regardless of prior training or experience, and shall achieve a passing score on the State Comprehensive Examination;

(7) Persons who separated from law enforcement employment during their probationary period after having completed a Commission-accredited basic training program and who have separated from a sworn law enforcement position for more than one year shall complete a subsequent Commission-accredited basic training program and shall achieve a passing score on the State Comprehensive Examination;

(8) Persons who separated from a sworn law enforcement position during their probationary period after having completed a Commission-accredited basic training program and who have separated from a sworn law enforcement position for less than one year shall serve a new 12 month probationary period as prescribed in Rule .0401(a) of this Section, but shall not be required to complete an additional training program;

(9) Persons who have completed a minimum 160-hour basic law enforcement training program accredited by the North Carolina Criminal Justice Training and Standards

- Council under guidelines administered beginning on July 1, 1973, and continuing through September 30, 1978, and who have separated from a sworn law enforcement position for over one year but less than two years shall complete the Legal Unit and the topical area entitled "Law Enforcement Driver Training" of a Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) and .0205(b)(5)(C) of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within the 12 month probationary period;
- (10) Persons who have completed a minimum 160-hour basic law enforcement training program accredited by the North Carolina Criminal Justice Training and Standards Council under guidelines administered beginning on July 1, 1973, and continuing through September 30, 1978, and have been separated from a sworn law enforcement position for two or more years shall complete a Commission-accredited basic training program, as prescribed in Rule .0405 of this Section, regardless of training and experience, and shall achieve a passing score on the State Comprehensive Examination;
  - (11) Persons who have completed a minimum 240-hour basic law enforcement training program accredited by the Commission under guidelines administered beginning October 1, 1978, and continuing through September 30, 1984, and have been separated from a sworn position over one year but less than three years shall complete the Legal Unit in a Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within the 12 month probationary period;
  - (12) Persons previously holding law enforcement certification in accordance with G.S. 17C-10(a) who have been separated from a sworn law enforcement position for over one year and who have not previously completed a minimum basic training program accredited by either the North Carolina Criminal Justice Training and Standards Council or the Commission shall complete a Commission-accredited basic training program, as prescribed in Rule .0405 of this Section, and shall achieve a passing score on the State Comprehensive Examination prior to employment;
  - (13) Individuals seeking certification with the Commission who have been appointed as Special Agents with the Federal Bureau of Investigation; United States Secret Service; Bureau of Alcohol, Tobacco and Firearms; and Drug Enforcement Administration; as well as United States Marshals and Deputy United States Marshals, who have not had a break in service exceeding three years, shall be evaluated to determine the amount and quality of their training and experience. At a minimum, federal law enforcement officers shall have two years' full-time, sworn law enforcement experience and have completed a basic law enforcement training course as required by their appointing federal agency. Prior to employment as a certified law enforcement officer, these individuals shall complete with a passing score the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E .0106. These individuals shall complete the Basic Law Enforcement Training topics pursuant to 12 NCAC 09B .0205(b)(1)(A), (b)(1)(C), (b)(1)(D), (b)(1)(F), (b)(2)(A), (b)(2)(C), (b)(2)(E), (b)(2)(F), (b)(2)(I), (b)(3)(B), (b)(3)(D), (b)(4)(E), (b)(5)(A), (b)(6)(A), (b)(6)(B), (b)(6)(C), and shall achieve a passing score on the State Comprehensive Examination pursuant to 12 NCAC 09B .0406 within the 12 month probationary period. Individuals who submit to the Commission documentation of completion of training equivalent to the topics set forth in 12 NCAC 09B .0205(b)(2)(A), (b)(2)(C), (b)(2)(E), (b)(2)(F), (b)(2)(I), (b)(3)(B), (b)(3)(D), (b)(4)(E), (b)(5)(A), (b)(6)(A), (b)(6)(B), and (b)(6)(C) shall not be required to complete those topics;
  - (14) Federal law enforcement transferees other than those listed in Paragraph (13) of this Rule who have not had a break in service exceeding three years shall be evaluated to determine the amount and quality of their training and experience. At a minimum, federal law enforcement officers shall have two years' full-time, sworn law enforcement experience and have completed a basic law enforcement training course as required by their appointing federal agency. Prior to employment as a certified law enforcement officer, transferees shall complete with a passing score the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E .0106. At a minimum, transferees shall complete the Legal Unit in a Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within 12 month probationary period;
  - (15) Applicants with part-time experience who have a break in service in excess of one year shall complete a Commission-accredited basic training program, as prescribed in Rule .0405 of

this Section, and shall achieve a passing score on the State Comprehensive Examination prior to employment;

- (16) Applicants who hold or previously held certification issued by the North Carolina Sheriffs' Education and Training Standards Commission (Sheriffs' Commission) shall be subject to evaluation based on the applicant's active or inactive certification status with the Sheriffs' Commission. A deputy sheriff certified with the Sheriffs' Commission shall be considered active if he or she has performed any law enforcement function during the previous 12 months. A deputy sheriff certified with the Sheriffs' Commission shall be considered inactive if he or she has not performed a law enforcement function during the previous 12 months.

(A) The Standards Division shall issue certification to an applicant holding active general certification with the Sheriffs' Commission provided that the applicant:

- (i) Does not have a break in service of greater than 12 months;
- (ii) Has completed the mandatory in-service training requirements pursuant to 12 NCAC 10B .2005 for each year certification was held; and
- (iii) Held active status with the Sheriffs' Commission within 12 months of the date the applicant achieved a passing score on the Basic Law Enforcement Training State Comprehensive Examination.

(B) The Standards Division shall issue certification to an applicant holding inactive certification with the Sheriffs' Commission provided that the applicant:

- (i) Holds inactive probationary or general certification with the Sheriffs' Commission;
- (ii) Has served a minimum of 24 months of full time sworn service or does not have a break in service of greater than 12 months;
- (iii) Has completed the mandatory in-service training requirements pursuant to 12 NCAC 10B .2005, with the exception of Firearms Training and

Requalification, during each year certification was held; and

- (iv) Held active status with the Sheriffs' Commission within 12 months of the date the applicant achieved a passing score on the Basic Law Enforcement Training State Comprehensive Examination.

(C) An applicant awarded certification with the Sheriffs' Commission by means of the Sheriffs' Standards BLET Challenge as prescribed in 12 NCAC 10B .0505(6)(b) shall meet the following requirements in order to obtain probationary certification from the Commission:

- (i) Have a minimum of 24 months of sworn, full-time law enforcement service;
- (ii) Not have a break in service of greater than 12 months; and
- (iii) Have completed all mandatory in-service requirements pursuant to 12 NCAC 10B .0505 during the previous two years.

(D) An applicant who is a criminal justice officer, as defined in G.S. 17C-2(3), and who is elected Sheriff shall be reinstated by the Commission upon the conclusion of the period of service as Sheriff and in conformance with 12 NCAC 09C .0303;

(17) Alcohol law enforcement agents who received basic alcohol law enforcement training prior to November 1, 1993, and transfer to another law enforcement agency in a sworn capacity shall be subject to evaluation of their prior training and experience on an individual basis. The Standards Division staff shall determine the amount of training required of these applicants, based upon the type of certification held by the applicant and the length of any break in the applicant's sworn, full-time service;

(18) Wildlife enforcement officers who separate from employment with the Wildlife Enforcement Division and transfer to another law enforcement agency in a sworn capacity shall be subject to evaluation of their prior training and experience on an individual basis. The Standards Division staff shall determine the amount of training required of these applicants, based upon the type of certification held by the applicant and the length of any break in the applicant's sworn, full-time service;

- (19) Active duty, guard, or reserve military members failing to complete all of the required annual in-service training topics, as defined in 12 NCAC 09E .0105 of this Chapter, due to military obligations are subject to the following training requirements as a condition for return to active criminal justice status. The agency head shall verify the person's completion of the appropriate training by submitting a statement, on Form F-9C, Return to Duty Request form. This form is located on the agency's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>;
- (A) Active duty members of the armed forces eligible for probationary certification pursuant to this Paragraph and active duty, guard, or reserve military members holding probationary or general certification as a criminal justice officer who fail to complete all of the required annual in-service training topics due to military obligations for up to a period of three years shall complete the previous year's required in-service training topics, the current year's required in-service training topics, and complete with a passing score the appointing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E prior to their return to active criminal justice status;
- (B) Active duty, guard, or reserve military members holding probationary or general certification as a criminal justice officer who fail to complete all of the required annual in-service training topics due to military obligations for a period greater than three years shall complete the following topic areas within the following time frames:
- (i) The person shall complete the previous year's required in-service training topics, the current year's required in-service training topics, and complete the appointing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E prior to their return to active criminal justice status;
- (ii) The person shall achieve a passing score on the practical skills testing for the First Responder, Law Enforcement Driver Training, and Subject Control Arrest Techniques topics enumerated in Rule .0205(b)(5) of this Subchapter prior to returning to active criminal justice status. This practical skills testing may be completed either in a Commission-accredited Basic Law Enforcement Training course or under the instruction of a Commission-certified instructor for that particular skill. The person shall complete one physical fitness assessment in lieu of the Fitness Assessment and Testing topic. The person shall also be examined by a physician per Rule .0104(b) of this Subchapter; and
- (iii) The person shall complete some of the topics in the legal unit of instruction in the Basic Law Enforcement Training course as set forth in Rule .0205(b)(1) of this Subchapter. The required topics include Motor Vehicle Law; Juvenile Laws and Procedures; Arrest, Search and Seizure/Constitutional Law; and ABC Laws and Procedures. The person shall achieve a passing score on the appropriate topic tests for each course. The person may undertake each of these legal unit topics of instruction either in a Commission-accredited Basic Law Enforcement Training course or under the instruction of a Commission-certified instructor for that particular topic of instruction. The person shall complete each of the enumerated topics of instruction within 12 months from the beginning of his or her return to active criminal justice status; and
- (20) An active duty member of the armed forces who completes the basic training course in its entirety as prescribed in Rule .0405 of this Subchapter, annually completes the mandatory



in-service training topics as prescribed in 12 NCAC 09E .0105, with the exception of the Firearms and Qualification testing requirements contained in 12 NCAC 09E .0105(a)(3) for each year subsequent to the completion of the basic training course, and achieves a passing score on the State Comprehensive Examination as prescribed in Rule .0406 of this Subchapter within five years of separating from active duty status shall be eligible for probationary certification as prescribed in 12 NCAC 09C .0303 for a period of 12 months from the date he or she separates from active duty status in the armed forces. All mandatory in-service training topics as prescribed in 12 NCAC 09E .0105 shall be completed by the individual prior to receiving probationary certification.

(b) In the event the applicant's prior training is not equivalent to the Commission's standards, the Commission shall prescribe as a condition of certification supplementary or remedial training to equate previous training with current standards.

(c) If certifications issued by the Commission require satisfactory performance on a written examination as part of the training, the Commission shall require the examinations for the certification.

(d) If an evaluation of the applicant's prior training and experience determines that required attendance in the entire Basic Law Enforcement Training Course is unnecessary, the Director of the Standards Division shall determine the amount of training the individual shall complete during his or her probationary period.

(e) The following criteria shall be used by Standards Division staff in evaluating prior training and experience of local confinement personnel to determine eligibility for a waiver of training requirements:

- (1) Persons who hold probationary, general, or grandfather certification as local confinement personnel and separate after having completed a Commission-accredited course as prescribed in Rule .0224 or .0225 of this Subchapter and have been separated for one year or more shall complete a subsequent Commission-accredited training course and achieve a passing score on the State Comprehensive Examination during the probationary period as prescribed in Rule .0401(a) of this Section;
- (2) Persons who separated from a local confinement personnel position after having completed a Commission-accredited course as prescribed in Rule .0224 or .0225 of this Subchapter and who have been separated for less than one year shall serve a new 12 month probationary period, but shall be required to complete an additional training program;
- (3) Applicants who hold or previously held "Detention Officer Certification" issued by the North Carolina Sheriffs' Education and Training Standards Commission shall be subject to evaluation of their prior training and experience on an individual basis. No

additional training shall be required where the applicant obtained certification and successfully completed the required 120 hour training course and has not had a break in service in excess of one year; and

- (4) Persons holding certification for local confinement facilities who transfer to a district or county confinement facility shall complete the course for district and county confinement facility personnel, as adopted by reference in Rule .0224 of this Subchapter, and achieve a passing score on the State Comprehensive Examination during the probationary period as prescribed in Rule .0401(a) of this Section.

*History Note: Authority G.S. 17C-2; 17C-6; 17C-10; 93B-15.1;*

*Eff. January 1, 1981;*

*Amended Eff. October 1, 2017; January 1, 2017; October 1, 2016; November 1, 2014; August 1, 2000; November 1, 1993; March 1, 1992; July 1, 1989; February 1, 1987;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;*

*Amended Eff. July 1, 2021.*

**12 NCAC 09E .0105 MINIMUM TRAINING SPECIFICATIONS: ANNUAL IN-SERVICE TRAINING**

(a) The following topics, specifications, and hours shall be included in each law enforcement officer's annual in-service training courses. For the purposes of this Subchapter, a credit shall be equal to one hour of traditional classroom instruction. All sworn law enforcement officers shall complete a minimum of 24 in-service training credits. The following topics, totaling 16 credits, shall be specifically required:

- (1) 2022 Domestic Violence: The Psychology of Whether to Stay or Go (2 hours/credits);
- (2) 2022 Creating a Safety Net (2 hours/credits; Juvenile Minority Sensitivity Training);
- (3) 2022 Firearms and Qualification (4 hours/credits);
- (4) 2022 Legal Update (4 hours/credits);
- (5) 2022 Ethics: Preempting Misconduct and Increasing Integrity (2 hours/credits); and
- (6) 2022 Practicing Proactive Wellness (2 hours/credits);
- (7) Topics of Choice (8-12 hours/credits);
  - (A) Incorporating a Co-Response: Partnering with Community Professionals (2 hours/credits);
  - (B) The Process of De-escalation: Listening, Talking, Defensive Tactics (2-4 hours/credits);
  - (C) Civil Unrest: Local Leaders Discuss Lessons Learned (2 hours/credits);
  - (D) Subversive Groups: Maneuvering Encounters with Fringe Groups (2 hours/credits); and

- (E) Raising the Bar: Enhancing Community Engagement (2 hours/credits).

- (2) A student shall pass each test by achieving at least 70 percent correct answers; and
- (3) A student who completes a topic of in-service training in a traditional classroom setting or online and fails the end of topic exam shall be given one attempt to re-test. If the student fails the exam a second time, the student shall complete the in-service training topic in a traditional classroom setting before taking the exam a third time.

(b) All sworn law enforcement officers shall complete a minimum of 10 in-service credits, in topics identified by their respective agency heads. The agency head may choose any topic, provided the lesson plan is written in Instructional Systems Design format and is taught by an instructor who is certified by the Commission. Alternatively, topics delivered pursuant to Rule .0104(1) of this Section and National Certification Programs administered by the International Association of Directors of Law Enforcement Standards and Training (IADLEST) completed during the mandated in-service year, shall satisfy in part or in whole the topic requirements set forth by the agency head. To satisfy this requirement these topics shall not be required to be written in Instructional Systems Design format or delivered by an instructor certified by the Commission.

(c) The "Specialized Firearms Instructor Training Manual" published by the North Carolina Justice Academy shall be applied as a guide for conducting the annual in-service firearms training program. Copies of this publication may be inspected at the office of the:

Criminal Justice Standards Division  
 North Carolina Department of Justice  
 1700 Tryon Park Drive  
 Raleigh, North Carolina 27610

and may be obtained at the cost of printing and postage from the Academy at the following address:

North Carolina Justice Academy  
 Post Office Drawer 99  
 Salemburg, North Carolina 28385

(d) The "In-Service Lesson Plans" published by the North Carolina Justice Academy shall be applied as a minimum curriculum for conducting the annual in-service training program. Copies of this publication may be inspected at the office of the:

Criminal Justice Standards Division  
 North Carolina Department of Justice  
 1700 Tryon Park Drive  
 Raleigh, North Carolina 27610

and may be obtained at the cost of printing and postage from the Academy at the following address:

North Carolina Justice Academy  
 Post Office Drawer 99  
 Salemburg, North Carolina 28385

(e) Lesson plans are designed to be delivered in hourly increments. A student who completes an online in-service training topic shall receive the number of credits that correspond to the number of hours of traditional classroom training, regardless of the amount of time the student spends completing the course.

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

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

*History Note: Authority G.S. 17C-6; 17C-10; Eff. July 1, 1989; Amended Eff. January 1, 2005; November 1, 1998; Temporary Amendment Eff. January 1, 2005; Amended Eff. January 1, 2019; January 1, 2018; January 1, 2017; July 1, 2016; January 1, 2016; January 1, 2015; February 1, 2014; June 1, 2012; February 1, 2011; January 1, 2010; April 1, 2009; April 1, 2008; February 1, 2007; January 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. January 1, 2022; January 1, 2021; January 1, 2020.*

**12 NCAC 09G .0414 INSTRUCTOR TRAINING**

(a) The Instructor Training course required for General Instructor certification shall consist of at least the minimum number of hours of instruction as defined in 12 NCAC 09B .0209 to be completed within 15 business days.

(b) Each Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the functions of a criminal justice instructor.

(c) The "Instructor Training Manual" published by the North Carolina Justice Academy shall be applied as the curriculum for instructor training courses. Copies of this publication may be inspected at the agency:

Criminal Justice Standards Division  
 North Carolina Department of Justice  
 1700 Tryon Park Drive  
 Post Office Drawer 149  
 Raleigh, North Carolina 27602

and may be purchased at the cost of printing and postage from the North Carolina Justice Academy at the following address:

North Carolina Justice Academy  
 Post Office Drawer 99  
 Salemburg, North Carolina 28385

*History Note: Authority G.S. 17C-6; Temporary Adoption Eff. January 1, 2001; Eff. August 1, 2002; Amended Eff. July 1, 2018; April 1, 2018; January 1, 2018; January 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. July 1, 2021; January 1, 2021.*

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**12 NCAC 10B .0905 TERMS AND CONDITIONS OF DETENTION OFFICER INSTRUCTOR CERTIFICATION**

(a) An applicant meeting the requirements for certification as a Detention Officer Instructor shall serve a probationary period. The expiration dates of any existing Commission-issued Probationary General Detention Officer Instructor Certifications shall be set to expire concurrently with the expiration of the instructor's Probationary General Instructor Certification issued by the North Carolina Criminal Justice Education and Training Standards Commission. If the time-period before the expiration date is less than one year, then the eight hours of instruction as specified in Paragraph (b) of this Rule shall be waived for this shortened term and Full General Detention Officer Instructor Certification shall be issued provided all other conditions for Full General Detention Officer Instructor Certification status as set out in Paragraph (b) of this Section are met. If the applicant has a Full General Instructor certification with no expiration date, the expiration date for the Probationary Detention Officer Instructor Certification shall be set for a period of one year from date of issue.

(b) The probationary instructor shall be awarded Full General Detention Officer Instructor Certification at the end of the probationary period if the instructor's certification required in 12 NCAC 10B .0904(a) remains valid, and the instructor submits to the Division a completed Request for Detention Officer Instructor Certification Form I-2, with either:

- (1) a favorable recommendation from a school director accompanied by certification on a Commission Instructor Evaluation Form F-16 that the instructor taught a minimum of eight hours as specified in Paragraph (e) of this Rule in a Commission-certified Detention Officer Certification Course, or in a Commission-recognized Detention Officer In-Service Course as set out in the Mandated In-Service Training Manual published by the North Carolina Justice Academy, during his or her probationary year; or
- (2) a favorable written evaluation as specified in Paragraph (e) of this Rule by a Commission member or Division staff member based on an on-site classroom evaluation of the probationary instructor in a Commission-certified Detention Officer Certification Course or in a Commission-recognized Detention Officer In-Service Course. The evaluation shall be certified on a Criminal Justice Instructor Evaluation Form F-16. In addition, instructors evaluated by a Commission member or Division staff member must also teach a minimum of eight hours in a Commission-certified Detention Officer Certification Course during his or her probationary year.

(c) The expiration dates of any existing commission-issued Full General Detention Officer Instructor Certifications shall be set to expire concurrently with the expiration of the instructor's Probationary General Instructor Certification issued by the North Carolina Criminal Justice Education and Training Standards Commission. If the time-period before the expiration date is less

than three years, then the 12 hours of instruction shall be waived for this shortened term and Full General Detention Officer Instructor Certification shall be renewed. If the applicant has a Full General Instructor Certification with no expiration date, the expiration date for the Full General Detention Officer Instructor Certification shall be set for a period of three years from the date of issue. Full General Detention Officer Instructor Certification shall remain valid so long as the instructor's certification required in 12 NCAC 10B .0904(a) remains valid, and that the instructor submits to the Division every three years a Form I-2 renewal application and either:

- (1) a favorable recommendation from a school director accompanied by certification on a Commission Instructor Evaluation Form that the instructor satisfactorily taught a minimum of 12 hours as specified in Paragraph (e) of this Rule in a Commission-certified Detention Officer Certification Course, or in a Commission-recognized Detention Officer In-Service Course, during the previous three year period; or
- (2) a favorable written evaluation as specified in Paragraph (e) of this Rule by a Commission member or Division staff member based on a minimum 12 hours, on-site classroom observation of the instructor in a Commission-certified Detention Officer Certification Course.

(d) In the event a General Detention Officer Instructor Certification (either Probationary or Full) is terminated for failure to comply with Paragraph (c) of this Rule, the individual may re-apply for certification meeting the initial conditions for the certification, and also provide documentation that he or she has audited the number of hours of instruction that he or she failed to teach in a delivery of an certified Detention Officer Certification Course.

(e) A Criminal Justice Instructor Evaluation Form F-16 records a rating of instructional ability, student participation, and presentation of the lesson plan consistent with the requirements for successfully completing the Criminal Justice Instructor Training as set out in 12 NCAC 09B .0209.

- (1) Instructional ability includes the instructor's:
  - (A) voice quality (projection, articulation, speech rate);
  - (B) verbal skill (fluency and clarity);
  - (C) physical appearance and mannerisms (attire, posture, body language, eye contact, movement);
  - (D) personal qualities of the instructor (knowledge, self-confidence, tact, enthusiasm, sensitivity); and
  - (E) selection and use of training aids (use of writing surface and other aids, effective use of multimedia, transparencies, and slides, relates aids to objectives, and use of aids when scheduled).
- (2) Student participation includes the instructor's:

- (A) use of questions to encourage discussion and response to student questions;
  - (B) ability to encourage class participation, maintain the students' attention, and engagement of all students effectively;
  - (C) organization in the arrangement of the classroom for maximum effect, ensuring all training tools/items are ready when needed, and presentation for the class lesson; and
  - (D) exercise control and discipline of the students to maintain proper behavior and orderliness in the classroom, ability to remain in control during classroom discussions, and handle class disruptions and problems.
- (3) Presentation of lesson plan includes the instructor's:
- (A) full coverage of the lesson plan;
  - (B) presentation of information in logical sequence;
  - (C) timing of presentation to allow for sufficient time for questions and discussion;
  - (D) transition of subjects with continuous progression and development of lesson;
  - (E) emphasis of key points and frequent summarization of topics to entire lesson or course and use of examples to clarify the subjects;
  - (F) frequent establishment of relevance of the topics to entire lesson or course and use of examples to clarify the subjects; and
  - (G) consistency of presentation in following the lesson plan.

(f) Individuals may, for just cause, be granted an extension to successfully teach the required minimum number of hours of instruction only once and not to exceed 12 months. For purposes of this Rule, "just cause" means accident, illness, emergency, course cancellation, or other exceptional circumstances that precluded the instructor from fulfilling the teaching requirement.

*History Note: Authority G.S. 17E-4; Eff. January 1, 1989; Amended Eff. February 1, 2006; January 1, 2005; August 1, 2002; January 1, 1996; January 1, 1992; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. May 1, 2021.*

**12 NCAC 10B .0909 TERMS AND CONDITIONS OF A LIMITED LECTURER CERTIFICATION**

(a) An applicant meeting the requirements for certification as a Limited Lecturer shall serve a probationary period. The expiration dates of any existing Commission-issued Limited Lecturer

Certifications, where the individual holds instructor certification under the North Carolina Criminal Justice Education and Training Standards Commission, shall be set to expire concurrently with the other instructor certification(s) issued by the North Carolina Criminal Justice Education and Training Standards Commission. In the event the instructor does not hold instructor certification under the North Carolina Criminal Justice Education and Training Standards Commission, but holds another instructor certification(s) issued through this Commission, the expiration date shall be set to expire concurrently with the other instructor certification(s) issued by this Commission. Where the instructor holds no certification through either Commission, certification as a Limited Lecturer shall remain effective for 12 months from the date of issuance. The lecturer shall apply for Full Limited Lecturer Certification at or before the expiration date. If the time-period before the expiration date is less than one year, then the four hours of instruction shall be waived for this shortened term and Full Limited Lecturer Certification shall be issued provided all other conditions for Full Limited Lecturer Certification status as set out in this Rule are met.

(b) The probationary instructor shall be eligible for Full Limited Lecturer status at the end of the probationary period if the instructor submits to the Commission:

- (1) documentation on a Detention Officer Certification Form I-2 of at least four hours of instruction occurring within the probationary period in an area of the instructor's expertise related to each topic for which Limited Lecturer Certification was granted; and
- (2) documentation that all other certifications required in 12 NCAC 10B .0908 remain valid.

(c) The expiration dates of any existing Commission-issued Full Limited Lecturer Certifications shall be set to expire concurrently with the expiration of the corresponding instructors' certification issued by the North Carolina Criminal Justice Education and Training Standards Commission. In the event the instructor does not hold instructor certification under the North Carolina Criminal Justice Education and Training Standards Commission, but holds another instructor certification(s) issued through this Commission, the expiration date shall be set to expire concurrently with the other instructor certification(s) issued by this Commission. The lecturer shall apply for recertification at or before the expiration date. If the time period before the expiration date is less than three years, then the six hours of instruction shall be waived for this shortened term and Full Limited Lecturer Instructor Certification will be renewed provided all other conditions for Full status as set out in Subparagraph (2) of this Paragraph are met. Full Limited Lecturer Certification remains valid so long as the lecturer submits to the Division every three years a Detention Officer Certification Form I-2:

- (1) of documenting at least six hours of instruction occurring within the three-year certification period in an area of the instructor's expertise related to each topic for which Limited Lecturer Certification was granted; and
- (2) documenting that all other certifications required in 12 NCAC 10B .0908 remain valid.

(d) In the event a Limited Lecturer Instructor Certification (either Probationary or Full) is terminated for failure to comply with

Paragraph (c) of this Rule, the individual may re-apply for certification meeting the initial conditions for the certification, and also provide documentation on a Detention Officer Certification Form I-2 that he or she has audited the number of hours of instruction he or she failed to teach in the topic area for which Limited Lecturer Certification was granted in the respective area of expertise.

(e) Individuals may, for just cause, be granted an extension to successfully teach the required minimum number of hours instruction only once not to exceed 12 months. For purposes of this Rule, "just cause" means accident, illness, emergency, course cancellation, or other exceptional circumstances that precluded the instructor from fulfilling the teaching requirement.

*History Note: Authority G.S. 17E-4; Eff. January 1, 1989;*

*Amended Eff. January 1, 2006; August 1, 2002; August 1, 2000; August 1, 1998; January 1, 1996; January 1, 1994; January 1, 1992; January 1, 1991;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;*

*Amended Eff. May 1, 2021.*

**12 NCAC 10B .0915 TERMS AND CONDITIONS OF TELECOMMUNICATOR INSTRUCTOR CERTIFICATION**

(a) An applicant meeting the requirements for certification as a Telecommunicator Instructor shall serve a probationary period. The expiration dates of any existing Commission-issued Probationary General Telecommunicator Instructor Certifications shall be set to expire concurrently with the expiration of the instructor's Probationary General Instructor Certification issued by the North Carolina Criminal Justice Education and Training Standards Commission. If the time-period before the expiration date is less than one year, then the eight hours of instruction required for Probationary Telecommunicator Instructor Certification shall be waived for this shortened term and Full General Telecommunicator Instructor Certification shall be issued provided all other conditions for Full General Telecommunicator Instructor Certification as set out in Paragraph (b) of this Rule are met. If the applicant has a Full General Instructor Certification through the Criminal Justice Education and Training Standards Commission with no expiration date, the Probationary Telecommunicator Officer Instructor Certification shall be set for one year from date of issue.

(b) The probationary instructor shall be awarded Full Telecommunicator Instructor Certification at the end of the probationary period if the instructor's certification required in 12 NCAC 10B .0914(a) remains valid, and the instructor through application, submits to the Division a completed Request for Telecommunicator Instructor Certification Form I-2T, with either:

- (1) a favorable recommendation from a school director accompanied by certification on a Commission Instructor Evaluation Form that the instructor taught a minimum of eight hours as specified in Paragraph (e) of this Rule in a Commission-certified Telecommunicator Certification Course, or in a Commission-

recognized Telecommunicator In-Service Training Course as set out in the Mandated In-Service Training Manual published by the North Carolina Justice Academy during his or her probationary year; or

- (2) a favorable written evaluation as specified in Paragraph (e) of this Rule by a Commission member or Division staff member based on an on-site classroom evaluation of the probationary instructor in a Commission-certified Telecommunicator Certification Course, or in a Commission-recognized Telecommunicator In-Service Training Course. The evaluation shall be certified on a Criminal Justice Instructor Evaluation Form F-16. In addition, instructors evaluated by a Commission or Division staff member must also teach a minimum of eight hours in a Commission-certified Telecommunicator Certification Course during his or her probationary year.

(c) The expiration dates of any existing Commission-issued Full General Telecommunicator Instructor Certifications shall be set to expire concurrently with the expiration of the instructor's Probationary General Instructor Certification issued by the North Carolina Criminal Justice Education and Training Standards Commission. If the time-period before the expiration date is less than three years, then the 12 hours of instruction shall be waived for this shortened term and Full General Telecommunicator Instructor Certification shall be renewed. If the applicant has a Full General Instructor Certification with no expiration date, the expiration date for the Full Telecommunicator Officer Instructor Certification shall be set for three years from the date of issue. Full Telecommunicator Instructor Certification shall remain valid so long as the instructor's certification required in 12 NCAC 10B .0904(a) remains valid, and the instructor submits to the Division every three years a completed Request for Request for Telecommunicator Instructor Certification Form I-2T, with either:

- (1) a favorable recommendation from a school director accompanied by certification on a Commission Instructor Evaluation Form that the instructor satisfactorily taught a minimum of 12 hours as specified in Paragraph (e) of this Rule in a Commission-certified Telecommunicator Certification Course, or a Commission-recognized Telecommunicator In-Service Training Course during the previous three year period; or
- (2) a favorable written evaluation as specified in Paragraph (e) of this Rule by a Commission member or Division staff member based on a minimum 12 hours, on-site classroom observation of the instructor in a Commission-certified Telecommunicator Certification or a Commission-recognized Telecommunicator In-Service Training Course.

(d) In the event a General Telecommunicator Instructor Certification (either Probationary or Full) is terminated for failure

to comply with Paragraph (c) of this Rule, the individual may re-apply for certification meeting the initial conditions for the certification, and also provide documentation that he or she has audited the number of hours of instruction that he or she failed to teach in a delivery of a certified Telecommunicator Certification Course.

(e) An Instructor Evaluation Form records a rating of instructional ability, student participation, and presentation of the lesson plan consistent with the requirements for successfully completing the Criminal Justice Instructor Training as set out in 12 NCAC 09B .0209.

- (1) Instructional ability includes the instructor's:
  - (A) voice quality (projection, articulation, speech rate);
  - (B) verbal skill (fluency and clarity);
  - (C) physical appearance and mannerisms (attire, posture, body language, eye contact, movement);
  - (D) personal qualities of the instructor (knowledge, self-confidence, tact, enthusiasm, sensitivity); and
  - (E) selection and use of training aids (use of writing surface and other aids, effective use of multimedia, transparencies, and slides, relates aids to objectives, and use of aids when scheduled).
- (2) Student participation includes the instructor's:
  - (A) use of questions to encourage discussion and response to student questions;
  - (B) ability to encourage class participation, maintain the students' attention, and engagement of all students effectively;
  - (C) organization in the arrangement of the classroom for maximum effect, ensuring all training tools/items are ready when needed, and presentation for the class lesson; and
  - (D) exercise of control and discipline of the students to maintain proper behavior and orderliness in the classroom, ability to remain in control during classroom discussions, and handle class disruptions and problems.
- (3) Presentation of lesson plan includes the instructor's:
  - (A) full coverage of the lesson plan;
  - (B) presentation of information in logical sequence;
  - (C) timing of presentation to allow for sufficient time for questions and discussion;
  - (D) transition of subjects with continuous progression and development of lesson;

- (E) emphasis of key points and frequent summarization of topics to reinforce learning;
- (F) frequent establishment of relevance of the topics to entire lesson or course and use of examples to clarify the subjects; and
- (G) consistency of presentation in following the lesson plan.

(f) Individuals may, for just cause, be granted an extension to successfully teach the required minimum number of hours of instruction only once not to exceed 12 months. For purposes of this Rule, "just cause" means accident, illness, emergency, course cancellation, or other exceptional circumstances that precluded the instructor from fulfilling the teaching requirement.

*History Note: Authority G.S. 17E-4; Eff. April 1, 2001; Amended Eff. February 1, 2006; January 1, 2005; August 1, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. May 1, 2021.*

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**TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY**

**15A NCAC 030 .0201 STANDARDS AND REQUIREMENTS FOR SHELLFISH LEASES AND FRANCHISES**

(a) All areas of the public bottom underlying Coastal Fishing Waters shall meet the following standards and requirements, in addition to the standards in G.S. 113-202, in order to be deemed suitable for leasing for shellfish aquaculture purposes:

- (1) the proposed shellfish lease area shall not contain a "natural shellfish bed," as defined in G.S. 113-201.1, or have 10 bushels or more of shellfish per acre;
- (2) the proposed shellfish lease area shall not be closer than 250 feet from a developed shoreline or a water-dependent shore-based structure, except no minimum setback is required when the area to be leased borders the applicant's property, the property of "riparian owners" as defined in G.S. 113-201.1 who have consented in a notarized statement, or is in an area bordered by undeveloped shoreline. For the purposes of this Rule, a water-dependent shore-based structure shall include docks, wharves, boat ramps, bridges, bulkheads, and groins;
- (3) the proposed shellfish lease area shall not be closer than 250 feet to an existing lease;
- (4) the proposed shellfish lease area, either alone or when considered cumulatively with existing leases in the area, shall not interfere with navigation or with existing, traditional uses of the area; and

- (5) the proposed shellfish lease area shall not be less than one-half acre and shall not exceed 10 acres.
- (b) To be suitable for leasing for shellfish aquaculture purposes, shellfish water column leases superjacent to a shellfish bottom lease shall meet the standards in G.S. 113-202.1 and shellfish water column leases superjacent to franchises recognized pursuant to G.S. 113-206 shall meet the standards in G.S. 113-202.2.
- (c) Franchises recognized pursuant to G.S. 113-206 and shellfish bottom leases shall be terminated unless they meet the following requirements, in addition to the standards in and as allowed by G.S. 113-202:
  - (1) they produce and market 10 bushels of shellfish per acre per year; and
  - (2) they are planted with 25 bushels of seed shellfish per acre per year or 50 bushels of cultch per acre per year, or a combination of cultch and seed shellfish where the percentage of required cultch planted and the percentage of required seed shellfish planted totals at least 100 percent.
- (d) Shellfish water column leases shall be terminated unless they meet the following requirements, in addition to the standards in and as allowed by G.S. 113-202.1 and 113-202.2:
  - (1) they produce and market 40 bushels of shellfish per acre per year; or
  - (2) the underlying bottom is planted with 100 bushels of cultch or seed shellfish per acre per year.
- (e) The following standards shall be applied to determine compliance with Paragraphs (c) and (d) of this Rule:
  - (1) Only shellfish marketed, planted, or produced as defined in 15A NCAC 03I .0101 as the fishing activities "shellfish marketing from leases and franchises," "shellfish planting effort on leases and franchises," or "shellfish production on leases and franchises" shall be included in the shellfish lease and franchise reports required by Rule .0207 of this Section.
  - (2) If more than one shellfish lease or franchise is used in the production of shellfish, one of the leases or franchises used in the production of the shellfish shall be designated as the producing lease or franchise for those shellfish. Each bushel of shellfish shall be produced by only one shellfish lease or franchise. Shellfish transplanted between shellfish leases or franchises shall be credited as planting effort on only one lease or franchise.
  - (3) Production and marketing information and planting effort information shall be compiled and averaged separately to assess compliance with the requirements of this Rule. The shellfish lease or franchise shall meet both the production requirement and the planting effort requirement within the dates set forth in G.S. 113-202.1 and G.S. 202.2 to be deemed in compliance for shellfish bottom leases. The

- shellfish lease or franchise shall meet either the production requirement or the planting effort requirement within the dates set forth in G.S. 113-202.1 and G.S. 202.2 to be deemed in compliance for shellfish water column leases.
- (4) All bushel measurements shall be in standard U.S. bushels.
- (5) In determining production and marketing averages and planting effort averages for information not reported in bushel measurements, the following conversion factors shall be used:
  - (A) 300 oysters, 400 clams, or 400 scallops equal one bushel; and
  - (B) 40 pounds of scallop shell, 60 pounds of oyster shell, 75 pounds of clam shell, or 90 pounds of fossil stone equal one bushel.
- (6) Production and marketing rate averages shall be computed irrespective of transfer of the shellfish lease or franchise. The production and marketing rates shall be averaged for the following situations using the time periods described:
  - (A) for an initial shellfish bottom lease or franchise, over the consecutive full calendar years remaining on the bottom lease or franchise contract after December 31 following the second anniversary of the initial bottom lease or franchise;
  - (B) for a renewal shellfish bottom lease or franchise, over the consecutive full calendar years beginning January 1 of the final year of the previous bottom lease or franchise term and ending December 31 of the final year of the current bottom lease or franchise contract;
  - (C) for a shellfish water column lease, over the first five-year period for an initial water column lease and over the most recent five-year period thereafter for a renewal water column lease; or
  - (D) for a shellfish bottom lease or franchise issued an extension period under Rule .0208 of this Section, over the most recent five-year period.
- (7) In the event that a portion of an existing shellfish lease or franchise is obtained by a new lease or franchise holder, the production history for the portion obtained shall be a percentage of the originating lease or franchise production equal to the percentage of the area of lease or franchise site obtained to the area of the originating lease or franchise.
- (f) Persons holding five or more acres under all shellfish bottom leases and franchises combined shall meet the requirements established in Paragraph (c) of this Rule before submitting an

application for additional shellfish lease acreage to the Division of Marine Fisheries.

*History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 113-202.1; 113-202.2; 113-206; 143B-289.52; Eff. January 1, 1991; Amended Eff. May 1, 1997; March 1, 1995; March 1, 1994; September 1, 1991; Temporary Amendment Eff. October 1, 2001; Amended Eff. May 1, 2017; October 1, 2008; April 1, 2003; Readopted Eff. (Pending legislative review of 15A NCAC 030 .0204).*

**15A NCAC 030 .0202 SHELLFISH LEASE APPLICATIONS**

(a) Application forms are available from the Division of Marine Fisheries, 3441 Arendell Street, Morehead City, NC 28557 for persons desiring to apply for a shellfish lease. Each application shall be accompanied by a map or diagram prepared at the applicant's expense including an inset vicinity map showing the location of the proposed shellfish lease with detail sufficient to permit on-site identification pursuant to G.S. 113-202(d1).

(b) As a part of the application, the applicant shall submit a Shellfish Lease Management Plan for the area to be leased for shellfish aquaculture purposes on a form provided by the Division that shall:

- (1) state the methods through which the applicant will cultivate and produce shellfish consistent with the requirements in accordance with Rule .0201 of this Section;
- (2) state the time intervals during which phases of cultivation and production will be achieved;
- (3) state the materials and techniques that will be utilized in management of the shellfish lease;
- (4) forecast the results expected to be achieved by the Shellfish Lease Management Plan activities;
- (5) describe the productivity of any other shellfish leases or franchises held by the applicant; and
- (6) state the locations of each corner defining the area to be leased with no more than eight corners.

(c) The completed application, map or diagram, and Shellfish Lease Management Plan for the requested shellfish lease shall be accompanied by the non-refundable filing fee set forth in G.S. 113-202(d1), G.S. 113-202.1(c)(1), and G.S. 113-202.2(c)(1). An incomplete application shall be returned and not considered further until re-submitted complete with all required information.

(d) Applicants and transferees not currently holding a shellfish lease, and applicants and transferees holding one or more shellfish leases that are not meeting production requirements, shall complete the Shellfish Aquaculture Education Program provided by the Division. The Shellfish Aquaculture Education Program shall provide the applicant information on shellfish aquaculture including:

- (1) shellfish lease application process;
- (2) shellfish lease requirements and techniques;
- (3) shellfish sanitation and National Shellfish Sanitation Program requirements;

- (4) shellfish harvest requirements;
- (5) aquaculture permits;
- (6) best management practices; and
- (7) shellfish lease user conflict avoidance.

(e) After an application is deemed to have met all requirements and is accepted by the Division, the applicant shall mark the area for which a shellfish lease is requested with stakes at each corner in accordance with Rule .0204(a)(1)(A) of this Section. The applicant shall attach to each stake a sign, provided by the Division containing the name of the applicant, the date the application was filed, and the estimated acres. The applicant shall be responsible for ensuring the sign remains in place until the shellfish lease application process is completed.

*History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 113-206; 143B-289.52; Eff. January 1, 1991; Amended Eff. April 1, 2011; September 1, 2005; May 1, 1997; September 1, 1991; Readopted Eff. (Pending legislative review of 15A NCAC 030 .0204).*

**15A NCAC 030 .0204 MARKING SHELLFISH LEASES AND FRANCHISES**

(a) All shellfish leases and franchises shall be marked by the lease or franchise holder as follows:

- (1) Shellfish bottom leases and franchises shall be marked by:
  - (A) stakes of wood or plastic material no less than three inches in diameter and no more than 12 inches in diameter at the mean high water mark and extending at least four feet above the mean high water mark for each corner, except stakes more than 12 inches in diameter approved as part of a Coastal Area Management Act Permit issued in accordance with G.S. 113A-118 and G.S. 113-229 shall be allowed. The stakes shall be firmly jettied or driven into the bottom at each corner as identified in Rule .0202(b)(6) of this Section.
  - (B) signs displaying the number of the shellfish lease or franchise and the name of the lease or franchise holder printed in letters at least three inches high shall be firmly attached to each corner stake.
  - (C) yellow light reflective tape or yellow light reflective devices on each corner stake. The yellow light reflective tape or yellow light reflective devices shall be affixed to each corner stake, shall cover a vertical distance of not less than 12 inches, and shall be visible from all directions.
  - (D) supplementary stakes of wood or plastic material no less than three



inches in diameter and no more than four inches in diameter, not farther apart than 150 feet or closer together than 50 feet and extending at least four feet above the mean high water mark, shall be placed along each boundary, except if doing so interferes with the use of traditional navigation channels.

- (2) Shellfish water column leases shall be marked at each corner of the area by signs giving notice and providing caution in addition to the required signs as identified and approved by the Secretary in the Shellfish Lease Management Plan as set forth in Rule .0202 of this Section.

(b) Stakes marking areas of management within shellfish bottom leases or franchises, as approved in the Shellfish Lease Management Plan, shall conform to Part (a)(1)(D) of this Rule and may not exceed one for each 1,200 square feet. Marking at concentrations of stakes greater than one for each 1,200 square feet constitutes use of the water column and a shellfish water column lease is required in accordance with G.S. 113-202.1 or G.S. 113-202.2.

(c) All areas claimed in filings made pursuant to G.S. 113-205 as deeded bottoms through oyster grants issued by the county clerk of court or as private bottoms through perpetual franchises issued by the Shellfish Commission shall be marked in accordance with Paragraph (a) of this Rule, except the sign shall include the number of the franchise rather than the number of the shellfish lease. However, claimed areas not being managed and cultivated shall not be marked.

(d) It shall be unlawful to exclude or attempt to exclude the public from allowable public trust use of navigable waters on shellfish leases and franchises including fishing, hunting, swimming, wading, and navigation.

(e) The Division has no duty to protect any shellfish lease or franchise not marked in accordance with Paragraph (a) of this Rule.

*History Note: Authority G.S. 76-40; 113-134; 113-182; 113-201; 113-202; 113-202.1; 113-202.2; 113-205; 113-206; 143B-289.52;*

*Eff. January 1, 1991;*

*Amended Eff. September 1, 1997; March 1, 1994; October 1, 1992; September 1, 1991;*

*Readopted Eff. Pending Legislative Review.*

**15A NCAC 03R .0104 PERMANENT SECONDARY NURSERY AREAS**

The permanent secondary nursery areas referenced in 15A NCAC 03N .0105(a) are delineated in the following coastal water areas:

- (1) Roanoke Sound:  
 Inner Shallowbag Bay - west of a line beginning on the northeast shore at a point 35° 54.6729' N – 75° 39.8099' W; running southerly to the southeast shore to a point 35° 54.1722' N – 75° 39.6806' W;
- (2) in the Pamlico Long Sound Area:  
 (a) Long Shoal River - north of a line beginning at the 5th Avenue Canal at

- a point 35° 35.2120' N – 75° 53.2232' W; running easterly to the east shore on Pains Point to a point 35° 35.0666' N – 75° 51.2000' W;
- (b) Pains Bay - east of a line beginning on Pains Point at a point 35° 35.0666' N – 75° 51.2000' W; running southerly to Rawls Island to a point 35° 34.4666' N – 75° 50.9666' W; running easterly to the east shore to a point 35° 34.2309' N – 75° 50.2695' W;
- (c) Wysocking Bay - northwest of a line beginning at Benson Point at a point 35° 22.9684' N – 76° 03.7129' W; running northeasterly to Long Point to a point 35° 24.6895' N – 76° 01.3155' W;
- (d) Juniper Bay-Cunning Harbor - north of a line beginning on the west shore of Juniper Bay at a point 35° 20.6217' N – 76° 15.5447' W; running easterly to a point 35° 20.4372' N – 76° 13.2697' W; running easterly to the east shore of Cunning Harbor to a point 35° 20.3413' N – 76° 12.3378' W;
- (e) Swanquarter Bay - north of a line beginning at The Narrows at a point 35° 20.9500' N – 76° 20.6409' W; running easterly to the east shore to a point 35° 21.5959' N – 76° 18.3580' W;
- (f) Deep Cove - The Narrows - north and east of a line beginning on the west shore at a point 35° 20.9790' N – 76° 23.8577' W; running southeasterly to Swanquarter Island to a point 35° 20.5321' N – 76° 22.7869' W; and west of a line at The Narrows beginning on the north shore to a point 35° 20.9500' N – 76° 20.6409' W; running southerly to Swanquarter Island to a point 35° 20.7025' N – 76° 20.5620' W;
- (g) Rose Bay - north of a line beginning on Long Point at a point 35° 23.3404' N – 76° 26.2491' W; running southeasterly to Drum Point to a point 35° 22.4891' N – 76° 25.2012' W;
- (h) Spencer Bay - northwest of a line beginning on Roos Point at a point 35° 22.3866' N – 76° 27.9225' W; running northeasterly to Long Point to a point 35° 23.3404' N – 76° 26.2491' W;
- (i) Abel Bay - northeast of a line beginning on the west shore at a point 35° 23.6463' N – 76° 31.0003' W; running southeasterly to the east shore to a point 35° 22.9353' N – 76° 29.7215' W;

- (j) Mouse Harbor - west of a line beginning on Persimmon Tree Point at a point 35° 18.3915' N – 76° 29.0454' W; running southerly to Yaupon Hammock Point to a point 35° 17.1825' N – 76° 28.8713' W;
- (k) Big Porpoise Bay - northwest of a line beginning on Big Porpoise Point at a point 35° 15.6993' N – 76° 28.2041' W; running southwesterly to Middle Bay Point to a point 35° 14.9276' N – 76° 28.8658' W;
- (l) Middle Bay - west of a line beginning on Deep Point at a point 35° 14.8003' N – 76° 29.1923' W; running southerly to Little Fishing Point to a point 35° 13.5419' N – 76° 29.6123' W;
- (m) Jones Bay - west of a line beginning on Mink Trap Point at a point 35° 13.4968' N – 76° 31.1040' W; running southerly to Boar Point to a point 35° 12.3253' N – 76° 31.2767' W; and
- (n) in the Bay River Area:
  - (i) Bonner Bay - southeast of a line beginning on the west shore at a point 35° 09.6281' N – 76° 36.2185' W; running northeasterly to Davis Island Point to a point 35° 10.0888' N – 76° 35.2587' W; and
  - (ii) Gales Creek-Bear Creek - north and west of a line beginning on Sanders Point at a point 35° 11.2833' N – 76° 35.9000' W; running northeasterly to the east shore to a point 35° 11.9000' N – 76° 34.2833' W;
- (3) in the Pamlico and Pungo Rivers Area:
  - (a) Pungo River - north of a line beginning on the west shore at a point 35° 32.2000' N – 76° 29.2500' W; running east near Beacon "21" to the east shore to a point 35° 32.0833' N – 76° 28.1500' W;
  - (b) Pungo Creek - west of a line beginning on Persimmon Tree Point at a point 35° 30.7633' N – 76° 38.2831' W; running southwesterly to Windmill Point to a point 35° 31.1546' N – 76° 37.7590' W;
  - (c) Scranton Creek - south and east of a line beginning on the west shore at a point 35° 30.6810' N – 76° 28.3435' W; running easterly to the east shore to a point 35° 30.7075' N – 76° 28.6766' W;
  - (d) Slade Creek - east of a line beginning on the west shore at a point 35° 27.8879' N – 76° 32.9906' W; running southeasterly to the east shore to a point 35° 27.6510' N – 76° 32.7361' W;
- (e) Fortescue Creek - east of a line beginning on Pasture Point at a point 35° 25.9213' N – 76° 31.9135' W; running southerly to the Lupton Point shore to a point 35° 25.6012' N – 76° 31.9641' W;
- (f) Pamlico River - west of a line beginning on Ragged Point at a point 35° 27.5768' N – 76° 54.3612' W; running southwesterly to Mauls Point to a point 35° 26.9176' N – 76° 55.5253' W;
- (g) North Creek - north of a line beginning on the west shore at a point 35° 25.3988' N – 76° 40.0455' W; running southeasterly to the east shore to a point 35° 25.1384' N – 76° 39.6712' W;
- (h) South Creek - west of a line beginning on Hickory Point at a point 35° 21.7385' N – 76° 41.5907' W; running southerly to Fork Point to a point 35° 20.7534' N – 76° 41.7870' W;
- (i) Bond Creek/Muddy Creek - south of a line beginning on Fork Point at a point 35° 20.7534' N – 76° 41.7870' W; running southeasterly to Gum Point to a point 35° 20.5632' N – 76° 41.4645' W;
- (j) in the Goose Creek Area, Campbell Creek - west of a line beginning on the north shore at a point 35° 17.3600' N – 76° 37.1096' W; running southerly to the south shore to a point 35° 16.9876' N – 76° 37.0965' W; and
- (k) Oyster Creek-Middle Prong - southwest of a line beginning on Pine Hammock at a point 35° 19.5586' N – 76° 32.8830' W; running easterly to Cedar Island to a point 35° 19.5490' N – 76° 32.7365' W; and southwest of a line beginning on Cedar Island at a point 35° 19.4921' N – 76° 32.2590' W; running southeasterly to Beard Island Point to a point 35° 19.1265' N – 76° 31.7226' W;
- (4) in the Neuse River Area:
  - (a) Lower Broad Creek - west of a line beginning on the north shore at a point 35° 05.8314' N – 76° 35.3845' W; running southwesterly to the south shore to a point 35° 05.5505' N – 76° 35.7249' W;
  - (b) Greens Creek - north of a line beginning on the west shore of Greens

- Creek at a point 35° 01.3476' N – 76° 42.1740' W; running northeasterly to the east shore to a point 35° 01.4899' N – 76° 41.9961' W;
- (c) Dawson Creek - north of a line beginning on the west shore at a point 34° 59.5920' N – 76° 45.4620' W; running southeasterly to the east shore to a point 34° 59.5800' N – 76° 45.4140' W;
- (d) Goose Creek - north and east of a line beginning at a point on the west shore at a point 35° 02.6642' N – 76° 56.4710' W; running southeasterly to a point on Cooper Point 35° 02.0908' N – 76° 56.0092' W;
- (e) Upper Broad Creek - northeast of a line beginning at a point on Rowland Point on the north shore at a point 35° 02.6166' N – 76° 56.4500' W; running southeasterly to the south shore to a point 35° 02.8960' N – 76° 56.7865' W;
- (f) Clubfoot Creek - south of a line beginning on the west shore at a point 34° 54.5424' N – 76° 45.7252' W; running easterly to the east shore to a point 34° 54.4853' N – 76° 45.4022' W; and
- (g) in the Adams Creek Area, Cedar Creek - east of a line beginning on the north shore at a point 34° 56.1203' N – 76° 38.7988' W; running southerly to the south shore to a point 34° 55.8745' N – 76° 38.8153' W;
- (5) Newport River - west of a line beginning near Penn Point on the south shore at a point 34° 45.6960' N – 76° 43.5180' W; running northeasterly to the north shore to a point 34° 46.8490' N – 76° 43.3296' W;
- (6) Virginia Creek - all waters of the natural channel northwest of the primary nursery area line;
- (7) Old Topsail Creek - all waters of the dredged channel northwest of the primary nursery area line;
- (8) Mill Creek - all waters west of a line beginning on the north shore at a point 34° 20.6420' N – 77° 42.1220' W; running southwesterly to the south shore to a point 34° 20.3360' N – 77° 42.2400' W;
- (9) Pages Creek - all waters west of a line beginning on the north shore at a point 34° 16.1610' N – 77° 45.9930' W; running southwesterly to the south shore to a point 34° 15.9430' N – 77° 46.1670' W;
- (10) Bradley Creek - all waters west of a line beginning on the north shore at a point 34° 12.7030' N – 77° 49.1230' W; running southerly near the dredged channel to a point 34° 12.4130' N – 77° 49.2110' W;
- (11) Cape Fear River - all waters bounded by a line beginning on the south side of the Spoil Island at the intersection of the Intracoastal Waterway and the Cape Fear River ship channel at a point 34° 01.5780' N – 77° 56.0010' W; running easterly to the east shore of the Cape Fear River to a point 34° 01.7230' N – 77° 55.1010' W; running southerly and bounded by the shoreline to the Ferry Slip at Federal Point at a point 33° 57.8080' N – 77° 56.4120' W; running northerly to Bird Island to a point 33° 58.3870' N – 77° 56.5780' W; running northerly along the west shoreline of Bird Island and the Cape Fear River spoil islands back to the point of origin;
- (12) Lockwood Folly River - all waters north of a line beginning on Howells Point at a point 33° 55.3680' N – 78° 12.7930' W and running in a westerly direction along the Intracoastal Waterway near Intracoastal Waterway Marker "46" to a point 33° 55.3650' N – 78° 13.8500' W;
- (13) Saucepan Creek - all waters north of a line beginning on the west shore at a point 33° 54.6290' N – 78° 22.9170' W; running northeasterly to the east shore to a point 33° 54.6550' N – 78° 22.8670' W; and
- (14) Davis Creek - all waters east of a line beginning on Horse Island at a point 33° 55.0160' N – 78° 12.7380' W; running southerly to Oak Island to a point 33° 54.9190' N – 78° 12.7170' W; continuing upstream to the primary nursery line and Davis Canal, all waters southeast of a line beginning on Pinner Point at a point 33° 55.2930' N – 78° 11.6390' W; running southwesterly across the mouth of Davis Canal to the spoil island at the southwest intersection of the Intracoastal Waterway and Davis Canal to a point 33° 55.2690' N – 78° 11.6550' W.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52; Eff. January 1, 1991; Amended Eff. March 1, 1996; March 1, 1994; Recodified from 15A NCAC 3R .0004 Eff. December 17, 1996; Amended Eff. April 1, 2011; August 1, 2004; May 1, 1997; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018; Amended Eff. May 1, 2021.*

**15A NCAC 03R .0105 SPECIAL SECONDARY NURSERY AREAS**

The special secondary nursery areas referenced in 15A NCAC 03N .0105(b) are designated in the following coastal water areas:

- (1) Roanoke Sound:
- (a) Outer Shallowbag Bay - west of a line beginning on Baum Point at a point 35° 55.1461' N – 75° 39.5618' W;

- running southeasterly to Ballast Point to a point 35° 54.6250' N – 75° 38.8656' W; including the canal on the southeast shore of Shallowbag Bay; and
- (b) Kitty Hawk Bay/Buzzard Bay - within the area designated by a line beginning at a point on the east shore of Colington Creek at a point 36° 02.4360' N – 75° 42.3189' W; running westerly to a point 36° 02.6630' N – 75° 41.4102' W; running along the shoreline to a point 36° 02.3264' N – 75° 42.3889' W; running southwesterly to a point 36° 02.1483' N – 75° 42.4329' W; running along the shoreline to a point 36° 01.6736' N – 75° 42.5313' W; running southwesterly to a point 36° 01.5704' N – 75° 42.5899' W; running along the shoreline to a point 36° 00.9162' N – 75° 42.2035' W; running southeasterly to a point 36° 00.8253' N – 75° 42.0886' W; running along the shoreline to a point 35° 59.9886' N – 75° 41.7284' W; running southwesterly to a point 35° 59.9597' N – 75° 41.7682' W; running along the shoreline to the mouth of Buzzard Bay to a point 35° 59.6480' N – 75° 32.9906' W; running easterly to Mann Point to a point 35° 59.4171' N – 75° 32.7361' W; running northerly along the shoreline to the point of beginning;
- (2) in the West Bay Area:
- (a) West Thorofare Bay - south of a line beginning on the west shore at a point 34° 57.2199' N – 76° 24.0947' W; running easterly to the east shore to a point 34° 57.4871' N – 76° 23.0737' W;
- (b) Long Bay-Ditch Bay - west of a line beginning on the north shore of Ditch Bay at a point 34° 57.9388' N – 76° 27.0781' W; running southwesterly to the south shore of Ditch Bay to a point 34° 57.2120' N – 76° 27.2185' W; then south of a line running southeasterly to the east shore of Long Bay to a point 34° 56.7633' N – 76° 26.3927' W; and
- (c) Turnagain Bay - south of a line beginning on the west shore at a point 34° 59.4065' N – 76° 30.1906' W; running easterly to the east shore to a point 34° 59.5668' N – 76° 29.3557' W;
- (3) in the Core Sound Area:
- (a) Cedar Island Bay - northwest of a line beginning near the gun club dock at a point 34° 58.7203' N – 76° 15.9645' W; running northeasterly to the south shore to a point 34° 57.7690' N – 76° 16.8781' W;
- (b) Thorofare Bay-Barry Bay - northwest of a line beginning on Rumley Hammock at a point 34° 55.4853' N – 76° 18.2487' W; running northeasterly to Hall Point to a point 34° 54.4227' N – 76° 19.1908' W;
- (c) Nelson Bay - northwest of a line beginning on the west shore of Nelson Bay at a point 34° 51.1353' N – 76° 24.5866' W; running northeasterly to Drum Point to a point 34° 51.6417' N – 76° 23.7620' W;
- (d) Brett Bay - north of a line beginning on the west shore at a point 34° 49.4019' N – 76° 26.0227' W; running easterly to Piney Point to a point 34° 49.5799' N – 76° 25.0534' W; and
- (e) Jarrett Bay - north of a line beginning on the west shore near Old Chimney at a point 34° 45.5743' N – 76° 30.0076' W; running easterly to a point east of Davis Island 34° 45.8325' N – 76° 28.7955' W;
- (4) in the North River Area:
- (a) North River - north of a line beginning on the west shore at a point 34° 46.0383' N – 76° 37.0633' W; running easterly to a point on the east shore 34° 46.2667' N – 76° 35.4933' W; and
- (b) Ward Creek - east of a line beginning on the north shore at a point 34° 46.2667' N – 76° 35.4933' W; running southerly to the south shore to a point 34° 45.4517' N – 76° 35.1767' W;
- (5) New River - all waters upstream of a line beginning on the north side of the N.C. Highway 172 Bridge at a point 34° 34.7680' N – 77° 23.9940' W; running southerly to the south side of the bridge at a point 34° 34.6000' N – 77° 23.9710' W;
- (6) Chadwick Bay - all waters west of a line beginning on the northeast side of Chadwick Bay at a point 34° 32.5630' N – 77° 21.6280' W; running southeasterly to a point near Marker "6" at 34° 32.4180' N – 77° 21.6080' W; running westerly to Roses Point at a point 34° 32.2240' N – 77° 22.2880' W; following the shoreline in Fullard Creek to a point 34° 32.0340' N – 77° 22.7160' W; running northwesterly to a point 34° 32.2210' N – 77° 22.8080' W; following the shoreline to the west point of Bump's Creek at a point 34° 32.3430' N – 77° 22.4570' W; running northeasterly to

- (7) the east shore to a point 34° 32.4400' N – 77° 22.3830' W; following the shoreline of Chadwick Bay back to the point of origin; and Intracoastal Waterway - all waters in the Intracoastal Waterway maintained channel from a point near Marker "17" north of Alligator Bay 34° 30.7930' N – 77° 23.1290' W; to a point near Marker "49" at Morris Landing at a point 34° 28.0820' N – 77° 30.4710' W; and all waters in the Intracoastal Waterway maintained channel and 100 feet on either side from Marker "49" to the N.C. Highway 50-210 Bridge at Surf City.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52; Eff. January 1, 1991; Amended Eff. March 1, 1996; March 1, 1994; Recodified from 15A NCAC 3R .0005 Eff. December 17, 1996; Amended Eff. April 1, 2011; August 1, 2004; May 1, 1997; Readopted Eff. May 1, 2021.*

**15A NCAC 03R .0117 OYSTER SANCTUARIES**

The Oyster Sanctuaries referenced in 15A NCAC 03K .0209 are delineated in the following coastal water areas:

- (1) Pamlico Sound area:
  - (a) Croatan Sound: within the area described by a line beginning at a point 35° 48.2842' N - 75° 38.3360' W; running southerly to a point 35° 48.1918' N - 75° 38.3360' W; running westerly to a point 35° 48.1918' N - 75° 38.4575' W; running northerly to a point 35° 48.2842' N - 75° 38.4575' W; running easterly to the point of beginning.
  - (b) Crab Hole: within the area described by a line beginning at a point 35° 43.6833' N - 75° 40.5083' W; running southerly to a point 35° 43.5000' N - 75° 40.5083' W; running westerly to a point 35° 43.5000' N - 75° 40.7500' W; running northerly to a point 35° 43.6833' N - 75° 40.7500' W; running easterly to the point of beginning.
  - (c) Pea Island: within the area described by a line beginning at a point 35° 05.4760' N - 76° 23.5370' W; running southerly to a point 35° 05.4760' N - 76° 23.4040' W; running westerly to a point 35° 05.3680' N - 76° 23.4040' W; running northerly to a point 35° 05.3680' N - 76° 23.5370' W; running easterly to the point of beginning.
  - (d) Long Shoal: within the area described by a line beginning at a point 35° 33.8600' N - 75° 49.9000' W; running

- (e) southerly to a point 35° 33.8600' N - 75° 49.7670' W; running westerly to a point 35° 33.7510' N - 75° 49.7670' W; running northerly to a point 35° 33.7510' N - 75° 49.9000' W; running easterly to the point of beginning.
- (e) Gibbs Shoal: within the area described by a line beginning at a point 35° 27.3550' N - 75° 55.9190' W; running southerly to a point 35° 27.1010' N - 75° 55.9190' W; running westerly to a point 35° 27.1010' N - 75° 56.2300' W; running northerly to a point 35° 27.3550' N - 75° 56.2300' W; running easterly to the point of beginning.
- (f) Deep Bay: within the area described by a line beginning at a point 35° 22.9126' N - 76° 22.1612' W; running southerly to a point 35° 22.7717' N - 76° 22.1612' W; running westerly to a point 35° 22.7717' N - 76° 22.3377' W; running northerly to a point 35° 22.9126' N - 76° 22.3377' W; running easterly to the point of beginning.
- (g) West Bluff: within the area described by a line beginning at a point 35° 18.3160' N - 76° 10.2960' W; running southerly to a point 35° 18.3160' N - 76° 10.0690' W; running westerly to a point 35° 18.1290' N - 76° 10.0690' W; running northerly to a point 35° 18.1290' N - 76° 10.2960' W; running easterly to the point of beginning.
- (h) Middle Bay: within the area described by a line beginning at a point 35° 14.1580' N - 76° 30.1780' W; running southerly to a point 35° 14.1150' N - 76° 30.1780' W; running westerly to a point 35° 14.1150' N - 76° 30.3320' W; running northerly to a point 35° 14.1580' N - 76° 30.3320' W; running easterly to the point of beginning.
- (i) Swan Island: within the area described by a line beginning at a point 35° 05.6170' N - 76° 27.5040' W; running southerly to a point 35° 05.6020' N - 76° 26.7650' W; running westerly to a point 35° 05.4850' N - 76° 26.7640' W; running northerly to a point 35° 05.4990' N - 76° 27.5030' W; running easterly to the point of beginning.
- (j) Raccoon Island: within the area described by a line beginning at a point 35° 05.4760' N - 76° 23.5370' W; running southerly to a point 35° 05.4760' N - 76° 23.4040' W; running westerly to a point 35° 05.3860' N -

76° 23.4040' W; running northerly to a point 35° 05.3680' N - 76° 23.5370' W; running easterly to the point of beginning.

- (k) West Bay: within the area described by a line beginning at a point 34° 58.8517' N - 76° 21.3632' W; running southerly to a point 34° 58.7661' N - 76° 21.3632' W; running westerly to a point 34° 58.7661' N - 76° 21.4735' W; running northerly to a point 34° 58.8517' N - 76° 21.4735' W; running easterly to the point of beginning.

(2) Neuse River area:

- (a) Little Creek: within the area described by a line beginning at a point 35° 02.6940' N - 76° 30.9840' W; running southerly to a point 35° 02.6940' N - 76° 30.7940' W; running westerly to a point 35° 02.5380' N - 76° 30.7940' W; running northerly to a point 35° 02.5380' N - 76° 30.9840' W; running easterly to the point of beginning.

- (b) Neuse River: within the area described by a line beginning at a point 35° 00.4910' N - 76° 31.9350' W; running southerly to a point 35° 00.3750' N - 76° 31.9350' W; running westerly to a point 35° 00.3750' N - 76° 32.0750' W; running northerly to a point 35° 00.4910' N - 76° 32.0750' W; running easterly to the point of beginning.

History Note: Authority G.S. 113-134; 113-182; 113-201; 113-204; 143B-289.52; Eff. October 1, 2008; Amended Eff. April 1, 2011; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018; Amended Eff. May 1, 2021.

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15A NCAC 10A .1102 EMERGENCY CLOSURES AND WAIVERS

- (a) The Commission may prohibit or restrict public access to and use of Wildlife Resources Commission property if the Commission finds that the closure is necessary to protect public health, public safety, or wildlife resources. Closures exercised under this Paragraph shall only be exercised for the duration of the threat.
(b) The Commission may waive any rule in this Chapter or portion thereof, that is not statutorily required, upon declaration of a national emergency, disaster, or state of emergency, by a federal, state, or local governmental authority impacting North Carolina. Waivers exercised under this Paragraph shall only be exercised for the duration of the declaration.

(c) The Commission may delegate emergency closure and waiver authority to the Executive Director.

(d) The following factors shall be considered in determining whether to restrict or prohibit public access or use, or waive requirements of rule:

- (1) need for the closure or waiver;
(2) degree of benefit to the public, if applicable;
(3) degree of benefit to the resource, if applicable;
(4) degree of disruption to the Commission; and
(5) cost to the Commission.

(e) All closures and waivers shall be posted on the Commission website at www.ncwildlife.org.

(f) It is unlawful to use, enter, or remain on Wildlife Resources Commission Property that is closed pursuant to this Rule.

History Note: Authority G.S. 113-134; 113-264; 113-306(c); Eff. August 1, 2021.

15A NCAC 10B .0106 WILDLIFE TAKEN FOR DEPREDATIONS

(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 endangered or threatened species of wildlife listed under 15A NCAC 10I, except alligators, by reason of depredations to property. 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.

(e) Each depredation permit shall have an expiration date. A depredation permit authorizes the possession of wildlife resources taken under the authority of the permit. Depredation permits shall be retained as long as the wildlife resource is in the authorized individual's possession. Individuals taking wildlife resources under the authority of a depredation permit shall comply with the conditions of the permit and the requirements specified in this Rule.

(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 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.

(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 (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 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.

(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.

*History Note: 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;*

*Eff. February 1, 1976;*

*Amended Eff. August 1, 2013; January 1, 2012; August 1, 2010; July 1, 2010; May 1, 2008; August 1, 2002; July 1, 1997; July 1, 1995; January 1, 1995; January 1, 1992; August 1, 1990;*

*Temporary Amendment Eff. August 1, 2014 and shall remain in effect until amendments expire as specified in G.S. 150B-21.1(d) or the United States District Court for the Eastern District of North Carolina's court order number 2:13-CV-60-BOs signed on May 13, 2014 is rescinded, whichever date is earlier. The court order is available at [www.ncwildlife.org](http://www.ncwildlife.org);*

*Temporary Amendment Eff. February 27, 2015;*

*Amended Eff. May 1, 2021; October 1, 2019; December 1, 2016; July 1, 2016; May 1, 2016.*

**15A NCAC 10B .0110 ATTENDANCE OF TRAPS**

(a) Every trap shall be visited daily and any animal caught therein removed, except for completely submerged conibear type traps which shall be visited once every 72 hours and any animal caught therein removed.

(b) Remote trap checking systems may be used in lieu of visiting the trap, provided the system has the following features:

- (1) a control unit that monitors the trap in real-time and reports trap status and unit status to a centralized application database at least once every 12 hours;
- (2) a software application that notifies the user of unit status, trap activity, and system health issues within 10 minutes of these events via email, text-based messaging systems, or an in-application notification; and
- (3) an on-demand test procedure that is used at each deployment of a unit to confirm that the unit is placed in a location where its wireless communication can be received and processed.

(c) If the remote trap checking system control unit reports a trap closure, the trap shall be physically visited within 24 hours of the time the trap was reported closed.

(d) If a remote trap checking system control unit fails to report its status after a 12-hour period, or reports a system health issue, the trap shall be physically visited within 24 hours of the last time a status report was sent.

(e) Remote trap checking system users shall maintain records of trap status and notification alarms for at least seven days after receipt. Records shall be made available for inspection upon request by a representative of the Commission.

*History Note: Authority G.S. 113-134; 113-291.6;*

*Eff. February 1, 1976;*

*Amended Eff. August 1, 2002; July 1, 1988;*

*Readopted Eff. August 1, 2021.*

**15A NCAC 10B .0116 PERMITTED ARCHERY EQUIPMENT**

(a) "Archery equipment" means any device that has a solid, stationary handle, two limbs, and a string, that uses non-



pneumatic means to propel a single arrow or bolt and may be used to take game and nongame species.

(b) When used for taking bear, deer, elk, wild turkey, alligator, and feral swine, longbows and recurved bows shall have a minimum pull of 40 pounds, compound bows having a minimum pull of 35 pounds, and crossbows shall have a minimum pull of 100 pounds.

(c) Archery equipment utilizing an elastic string and having a minimum pull of 40 pounds may be used to take deer, wild turkey, small game animals, nongame animals, and nongame fish.

(d) Only arrows and bolts with a fixed minimum broadhead width of seven-eighths of an inch or a mechanically opening broadhead with a width of at least seven-eighths of an inch in the open position shall be used for taking bear, deer, elk, wild turkey, alligator, and feral swine.

(e) Blunt-type arrow heads may be used in taking small animals and birds including rabbits, squirrels, quail, grouse, and pheasants.

(f) Poisonous, drugged, or explosive arrowheads shall not be used for taking any wildlife.

*History Note: Authority G.S. 113-134; 113-291.1(a); Eff. September 1, 1980; Amended Eff. August 1, 2014; August 1, 2012; July 10, 2010; May 1, 2007; August 1, 2002; July 1, 2000; July 1, 1998; July 1, 1996; August 1, 1990; Readopted Eff. August 1, 2019; Amended Eff. August 1, 2021.*

**15A NCAC 10B .0202 BEAR**

(a) Open Seasons for hunting bear shall be from the:

- (1) Monday on or nearest October 15 through the Saturday before Thanksgiving and the third Monday after Thanksgiving through January 1 in and west of Surry, Wilkes, Caldwell, Burke, and Cleveland counties;
- (2) Second Monday in November through January 1 in Bladen, Brunswick, Carteret, Columbus, Cumberland, Duplin, New Hanover, Onslow, Pamlico, Pender, Robeson, and Sampson counties;
- (3) Second Saturday in November through the second Sunday thereafter and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Beaufort, Bertie, Craven, Hertford, Jones, Martin, and Washington counties;
- (4) Second Saturday in November through the third Sunday thereafter and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Dare, Hyde, and Tyrrell counties;
- (5) Second Saturday in November through the second Sunday thereafter and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Currituck, Gates, and Perquimans counties;
- (6) Second Sunday in November through the following Sunday, when November 1 falls on a

Sunday the season shall be from the third Sunday in November through the following Sunday, and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Camden, Chowan, and Pasquotank counties;

- (7) Third Saturday in November through the fifth Sunday thereafter in Edgecombe, Greene, Halifax, Lenoir, Nash, Northampton, Pitt, Wayne, and Wilson counties; and
- (8) Concurrent with the open season for all lawful weapons for hunting deer as specified in 15A NCAC 10B .0203(a)(1) in Alamance, Alexander, Anson, Cabarrus, Caswell, Catawba, Chatham, Davie, Davidson, Durham, Franklin, Forsyth, Gaston, Granville, Guilford, Harnett, Hoke, Iredell, Johnston, Lee, Lincoln, Mecklenburg, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Scotland, Stanly, Stokes, Union, Vance, Wake, Warren, and Yadkin counties.

(b) Restrictions

- (1) For purposes of this Paragraph, "bait" means any natural, unprocessed food product that is a grain, fruit, nut, vegetable, or other material harvested from a plant crop that is not modified from its raw components.
- (2) Bears shall not be taken with the use or aid of:
  - (A) any processed food product as defined in G.S. 113-294(r), any animal, animal part or product, salt, salt lick, honey, sugar, sugar-based material, syrups, candy, pastry, gum, candy block, oils, spices, peanut butter, or grease;
  - (B) any extracts of substances identified in Part (A) of this Subparagraph;
  - (C) any substances modified by substances identified in Part (A) of this Subparagraph, including any extracts of those substances; or
  - (D) any bear bait attractant, including sprays, aerosols, scent balls, and scent powders.
- (3) Bears may be taken with the aid of bait from the Monday on or nearest October 15 to the Saturday before Thanksgiving in the counties in Subparagraph (a)(1) of this Rule.
- (4) Bears may be taken with the aid of bait during the entire open season in the counties identified in Subparagraphs (a)(2) through (a)(6) of this Rule.
- (5) Bears shall not be taken while in the act of consuming bait.
- (6) Hunters shall not take bears using dogs in the following counties: Alamance south of Interstate 85, Anson west of N.C. Hwy 742, Cabarrus, Chatham, Davie, Davidson, Franklin, Forsyth, Gaston, Guilford, Lee, Lincoln, Mecklenburg, Montgomery, Orange south of

Interstate 85, Randolph, Rockingham, Rowan, Stanly, Union, and Wake south of N.C. Hwy 98. In all other counties and parts of counties, hunters may take bears using dogs and may release dogs in the vicinity of bait.

(c) No Open Season. It shall be unlawful to take bear on posted bear sanctuaries except when authorized by permit issued by the Commission. See 15A NCAC 10D .0106 for posted bear sanctuaries.

(d) The daily bag limit for bear is one, the possession limit is one, and the season limit is one.

*History Note: Authority G.S. 113-134; 113-291.1; 113-291.2; 113-291.7; 113-305; Eff. February 1, 1976; Amended Eff. July 1, 1998; September 1, 1995; July 1, 1995; July 1, 1994; April 14, 1992; Temporary Amendment Eff. July 1, 1999; Amended Eff. July 1, 2000; Temporary Amendment Eff. July 1, 2002; Amendment Eff. August 1, 2002; Temporary Amendment Eff. September 1, 2003; Temporary Amendment Expired Eff. December 27, 2003; Amended Eff. August 1, 2015; August 1, 2014; August 1, 2012; August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005; Temporary Amendment Eff. May 31, 2016; Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016; Temporary Amendment Eff. August 1, 2018; Amended Eff. August 1, 2019; Temporary Amendment Eff. September 1, 2020; Amended Eff. August 1, 2021.*

**15A NCAC 10B .0203 DEER (WHITE-TAILED)**

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

(1) Deer With Visible Antlers. Deer with antlers or spikes protruding through the skin, as distinguished from knobs or buttons covered by skin or velvet, may be taken on all game lands except Buffalo Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South Mountains Game Lands (Refer to 15A NCAC 10D .0103 for Deer With Visible Antlers seasons on these Game Lands), during the following seasons:

(A) Saturday on or nearest October 15 through January 1 in all of Beaufort, Bladen, Brunswick, Carteret, Columbus\*, Cumberland, Craven, Dare, Duplin, Harnett, Hoke, Hyde, Jones, Lenoir, Moore, New Hanover, Onslow, Pamlico, Pender, Richmond, Robeson, Sampson, Scotland, Tyrrell, and Washington counties.

\*Unlawful to hunt or kill deer in Lake Waccamaw or within 50 yards of its shoreline.

(B) Saturday on or nearest October 15 through January 1 in all of Bertie,

Camden, Chowan, Currituck, Edgemcombe, Franklin, Gates, Greene, Halifax, Hertford, Johnston, Martin, Nash, Northampton, Pasquotank, Perquimans, Pitt, Vance, Wake, Warren, Wayne, and Wilson counties.

(C) Saturday before Thanksgiving Day through January 1 in all of Alexander, Alleghany, Ashe, Catawba, Cleveland, Davie, Forsyth, Gaston, Iredell, Lincoln, Polk, Rutherford, Stokes, Surry, Watauga, Wilkes, and Yadkin counties.

(D) Monday of Thanksgiving week through the third Saturday after Thanksgiving Day in all of Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Swain, Transylvania, and Yancey counties.

(E) Two Saturdays before Thanksgiving Day through January 1 in all of Alamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Durham, Granville, Guilford, Lee, Mecklenburg, Montgomery, Orange, Person, Randolph, Rockingham, Rowan, Stanly, and Union counties.

(F) Saturday on or nearest September 10 through January 1 in those parts of Camden, Gates, and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in those parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National Wildlife Refuge; in that part of Hyde county known as Lake Mattamuskeet National Wildlife Refuge; in those parts of Dare and Hyde counties known as Alligator River National Wildlife Refuge; in those parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge; and in that part of Currituck County known as the Mackay Island National Wildlife Refuge.

(2) Deer of Either Sex. Except on Game Lands, deer of either sex may be taken during the open seasons and in the counties and portions of counties listed in Parts (A), (B), (C), (D), (E), (F), and (G) of this Subparagraph (Refer to 15A NCAC 10D .0103 for either-sex deer seasons on Game Lands). Deer of either sex may be taken during the open season identified in Part (H) of this Subparagraph.

(A) The open either-sex deer hunting dates established by the U.S. Fish and

- Wildlife Service during the period from the Saturday on or nearest September 10 through January 1 in those parts of Camden, Gates, and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in those parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National Wildlife Refuge; in those parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge; and in those parts of Currituck County known as the Currituck National Wildlife Refuge and the Mackay Island National Wildlife Refuge.
- (B) The open either-sex deer hunting dates established by the appropriate military commands at each of the military installations listed in this Paragraph, during the period from Saturday on or nearest October 15 through January 1 in that part of Brunswick County known as the Sunny Point Military Ocean Terminal, in that part of Craven County known and marked as Cherry Point Marine Base, in that part of Onslow County known and marked as the Camp Lejeune Marine Base, on Fort Bragg Military Reservation, and on Camp Mackall Military Reservation.
- (C) Youth either-sex deer hunts. First Saturday in October for youth either-sex deer hunting by permit only on a portion of Belews Creek Steam Station in Stokes County designated by agents of the Commission; the third Saturday in October for youth either-sex deer hunting by permit only on Mountain Island State Forest in Lincoln and Gaston counties; and the second Saturday in November for youth either-sex deer hunting by permit only on apportion of Warrior Creek located on W. Kerr Scott Reservoir, Wilkes County designated by agents of the Commission. A youth is defined as a person under 18 years of age.
- (D) The first open Saturday of the Deer with Visible Antlers season described in Subparagraph (a)(1) of this Rule in all of Buncombe\*, Haywood, Henderson, Madison, and Transylvania counties.  
\*Except for that part east of NC 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of NC 280
- (E) The first open day of the Deer With Visible Antlers season described in Subparagraph (a)(1) of this Rule through the first Saturday thereafter in all of Avery, Burke, Caldwell, McDowell, Mitchell, and Yancey counties.
- (F) The first open day of the Deer with Visible Antlers season described in Subparagraph (a)(1) of this Rule through the second Friday thereafter in all of Cleveland, Polk, and Rutherford counties.
- (G) All the open days of the Deer With Visible Antlers season described in Subparagraph (a)(1) of this Rule in and east of Ashe, Watauga, Wilkes, Alexander, Catawba, Lincoln, and Gaston counties and in the following parts of counties: Buncombe: That part east of NC 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of NC 280; and Henderson: That part east of NC 191 and north and west of NC 280.
- (H) The fourth Saturday in September in all counties, subject to the following restriction: only persons under the age of 18 years may hunt.
- (b) Open Seasons (Archery) for hunting deer:
- (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph and the bag limits set out in Paragraph (e) of this Rule, deer may be taken with archery equipment during the following seasons:
- (A) Saturday on or nearest September 10 through the day immediately preceding the first open day of the Blackpowder Firearms and Archery Seasons described in Subparagraph (c)(1) of this Rule; and the Sunday immediately following the closing of blackpowder firearms and archery season identified in Part (c)(1)(B) of this Rule to the Sunday before Thanksgiving in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (a)(1)(D) of this Rule except on Buffalo Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South Mountains Game Lands (Refer to 15A NCAC 10D .0103 for Archery seasons on these Game Lands).
- (B) Sunday immediately following the closing of the open season for Deer With Visible Antlers through January

1 in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part (a)(1)(D) of this Rule.

(2) Restrictions

- (A) In the areas of the State where the Commission is authorized to regulate the use of dogs as provided in G.S. 113-291.5, dogs may not be used for hunting deer during the archery season, except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).
- (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer may be used during the archery deer hunting season.
- (C) Deer of either sex may be taken during archery seasons specified by Part (b)(1)(A) of this Rule.
- (D) Only deer with antlers or spikes protruding through the skin, as distinguished from knobs or buttons covered by skin or velvet, shall be taken during the archery season specified by Part (b)(1)(B) of this Rule.

(c) Open Seasons (Blackpowder Firearms and Archery) for hunting deer:

- (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph, deer may be taken only with blackpowder firearms and archery equipment during the following seasons:

- (A) Two Saturdays preceding the first day of the Deer with Visible Antlers seasons described in Parts (a)(1)(A), (B), (C), (E), and (F) of this Rule through the second Friday thereafter except on Buffalo Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South Mountains Game Lands (Refer to 15A NCAC 10D .0103 for Blackpowder Firearms and Archery seasons on these Game Lands):
- (B) Monday on or nearest October 1 through the second Saturday thereafter in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (a)(1)(D) of this Rule.

(2) Restrictions

- (A) Deer of either sex may be taken during blackpowder firearms and archery season in any county or county part set forth in Part (a)(2)(G) of this Rule that has either-sex days for all lawful weapons and in the following

counties: Polk, Rutherford, McDowell, Burke, Caldwell, and Cleveland. Deer of either sex may be taken on the first Saturday day of this season only in all other counties.

- (B) In the areas of the State where the Commission is authorized to regulate the use of dogs as provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the blackpowder firearms and archery seasons, except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).

- (3) As used in this Rule, "blackpowder firearms" means Any firearm - including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system - manufactured in or before 1898, that cannot use fixed ammunition; any replica of this type of firearm if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; and any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading or cylinder-loading handgun that is designed to use blackpowder, blackpowder substitute, or any other propellant loaded through the muzzle, cylinder, or breech and that cannot use fixed ammunition.

(d) Open Season (Urban Season) for hunting deer:

- (1) Authorization. Subject to the restrictions set out in Subparagraph (3) of this Paragraph and the bag limits set out in Paragraph (e) of this Rule, deer of either sex may be taken with bow and arrow in participating cities in the State, as defined in G.S. 160A-1(2), from the second Saturday following January 1 through the sixth Sunday thereafter. Deer shall not be taken on any game land or part thereof that occurs within a city boundary.

- (2) Participation. Cities that intend to participate in the urban season shall send a letter to that effect no later than April 1 of the year prior to the start of the urban season to the Executive Director or his designee at 1722 Mail Service Center, Raleigh, N.C. 27699-1700. Cities shall also submit a map of the city's boundaries within which the urban season shall apply.

(3) Restrictions:

- (A) In the areas of the State where the Commission is authorized to regulate the use of dogs as provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the urban season, except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).

- (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer shall be used during the urban season.

(e) Bag limits. The possession and season limit is six deer, two of which may be deer with visible antlers and four of which may be antlerless deer. Antlerless deer include males with knobs or buttons covered by skin or velvet as distinguished from spikes protruding through the skin. In addition to the bag limits described above, a hunter may obtain multiple bonus antlerless deer harvest report cards from the Wildlife Resources Commission or any Wildlife Service Agent to allow the harvest of two additional antlerless deer per card for deer harvested during the season described in Paragraph (d) of this Rule within the boundaries of participating municipalities, except on State-owned game lands. Antlerless deer harvested and reported on the bonus antlerless harvest report card shall not count as part of the possession and season limit. The bag limits described above do not apply to deer harvested in areas covered in the Deer Management Assistance Program (DMAP) as described in G.S. 113-291.2(e) for those individuals using Commission-issued DMAP tags and reporting harvest as described on the DMAP license. Season bag limits shall be set by the number of DMAP tags issued and in the hunters' possession. All deer harvested under this program, regardless of the date of harvest, shall be tagged with these DMAP tags and reported as instructed on the DMAP license. The hunter does not have to validate the Big Game Harvest Report Card provided with the hunting license for deer tagged with the DMAP tags. Any deer harvested on lands enrolled in the DMAP and not tagged with DMAP tags may only be harvested during the regularly established deer seasons subject to all the restrictions of those seasons, including bag limits, and reported using the big game harvest report card or the bonus antlerless harvest report card.

*History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2; 113-291.5;*  
*Eff. February 1, 1976;*  
*Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996, July 1, 1995; December 1, 1994; July 1, 1994; July 1, 1993;*  
*Temporary Amendment Eff. July 1, 1999;*  
*Amended Eff. July 1, 2000;*  
*Temporary Amendment Eff. July 1, 2002; July 1, 2001;*  
*Amended Eff. August 1, 2002 (Approved by RRC on 06/21/01 and 04/18/02);*  
*Temporary Amendment Eff. June 1, 2003;*  
*Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003);*  
*Amended Eff. August 1, 2021; August 1, 2020; August 1, 2018; August 1, 2017; August 1, 2016; August 1, 2015; August 1, 2014; August 1, 2013; August 1, 2012; August 1, 2011; July 10, 2010; June 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005.*

**15A NCAC 10B .0227 WILD QUAIL MANGEMENT AREAS**

(a) A "Wild Quail Management Area" shall be land maintained to enhance enjoyment of sportsmen and support wild bobwhite quail conservation under signed agreement between the landowner(s) and the Wildlife Resources Commission.

(b) The following qualifications shall apply to all Wild Quail Management Areas:

- (1) At least 500 acres of contiguous land; and
- (2) A minimum of 225 acres or 15 percent of the land, whichever is greater, shall be maintained in year-round bobwhite quail habitat.

(c) Wild bobwhite quail habitat shall be any early successional habitat dominated by herbaceous vegetation or shrub cover consisting of a mixture of young saplings, shrubs, forbs, and woody plants typically less than ten feet tall with scattered open patches of grasses, wildflowers, and vines. Forest stands shall have a basal area no greater than 60 square feet per acre. Land managed and maintained primarily for human uses such as large lawns, golf courses, sod-forming pastures, production agriculture fields, monoculture hayfields, solar energy, or production timber stands shall not qualify as early successional habitat.

(d) Landowners interested in establishing a Wild Quail Management Area shall contact the Commission as described on the Commission's website at [www.ncwildlife.org](http://www.ncwildlife.org).

(e) The signed agreement between the landowner(s) and the Commission shall include:

- (1) a list of all owners of land included in the Wild Quail Management Area;
- (2) county parcel identification information for each parcel to be included in the Wild Quail Management Area;
- (3) a scaled map of the Wild Quail Management Area with the areas to be maintained in year-round bobwhite quail habitat identified;
- (4) management practices to be used to maintain bobwhite quail habitat and populations; and
- (5) any reporting requirements in addition to the minimum requirements in Subparagraph (g)(6) of this Rule that are specific to the individual Wild Quail Management Area.

(f) Property inspection:

- (1) All potential properties shall be inspected by a representative of the Commission prior to acceptance into the program to determine that the proposed land and habitat will qualify to become a Wild Quail Management Area; and
- (2) Wild Quail Management Areas shall be inspected by a representative of the Commission at least once every five years to determine that the requirements of the signed agreement and this rule are being met.

(g) The following shall apply to all Wild Quail Management Areas:

- (1) No domestically raised upland game birds shall be released on Wild Quail Management Areas.
- (2) The hunting of wild bobwhite quail shall only be permitted during the established seasons in 15A NCAC 10B .0208.
- (3) Supplemental feeding, if conducted, shall be for the primary purpose of ensuring that wild bobwhite quail populations remain stable during droughts or other periods of stressful environmental conditions. Supplemental feed shall:

- (A) be broadcast into quail habitat along a minimum linear distance of at least one mile per 100 acres of habitat at a rate of three bushels per mile;
  - (B) be broadcast on a bi-weekly schedule during at least five months each year
  - (C) be broadcast using a non-stationary spreader;
  - (D) be only natural grains or seed; and
  - (E) not be placed to attract birds for the purpose of hunting.
- (4) Except for wild bobwhite quail on Wild Quail Management Areas, no wild birds shall be taken near or with the aid of supplemental feed.
- (5) Trapping for raccoon, striped skunk, and opossum on Wild Quail Management Areas for the purpose of nest predator control shall be allowed from the end of the established trapping season in 15A NCAC 10B .0303 through May 31. Enclosed foot-hold traps with a one-way trigger or cage traps may be used, and trapped raccoons, striped skunks, and opossums may be euthanized or released at the trap site.
- (6) An annual report for the period of June 1 through May 31 shall be submitted to the Commission within 30 days of the end of the reporting period, and shall include the following:
- (A) number of days and hours wild bobwhite quail were hunted;
  - (B) total annual harvest of wild bobwhite quail;
  - (C) total number of coveys flushed;
  - (D) supplemental feeding activities;
  - (E) number of trap nights, number of animals trapped and their disposition or release, by species, for trapping activity conducted during trapping seasons established by 15A NCAC 10B .0303; and
  - (F) number of trap nights, number of animals trapped and their disposition or release, by species, for trapping activity conducted outside of trapping seasons established by 15A NCAC 10B .0303.
- (2) "Single hook" means a fish hook with only one point.
  - (3) "Artificial lure" means a fishing lure that neither contains nor has been treated by any substance that attracts fish by the sense of taste or smell.
  - (4) "Artificial fly" means one single hook dressed with feathers, hair, thread, tinsel, rubber, or any similar material to which no additional hook, spinner, spoon or similar device is added.
  - (5) "Youth anglers" are individuals under 18 years of age.
- (b) For purposes of this Rule, 15A NCAC 10C .0316, and 15A NCAC 10D .0104, the following classifications apply:
- (1) "Public Mountain Trout Waters" are all waters included in this Rule and so designated in 15A NCAC 10D .0104.
  - (2) "Catch and Release/Artificial Flies and Lures Only Trout Waters" are Public Mountain Trout Waters where only artificial flies and lures having one single hook may be used. No trout may be possessed or harvested while fishing these streams. Waters designated as such include tributaries unless otherwise noted.
  - (3) "Delayed Harvest Trout Waters" are Public Mountain Trout Waters where between October 1 and one-half hour after sunset on the Friday before the first Saturday of the following June, it is unlawful to possess natural bait, use more than one single hook on an artificial lure, or harvest or possess trout while fishing. From 6:00 a.m. on the first Saturday in June until noon that same day, only youth anglers may fish and these waters have no bait or lure restrictions. From noon on the first Saturday in June until October 1, anglers of all ages may fish and these waters have no bait or lure restrictions. Waters designated as such do not include tributaries unless otherwise noted.
  - (4) "Hatchery Supported Trout Waters" are Public Mountain Trout Waters that have no bait or lure restrictions. Waters designated as such do not include tributaries unless otherwise noted.
  - (5) "Special Regulation Trout Waters" are Public Mountain Trout Waters where watercourse-specific regulations apply. Waters designated as such do not include tributaries unless otherwise noted.
  - (6) "Wild Trout Waters" are Public Mountain Trout Waters which are identified as such in this Rule or 15A NCAC 10D .0104. Only artificial lures having only one single hook may be used. No person shall possess natural bait while fishing these waters. Waters designated as such do not include tributaries unless otherwise noted.
  - (7) "Wild Trout Waters/Natural Bait" are Public Mountain Trout Waters where all artificial lures and natural baits, except live fish, may be used provided they are fished using only one single

*History Note:* Authority G.S. 113-134; 113- 291.1; Eff. August 1, 2021.

**15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS**

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

- (1) "Natural bait" means any living or dead organism (plant or animal), or parts thereof, or prepared substances designed to attract fish by the sense of taste or smell.

hook. Waters designated as such include tributaries unless otherwise noted.

- (8) "Undesignated Waters" are all other waters in the State. These waters have no bait or lure restrictions.

(c) Seasons, creel, and size limits. Seasons, creel, and size limits for trout in all waters are listed in Rule .0316 of this Subchapter.

(d) Classifications. This Paragraph designates waters in each county that have a specific classification. Waters on game lands are so designated in 15A NCAC 10D .0104, unless otherwise indicated in this Paragraph. All other waters are classified as Undesignated Waters.

- (1) Alleghany

- (A) Delayed Harvest Trout Waters are as follows:

Little River (S.R. 1133 bridge to 275 yards downstream of the intersection of S.R. 1128 and S.R. 1129 [marked by a sign on each bank])

- (B) Hatchery Supported Trout Waters are as follows:

Big Pine Creek  
 Bledsoe Creek  
 Brush Creek (N.C. 21 bridge to confluence with Little River, except where posted against trespassing)  
 Cranberry Creek  
 (Big) Glade Creek  
 Little River (275 yards downstream from the intersection of S.R. 1128 and S.R. 1129 [marked by a sign on each bank] to McCann Dam)  
 Meadow Fork  
 Pine Swamp Creek  
 Piney Fork  
 Prathers Creek

- (C) Wild Trout Waters are as follows:

All waters located on Stone Mountain State Park

- (2) Ashe County

- (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:

Big Horse Creek (Virginia state line to Mud Creek at S.R. 1363, excluding tributaries)

- (B) Delayed Harvest Trout Waters are as follows:

Big Horse Creek (S.R. 1324 bridge to North Fork New River)  
 Helton Creek (SR 1372 bridge to North Fork New River)  
 South Fork New River (upstream end of Todd Island to the SR 1351 bridge)  
 Trout Lake

- (C) Hatchery Supported Trout Waters are as follows:

Beaver Creek (N.C. 221 to confluence of Beaver Creek and South Beaver Creek)

Big Horse Creek (Mud Creek at S.R. 1363 to S.R. 1324 bridge)

Big Laurel Creek (S.R. 1315 bridge to confluence with North Fork New River)

Buffalo Creek (S.R. 1133 bridge to N.C. 194-88 bridge)

Cranberry Creek (Alleghany Co. line to South Fork New River)

Nathans Creek

North Fork New River (Watauga Co. line to Sharp Dam)

Old Fields Creek (N.C. 221 to South Fork New River)

Peak Creek (headwaters to Trout Lake, except Blue Ridge Parkway waters)

Roan Creek

Three Top Creek

- (3) Avery County

- (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:

Elk River (portion on Lees-McRae College property, excluding the millpond)

Lost Cove Creek (game land portion, excluding Gragg Prong and Rockhouse Creek)

Wilson Creek (game land portion)

- (B) Hatchery Supported Trout Waters are as follows:

Boyde Coffey Lake

Elk River (S.R. 1305 crossing immediately upstream of Big Falls to the Tennessee state line)

Linville River (Land Harbor line [below dam] to the Blue Ridge Parkway boundary line, except where posted against trespassing)

Milltimber Creek

North Toe River — upper (Watauga St. to Roby Shoemaker Wetlands and Family Recreational Park, except where posted against trespassing)

North Toe River — lower (S.R. 1164 to Mitchell Co. line, except where posted against trespassing)

Squirrel Creek

Wildcat Lake

- (C) Wild Trout Waters are as follows:

Birchfield Creek

Cow Camp Creek

Cranberry Creek (headwaters to U.S. 19E/N.C. 194 bridge)

Gragg Prong

- Horse Creek
  - Kentucky Creek
  - North Harper Creek
  - Plumtree Creek
  - Roaring Creek
  - Rockhouse Creek
  - Shawneehaw Creek (portion adjacent to Banner Elk Greenway)
  - South Harper Creek
  - Webb Prong
- (4) Buncombe County
- (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:
    - Carter Creek (game land portion)
  - (B) Hatchery Supported Trout Waters are as follows:
    - Bent Creek (headwaters to N.C. Arboretum boundary line)
    - Cane Creek (headwaters to S.R. 3138 bridge)
    - Corner Rock Creek (Little Andy Creek to confluence with Walker Branch)
    - Dillingham Creek (Corner Rock Creek to Ivy Creek)
    - Ivy Creek (Ivy River)(Dillingham Creek to U.S. 19-23 bridge)
    - Lake Powhatan
    - Reems Creek (Sugar Camp Fork to U.S. 19-23 bridge, except where posted against trespassing)
    - Rich Branch (downstream from the confluence with Rocky Branch)
    - Stony Creek
    - Swannanoa (S.R. 2702 bridge near Ridgecrest to Wood Avenue bridge [intersection of N.C. 81 and U.S. 74A in Asheville], except where posted against trespassing)
- (5) Burke County
- (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:
    - Henry Fork (portion on South Mountains State Park)
  - (B) Delayed Harvest Trout Waters are as follows:
    - Jacob Fork (Shinny Creek to lower South Mountains State Park boundary)
  - (C) Hatchery Supported Trout Waters are as follows:
    - Carroll Creek (game land portion above S.R. 1405)
    - Henry Fork (lower South Mountain State Park line downstream to S.R. 1919 at Ivy Creek)
- (6) Caldwell County
- (A) Delayed Harvest Trout Waters are as follows:
    - Wilson Creek (game land portion below Lost Cove Creek to Philips Branch)
  - (B) Hatchery Supported Trout Waters are as follows:
    - Boone Fork Pond
    - Buffalo Creek (mouth of Joes Creek to McCloud Branch)
    - Joes Creek (first falls upstream of S.R. 1574 to confluence with Buffalo Creek)
    - Wilson Creek (Phillips Branch to Brown Mountain Beach Dam, except where posted against trespassing)
    - Yadkin River (Happy Valley Ruritan Community Park to S.R. 1515)
  - (C) Wild Trout Waters are as follows:
    - Buffalo Creek (Watauga Co. line to Long Ridge Branch including game land tributaries)
    - Joes Creek (Watauga Co. line to first falls upstream of the end of S.R. 1574)
    - Rockhouse Creek
- (7) Cherokee County
- (A) Hatchery Supported Trout Waters are as follows:
    - Davis Creek (confluence of Bald and Dockery creeks to Hanging Dog Creek)
    - Hyatt Creek (Big Dam Branch to Valley River)
    - Junaluska Creek (Ashturn Creek to Valley River)
    - Shuler Creek (Joe Brown Hwy [S.R. 1325] bridge to Tennessee state line)
    - Valley River (S.R. 1359 to U.S. 19 Business bridge in Murphy)
  - (B) Special Regulation Trout Waters are as follows:
    - Apalachia Reservoir
  - (C) Wild Trout Waters/Natural Bait are as follows:
    - Linville River portion within Linville Gorge Wilderness area and portion below Lake James powerhouse from upstream bridge on S.R. 1223 to Muddy Creek)
- (D) Special Regulation Trout Waters are as follows:
  - Catawba River (Muddy Creek to City of Morganton water intake dam)
- (E) Wild Trout Waters are as follows:
  - All waters located on South Mountains State Park, except those waters identified in Parts A and B of this Subparagraph



- Bald Creek (game land portion)  
 Dockery Creek (game land portion)  
 North Shoal Creek (game land portion)
- (8) Clay County  
 (A) Delayed Harvest Trout Waters are as follows:  
 Fires Creek (Rockhouse Creek to the foot bridge in the USFS Fires Creek Picnic Area)  
 (B) Hatchery Supported Trout Waters are as follows:  
 Buck Creek (game land portion downstream of U.S. 64 bridge)  
 Fires Creek (foot bridge in the USFS Fires Creek Picnic Area to S.R. 1300)  
 Tusquitee Creek (Compass Creek to lower S.R. 1300 bridge)
- (9) Graham County  
 (A) Delayed Harvest Trout Waters are as follows:  
 (Big) Snowbird Creek (USFS footbridge at the old railroad junction to USFS Rd. 2579)  
 (B) Hatchery Supported Trout Waters are as follows:  
 Calderwood Reservoir (Cheoah Dam to Tennessee state line)  
 Cheoah Reservoir  
 Panther Creek (confluence of Stand Creek and Rock Creek to Lake Fontana)  
 Santeetlah Creek (Johns Branch to Lake Santeetlah)  
 (Big) Snowbird Creek (USFS Road 2579 to S.R. 1127 bridge)  
 Stecoah Creek (upper game land boundary to Lake Fontana)  
 Tulula Creek (S.R. 1201 to lower bridge on S.R. 1275)  
 West Buffalo Creek  
 Yellow Creek (Lake Santeetlah hydropower pipeline to Cheoah River)  
 (C) Wild Trout Waters are as follows:  
 Little Buffalo Creek  
 South Fork Squally Creek  
 Squally Creek  
 (D) Wild Trout Waters/Natural Bait are as follows:  
 Deep Creek  
 Long Creek (game land portion)
- (10) Haywood County  
 (A) Delayed Harvest Trout Waters are as follows:  
 West Fork Pigeon River (Queen Creek to the first game land boundary upstream of Lake Logan)  
 (B) Hatchery Supported Trout Waters are as follows:
- Cold Springs Creek (Fall Branch to Pigeon River)  
 Jonathan Creek (upstream S.R. 1302 bridge to Pigeon River, except where posted against trespassing)  
 Pigeon River (Stamey Cove Branch to upstream U.S. 19-23 bridge)  
 Richland Creek (Russ Avenue [U.S. 276] bridge to U.S. 19 bridge)  
 West Fork Pigeon River (Tom Creek to Queen Creek, including portions on game lands, except Middle Prong)  
 Wild Trout Waters/Natural Bait are as follows:  
 Hurricane Creek
- (11) Henderson County  
 (A) Delayed Harvest Trout Waters are as follows:  
 North Fork Mills River (game land portion below the Hendersonville watershed dam)  
 (B) Hatchery Supported Trout Waters are as follows:  
 (Rocky) Broad River (end of S.R. 1611 to Rutherford County line)  
 Cane Creek (railroad bridge upstream of S.R. 1551 bridge to U.S. 25 bridge)  
 Clear Creek (Laurel Fork to S.R. 1582)  
 Green River (Lake Summit powerhouse to game land boundary)  
 (Big) Hungry River (S.R. 1885 to Green River)
- (12) Jackson County  
 (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:  
 Flat Creek  
 Tuckasegee River (upstream from the Clark property)  
 (B) Delayed Harvest Trout Waters are as follows:  
 Tuckasegee River (downstream N.C. 107 bridge to the falls located 275 yards upstream of the U.S. 23-441 bridge [marked by a sign on each bank])  
 (C) Hatchery Supported Trout Waters are as follows:  
 Balsam Lake  
 Bear Creek Lake  
 Cedar Cliff Lake  
 Cullowhee Creek (Tilley Creek to Tuckasegee River)  
 Dark Ridge Creek (Jones Creek to Scott Creek)  
 Greens Creek (Greens Creek Baptist Church on S.R. 1370 to Savannah Creek)

- Savannah Creek (Shell Branch to Cagle Branch)  
 Scott Creek (Dark Ridge Creek to Tuckasegee River, except where posted against trespassing)  
 Tanasee Creek Lake  
 Tuckasegee River — upper (John Brown Branch to the downstream N.C. 107 bridge)  
 Tuckasegee River — lower (falls located 275 yards upstream of U.S. 23-441 bridge [marked by a sign on each bank] to S.R. 1534 bridge at Wilmot)  
 Wolf Creek Lake
- (D) Wild Trout Waters are as follows:  
 Gage Creek  
 North Fork Scott Creek  
 Tanasee Creek  
 Whitewater River (downstream from Silver Run Creek to South Carolina state line)  
 Wolf Creek (except Balsam Lake and Wolf Creek Lake)
- (E) Wild Trout Waters/Natural Bait are as follows:  
 Chattooga River (S.R. 1100 bridge to the South Carolina state line)  
 Lower Fowler Creek (game land portion)  
 Scotsman Creek (game land portion)
- (13) Macon County  
 (A) Delayed Harvest Trout Waters are as follows:  
 Nantahala River (Whiteoak Creek to Nantahala hydropower discharge canal)  
 (B) Hatchery Supported Trout Waters are as follows:  
 Burningtown Creek (Left Prong to Little Tennessee River)  
 Cartoogechaye Creek (downstream U.S. 64 bridge to Little Tennessee River)  
 Cliffside Lake  
 Cullasaja River (Sequoyah Dam to U.S. 64 bridge near junction of S.R. 1672)  
 Nantahala River — upper (Dicks Creek to Whiteoak Creek)  
 Nantahala River — lower (Nantahala hydropower discharge canal to Swain Co. line)  
 Queens Creek Lake  
 (C) Wild Trout Waters/Natural Bait are as follows:  
 Chattooga River (S.R. 1100 bridge to South Carolina state line)  
 Jarrett Creek (game land portion)  
 Kimsey Creek
- Overflow Creek (game land portion)  
 Park Creek  
 Tellico Creek (game land portion)  
 Turtle Pond Creek (game land portion)
- (14) Madison County  
 (A) Delayed Harvest Trout Waters are as follows:  
 Big Laurel Creek (N.C. 208 bridge to the U.S. 25-70 bridge)  
 Shelton Laurel Creek (N.C. 208 bridge at Belva to the confluence with Big Laurel Creek)  
 Spring Creek (N.C. 209 bridge at Hot Springs city limits to iron bridge at end of Andrews Ave.)  
 (B) Hatchery Supported Trout Waters are as follows:  
 Big Laurel Creek (Puncheon Fork to the S.R. 1318 [Big Laurel Rd.] bridge downstream of Bearpen Branch)  
 Big Pine Creek (S.R. 1151 bridge to French Broad River)  
 Little Ivy Creek (confluence of Middle Fork and Paint Fork at Beech Glen to confluence with Ivy Creek at Forks of Ivy)  
 Max Patch Pond  
 Meadow Fork Creek (Meadow Fork Campground to Spring Creek)  
 Puncheon Fork (Wolf Laurel Branch to Big Laurel Creek)  
 Roaring Fork (Fall Branch to Meadow Fork)  
 Shelton Laurel Creek (confluence of Big Creek and Mill Creek to N.C. 208 bridge at Belva)  
 Shut-in Creek  
 Spillcorn Creek  
 Spring Creek (junction of N.C. 209 and N.C. 63 to USFS Rd. 223)  
 West Fork Shut-in Creek (lower game land boundary to confluence with East Fork Shut-in Creek)  
 (C) Wild Trout Waters/Natural Bait are as follows:  
 Big Creek (headwaters to the lower game land boundary)
- (15) McDowell County  
 (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:  
 Newberry Creek (game land portion)  
 (B) Delayed Harvest Trout Waters are as follows:  
 Catawba River (portion adjacent to Marion Greenway)  
 Curtis Creek (game land portion downstream of the USFS boundary at Deep Branch)

- (C) Mill Creek (U.S. 70 bridge to I-40 bridge)  
 Hatchery Supported Trout Waters are as follows:  
 Armstrong Creek (Cato Holler line downstream to upper Greenlee line)  
 Catawba River (Catawba Falls Campground to Old Fort Recreation Park)  
 Little Buck Creek (game land portion)  
 North Fork Catawba River (headwaters to North Cove School at S.R. 1569 bridge)
- (16) Mitchell County  
 (A) Delayed Harvest Trout Waters are as follows:  
 Cane Creek (N.C. 226 bridge to S.R. 1189 bridge)  
 North Toe River (U.S. 19E bridge to N.C. 226 bridge)  
 (B) Hatchery Supported Trout Waters are as follows:  
 Big Rock Creek (headwaters to N.C. 226 bridge at S.R. 1307 intersection)  
 Cane Creek (S.R. 1219 to N.C. 226 bridge)  
 East Fork Grassy Creek  
 Grassy Creek (East Fork Grassy Creek to mouth)  
 Little Rock Creek (Green Creek bridge to Big Rock Creek, except where posted against trespassing)  
 North Toe River (Avery Co. line to S.R. 1121 bridge)  
 (C) Wild Trout Waters are as follows:  
 Green Creek (headwaters to Green Creek bridge, except where posted against trespassing)  
 Little Rock Creek (above Green Creek bridge, including all tributaries, except where posted against trespassing)  
 Wiles Creek (game land boundary to mouth)
- (17) Polk County  
 (A) Delayed Harvest Trout Waters are as follows:  
 Green River (Fishtop Falls Access Area to the confluence with Cove Creek)  
 (B) Hatchery Supported Trout Waters are as follows:  
 Green River (Mouth of Cove Creek to the natural gas pipeline crossing)  
 North Pacolet River (Joels Creek to N.C. 108 bridge)
- (18) Rutherford County  
 (A) Hatchery Supported Trout Waters are as follows:
- (19) Stokes County  
 (A) Hatchery Supported Trout Waters are as follows:  
 Dan River (Virginia state line downstream to a point 200 yards below the end of S.R. 1421)
- (20) Surry County  
 (A) Delayed Harvest Trout Waters are as follows:  
 Ararat River (portion adjacent to the Ararat River Greenway)  
 Mitchell River (0.6 miles upstream of the end of S.R. 1333 to the lowermost bridge on S.R. 1330)  
 (B) Hatchery Supported Trout Waters are as follows:  
 Ararat River (S.R. 1727 bridge downstream to the N.C. 103 bridge)  
 Big Elkin Creek (dam 440 yards upstream of N.C. 268 bridge to a point 265 yards downstream of N.C. 268 [marked by a sign on each bank])  
 Fisher River (Cooper Creek)(Virginia state line to I-77 bridge)  
 Little Fisher River (Virginia state line to N.C. 89 bridge)  
 Lovills Creek (U.S. 52 Business bridge to Ararat River)  
 Pauls Creek (Virginia state line to .3 miles below S.R. 1625 bridge)
- (21) Swain County  
 (A) Delayed Harvest Waters Trout Waters are as follows:  
 Tuckasegee River (U.S. 19 bridge to Slope Street bridge)  
 (B) Hatchery Supported Trout Waters are as follows:  
 Alarka Creek (game land boundary to Fontana Reservoir)  
 Calderwood Reservoir (Cheoah Dam to Tennessee state line)  
 Cheoah Reservoir  
 Connelly Creek (Camp Branch to Tuckasegee River)  
 Deep Creek (Great Smoky Mountains National Park Boundary line to Tuckasegee River)  
 Nantahala River (Macon Co. line to existing Fontana Lake water level)
- (22) Transylvania County  
 (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:  
 Davidson River (headwaters to Avery Creek, excluding Avery Creek,
- (Rocky) Broad River (Henderson Co. line to U.S. 64/74 bridge, except where posted against trespassing)

- Looking Glass Creek and Grogan Creek)
- (B) Delayed Harvest Trout Waters are as follows:  
East Fork French Broad River (East Fork Baptist Church to the downstream S.R. 1107 bridge)  
Little River (confluence of Lake Dense to 100 yards downstream of Hooker Falls)
- (C) Hatchery Supported Trout Waters are as follows:  
Davidson River (Avery Creek to lower USFS boundary)  
French Broad River (confluence of North Fork French Broad River and West Fork)  
French Broad River to the Island Ford Rd. [S.R. 1110] Access Area  
Middle Fork French Broad River (upstream U.S. 178 bridge to French Broad River)  
West Fork French Broad River (S.R. 1312 to confluence with North Fork French Broad River)
- (D) Wild Trout Waters are as follows:  
All waters located on Gorges State Park  
Whitewater River (downstream from Silver Run Creek to South Carolina state line)
- (E) Wild Trout Waters/Natural Bait are as follows:  
North Fork French Broad River (game land portion downstream of S.R. 1326)  
Thompson River (S.R. 1152 to South Carolina state line, except where posted against trespassing)
- (23) Watauga County
  - (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:  
Laurel Creek (confluence of North and South Fork Laurel creeks to Elk Creek, excluding tributaries)  
Pond Creek (headwaters to Locust Ridge Rd. bridge, excluding the pond adjacent to Coffee Lake)
  - (B) Delayed Harvest Trout Waters are as follows:  
Lake Coffey  
Watauga River – upper (S.R. 1114 bridge to Valle Crucis Community Park lower boundary)  
Watauga River – lower (S.R. 1103 bridge to confluence with Laurel Creek)
- (C) Hatchery Supported Trout Waters are as follows:  
Beaverdam Creek (confluence of Beaverdam Creek and Little Beaverdam Creek to an unnamed tributary adjacent to the intersection of S.R. 1201 and S.R. 1203)  
Beech Creek  
Buckeye Creek (Buckeye Creek Reservoir dam to Grassy Gap Creek)  
Buckeye Creek Reservoir  
Cove Creek (S.R. 1233 bridge at Zionville to S.R. 1214 bridge at Sherwood)  
Dutch Creek (second bridge on S.R. 1134 to mouth)  
Elk Creek (S.R. 1510 bridge at Triplett to Wilkes Co. line, except where posted against trespassing)  
Laurel Creek (S.R. 1123 bridge at S.R. 1157 intersection to Watauga River)  
Meat Camp Creek (S.R. 1340 bridge at S.R. 1384 intersection to N.C. 194)  
Middle Fork New River (adjacent to intersection of S.R. 1539 and U.S. 321 to South Fork New River)  
Norris Fork Creek  
South Fork New River (canoe launch 70 yards upstream of U.S. 421 bridge to lower boundary of Brookshire Park)  
Stony Fork (S.R. 1500 bridge at S.R. 1505 intersection to Wilkes Co. line)
- (D) Wild Trout Waters are as follows:  
Dutch Creek (headwaters to second bridge on S.R. 1134)  
Howard Creek  
Maine Branch (headwaters to North Fork New River)  
North Fork New River (from confluence with Maine and Mine branches to Ashe Co. line)  
Watauga River (Avery Co. line to S.R. 1580 bridge)  
Winkler Creek (lower bridge on S.R. 1549 to confluence with South Fork New River)
- (24) Wilkes County
  - (A) Delayed Harvest Trout Waters are as follows:  
East Prong Roaring River (Bullhead Creek downstream to Stone Mountain State Park lower boundary)  
Elk Creek — upper (Watauga Co. line to lower boundary of the Blue Ridge Mountain Club)  
Elk Creek — lower (portion on Leatherwood Mountains development)

- (B) Reddies River (Town of North Wilkesboro water intake dam to confluence with the Yadkin River)  
 Stone Mountain Creek (from falls at Alleghany Co. line to confluence with East Prong Roaring River and Bullhead Creek)  
 Hatchery Supported Trout Waters are as follows:  
 Basin Creek (S.R. 1730 bridge to confluence with Lovelace Creek)  
 Bell Branch Pond  
 Boundary Line Pond  
 Cub Creek (.5 mile upstream of S.R. 2460 bridge to S.R. 1001 bridge)  
 Darnell Creek (North Prong Reddies River)(downstream ford on S.R. 1569 to confluence with North Fork Reddies River)  
 East Prong Roaring River (Stone Mountain State Park lower boundary to S.R. 1002 bridge)  
 Fall Creek (S.R. 1300 bridge to confluence with South Prong Lewis Fork, except where posted against trespassing)  
 Middle Fork Reddies River (Clear Prong)(headwaters to bridge on S.R. 1580)  
 Middle Prong Roaring River (headwaters to second bridge on S.R. 1736)  
 North Fork Reddies River (Vannoy Creek)(headwaters to Union School bridge on S.R. 1559)  
 Pike Creek  
 Pike Creek Pond  
 South Fork Reddies River (S.R. 1355 bridge to confluence with Middle Fork Reddies River)  
 South Prong Lewis Fork (Fall Creek to U.S. 421 bridge adjacent to S.R. 1155 intersection)
- (C) Wild Trout Waters are as follows:  
 All waters located on Stone Mountain State Park, except East Prong Roaring River from Bullhead Creek downstream to the Stone Mountain State Park lower boundary where Delayed Harvest Trout Waters regulations apply, and Stone Mountain Creek from falls at Alleghany County line to confluence with East Prong Roaring River and Bullhead Creek in Stone Mountain State Park where Delayed Harvest Trout Waters regulations apply
- (25) Yancey County
- (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:  
 South Toe River (headwaters to Upper Creek)  
 Upper Creek
- (B) Delayed Harvest Trout Waters are as follows:  
 Cane River (Blackberry Ridge Rd. to downstream boundary of Cane River County Park)
- (C) Hatchery Supported Trout Waters are as follows:  
 Bald Mountain Creek (except where posted against trespassing)  
 Cane River (Bee Branch [S.R. 1110] to Bowlens Creek)  
 Price Creek (junction of S.R. 1120 and S.R. 1121 to Indian Creek)  
 South Toe River (Clear Creek to lower boundary line of Yancey Co. Recreation Park, except where posted against trespassing)
- (D) Wild Trout Waters are as follows:  
 Cattail Creek (bridge at Mountain Farm Community Rd. to N.C. 197 bridge)  
 Licksillet Creek  
 Middle Creek (game land boundary to mouth)
- History Note: Authority G.S. 113-272; 113-292; Eff. February 1, 1976; Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993; October 1, 1992; Temporary Amendment Eff. July 1, 1999; Amended Eff. July 1, 2000; Temporary Amendment Eff. July 1, 2001; Temporary Amendment Eff. July 1, 2002; Amended Eff. August 1, 2002 (approved by RRC on 6/21/01 and 04/18/02); Temporary Amendment Eff. June 1, 2003; Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003); Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016; August 1, 2015; August 1, 2014; August 1, 2013; August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005; Readopted Eff. August 1, 2019; Amended Eff. August 1, 2021; August 1, 2020.*
- 15A NCAC 10C .0211 POSSESSION OF CERTAIN FISHES**
- (a) It shall be unlawful to transport, purchase, possess, sell, or stock in the public or private waters of North Carolina any live individuals of:
- (1) African longfin eel (*Anguilla mossambica*);
  - (2) amur sleeper (*Perccottus glenii*);
  - (3) applesnail (any species of the genus *Pomacea*);

- (4) Asian swamp eel, swamp or rice eel (*Monopterus albus*);
- (5) Australian red claw crayfish or red claw (*Cherax quadricarinatus*, or other species in the genus *Cherax*);
- (6) bigclaw crayfish (*Faxonius placidus*);
- (7) bighead carp (*Hypophthalmichthys nobilis*);
- (8) black carp (*Mylopharyngodon piceus*);
- (9) brown hoplo (*Hoplosternum littorale*);
- (10) Chinese mysterysnail (*Cipangopaludina chinensis*);
- (11) Creole painted crayfish (*Faxonius palmeri creolanus*);
- (12) Crucian Carp (*Carassius carassius*);
- (13) European eel (*Anguilla anguilla*);
- (14) European minnow (*Phoxinus phoxinus*);
- (15) European perch (*Perca fluviatilis*);
- (16) Japanese mysterysnail (*Cipangopaludina japonica*);
- (17) marbled Crayfish or Marmorokrebs (*Procambarus virginalis* or *Procambarus fallax f. virginalis*);
- (18) olive mysterysnail (*Viviparus subpurpureus*);
- (19) Oriental weatherfish (*Misgurnus anguillicaudatus*);
- (20) piranha (any species of the genera *Pristobrycon*, *Pygocentrus*, *Pygopristis*, or *Serrasalmus*);
- (21) Prussian Carp (*Carassius gibelio*);
- (22) quagga mussel (*Dreissena rostriformis bugensis*) or any mussel in the family *Dreissenidae*;
- (23) red shiner (*Cyprinella lutrensis*);
- (24) red-rim melania (*Melanoides tuberculatus* or *Melanoides tuberculata*);
- (25) redbtail catfish (*Phractocephalus hemiliopterus*);
- (26) round goby (*Neogobius melanostomus*);
- (27) rudd (*Scardinius erythrophthalmus* or *Scardinius erythrophthalmus*);
- (28) ruffe (*Gymnocephalus cernuus* or *Gymnocephalus cernua*);
- (29) rusty crayfish (*Faxonius rusticus*);
- (30) shortfin eel (*Anguilla australis*);
- (31) silver carp (*Hypophthalmichthys molitrix*);
- (32) snakehead fish (from the Family *Channidae*, formerly *Ophiocephalidae*);
- (33) tubenose goby (*Proterorhinus marmoratus*, *Proterorhinus semilunaris*, and *Proterorhinus semipellucidus*);
- (34) virile crayfish (*Faxonius virilis*);
- (35) walking catfish (any member of the genus *Batrachus*);
- (36) white amur or grass carp (*Ctenopharyngodon idella*), except for triploid individuals as permitted in Paragraph (b) of this Rule;
- (37) yellow bass (*Morone mississippiensis*); or
- (38) zebra mussel (*Dreissena polymorpha*).

(b) A person may buy, possess, or stock grass carp that have been certified to be triploid or sterile, only for the purpose of

controlling aquatic vegetation under a permit issued by the Executive Director or his or her designee based on an evaluation of the potential for escapement and threat to sensitive aquatic habitats.

(c) It shall be unlawful to transport, possess, or release live river herring, also known as alewife or blueback herring, in the waters of the Little Tennessee River in and upstream of Lake Santeetlah and Cedar Cliff Lake, including all the tributaries and impoundments thereof, and on adjacent shorelines, docks, access ramps, and bridge crossings.

*History Note: Authority G.S. 113-134; 113-274(c)(1c); 113-292; Eff. February 1, 1976; Amended Eff. September 1, 1984; Temporary Amendment Eff. July 1, 2001; Amended Eff. July 18, 2002; Temporary Amendment Eff. September 1, 2002; Amended Eff. August 1, 2013; August 1, 2011; June 1, 2009, June 1, 2005; August 1, 2004; Readopted Eff. August 1, 2019; Amended Eff. August 1, 2021; August 1, 2020.*

**15A NCAC 10C .0305 LARGEMOUTH BASS**

(a) The daily creel limit for Largemouth Bass is five fish, except in waters identified in Paragraphs (b), (c), (d), (j), and (l) of this Rule. There is no minimum size limit for Largemouth Bass, but only two of them may be less than 14 inches except in waters identified in Paragraphs (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l) of this Rule. There is no closed season, except for waters identified in Paragraph (l) of this Rule.

(b) In Lake Cammack in Alamance County, and Lake Holt in Granville County the daily creel limit for Largemouth Bass is 10 fish and no more than two fish greater than 14 inches may be possessed.

(c) In Lake Santeetlah in Graham County, there is no daily creel limit for Largemouth Bass and Smallmouth Bass less than 14 inches. The daily creel limit for Largemouth Bass and Smallmouth Bass greater than 14 inches is five fish in aggregate.

(d) In Lake Chatuge in Clay County, the daily creel limit for Largemouth Bass, Smallmouth Bass, Alabama Bass, and Spotted Bass is 10 fish in aggregate. The minimum size limit for Largemouth Bass is 12 inches.

(e) The minimum size limit for Largemouth Bass is 14 inches in the following:

- (1) Lake Raleigh in Wake County;
- (2) Lake Sutton in New Hanover County;
- (3) Pungo Lake in Washington and Hyde counties;
- (4) New Lake in Hyde County; and
- (5) Currituck, Roanoke, Croatan, Albemarle sounds, and all their tributaries including Roanoke River downstream of Roanoke Rapids Dam, Chowan River, Meherrin River, Yeopim River, Pasquotank River, Perquimans River, Little River, Big Flatty Creek, North River, Northwest River, Scuppernong River, Alligator River, including the Alligator/Pungo Canal east of the NC Hwy 264/45 bridge, and all other

associated tributaries and canals in these river systems.

(f) In Cane Creek Lake in Union County, and Buckhorn Reservoir in Wilson and Nash counties, the minimum size limit for Largemouth Bass is 16 inches.

(g) In Lake Phelps in Tyrrell and Washington counties, the minimum size limit for Largemouth Bass is 14 inches, and no fish between 16 and 20 inches may be possessed.

(h) In Shearon Harris Reservoir in Chatham and Wake counties and Lake Hampton in Yadkin County, there is no minimum size limit for Largemouth Bass, but only two Largemouth Bass less than 14 inches and no Largemouth Bass between 16 and 20 inches may be possessed.

(i) In Lake Thom-A-Lex in Davidson County, the minimum size limit for Largemouth Bass is 18 inches.

(j) In the Alleghany County portion of New River downstream of Fields Dam (Grayson County, Virginia), the daily creel limit for Largemouth Bass, Smallmouth Bass, and Spotted Bass is five fish in aggregate. There is no minimum size limit for Largemouth Bass, but no fish between 14 and 22 inches in length may be possessed and only one Largemouth Bass, Smallmouth Bass, or Spotted Bass greater than 22 inches may be possessed.

(k) In Lake Mattamuskeet and associated canals in Hyde County, the minimum size limit for Largemouth Bass is 16 inches and only one Largemouth Bass greater than 20 inches may be possessed.

(l) In Jean Guite Creek and associated canals within the Town of Southern Shores in Dare County and in the ponds associated with Martin Marietta Park in Craven County, no Largemouth Bass may be possessed.

*History Note: Authority G.S. 113-134; 113-292; Eff. February 1, 1976; Temporary Amendment Eff. May 10, 1990, for a period of 180 days to expire on November 1, 1990; Temporary Amendment Eff. May 22, 1990, for a period of 168 days to expire on November 1, 1990; Temporary Amendment Eff. May 1, 1991, for a period of 180 days to expire on November 1, 1991; Amended Eff. July 1, 1994; July 1, 1993; October 1, 1992; Temporary Amendment Eff. December 1, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995; Temporary Amendment Eff. November 1, 1998; Amended Eff. April 1, 1999; Temporary Amendment Eff. July 1, 1999; Amended Eff. July 1, 2000; Temporary Amendment Eff. July 1, 2001; Temporary Amendment Eff. March 8, 2002 [This rule replaces the rule proposed for permanent amendment effective July 1, 2002 and approved by RRC in May 2001]; Amended Eff. August 1, 2002 (approved by RRC in April 2002); Temporary Amendment Eff. June 1, 2003; Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003); Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016; November 1, 2013; August 1, 2012; March 1, 2012; August 1,*

*2011; August 1, 2010; May 1, 2009; July 1, 2008; May 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005; Readopted Eff. August 1, 2019; Amended Eff. August 1, 2021; August 1, 2020.*

**15A NCAC 10C .0314 STRIPED BASS**

(a) The daily creel limit for Striped Bass and its hybrids is four fish in the aggregate, except in waters identified in Paragraphs (b), (c), (d), (e), (f), (g), (h), (i), and (j) of this Rule. The minimum size limit for these fish is 20 inches, except in waters identified in Paragraphs (b), (c), (d), (e), (f), (g), (h), (i), and (j) of this Rule. There is no closed season, except for waters identified in Paragraphs (g), (h), (i), (j), and (k) of this Rule.

(b) In the Dan River upstream from its confluence with Bannister River to the dam at Union Street in Danville, VA and in John H. Kerr Reservoir, the daily creel limit on Striped Bass and its hybrids is two in the aggregate and the minimum size limit is 20 inches from October 1 through May 31. From June 1 through September 30, the daily creel limit on Striped Bass and its hybrids is four in the aggregate with no minimum size limit.

(c) In Lake Gaston and Roanoke Rapids Reservoir, the minimum size limit for Striped Bass and its hybrids is 20 inches from October 1 through May 31. There is no minimum size limit for these fish from June 1 through September 30.

(d) In Lake Norman, Hyco Lake, Moss Lake, Mountain Island Reservoir, Oak Hollow Lake, Lake Thom-A-Lex, Lake Townsend, and Salem Lake the minimum size limit for Striped Bass and its hybrids is 16 inches.

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

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

(g) In the inland fishing waters of Neuse, Pungo, and Tar Pamlico rivers and their tributaries extending upstream to the first impoundment of the main course on the river or its tributaries, and in all other inland fishing waters east of Interstate 95 not specified in Paragraphs (f), (h), (i), and (j) of this Rule, the daily creel limit for Striped Bass and its hybrids is two fish in the aggregate. The minimum size limit is 26 inches. In these waters, the season for taking and possessing Striped Bass is closed from May 1 through September 30.

(h) In the inland fishing waters of the Cape Fear River and its tributaries downstream of Buckhorn Dam and in the ponds associated with Martin Marietta Park in Craven County, the season for taking and possessing Striped Bass is closed year-round.

(i) In the inland and joint fishing waters of the Roanoke River Striped Bass Management Area, as established in 15A NCAC 03R .0201 and identified in 15A NCAC 10C .0110, which includes the Roanoke, Cashie, Middle, and Eastmost rivers and their tributaries, the open season for taking and possessing Striped Bass and its hybrids is March 1 through April 30 from the joint-coastal fishing waters boundary at Albemarle Sound upstream to Roanoke Rapids Lake dam. During the open season, the daily creel limit for Striped Bass and its hybrids is two fish in the

aggregate, and the minimum size limit is 18 inches. No fish between 22 inches and 27 inches in length shall be possessed in the daily creel limit. Only one fish larger than 27 inches may be possessed in the daily creel limit.

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

(k) In accordance with G.S. 113-292, the Executive Director may, by proclamation, suspend, or extend the hook-and-line season for Striped Bass in the inland and joint waters of coastal rivers and their tributaries. It is unlawful to violate the provisions of any proclamation issued under this authority.

*History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

*Eff. November 1, 2013;*

*Amended Eff. June 1, 2018; August 1, 2016; August 1, 2015; August 1, 2014;*

*Readopted Eff. August 1, 2019;*

*Amended Eff. August 1, 2021; August 1, 2020.*

**15A NCAC 10C .0316 TROUT**

(a) The daily creel limit for trout in Hatchery-Supported Trout Waters is seven fish. There is no minimum size limit for these fish. The open season is from 7 a.m. on the first Saturday in April until March 1, except for waters designated in Paragraph (g) of this Rule.

(b) The daily creel limit for trout in Wild Trout Waters and Wild Trout/Natural Bait Trout Waters is four fish. The minimum size limit for these fish is seven inches. There is no closed season.

(c) No trout may be harvested from Catch and Release/Artificial Flies and Lures Only Trout Waters. Trout may not be possessed while fishing these waters.

(d) The daily creel limit for trout in Delayed Harvest Trout Waters is seven fish. There is no minimum size limit for these fish. The Youth-only Delayed Harvest Trout Water Season is from 6 a.m. on the first Saturday in June until 12 p.m. that same day. During this season only individuals under the age of 18 may fish. From 12 p.m. on the first Saturday in June until September 30, the Delayed Harvest Trout Waters Season is open for all anglers. From October 1 to one-half hour after sunset on the Friday before the first Saturday in June, trout may not be harvested or possessed while fishing these waters. Delayed Harvest Trout Waters are closed to all fishing from one-half hour after sunset on the Friday before the first Saturday in June to 6 a.m. on the first Saturday in June.

(e) The daily creel limits, size limits, and seasons for trout in Special Regulation Trout Waters are as follows:

- (1) Apalachia Reservoir (Cherokee County) the daily creel limit is three trout. There is no minimum size limit, but only one may be greater than 14 inches. There is no closed season.

- (2) Catawba River (Burke County) from Muddy Creek to the City of Morganton water intake dam the daily creel limit is two fish. The minimum size limit is 14 inches. There is no closed season.

(f) The daily creel limit for trout in undesignated trout waters is seven fish. There is no minimum size limit for these fish.

(g) There is no closed season on taking trout from Linville River within Linville Gorge Wilderness Area and the impounded waters of the following power reservoirs and municipally-owned water supply reservoirs open to the public for fishing.

- (1) Bear Creek Lake;
- (2) Buckeye Creek Reservoir;
- (3) Calderwood Reservoir;
- (4) Cedar Cliff Lake;
- (5) Cheoah Reservoir;
- (6) Cliffside Lake;
- (7) Tanassee Creek Lake;
- (8) Queens Creek Lake; and
- (9) Wolf Lake.

(h) In designated Public Mountain Trout Waters the season for taking all species of fish is the same as the trout fishing season.

(i) All trout water designations and manners of take are set forth in 15A NCAC 10C .0205.

*History Note: Authority G.S. 113-134; 113-292;*

*Eff. November 1, 2013;*

*Amended Eff. August 1, 2018; August 1, 2017; August 1, 2015;*

*Readopted Eff. August 1, 2019;*

*Amended Eff. August 1, 2021; August 1, 2020.*

**15A NCAC 10C .0321 SMALLMOUTH BASS**

(a) The daily creel limit for Smallmouth Bass is five fish, except in waters identified in Paragraphs (b), (c), and (d) of this Rule. There is no minimum size limit for Smallmouth Bass, but only two of them may be less than 14 inches except in waters identified in Paragraphs (b), (c), and (d) of this Rule. There is no closed season.

(b) In Lake Santeetlah in Graham County, there is no daily creel limit for Largemouth Bass and Smallmouth Bass less than 14 inches. The daily creel limit for Largemouth Bass and Smallmouth Bass greater than 14 inches is five fish in aggregate.

(c) In Lake Chatuge in Clay County, the daily creel limit for Largemouth Bass, Smallmouth Bass, Alabama Bass, and Spotted Bass is 10 fish in aggregate. There is no minimum size limit for Smallmouth Bass.

(d) In the Alleghany County portion of New River downstream of Fields Dam (Grayson County, Virginia), the daily creel limit for Largemouth Bass, Smallmouth Bass, and Spotted Bass is five fish in aggregate. There is no minimum size limit for Smallmouth Bass, but no fish between 14 and 22 inches in length may be possessed and only one Largemouth Bass, Smallmouth Bass, or Spotted Bass greater than 22 inches may be possessed.

*History Note: Authority G.S. 113-134; 113-292;*

*Eff. August 1, 2020;*

*Amended Eff. August 1, 2021.*



**15A NCAC 10C .0322 ALABAMA BASS AND SPOTTED BASS**

- (a) There is no daily creel limit for Alabama Bass or Spotted Bass, except for waters identified in Paragraphs (b) and (c) of this Rule. There is no minimum size limit or closed season.
- (b) In Lake Chatuge in Clay County, the daily creel limit for Largemouth Bass, Smallmouth Bass, Alabama Bass, and Spotted Bass is 10 fish in aggregate.
- (c) In the Alleghany County portion of New River downstream of Fields Dam (Grayson County, Virginia), the daily creel limit for Largemouth Bass, Smallmouth Bass, and Spotted Bass is five fish in aggregate. There is no minimum size limit for Spotted Bass, but no fish between 14 and 22 inches in length may be possessed and only one Largemouth Bass, Smallmouth Bass, or Spotted Bass greater than 22 inches may be possessed.

*History Note: Authority G.S. 113-134; 113-292; Eff. August 1, 2020; Amended Eff. August 1, 2021.*

**15A NCAC 10C .0401 MANNER OF TAKING NONGAME FISHES**

- (a) Except as permitted by the rules in this Section, it is unlawful to take nongame fishes from the inland fishing waters of North Carolina in any manner other than with hook and line, grabbling, or special device with a special device fishing license.
- (b) Nongame fishes may be taken by hook and line, grabbling, or special device with a special device fishing license at any time without restriction as to size limits or creel limits, except as designated in this Rule.
- (c) Special devices may only be used to take nongame fishes with a special device fishing license in those counties and waters with open season designated in Rule .0407 of this Section.
- (d) Archery equipment may only be used for the take of catfish on Pee Dee River downstream of Blewett Falls Dam to the South Carolina state line and all tributaries.
- (e) Set hooks, jug hooks, and trotlines may be used to take nongame fishes as designated in 15A NCAC 10C .0206.
- (f) The season for taking nongame fishes by hook and line in designated public mountain trout waters is the same as the trout fishing season. Trout seasons are designated in 15A NCAC 10C .0316.
- (g) Freshwater mussels, including the Asiatic clam (*Corbicula fluminea*), may be taken only from impounded waters, except mussels shall not be taken in:
  - (1) Lake Waccamaw in Columbus County; and
  - (2) University Lake in Orange County.
 The daily possession limit for freshwater mussels is 200 in the aggregate, except there is no daily possession limit for the Asiatic clam (*Corbicula fluminea*).
- (h) Blue crabs shall have a minimum carapace width of five inches (point to point) and it is unlawful to possess more than 50 crabs per person per day or to exceed 100 crabs per vessel per day.
- (i) While boating on or fishing in the following inland fishing waters, no person shall take river herring (alewife and blueback herring) that are greater than six inches in length, or possess such herring regardless of origin in:
  - (1) Roanoke River downstream of Roanoke Rapids Dam;

- (2) Tar River downstream of Rocky Mount Mill Dam;
- (3) Neuse River downstream of Falls Lake Dam;
- (4) Cape Fear River downstream of Buckhorn Dam;
- (5) Pee Dee River downstream of Blewett Falls Dam;
- (6) Lumber River, including Drowning Creek;
- (7) all the tributaries to the rivers listed above; and
- (8) all other inland fishing waters east of I-95.

(j) In waters that are stocked and managed for catfish and located on game lands, on Commission-owned property, or on the property of a cooperator, including waters within the Community Fishing Program, it is unlawful to take channel or blue catfish by means other than hook and line; the daily creel limit for channel catfish is seven. Waters where this creel limit applies shall be posted on-site with signs indicating the creel limit.

(k) The daily creel limit for blue catfish greater than 32 inches is one fish in the following waters:

- (1) Lake Norman;
- (2) Mountain Island Lake;
- (3) Lake Wylie;
- (4) Badin Lake;
- (5) Lake Tillery;
- (6) John H. Kerr Reservoir (North Carolina portion);
- (7) Dan River (Downstream of the Union Street Dam in Danville, VA);
- (8) Lake Gaston (North Carolina portion); and
- (9) Roanoke Rapids Reservoir.

(l) The daily creel limit is five catfish in aggregate on the Pee Dee River downstream of Blewett Falls Dam to the South Carolina state line and all tributaries.

(m) The daily creel limit for American eels taken from or possessed, regardless of origin, while boating on or fishing in inland fishing waters is 25, and the minimum size limit is 9 inches. Eels greater than 9 inches in length and with a minimum body depth greater than ½ inch may be cut for use as bait.

(n) Grass carp shall not be taken or possessed on Lake James, Lookout Shoals Lake, Mountain Island Reservoir, and Lake Wylie, except that one fish per day may be taken with archery equipment.

(o) Grass carp shall not be taken or possessed on Lake Norman and the North Carolina portion of John H. Kerr Reservoir, except for scientific study by permit issued by the Wildlife Resources Commission.

(p) In inland fishing waters, gray trout (weakfish) recreational seasons, size limits, and creel limits are the same as those established by Marine Fisheries Commission rule or proclamations issued by the Fisheries Director in adjacent joint or coastal fishing waters.

(q) No person while fishing shall remove the head or tail or otherwise change the appearance of any nongame fish specified in Paragraphs (h), (i), (k), (m), and (p) of this Rule having a size limit so as to render it impractical to measure its total original length, except as provided in Paragraph (m) of this Rule. No person while fishing shall change the appearance of any nongame fish specified in Paragraphs (g), (h), (j), (k), (l), (m), (n), (o), and (p) of this Rule having a daily creel limit so as to obscure its

identification or render it impractical to count the number of fish in possession, except as provided in Paragraph (m) of this Rule.

(r) Nongame fishes taken by hook and line, grabbling, or by special device with a special device fishing license may be sold, with the following exceptions:

- (1) alewife and blueback herring, excluding those less than six inches in length collected from Kerr Reservoir (Granville, Vance, and Warren counties);
- (2) blue crab; and
- (3) bowfin.

(s) Margined madtom and tadpole madtom shall not be taken or possessed from inland fishing waters.

*History Note: Authority G.S. 113-134; 113-272; 113-292; Eff. February 1, 1976; Amended Eff. July 1, 1994; July 1, 1993; May 1, 1992; Temporary Amendment Eff. December 1, 1994; Amended Eff. July 1, 1998; July 1, 1996; July 1, 1995; Temporary Amendment Eff. July 1, 1999; Amended Eff. July 1, 2000; Temporary Amendment Eff. July 1, 2002; July 1, 2001; Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02); Temporary Amendment Eff. June 1, 2003; Amended Eff. May 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003); Amended Eff. August 1, 2019; August 1, 2018; August 1, 2016; August 1, 2015; August 1, 2014; August 1, 2013; August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005; Readopted Eff. August 1, 2020; Amended Eff. August 1, 2021.*

**15A NCAC 10C .0402 TAKING NONGAME FISHES FOR BAIT OR PERSONAL CONSUMPTION**

(a) It is unlawful to take nongame fish for bait or personal consumption in the inland waters of North Carolina using equipment other than:

- (1) a net of dip net design not greater than six feet across;
- (2) a seine of not greater than 12 feet in length (except in Lake Waccamaw in Columbus County where there is no length limitation) and with a bar mesh measure of not more than one-fourth inch;
- (3) a cast net;
- (4) a bow net for the seasons and waters in which the use of bow nets is authorized in 15A NCAC 10C .0407;
- (5) a dip net when used in conjunction with a licensed hand-crank electrofisher;
- (6) a gig (except in Public Mountain Trout Waters);
- (7) up to three traps for the seasons and waters in which the use of traps is authorized in 15A NCAC 10C .0407;
- (8) up to two eel pots;

(9) a spear gun for the seasons and waters in which the use of a spear gun is authorized in 15A NCAC 10C .0407;

(10) minnow traps not exceeding 12 inches in diameter and 24 inches in length, with funnel openings not exceeding one inch in diameter, from which all fish and animals are removed daily, and that are labeled with the user's Wildlife Resources Commission customer number or name and address;

(11) a hand-held line with a single bait attached;

(12) a single, multiple-bait line for taking crabs not to exceed 100 feet in length, marked on each end with a solid float no less than five inches in diameter, bearing legible and indelible identification of the user's name and address, and under the immediate control and attendance of the person using the device, with a limit of one line per person and no more than one line per vessel; or

(13) a collapsible crab trap with the largest open dimension not greater than 18 inches and that by design is collapsed at all times when in the water, except when it is being retrieved or lowered to the bottom, with a limit of one trap per person.

(b) The use of equipment under this Rule requires a valid license that provides basic inland fishing privileges.

(c) It is unlawful to sell nongame fishes or aquatic animals taken under this Rule.

(d) Game fishes taken shall be returned unharmed to the water, except white perch may be taken when captured in a cast net being used to collect nongame fishes for bait or personal consumption in all impounded waters west of I-95 and in the Tar River Reservoir (Nash County).

(e) No person shall take or possess during one day more than 200 nongame fish in aggregate for bait or personal consumption subject to the size and creel limits identified in 15A NCAC 10C .0401.

(f) Any fishes taken for bait purposes are included within the daily possession limit for that species.

(g) It is unlawful to take nongame fish for bait from the following waters:

- (1) Public Mountain Trout Waters (except in impounded waters of power reservoirs and municipally-owned water supply reservoirs);
- (2) Bear Creek in Chatham County;
- (3) Deep River in Chatham, Lee, and Moore counties and downstream of Coleridge Dam in Randolph County;
- (4) Fork Creek in Randolph County; and
- (5) Rocky River in Chatham County.

(i) No person while fishing shall remove the head or tail or otherwise change the appearance of any nongame fish having a size limit identified in 15A NCAC 10C .0401 so as to render it impractical to measure its total original length, except as provided in 15A NCAC 10C .0401(m). No person while fishing shall change the appearance of any nongame fish having a daily creel limit identified in 15A NCAC 10C .0401 so as to obscure its

identification or render it impractical to count the number of fish in possession, except as provided in 15A NCAC 10C .0401(m).

*History Note:* Authority G.S. 113-134; 113-272; 113-272.3; 113-292;  
 Eff. February 1, 1976;  
 Amended Eff. July 1, 2000; July 1, 1998; July 1, 1993; July 1, 1992; May 1, 1992; July 1, 1989;  
 Temporary Amendment Eff. July 1, 2001;  
 Amended Eff. July 18, 2002;  
 Temporary Amendment Eff. June 1, 2003;  
 Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003);  
 Amended Eff. August 1, 2019; August 1, 2018; August 1, 2017; August 1, 2016; August 1, 2015; August 1, 2014; August 1, 2013; August 1, 2010; May 1, 2008; May 1, 2007; May 1, 2006;  
 Readopted Eff. August 1, 2021.

**15A NCAC 10D .0102 GENERAL REGULATIONS REGARDING USE**

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

- (1) "Permanent Hunting Blind" means any structure that is used for hunter concealment, constructed from manmade or natural materials, and that is not disassembled and removed at the end of each day's hunt.
- (2) "Target shooting" means the discharge of a firearm for purposes other than hunting, trapping, or self-defense.
- (3) "Youth" means individuals under 18 years of age.

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

- (1) Archery Zone. On portions of game lands posted as "Archery Zones" hunting is limited to bow and arrow hunting and falconry only. On these areas, deer of either sex may be taken on all open days of any applicable deer season.
- (2) Safety Zone. On portions of game lands posted as "Safety Zones" hunting is prohibited. No person shall hunt or discharge a firearm or bow and arrow within, into, or across a posted safety zone on any game land. Falconry is exempt from this provision.
- (3) Restricted Firearms Zone. On portions of game lands posted as "Restricted Firearms Zones" the use of centerfire rifles is prohibited.
- (4) Restricted Zone. Portions of game lands posted as "Restricted Zones" are closed to all use by the general public, and entry upon such an area for any purpose is prohibited without first having obtained written approval of such entry or use from an authorized agent of the Wildlife Resources Commission. Entry shall be authorized only when such entry will not

compromise the primary purpose for establishing the Restricted Zone and the person or persons requesting entry are able to demonstrate a valid need or such person is a contractor or agent of the Commission conducting official business. "Valid need" includes issues of access to private property, scientific investigations, surveys, or other access to conduct activities in the public interest.

- (5) Temporary Restricted Zone. Portions of game lands posted as "Temporary Restricted Zones" are closed to all use by the general public, and entry upon such an area for any purpose is prohibited without first having obtained written approval of such entry or use from an authorized agent of the Wildlife Resources Commission. An area of a game land may be declared a Temporary Restricted Zone when there is a danger to the health or welfare of the public.
- (6) Scouting-only Zone. On portions of the game lands posted as "Scouting-only Zones" the discharge of firearms or bow and arrow is prohibited.
- (7) Restricted Deer Hunting Zone. On portions of game lands posted as "Restricted Deer Hunting Zones" the use of dogs for taking deer is prohibited, except as allowed by permit as provided in G.S. 113-264(d).
- (8) Day Use Only Zone. On portions of game lands posted as "Day Use Only Zones" the use by the general public shall be prohibited from sunset to sunrise.
- (9) Sensitive Habitat Zone. Portions of game lands posted as "Sensitive Habitat Zones" are closed to all use by the general public during the dates specified on the sign, and entry upon such an area for any purpose is prohibited without first obtaining written approval of such entry or use from an authorized agent of the Wildlife Resources Commission by calling 919-707-0150 and requesting a permit.

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

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

- (d) Use of weapons. No person shall discharge:
  - (1) any weapon within 150 yards of any game land building or designated game land camping area, except where posted otherwise;

- (2) any weapon within 150 yards of any residence located on or adjacent to game lands, except on Butner-Falls of Neuse and Jordan game lands; and
- (3) any firearm within 150 yards of any residence located on or adjacent to Butner-Falls of Neuse and Jordan Game Lands.

- (3) For any other field trial using wildlife occurring on game lands, judges and active participants shall possess a game lands license in addition to the appropriate North Carolina hunting license, or a license that conveys the game land use privilege.

(4) Exceptions:

- (A) a person under 16 years of age may hunt on game lands on the license of his parent or legal guardian;
- (B) on the game lands described in Rule .0103(e)(1) of this Section, the game lands license is required only for hunting doves; all other activities are subject to the control of the landowners.

No person shall hunt with or have in possession any shotgun shell containing lead or toxic shot while hunting on any posted waterfowl impoundment on any game land, except shotgun shells containing lead buckshot may be used while deer hunting. Every individual carrying a concealed handgun shall adhere to the requirements set forth in G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina. On Butner-Falls of Neuse, Jordan, Kerr Scott, and Vance game lands, no person shall possess loaded firearms, ammunition, bows and arrows, crossbows, or other weapons except as provided in the Code of Federal Regulations, Title 36, Chapter III, Part 327.13, which is incorporated by reference, including subsequent amendments and editions, free of charge, at:

[http://www.ecfr.gov/cgi-bin/text-idx?SID=75b0c14fb2c26906cf64a267eb69b052&mc=true&node=se36.3.327\\_113&rgn=div8](http://www.ecfr.gov/cgi-bin/text-idx?SID=75b0c14fb2c26906cf64a267eb69b052&mc=true&node=se36.3.327_113&rgn=div8).

On Buckhorn, Chatham, Harris, Hyco, Lee, Mayo, and Sutton Lake game lands; Pee Dee River Game Land north of U.S. 74; and that portion of R. Wayne Bailey- Caswell Game Land that is located north of U.S. 158 and east of N.C. 119, no person shall possess a firearm during closed hunting seasons or closed hunting days for game birds or game animals, except under the following conditions:

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

(e) Game Lands License: Hunting and Trapping

- (1) Requirement. Except as provided in Subparagraph (4) of this Paragraph, any person entering upon any game land for the purpose of hunting, trapping, running dogs, or training dogs using wildlife shall have in his or her possession a game lands license in addition to the appropriate hunting or trapping license, or a license that conveys the game land use privilege.
- (2) For Commission-sanctioned field trials, active participants (as defined in 15A NCAC 10B .0114) in a field trial using wildlife shall possess a game lands license in addition to the appropriate North Carolina hunting license, or a license that conveys the game land use privilege, except non-residents may substitute hunting licenses from their state(s) of residence.

(f) Field Trials and Training Dogs. Any individual or organization sponsoring a field trial on the Sandhills Field Trial area shall file with the Commission an application to use the area and facility accompanied by the facility use fee computed at the rate of two hundred dollars (\$200.00) for each scheduled day of the trial. The total facility use fee shall cover the period from 12:00 noon of the day preceding the first scheduled day of the trial to 10:00 a.m. of the day following the last scheduled day of the trial. The facility use fee shall be paid for all intermediate days on which for any reason trials are not run but the building or facilities are used or occupied. A fee of seventy-five dollars (\$75.00) per day shall be charged to sporting, educational, or scouting groups for scheduled events utilizing the club house only. No person or group of persons or any other entity shall enter or use in any manner any of the physical facilities located on the Sandhills Field Trial area without first having obtained written approval of such entry or use from an authorized agent of the Wildlife Resources Commission, and no such entry or use of any such facility shall exceed the scope of or continue beyond the approved use. The Sandhills Field Trial facilities shall be used only for field trials scheduled with the approval of the Wildlife Resources Commission. No more than 16 days of field trials may be scheduled for occurrence on the Sandhills facilities during any calendar month, and no more than four days may be scheduled during any calendar week; provided, that a field trial requiring more than four days may be scheduled during one week upon reduction of the maximum number of days allowable during some other week so that the monthly maximum of 16 days is not exceeded. Before October 1 of each year, the North Carolina Field Trial Association or other organization desiring use of the Sandhills facilities between October 22 and November 18 and between December 3 and March 31 shall submit its proposed schedule of such use to the Wildlife Resources Commission for its consideration and approval. The use of the Sandhills Field Trial facilities at any time by individuals for training dogs is prohibited; elsewhere on the Sandhills Game Lands dogs may be trained only on Mondays, Wednesdays, and Saturdays from October 1 through April 1. Dogs may not be trained or permitted to run unleashed from April 1 through August 15 on any game land located west of I-95, except when participating in field trials sanctioned by the Wildlife Resources Commission. Dogs may not be trained or permitted to run unleashed from March 15 through June 15 on any game land located east of I-95, except when participating in field

trials sanctioned by the Wildlife Resources Commission. Additionally, on game lands located west of I-95 where special hunts are scheduled for sportsmen participating in the Disabled Sportsman Program, dogs may not be trained or allowed to run unleashed during legal big game hunting hours on the dates of the special hunts. A field trial shall be authorized when such field trial does not conflict with other planned activities on the Game Land or field trial facilities, and the applying organization can demonstrate their experience and expertise in conducting genuine field trial activities. Entry to physical facilities, other than by field trial organizations under permit, shall be granted when they do not conflict with other planned activities previously approved by the Commission and they do not conflict with the mission of the agency.

(g) Trapping. Subject to the restrictions contained in 15A NCAC 10B .0110, .0302, and .0303, trapping of furbearing animals, armadillos, coyotes, and groundhogs is permitted on game lands during the applicable open trapping seasons established by rule. Foxes can be trapped on game lands from November 1 through the end of February in any county with an open fox trapping season that falls between November 1 and the end of February. Foxes may not be taken by trapping on game lands in counties with a closed fox trapping season or during any fox trapping season that occurs outside the dates of November 1 through the end of February. Additionally, fox trapping is allowed on game lands in Clay, Graham, Henderson, Macon, and Tyrrell counties with a daily bag limit of two and a season bag limit of 10 from the first to the fourth Saturday in January. Trapping is prohibited:

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

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

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

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

(i) Camping.

- (1) No person shall camp on any game land except on an area designated by the landowner for camping.
- (2) On game lands owned by the State of North Carolina, where the North Carolina Wildlife Resources Commission is the primary custodian, the maximum period of consecutive overnight camping at any designated camping area is 14 days within any 30-day period from May 1 through August 31. After 14 consecutive days of camping, all personal belongings shall be removed from the game land.

(j) Swimming. Swimming is prohibited in the lakes located on the Sandhills Game Land.

(k) Disabled Sportsman Program. In order to qualify for permit hunts for disabled sportsmen offered by the Commission and use of designated blinds during those hunts, an individual shall possess a Disabled Veteran Sportsman license, a Totally Disabled Sportsman license, or a disabled sportsman hunt certification issued by the Commission. In order to qualify for the certification, the applicant shall provide medical certification of one or more of the following disabilities:

- (1) missing 50 percent or more of one or more limbs, whether by amputation or natural causes;
- (2) paralysis of one or more limbs;
- (3) dysfunction of one or more limbs rendering the person unable to perform the task of grasping and lifting with the hands and arms or unable to walk without mechanical assistance, other than a cane;
- (4) disease, injury, or defect confining the person to a wheelchair, walker, or crutches; or
- (5) deafness.

On game lands where the privileges described in Paragraph (m) of this Rule apply, participants in the program may operate electric wheel chairs, all terrain vehicles, or other passenger vehicles:

- (1) on ungated or open-gated roads normally closed to vehicular traffic; and
- (2) on any Commission-maintained road open for vehicular travel and those trails posted for vehicular travel.

Each program participant may be accompanied by one companion provided such companion has in his possession the companion card issued by the Commission. Hunters who qualify under the Disabled Sportsman Program and their companions may access special hunting blinds for people with disabilities during regularly scheduled, non-permit hunting days on a first come basis, except for those blinds located on the Restricted Area of Caswell Game Land.

(l) Release of Animals and Fish. It is unlawful to release pen-raised animals or birds, wild animals or birds, domesticated animals, except hunting dogs and raptors where otherwise permitted for hunting or training purposes, or feral animals, or hatchery-raised fish on game lands without prior written authorization. It is unlawful to move wild fish from one stream to another on game lands without prior written authorization. Written authorization shall be given when release of such animals

is determined by a Wildlife Resources Commission biologist not to be harmful to native wildlife in the area and such releases are in the public interest or advance the programs and goals of the Wildlife Resources Commission.

(m) Non-Highway Licensed Vehicles. It is unlawful to operate motorized land vehicles not licensed for highway use on Game Lands except for designated areas on National Forests. Disabled persons as defined in Paragraph (k) of this Rule and people who have obtained a Disabled Access Program permit are exempt from the previous sentence but shall comply with the terms of their permit. Furthermore, disabled persons, as defined under the federal Americans with Disabilities Act (42 U.S.C. 126) may use wheelchairs or other mobility devices designed for indoor pedestrian use on any area where foot travel is allowed.

(n) Disabled Access Program. Permits issued under this program shall be based upon medical evidence submitted by the person verifying that a handicap exists that limits physical mobility to the extent that normal utilization of the game lands is not possible without vehicular assistance. Persons meeting this requirement may operate electric wheel chairs, all terrain vehicles, and other passenger vehicles on any Commission-maintained road open for vehicular travel and those trails posted for vehicular travel and ungated or open-gated roads otherwise closed to vehicular traffic on game lands owned by the Wildlife Resources Commission and on game lands whose owners have agreed to such use. Those game lands, or parts thereof, where this Paragraph applies are designated online, at [www.ncwildlife.org](http://www.ncwildlife.org). This Paragraph does not permit vehicular access on fields, openings, roads, paths, or trails planted for wildlife food or cover. One companion, who is identified by a companion card issued to each qualified disabled person, may accompany a disabled person to provide assistance, provided the companion is at all times in visual or verbal contact with the disabled person. The companion may participate in all lawful activities while assisting a disabled person, provided license requirements are met. Any vehicle used by a qualified disabled person for access to game lands under this provision shall display the vehicular access permit issued by the Wildlife Resources Commission in the passenger area of the vehicle where it can easily be seen by Commission staff outside the vehicle. It is unlawful for anyone other than disabled persons as defined in Paragraph (k) of this Rule and those holding a Disabled Access Permit to hunt, during waterfowl season, within 100 yards of a waterfowl blind designated by the Wildlife Resources Commission as a Disabled Sportsman's hunting blind.

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

(p) Shooting Ranges. On public shooting ranges managed by the Commission, no person shall use designated shooting ranges for any purpose other than for firearm or bow and arrow marksmanship, development of shooting skills, or for other safe uses of firearms and archery equipment. All other uses, including camping, building fires, operating concessions or other activities not directly involved with recreational or competitive shooting are prohibited, except for activities that have been approved by the Commission and for which a permit has been issued may be

conducted, provided that the permit authorizing such activity is available for inspection by wildlife enforcement officers at the time the activity is taking place. No person, when using any shooting range, shall deposit any debris or refuse on the grounds of the range. This includes any items used as targets, except that clay targets broken on the range, by the shooter, may be left on the grounds where they fall. No person shall shoot any items made of glass on the grounds of the range. No person may leave any vehicle or other obstruction in such a location or position that it will prevent, impede, or inconvenience the use by other persons of any shooting range. No person shall leave parked any vehicle or other object at any place on the shooting range other than such a place or zone as is designated as an authorized parking zone and posted or marked as such. No person shall handle any firearms or bow and arrow on a shooting range in a careless or reckless manner. No person shall intentionally shoot into any target holder, post, or other permanent fixture or structure while using a shooting range. No person shall shoot a firearm in a manner that would cause any rifled or smoothbore projectiles to travel off of the range, except that shotgun shot, size No. 4 or smaller may be allowed to travel from the range if it presents no risk of harm or injury to any person(s). Persons using a shooting range shall obey posted range safety rules and those persons who violate range safety rules or create a public safety hazard shall leave the shooting range if directed to by law enforcement officers or to leave by Commission employees. No person shall handle any firearms on a shooting range while under the influence of an impairing substance. The consumption of alcohol or alcoholic beverages on a shooting range is prohibited. Open days and hours of operation shall be designated on signs and at least one such sign shall be posted at the entrance to each shooting range. No person, when using any shooting range, shall do any act that is prohibited or neglect to do any act that is required by signs or markings placed on such area under authority of this Rule for the purpose of regulating the use of the area.

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

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

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

*History Note: Authority G.S. 113-129; 113-134; 113-264; 113-270.3; 113-291.2; 113-291.5; 113-305; 113-306; 143-318.10; Eff. February 1, 1976; Amended Eff. July 1, 1993; April 1, 1992; Temporary Amendment Eff. October 11, 1993; Amended Eff. July 1, 1998; July 1, 1996; July 1, 1995; July 1, 1994;*

*Temporary Amendment Eff. July 1, 1999;*  
*Amended Eff. July 1, 2000;*  
*Temporary Amendment Eff. August 31, 2001;*  
*Amended Eff. August 1, 2002;*  
*Amended Eff. June 1, 2004; (this amendment replaces the amendment approved by RRC on July 17, 2003);*  
*Amended Eff. January 1, 2013; January 1, 2012; June 1, 2011;*  
*August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2007; May 1, 2006; November 1, 2005;*  
*Temporary Amendment Eff. July 1, 2014;*  
*Amended Eff. August 1, 2021; August 1, 2020; August 1, 2017;*  
*August 1, 2016; May 1, 2015; August 1, 2014.*

**15A NCAC 10D .0103 HUNTING ON GAME LANDS**

(a) **Safety Requirements.** No person while hunting on any designated game land shall be under the influence of alcohol or any narcotic drug, or fail to comply with restrictions enacted by the National Park Service regarding the use of the Blue Ridge Parkway where it adjoins game lands listed in this Rule.

(b) **Traffic Requirements.** No person shall park a vehicle on game lands in such a manner as to block traffic or gates, or otherwise prevent vehicles from using any roadway.

(c) **Tree Stands.** It is unlawful to erect or to occupy, for the purpose of hunting, any tree stand or platform attached by nails, screws, bolts, or wire to a tree on any game land designated herein. This prohibition does not apply to lag-screw steps or portable stands that are removed after use with no metal remaining in or attached to the tree.

(d) **Time and Manner of Taking.** Hunting is allowed on game lands only during the open season for game animals and game birds, unless hunting is allowed by permit. Individual game lands or parts thereof may be closed to hunting or limited to specific dates by this Chapter. Persons shall hunt only with weapons lawful for the open game animal or game bird seasons.

- (1) On managed waterfowl impoundments, persons shall:
  - (A) not enter the posted impoundment areas earlier than 4:00 a.m. on the permitted hunting dates;
  - (B) not hunt after 1:00 p.m. on such hunting dates;
  - (C) not set decoys out prior to 4:00 a.m.;
  - (D) remove decoys by 3:00 p.m. each day; and
  - (E) not operate any vessel or vehicle powered by an internal combustion engine.
- (2) On Sundays, the following shall be prohibited:
  - (A) hunting with a firearm between 9:30 a.m. and 12:30 p.m.;
  - (B) the use of a firearm to take deer that are run or chased by dogs;
  - (C) hunting with a firearm within 500 yards of a place of religious worship, as defined by G.S. 14-54.1(b), or any accessory structure thereof; and
  - (D) hunting migratory game birds.

On designated youth waterfowl days, youths may hunt on managed waterfowl impoundments from ½ hour before sunrise to

sunset. On designated veterans and military waterfowl days, veterans, as defined in 38 USC 101, and members of the Armed Forces on active duty, including members of the National Guard and Reserves on active duty other than for training, with valid credentials may hunt on game lands and impoundments not designated as permit-only areas from ½ hour before sunrise to sunset. Restrictions (1)(A), (1)(C), and (1)(E) in this Paragraph shall apply. On waterfowl impoundments that have a posted "Scouting-only Zone," trapping during the trapping season and waterfowl hunting on designated waterfowl hunting days are the only activities allowed on the portion of the impoundment outside of the posted "Scouting-only Zone."

(e) Definitions:

- (1) For purposes of this Section, "Dove Only Area" refers to a Game Land on which doves may be taken and dove hunting is limited to Mondays, Wednesdays, Saturdays, Thanksgiving Day, Christmas Day, and New Year's Days within the federally-announced season.
- (2) For purposes of this Section, "Three Days per Week Area" refers to a Game Land on which any game may be taken during the open seasons and hunting is limited to Mondays, Wednesdays, Saturdays, Thanksgiving Day, Christmas Day, and New Year's Days, except for game lands in this Rule that specifically allow hunting on Tuesdays, Thursday, and Fridays. Falconry may also be practiced on Sundays. These "open days" also apply to either-sex deer hunting seasons listed under each game land. Raccoon and opossum hunting may continue until 7:00 a.m. on Tuesdays, until 7:00 a.m. on Thursdays, and until midnight on Saturdays.
- (3) For purposes of this Section, "Six Days per Week Area" refers to a Game Land on which any game may be taken on the open days of Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday during the open seasons.
- (4) For purposes of this Section, "Seven Days per Week Area" refers to a Game Land on which game may be taken during the open season on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, Saturdays, and Sundays.
- (5) For purposes of this Section, "Four Days per Week Area" refers to a Game Land on which any game may be taken during the open seasons and hunting is limited to Tuesdays, Thursdays, Saturdays, and Sundays. Raccoon and opossum hunting may continue until 7:00 a.m. on Wednesdays, 7:00 a.m. on Fridays, and 7:00 a.m. on Mondays.

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

(g) The listed seasons and restrictions apply in the following game lands:

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**APPROVED RULES**

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- (1) Yadkin River Game Land in Davidson, Davie, Montgomery, Rowan, and Stanly counties
  - (A) Seven Days per Week Area
  - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter in that portion in Montgomery county, and deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season in those portions in Davidson, Davie, Rowan, and Stanly counties.
  - (C) On the Lick Creek Tract, deer and bear hunting is archery only.
- (2) Alligator River Game Land in Tyrrell County
  - (A) Seven Day per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (C) Bear may only be taken the first Saturday, Monday, and Tuesday of the November Bear Season and the second Saturday, Monday, and Tuesday of the December Bear Season.
- (3) Angola Bay Game Land in Duplin and Pender counties
  - (A) Seven Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (C) Target shooting is prohibited.
  - (D) Bear shall not be harvested on Sunday.
- (4) Bachelor Bay Game Land in Bertie and Washington counties
  - (A) Seven Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (5) Bertie County Game Land in Bertie County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (C) Target Shooting is prohibited.
- (6) Bladen Lakes State Forest Game Land in Bladen County
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (C) Except for blackpowder firearms, rifles larger than .22 caliber rimfire shall not be used.
  - (D) On the Singletary Lake Tract, the use of dogs for hunting deer and bear is prohibited.
- (E) Wild turkey hunting on the Singletary Lake Tract is by permit only.
- (F) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- (G) The use of dogs for pursuing or taking foxes shall be prohibited from February 15 through August 1.
- (7) Brinkleyville Game Land in Halifax County
  - (A) Seven Days per Week Area
  - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
  - (C) Horseback riding is prohibited.
  - (D) Target Shooting is prohibited.
- (8) Buckhorn Game Land in Orange County
  - (A) Hunting is by permit only.
  - (B) Horseback riding is prohibited.
- (9) Buckridge Game Land in Tyrrell County.
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (C) Bear may only be taken the first Saturday, Monday, and Tuesday of the November Bear Season and the second Saturday, Monday, and Tuesday of the December Bear Season.
  - (D) Target shooting is prohibited.
- (10) Buffalo Cove Game Land in Caldwell and Wilkes Counties
  - (A) Seven Days per Week Area
  - (B) The Deer With Visible Antlers season for deer consists of the open hunting days from the Monday before Thanksgiving Day through the third Saturday after Thanksgiving. Deer of either sex may be taken with archery equipment on open days beginning the Saturday on or nearest September 10 to the third Saturday thereafter, and Monday on or nearest October 15 to the Saturday before Thanksgiving Day. Deer with visible antlers may be taken with archery equipment the Monday immediately following the closing of the Deer With Visible Antlers Season, as described in this Part, through January 1. Deer of either sex may be taken with blackpowder firearms on open days beginning the Monday on or nearest October 1 through the Saturday of the second week thereafter.



- (C) Deer of either sex may be taken the first open Saturday of the applicable Deer With Visible Antlers Season.
- (D) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (11) Bullard and Branch Hunting Preserve Game Land in Robeson County
  - (A) Four Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (C) Bear shall not be harvested on Sunday.
- (12) Butner - Falls of Neuse Game Land in Durham, Granville, and Wake counties
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
  - (C) Waterfowl shall be taken only on:
    - (i) the opening and closing days of the applicable waterfowl seasons;
    - (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
    - (iii) Tuesdays, Thursdays, and Saturdays of the applicable waterfowl seasons.

On the posted waterfowl impoundments a special permit is required for all waterfowl hunting after November 1.
  - (D) Horseback riding is prohibited.
  - (E) Target shooting is prohibited.
  - (F) Wild turkey hunting is by permit only, except on those areas posted as an archery zone.
  - (G) The use of dogs for hunting deer is prohibited on that portion west of NC 50 and south of Falls Lake.
  - (H) The use of bicycles is restricted to designated areas, except that this restriction does not apply to hunters engaged in the act of hunting during the open days of the applicable seasons for game birds and game animals. On designated bicycle riding areas, the use of bicycles is allowed from May 15 through August 31, and on Sundays only from September 1 through May 14.
  - (I) Camping and the presence of campers and tents in designated Hunter Camping Areas are limited to September 1 through the last day of February and March 31 through May 14.
- (J) Camping is allowed at any time in the designated Mountains-to-Sea Trail Camping Area and shall not exceed a maximum stay of two consecutive nights. Campfires are prohibited in this camping area.
- (13) Buxton Woods Game Land in Dare County:
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the first Friday thereafter.
  - (C) Target shooting is prohibited.
- (14) Cape Fear River Wetlands Game Land in Pender County
  - (A) Seven Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (C) Turkey Hunting is by permit only on that portion known as the Roan Island Tract.
  - (D) The use of dogs for hunting deer is prohibited on the portion of the game land that is west of the Black River, north of Roan Island, east of Lyon Swamp Canal to Canetuck Road, and south of NC 210 to the Black River.
  - (E) Target shooting is prohibited.
  - (F) Bear shall not be harvested on Sunday.
- (15) Carteret County Game Land in Carteret County
  - (A) Seven Days per Week Area
  - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
  - (C) The use of dogs for hunting deer is prohibited.
  - (D) Bear hunting on the Salters Creek Tract is by permit only.
  - (E) Bear shall not be harvested on Sunday.
- (16) R. Wayne Bailey-Caswell Game Land in Caswell County
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Wednesday thereafter.
  - (C) Horseback riding, including all equine species, is allowed seven days per week from May 16 through August 31, and on Sundays only, September 1 through May 15. Horseback riding is allowed only on roads opened to vehicular traffic and on those gated roads and trails that are posted for equestrian use. People age 16 or older

- horseback riding on this game land shall possess a Game Lands license.
- (D) The area encompassed by the following roads is permit-only for all quail and woodcock hunting, and all bird dog training: From Yanceyville south on NC 62 to the intersection of SR 1746, west on SR 1746 to the intersection of SR 1156, south on SR 1156 to the intersection of SR 1783, east on SR 1783 to the intersection of NC 62, north on NC 62 to the intersection of SR 1736, east on SR 1736 to the intersection of SR 1730, east on SR 1730 to NC 86, north on NC 86 to NC 62.
- (E) On the posted waterfowl impoundment, waterfowl hunting is by permit only after November 1.
- (F) Camping and the presence of campers and tents in designated Hunter Camping Areas are limited to September 1 through the last day of February and March 31 through May 14.
- (G) Target shooting is prohibited, except at the R. Wayne Bailey-Caswell Shooting Range.
- (17) Chatham Game Land in Chatham County
- (A) Seven Days per Week Area
- (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (C) Wild turkey hunting is by permit only.
- (D) Horseback riding, including all equine species, is allowed seven days per week from May 16 through August 31, and on Sundays only September 1 through May 15.
- (E) Target shooting is prohibited.
- (18) Chowan Game Land in Chowan County
- (A) Seven Days per Week Area
- (B) Deer of either sex may be taken all the days of the applicable Deer With Visible Antlers Season.
- (C) Bear shall not be harvested on Sunday.
- (19) Chowan Swamp Game Land in Bertie, Gates, and Hertford counties.
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Bear hunting is restricted to the first Saturday, Monday, and Tuesday of the November bear season and the second Saturday, Monday, and Tuesday of the December bear season except that portion of Chowan Swamp Game Land in Gates County that is east of Highway 158/13, south of Highway 158, west of Highway 32, and north of Catherine Creek and the Chowan River where the bear season is the same as the season dates for the Gates County bear season.
- (D) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- (E) Horseback riding is prohibited except during May 16 through August 31 and on Sundays only September 1 through May 15 on those roads that are open to vehicular traffic and on those gated roads and trails posted for equestrian use.
- (F) Target shooting is prohibited.
- (20) Cold Mountain Game Land in Haywood County
- (A) Seven Days per Week Area
- (B) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (C) Deer of either sex may be taken the first open Saturday of the applicable Deer With Visible Antlers Season.
- (21) Columbus County Game Land in Columbus County.
- (A) Four Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Deer hunting on the Campbell Tract shall be by permit only.
- (22) Croatan Game Land in Carteret, Craven, and Jones counties
- (A) Seven Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Waterfowl shall be taken only on the following days:
- (i) the opening and closing days of the applicable waterfowl seasons;
- (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
- (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
- (D) Beginning on the first open waterfowl day in October through the end of all waterfowl seasons, waterfowl hunting

- from designated Disabled Sportsmen blinds on the Catfish Lake Waterfowl Impoundment is by permit only.
- (E) Dove hunting is by permit only for the first two open days of dove season on posted areas. During the rest of dove season, no permit is required to hunt doves.
- (F) Bear shall not be harvested on Sunday.
- (23) Currituck Banks Game Land in Currituck County
- (A) Seven Days per Week Area
- (B) Permanent waterfowl blinds in Currituck Sound on these game lands shall be hunted by permit only from November 1 through the end of all waterfowl seasons.
- (C) Licensed hunting guides may accompany the permitted individual or party provided the guides do not use a firearm.
- (D) The boundary of the game land shall extend 5 yards from the edge of the marsh or shoreline.
- (E) Dogs are allowed only for waterfowl hunting by permitted waterfowl hunters on the day of their hunt.
- (F) No screws, nails, or other objects penetrating the bark shall be used to attach a tree stand or blind to a tree.
- (G) Deer of either sex may be taken all the days of the applicable Deer With Visible Antlers season.
- (H) Bear shall not be harvested on Sunday.
- (24) Dan River Game Land in Rockingham County
- (A) Three Days per Week Area
- (B) Deer hunting is by permit only.
- (C) Wild turkey hunting is by permit only.
- (D) Horseback riding is prohibited except on those areas posted for equestrian use. People age 16 or older horseback riding on this game land must possess a Game Lands license.
- (E) Target shooting is prohibited.
- (25) Dare Game Land in Dare and Hyde counties
- (A) Seven Days per Week Area
- (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the first Friday thereafter.
- (C) No hunting is allowed on posted parts of bombing range.
- (D) The use and training of dogs is prohibited from March 1 through June 30.
- (26) Dover Bay Game Land in Craven County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the days of the applicable Deer With Visible Antlers season.
- (27) DuPont State Forest Game Lands in Henderson and Transylvania counties
- (A) Hunting is by permit only.
- (B) The training and use of dogs for hunting is prohibited except by special hunt permit holders during scheduled permit hunts.
- (28) Elk Knob Game Land in Watauga County
- (A) Seven Days per Week Area
- (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the first Friday thereafter.
- (29) Embro Game Land in Halifax and Warren counties
- (A) Seven Days per Week Area
- (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (C) Horseback riding is prohibited.
- (D) Target Shooting is prohibited.
- (30) Goose Creek Game Land in Beaufort and Pamlico counties
- (A) Seven Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Except as provided in Part (D) of this Subparagraph, waterfowl in posted waterfowl impoundments shall be taken only on the following days:
- (i) the opening and closing days of the applicable waterfowl seasons;
- (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
- (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
- (D) Beginning on the first open waterfowl season day in October through the end of all waterfowl seasons, waterfowl hunting is by permit only on the following waterfowl impoundments: Pamlico Point, Campbell Creek, Hunting Creek, Spring Creek, Smith Creek, and Hobucken.
- (E) On Pamlico Point and Campbell Creek Waterfowl Impoundments all activities, except waterfowl hunting on designated waterfowl hunting days and trapping during the trapping season, are restricted to the posted

- (F) Scouting-only Zone during the period November 1 through March 15. Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- (G) Hunting and vehicular access on the Parker Farm Tract is restricted from September 1 through January 1 and April 1 through May 15 to individuals that possess a valid hunting opportunity permit.
- (H) Pursuing or chasing deer or bear with dogs for the purposes of training or hunting is prohibited on the Beaufort County portion north of NC 33 except for that portion east of Smith Creek and south of Campbell Creek.
- (31) (I) Bear shall not be harvested on Sunday. Green River Game Land in Henderson, and Polk counties
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first open Saturday of the applicable Deer With Visible Antlers Season.
  - (C) Horseback riding is prohibited.
- (32) Green Swamp Game Land in Brunswick County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (C) On that portion north of Big Macedonia Road, east of Makatoka Road, south of Little Macedonia Road, and west of Green Swamp Road, hunting and trapping is by permit only.
  - (D) Pursuing or chasing deer or bear with dogs for the purposes of training or hunting is prohibited on that portion of the game land that is north of Big Macedonia Road, east of Makatoka Road, south of Little Macedonia Road, and west of Green Swamp Road.
- (33) Gull Rock Game Land in Hyde County
  - (A) Seven Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (C) Waterfowl on posted waterfowl impoundments shall be taken only on the following days:
    - (i) the opening and closing days of the applicable waterfowl seasons; and
    - (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
- (iii) Tuesdays and Saturdays of the applicable waterfowl season.
- (D) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas designated and posted as camping areas.
- (E) Bear may only be taken the first Saturday, Monday, and Tuesday of the November Bear Season and the second Saturday, Monday, and Tuesday of the December Bear Season, except for that portion designated as bear sanctuary.
- (34) Harris Game Land in Chatham, Harnett, and Wake counties
  - (A) Seven Days per Week Area
  - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
  - (C) Waterfowl shall be taken only on the following days:
    - (i) Tuesdays, Fridays, and Saturdays of the applicable waterfowl seasons;
    - (ii) Thanksgiving, Christmas, and New Year's Days; and
    - (iii) the opening and closing days of the applicable waterfowl seasons.
  - (D) The use or construction of permanent hunting blinds shall be prohibited.
  - (E) Wild turkey hunting is by permit only, except on those areas posted as an archery zone.
  - (F) Target shooting is prohibited.
  - (G) Horseback riding is prohibited.
- (35) Headwaters State Forest Game Land in Transylvania County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season
- (36) Hill Farm Game Land in Stokes County-hunting and trapping is by permit only.
- (37) Holly Shelter Game Land in Pender County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (C) Waterfowl may be taken only on the following days:
    - (i) the opening and closing days of the applicable waterfowl seasons;

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- (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
  - (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
  - (D) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas designated and posted as camping areas.
  - (E) On that portion north of the Bear Garden Road, west of Shaw Road to Baby Branch, east of the Northeast Cape Fear River, south of NC 53 and west of NC 50, deer hunting and bear hunting are permit only.
  - (F) The use of dogs for hunting deer and bear is prohibited:
    - (i) all open days on that portion of the game land that is south of Baby Branch extending west to Stag Park Road, west of Shaw Road, north of Meeks Road extending west to Stag Park Road and east of Stag Park Road; and
    - (ii) on Tuesdays, Thursdays, and Fridays, with the exception of Thanksgiving, Christmas, and New Year's days, and except for the area north of Bear Garden Road, west of Shaw Road to Baby Branch, east of the Northeast Cape Fear River, south of NC 53 and west of NC 50, where the use of dogs for deer and bear hunting is by permit only.
  - (G) Hunting and vehicular access on the Pender 4 Tract is restricted from September 1 to the last day of February and April 1 to May 15 to individuals that possess valid hunting opportunity permits, unless otherwise authorized by the Wildlife Resources Commission.
  - (H) Hunters who possess a Disabled Access Permit may operate an All Terrain Vehicle on and within 100 yards of trails designated for Disabled Sportsman Access.
  - (I) Target shooting is prohibited, except on the Holly Shelter Shooting Range.
  - (J) Geocaching is restricted to closed days for taking bear, deer, turkey, and waterfowl.
- (38) Hyco Game land in Person County
- (A) Seven Days per Week Area
  - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
  - (C) Target shooting is prohibited.
- (39) J. Morgan Futch Game Land in Tyrrell County - hunting and trapping is by permit only.
- (40) Johns River Game Land in Burke County
- (A) Hunting is by permit only.
  - (B) During permitted deer hunts, deer of either sex may be taken by permit holders.
  - (C) Entry on posted waterfowl impoundments is prohibited October 1 through March 31, except by lawful waterfowl hunting permit holders and only on those days written on the permits.
  - (D) The use or construction of permanent hunting blinds is prohibited.
  - (E) Camping and the presence of campers and tents in designated Hunter Camping Areas is limited to August 31 through the last day of February and March 31 through May 14.
- (41) Jordan Game Land in Chatham, Durham, Orange, and Wake counties
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (C) Waterfowl may be taken only on:
    - (i) Mondays, Wednesdays, and Saturdays of the applicable waterfowl seasons;
    - (ii) Thanksgiving, Christmas, and New Year's Days; and
    - (iii) the opening and closing days of the applicable waterfowl seasons.
  - (D) Horseback riding, including all equine species, is allowed only on those areas posted as American Tobacco Trail and other areas posted for equestrian use. Unless otherwise posted, horseback riding is permitted on posted portions of the American Tobacco Trail anytime the trail is open for use. On all other trails posted for equestrian use, horseback riding is allowed seven days per week from May 16 through August 31, and on Sundays only from September 1 through May 15. People age 16 or older shall obtain a Game Lands license prior to engaging in horseback riding on any area other than the American Tobacco Trail.
  - (E) Target shooting is prohibited.

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- (F) Wild turkey hunting is by permit only, except on those areas posted as an Archery Zone.
- (G) The use of bicycles is restricted to designated areas, except that this restriction does not apply to hunters engaged in the act of hunting during the open days of the applicable seasons for game birds and game animals.
- (42) Juniper Creek Game Land in Brunswick and Columbus counties
  - (A) Seven Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the Deer With Visible Antlers Season.
  - (C) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
  - (D) Bear shall not be harvested on Sunday.
- (43) Kerr Scott Game Land in Wilkes County
  - (A) Six Days per Week Area
  - (B) Use of centerfire rifles is prohibited.
  - (C) Use of blackpowder firearms, shotguns, or rifles for hunting deer during the applicable Deer With Visible Antlers Season is prohibited.
  - (D) Tree stands shall not be left overnight; and no screws, nails, or other objects penetrating the bark shall be used to attach a tree stand or blind to a tree.
  - (E) Deer of either sex may be taken on all open days of the applicable Deer With Visible Antlers season.
  - (F) Hunting on posted waterfowl impoundments is by permit only.
  - (G) The use of firearms for hunting wild turkey is prohibited.
- (44) Lantern Acres Game Land in Tyrrell and Washington counties
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (C) Wild turkey hunting is by permit only.
  - (D) The use of dogs for hunting deer on the Godley Tract is prohibited.
  - (E) Waterfowl hunting on posted waterfowl impoundments is by permit only.
- (45) Lee Game Land in Lee County
  - (A) Seven Days per Week Area
  - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
  - (C) Target shooting is prohibited.
- (46) Light Ground Pocosin Game Land in Pamlico County
  - (A) Seven Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer with Visible Antlers Season.
  - (C) Bear shall not be harvested on Sunday.
- (47) Linwood Game Land in Davidson County
  - (A) Seven Days per Week Area
  - (B) Deer of either sex may be taken on all of the open days of the applicable Deer With Visible Antlers Season.
- (48) Lower Fishing Creek Game Land in Edgecombe and Halifax counties
  - (A) Seven Days per Week Area
  - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
  - (C) Horseback riding is prohibited.
  - (D) The use of dogs for hunting deer is prohibited.
  - (F) Target Shooting is prohibited.
- (49) Mayo Game Land in Person County
  - (A) Seven Days per Week Area
  - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
  - (C) Waterfowl shall be taken only on:
    - (i) Tuesdays, Thursdays, and Saturdays applicable waterfowl seasons;
    - (ii) Christmas and New Year's Days; and
    - (iii) the opening and closing days of the applicable waterfowl seasons.
  - (D) Target shooting is prohibited.
- (50) Mitchell River Game Land in Surry County
  - (A) Four Days per Week Area
  - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Tuesday thereafter.
  - (C) Horseback riding is prohibited except on designated trails May 16 through August 31, and all horseback riding is prohibited from September 1 through May 15.
- (51) Nantahala Game Land in Cherokee, Clay, Graham, Jackson, Macon, Swain, and Transylvania counties
  - (A) Seven Days per Week Area
  - (B) Deer of either sex may be taken the first open Saturday of the applicable Deer With Visible Antlers Season in that portion located in Transylvania County.

- (52) Needmore Game Land in Macon and Swain counties.
- (A) Seven Days per Week Area
  - (B) Horseback riding is prohibited except on designated trails May 16 through August 31, and all horseback riding is prohibited from September 1 through May 15.
  - (C) On posted dove fields, dove hunting on the opening day of dove season is by permit only.
- (53) Neuse River Game Land in Craven County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (C) Camping is allowed any time within 100 yards of the Neuse River on that portion of the game land that lies west of NC-43.
- (54) New Lake Game Land in Hyde and Tyrrell counties
- (A) Seven Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (C) Bear shall not be harvested on Sunday.
- (55) Nicholson Creek Game Land in Hoke County
- (A) Three Days per Week Area
  - (B) Deer of either sex may be taken with archery equipment on open hunting days from the Saturday on or nearest September 10 through the fourth Friday before Thanksgiving Day.
  - (C) Deer of either sex may be taken with blackpowder firearms on open hunting days beginning the fourth Saturday before Thanksgiving Day through the Wednesday of the second week thereafter.
  - (D) The Deer With Visible Antlers season consists of the open hunting days from the second Saturday before Thanksgiving Day through the third Saturday after Thanksgiving Day.
  - (E) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season.
  - (F) The use of dogs for hunting deer is prohibited.
  - (G) Wild turkey hunting is by permit only.
  - (H) On Lake Upchurch, the following activities are prohibited:
    - (i) Operating any vessel or vehicle powered by an internal combustion engine; and
    - (ii) Swimming.
  - (I) Target shooting is prohibited.
- (56) North River Game Land in Camden and Currituck counties
- (A) Seven Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (C) The boundary of the Game Land shall extend five yards from the edge of the marsh or shoreline.
  - (D) Hunting on the posted waterfowl impoundment is by permit only.
  - (E) Bear shall not be harvested on Sunday.
- (57) Northwest River Marsh Game Land in Currituck County
- (A) Seven Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (C) The boundary of the Game Land shall extend five yards from the edge of the marsh or shoreline.
  - (D) Bear shall not be harvested on Sunday.
- (58) Pee Dee River Game Land in Anson, Montgomery, Richmond, and Stanly counties
- (A) Seven Days per Week Area
  - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
  - (C) Use of centerfire rifles is prohibited in that portion in Anson and Richmond counties North of US-74.
  - (D) Target shooting is prohibited.
  - (E) Horseback riding is allowed seven days per week from May 16 through August 31, and on Sundays only September 1 through May 15 only on roads opened to vehicular traffic and gated roads and trails posted for equestrian use.
  - (F) Pursuing or chasing deer or bear with dogs for the purposes of training or hunting shall be prohibited on that portion south of US-74.
- (59) Perkins Game Land in Davie County
- (A) Four Days per Week Area
  - (B) Deer of either sex may be taken the first open Saturday of the applicable Deer With Visible Antlers Season through the second Tuesday thereafter.
  - (C) Horseback riding is prohibited from November 1 through January 1.
  - (D) Target Shooting is prohibited.
- (60) Pisgah Game Land in Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania, Watauga, and Yancey counties
- (A) Seven Days per Week Area

- (B) Deer of either sex may be taken the first open Saturday of the applicable Deer With Visible Antlers Season.
  - (C) Horseback riding is prohibited on the Black Bear (McDowell County), Linville River (Burke County), and Little Tablerock Tracts (Avery, McDowell, and Mitchell counties).
  - (D) The use of bicycles shall be restricted to designated trails on the Linville River Tract (Burke County). Persons engaged in the act of hunting on the Linville River Tract during any open day of an applicable season for game birds or game animals shall be exempt from this restriction.
- (61) Pond Mountain Game Land in Ashe County
- (A) Seven Days per Week Area
  - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the first Friday thereafter.
  - (C) Horseback riding is prohibited except on designated trails from May 16 through August 31 and Sundays from September 1 through October 31. All horseback riding is prohibited from November 1 through May 15.
- (62) Pungo River Game Land in Hyde County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (63) Rendezvous Mountain State Forest Game Land in Wilkes County
- (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Wednesday thereafter.
  - (C) Bear hunting is prohibited.
- (64) Rhodes Pond Game Land in Cumberland and Harnett counties
- (A) Hunting is by permit only.
  - (B) Swimming is prohibited on the area.
- (65) Roanoke River Wetlands in Bertie, Halifax, Martin, and Northampton counties
- (A) Hunting and trapping is by Permit only.
  - (B) Vehicles are prohibited on roads or trails except those operated on Commission business or by permit holders.
  - (C) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas, provided, however, that camping is allowed at any time within 100 yards of the Roanoke River on the state-owned portion of the game land.
- (D) Target Shooting is prohibited.
- (66) Roanoke Island Marshes Game Land in Dare County-Hunting is by permit only.
- (67) Robeson Game Land in Robeson County
- (A) Four Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (C) Bear shall not be harvested on Sunday.
- (68) Rockfish Creek Game Land in Hoke County
- (A) Three Days per Week Area
  - (B) Deer of either sex may be taken with archery equipment on open hunting days from the Saturday on or nearest September 10 to the fourth Friday before Thanksgiving Day.
  - (C) Deer of either sex may be taken with blackpowder firearms on open hunting days beginning the fourth Saturday before Thanksgiving Day through the Wednesday of the second week thereafter.
  - (D) The Deer With Visible Antlers season consists of the open hunting days from the second Saturday before Thanksgiving Day through the third Saturday after Thanksgiving Day.
  - (E) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season.
  - (F) The use of dogs for hunting deer is prohibited.
  - (G) Wild turkey hunting is by permit only.
  - (H) Taking fox squirrels is prohibited.
  - (I) Target shooting is prohibited.
- (69) Rocky Run Game Land in Onslow County - Hunting is by permit only.
- (70) Sampson Game Land in Sampson County
- (A) Four Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (C) Target shooting is prohibited.
  - (D) Bear shall not be harvested on Sunday.
- (71) Sandhills Game Land in Hoke, Moore, Richmond, and Scotland counties
- (A) Three Days per Week Area
  - (B) Hunting is prohibited on the J. Robert Gordon Field Trial Grounds from October 22 through March 31 except as follows:
    - (i) deer of either-sex may be taken with archery equipment on all the open days of the archery season through the fourth Friday



- before Thanksgiving Day; with blackpowder firearms and archery equipment all the open days of the blackpowder firearms season through the third Wednesday before Thanksgiving Day; and only deer with visible antlers may be taken with all legal weapons from the second Saturday before Thanksgiving Day through the Saturday following Thanksgiving Day;
- (ii) dove may be taken all open days from the opening day of the dove season through the third Saturday thereafter;
  - (iii) squirrel (gray and fox) may be taken all the open days from the second Saturday before Thanksgiving Day through the Saturday following Thanksgiving Day;
  - (iv) rabbit may be taken all open days from the second Saturday preceding Thanksgiving Day through the Saturday following Thanksgiving Day;
  - (v) waterfowl may be taken on open days during any waterfowl season;
  - (vi) wild animals and wild birds may be taken as part of a Disabled Sportsmen Program Permit Hunt; and
  - (vii) raccoon and opossum may be taken on open days from sunrise Monday on or nearest October 15 through the last day of February.
- (C) The Deer With Visible Antlers season is the open hunting days from the second Saturday before Thanksgiving Day through the third Saturday after Thanksgiving Day except on the J. Robert Gordon Field Trial Grounds.
- (D) The archery season is all open days from the Saturday on or nearest to Sept. 10 to the fourth Friday before Thanksgiving Day and, except on the J. Robert Gordon Field Trial Grounds, the third Monday after Thanksgiving Day through January 1. Deer of either sex may be taken with archery equipment on all open hunting days during the archery season, by permit
- (E) Blackpowder firearms season is all the open days from the fourth Saturday preceding Thanksgiving Day through the Wednesday of the second week thereafter and, except on the J. Robert Gordon Field Trial Grounds, the third Monday after Thanksgiving Day through January 1. Deer of either sex may be taken with blackpowder firearms on all open hunting days during the blackpowder firearms season and by permit during the Deer With Visible Antlers season. Only deer with visible antlers may be taken from the third Monday after Thanksgiving Day through January 1.
- (F) Either-sex deer hunting during the Deer With Visible Antlers Season is by permit only.
- (G) In addition to the regular hunting days, waterfowl may be taken on the opening and closing days of the applicable waterfowl seasons.
- (H) Wild turkey hunting is by permit only.
- (I) Horseback riding on field trial grounds from October 22 through March 31 is prohibited unless participating in authorized field trials. Horseback riding is allowed on the remainder of the Sandhills Game Land seven days per week on roads that are open to vehicular traffic and gated roads and trails posted for equestrian use.
- (J) Camping and the presence of campers and tents in designated Hunter Camping Areas are limited to September 1 through the last day of February and March 31 through May 14.
- (K) Target shooting is prohibited, except at the John F. Lentz Hunter Education Complex.
- (72) Sandy Creek Game Land in Nash and Franklin counties
- (A) Seven Days per Week Area
  - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
  - (C) Horseback riding is prohibited.
  - (D) The use of dogs for hunting deer is prohibited.
  - (E) Target Shooting is prohibited.

- (73) Sandy Mush Game Land in Buncombe and Madison counties.
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the first open Saturday of the applicable Deer with Visible Antlers season.
  - (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
  - (D) Dogs shall only be trained on Mondays, Wednesdays, and Saturdays and only as allowed in 15A NCAC 10D .0102(f).
  - (E) Dove hunting is by permit only from the opening day through the second Saturday of dove season.
  - (F) Target shooting is prohibited.
- (74) Second Creek Game Land in Rowan County-hunting is by permit only.
- (75) Shocco Creek Game Land in Franklin, Halifax, Nash, and Warren counties
  - (A) Seven Days per Week Area
  - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
  - (C) Horseback riding is prohibited.
  - (D) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
  - (E) Target Shooting is prohibited.
- (76) South Mountains Game Land in Burke, Cleveland, McDowell, and Rutherford counties
  - (A) Seven Days per Week Area
  - (B) The Deer With Visible Antlers season for deer consists of the open hunting days from the Monday before Thanksgiving Day through the third Saturday after Thanksgiving. Deer of either sex may be taken with archery equipment on open days beginning the Saturday on or nearest September 10 to the third Saturday thereafter, and Monday on or nearest October 15 to the Saturday before Thanksgiving Day. Deer with visible antlers may be taken with archery equipment the Monday immediately following the closing of the Deer With Visible Antlers Season, as described in this Part, through January 1. Deer of either sex may be taken with blackpowder firearms on open days beginning the Monday on or nearest October 1 through the Saturday of the second week thereafter.
- (C) Deer of either sex may be taken the first open Saturday of the applicable Deer With Visible Antlers Season.
- (D) Horseback riding is prohibited except on designated trails during the following dates:
  - (i) January 2 through March 31;
  - (ii) May 16 through August 31;
  - (iii) Sundays only - April 1 through May 15; and
  - (iv) Sundays only - September 1 through January 1.
- (77) Stones Creek Game Land in Onslow County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (C) The use of dogs for hunting deer is prohibited on Mondays, Wednesdays, and Fridays.
  - (D) Swimming in all lakes is prohibited.
  - (E) Waterfowl may be taken only on the following days:
    - (i) the opening and closing days of the applicable waterfowl seasons;
    - (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
    - (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
  - (F) Target shooting is prohibited.
  - (G) Geocaching is restricted to closed days for taking bear, deer, turkey, and waterfowl.
- (78) Suggs Mill Pond Game Land in Bladen and Cumberland counties
  - (A) Hunting and trapping is by permit only.
  - (B) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
  - (C) Entry is prohibited on scheduled hunt or trapping days except for:
    - (i) hunters or trappers holding special hunt or trapping permits; and
    - (ii) persons using Campground Road to access Suggs Mill Pond Lake at the dam.
  - (D) During the period of November 1 through January 31, except on Sundays, the use of vessels on Suggs Mill Pond Lake and Little Singletary

- Lake is limited to waterfowl hunting only by waterfowl hunters possessing a valid and current Hunting Opportunity Permit issued by the Wildlife Resources Commission pursuant to G.S. 113-264(d).
- (E) During the period of November 1 through March 15, the use of vessels on managed waterfowl impoundments is limited to waterfowl hunting only by waterfowl hunters possessing a valid and current Hunting Opportunity Permit issued by the Wildlife Resources Commission pursuant to G.S. 113-264(d).
- (79) Sutton Lake Game Land in New Hanover and Brunswick counties
- (A) Seven Days per Week Area
- (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the first Friday thereafter.
- (C) Target shooting is prohibited.
- (D) Bear shall not be harvested on Sunday.
- (80) Tar River Game Land in Edgecombe County
- (A) Hunting is by permit only
- (B) Target Shooting is prohibited
- (81) Texas Plantation Game Land in Tyrrell County - hunting and trapping is by permit only.
- (82) Three Top Mountain Game Land in Ashe County
- (A) Seven Days per Week Area
- (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the first Friday thereafter.
- (C) Horseback riding is prohibited.
- (83) Thurmond Chatham Game Land in Alleghany and Wilkes counties
- (A) Seven Days per Week Area
- (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (C) Horseback riding is prohibited except on designated trails May 16 through August 31, and all horseback riding is prohibited from September 1 through May 15. People age 16 or older horseback riding on this game land shall possess a Game Lands license.
- (D) The maximum period of consecutive overnight camping at any designated campground is 14 days within any 30 day period from May 1 through August 31. After 14 consecutive days of camping all personal belongings must be removed from the game land.
- (84) Tillery Game Land in Halifax County
- (A) Seven Days per Week Area
- (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (C) Horseback riding is prohibited.
- (D) The use of dogs for hunting deer is prohibited.
- (E) Wild turkey hunting is by permit only.
- (F) Target Shooting is prohibited.
- (85) Toxaway Game Land in Jackson and Transylvania counties
- (A) Seven Days per Week Area
- (B) Deer of either sex may be taken the first open Saturday of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (86) Uwharrie Game Land in Davidson, Montgomery, and Randolph counties
- (A) Seven Days per Week Area
- (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (C) On the posted waterfowl impoundment, waterfowl may be taken only on the following days:
- (i) the opening and closing days of the applicable waterfowl seasons;
- (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
- (iii) Mondays, Wednesdays and Saturdays of the applicable waterfowl seasons.
- (D) Target shooting is prohibited, except at the Flintlock Valley Shooting Range.
- (87) Vance Game Land in Vance County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) The use of dogs, centerfire rifles, and handguns for hunting deer is prohibited on the Nutbush Peninsula tract.
- (88) Van Swamp Game Land in Beaufort and Washington counties
- (A) Seven Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.

- (C) Bear may only be taken the first Saturday, Monday, and Tuesday of the November Bear Season and the second Saturday, Monday, and Tuesday of the December Bear Season.
- (89) Voice of America Game Land in Beaufort County
  - (A) Hunting and trapping is by permit only.
  - (B) Target Shooting is prohibited.
- (90) White Oak River Game Land in Onslow County
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (C) Except as provided in Part (D) of this Subparagraph, waterfowl in posted waterfowl impoundments shall be taken only on the following days:
    - (i) the opening and closing days of the applicable waterfowl seasons;
    - (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
    - (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
  - (D) Beginning on the first open waterfowl season day in October through the end of all waterfowl seasons, a permit is required for hunting posted waterfowl impoundments.
  - (E) The Huggins Tract and Morton Tracts have the following restrictions:
    - (i) access on Hargett Avenue and Sloan Farm Road requires a valid Hunting Opportunity Permit issued by the Wildlife Resources Commission pursuant to G.S. 113-264(d);
    - (ii) hunting is by permit only; and
    - (iii) the use of dogs for hunting deer is prohibited.
  - (F) Wild turkey hunting is by permit only.
  - (G) Target Shooting is prohibited.
- (91) Whitehall Plantation Game Land in Bladen and Pender counties
  - (A) Hunting and trapping is by permit only.
  - (B) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- (C) Pursuing or chasing deer or bear with dogs for the purposes of training or hunting is prohibited on the Long Ridge Tract.
- (92) William H. Silver Game Land in Haywood County
  - (A) Seven Days per Week Area
  - (B) Deer of either sex may be taken the first open Saturday of the applicable Deer With Visible Antlers Season.
  - (C) Horseback riding, including all equine species, is prohibited.
- (h) On permitted type hunts, deer of either sex may be taken on the hunt dates indicated on the permit. Completed applications shall be received by the Commission not later than the first day of September next preceding the dates of hunt. Permits shall be issued by random computer selection, shall be mailed to the permittees prior to the hunt, and are nontransferable. A hunter making a kill shall validate the kill and report the kill to a wildlife cooperator agent or by phone.
  - (i) The following game lands and refuges are closed to all hunting except to those individuals who have obtained a valid and current permit from the Wildlife Resources Commission:
    - (1) Bertie, Halifax and Martin counties—Roanoke River Wetlands;
    - (2) Bertie County—Roanoke River National Wildlife Refuge;
    - (3) Bladen County—Suggs Mill Pond Game Lands;
    - (4) Burke County—John's River Waterfowl Refuge;
    - (5) Dare County—Dare Game Lands (Those parts of bombing range posted against hunting);
    - (6) Dare County—Roanoke Marshes Game Lands; and
    - (7) Henderson and Transylvania counties—DuPont State Forest Game Lands.
  - (j) Access to Hunting Creek Swamp Waterfowl Refuge in Davie County requires written permission from the Commission. Written permission may be granted only when entry onto the Waterfowl Refuge will not compromise the primary purpose for establishing the Waterfowl Refuge and the person requesting entry can demonstrate a valid need or the person is a contractor or agent of the Commission conducting official business. "Valid need" includes issues of access to private property, scientific investigations, surveys, or other access to conduct activities in the public interest.
  - (k) Feral swine may be taken by licensed hunters during the open season for any game animal or game bird using any legal manner of take allowed during those seasons. Dogs may not be used to hunt feral swine except on game lands that allow the use of dogs for hunting deer or bear, and during the applicable deer or bear season.
  - (l) Youth Waterfowl Day. On the day declared by the Commission to be Youth Waterfowl Day, youths may hunt on any game land and on any impoundment without a special hunt permit, including permit-only areas, except where prohibited in Paragraph (h) of this Rule.

(m) Veterans and Military Waterfowl Days. On the day declared by the Commission to be Veterans and Military Waterfowl Days, veterans, as defined in 38 USC 101, and members of the Armed Forces on active duty, including members of the National Guard and Reserves on active duty other than for training, with valid credentials may hunt on game lands and impoundments not designated as permit-only areas.

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

(o) As used in this Rule, horseback riding includes all equine species.

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

*History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;*

*Eff. February 1, 1976;*

*Temporary Amendment Eff. October 3, 1991;*

*Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; September 1, 1995; July 1, 1995; September 1, 1994; July 1, 1994;*

*Temporary Amendment Eff. October 1, 1999; July 1, 1999;*

*Amended Eff. July 1, 2000;*

*Temporary Amendment Eff. July 1, 2002; July 1, 2001;*

*Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);*

*Temporary Amendment Eff. June 1, 2003;*

*Amended Eff. June 1, 2004 (this replaces the amendment approved by RRC on July 17, 2003);*

*Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016; May 1, 2015; August 1, 2014; January 1, 2013; August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2007; October 1, 2006; August 1, 2006; May 1, 2006; February 1, 2006; June 1, 2005; October 1, 2004;*

*Temporary Amendment Eff. August 1, 2018;*

*Amended Eff. August 1, 2020; August 1, 2019;*

*Temporary Amendment Eff. September 25, 2020;*

*Amended Eff. Pending Legislative Review.*

**15A NCAC 10F .0305 BRUNSWICK COUNTY**

(a) Regulated Areas. This Rule shall apply to the waters and portions of waters described as follows:

- (1) Lockwoods Folly River in the Town of Varnamtown, from a point at 33.94966 N, 78.22587 W, 500 yards northwest of the boat ramp located at the end of SR 1123 otherwise known as Fisherman Road, to a point at 33.94498 N, 78.22206 W, 180 yards southeast of the boat ramp, and including the portion of the river otherwise known as Mill Creek where it meets Lockwoods Folly River directly across from the boat ramp, to a point 100 feet northeast at 33.94687 N, 78.22235 W;

- (2) Calabash River in the Town of Calabash, from a point in the water at the end of Marina Drive at 33.88638 N, 78.56254 W to a point 650 yards southwest at the southern end of the deep-sea fishing docks at 33.88344 N, 78.56751 W;
- (3) the Small Boat Harbor, shore to shore beginning at its intersection with the Intracoastal Waterway at a point at 33.91685 N, 78.02865 W;
- (4) Shallotte River east of SR 1233, otherwise known as Village Point Road SW south of the Town of Shallotte, shore to shore from its intersection with the Intracoastal Waterway at a point at 33.91477 N, 78.37103 W to point 500 feet north at 33.91613 N, 78.37126 W;
- (5) Montgomery Slough otherwise known as Davis Creek, within 100 yards of the hotel and marina at the northern end of 57<sup>th</sup> Place West in the Town of Oak Island;
- (6) the waters in the natural and concrete canals located on the south side of the Intracoastal Waterway, east of N.C. Highway 904 in the Town of Ocean Isle Beach;
- (7) Town Creek east of SR 1609, otherwise known as Clearview Lane in Town Creek Township, shore to shore from a point at 34.16788 N, 78.07139 W, north and east around a bend in the creek to a point at 34.16910 N, 78.07030 W;
- (8) Montgomery Slough, otherwise known as Davis Creek, shore to shore from its entrance at the Intracoastal Waterway west of SW Yacht Drive at a point at 33.92145 N, 78.19408 W, to the canal end at NE 40<sup>th</sup> Street in the Town of Oak Island;
- (9) Intracoastal Waterway in the Town of Sunset Beach, shore to shore from a point 150 yards east of the Sunset Boulevard South bridge at 33.88173 N, 78.50995 W, to a point 50 yards west of the bridge at 33.88111 N, 78.51194 W; and
- (10) Intracoastal Waterway in the Town of Ocean Isle Beach, shore to shore from a point 100 yards east of the NC Hwy 904 Odell Williamson Bridge at 33.89578 N, 78.43870 W, to a point 100 yards west of the bridge at 33.89567 N, 78.44092 W.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within any of the regulated areas described in Paragraph (a) of this Rule.

(c) Placement of Markers. The following agencies shall be the designated agencies for the placement of markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers:

- (1) the Board of Aldermen of Varnamtown for areas indicated in Subparagraph (a)(1) of this Rule;
- (2) the Board of Commissioners of Brunswick County for areas indicated in Subparagraphs (a)(2) through (8) of this Rule;

- (3) the North Carolina Wildlife Resources Commission for the area indicated in Subparagraph (a)(9) of this Rule; and
- (4) the Town of Ocean Isle Beach for the area indicated in Subparagraph (a)(10) of this Rule.

*History Note: Authority G.S. 75A-3; 75A-15. Eff. February 1, 1976; Amended Eff. April 1, 1997; July 1, 1994; July 1, 1993; January 1, 1989; January 1, 1987; Temporary Amendment Eff. March 1, 1998; Amended Eff. April 1, 2009; April 1, 1999; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. May 1, 2021; July 1, 2018.*

**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](http://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.

*History Note: Authority G.S. 113-134; 113-273; 113-274; Eff. May 1, 2021.*

**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.

*History Note: Authority G.S. 113-134; 113-273; 113-274; Eff. May 1, 2021.*

**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 shall 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.

*History Note:* Authority G.S. 113-134; 113-273; 113-274; Eff. May 1, 2021.

**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.

*History Note:* Authority G.S. 113-134; 113-273; 113-274; Eff. May 1, 2021.

**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](http://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.

*History Note:* Authority G.S. 113-134; 113-273; 113-274; Eff. May 1, 2021.

**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 rules;
    - (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](http://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.

*History Note:* Authority G.S. 113-134; 113-273; 113-274; Eff. May 1, 2021.

**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 by the Executive Director or his or her designee.

(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.

*History Note: Authority G.S. 113-134; 113-273; 113-274; Eff. May 1, 2021.*

**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 depredation 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.

*History Note: Authority G.S. 113-134; 113-273; 113-274; Eff. May 1, 2021.*

**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](http://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.

*History Note: Authority G.S. 113-134; 113-273; 113-274; Eff. May 1, 2021.*

**15A NCAC 10J .0103 HUNTING ON WILDLIFE CONSERVATION AREAS**

(a) Safety Requirements. No person while hunting on any area designated and posted as a wildlife conservation area shall be under the influence of alcohol or any narcotic drug.

(b) Tree Stands. It is unlawful to erect or to occupy, for the purpose of hunting, any tree stand or platform attached by nails, screws, bolts, or wire to a tree on any area designated and posted as a wildlife conservation area. This prohibition shall not apply to lag-screw steps or portable stands that are removed after use with no metal left remaining in or attached to the tree.

(c) Time and Manner of Taking. Except where closed to hunting or limited to specific dates by the rules of this Chapter hunting on areas designated and posted as wildlife conservation areas is permitted during the open season for the game or furbearing species being hunted. Waterfowl hunters shall not enter the areas earlier than 4:00 a.m. on the permitted hunting dates, and hunting is prohibited after 1:00 p.m. on such hunting dates; decoys may not be set out prior to 4:00 a.m. and must be removed by 3:00 p.m. each date. No person shall operate any vessel or vehicle powered by an internal combustion engine on the waters of any area designated and posted as a wildlife conservation area. No person shall attempt to obscure the sex or age of any bird or animal taken by severing the head or any other part thereof, or possess any bird or animal which has been so mutilated. No person shall place, or cause to be placed on any area designated and posted as a wildlife conservation area, salt, grain, fruit, or other foods without prior written authorization of the Commission or its agent and no person shall take or attempt to take any game birds or game animals attracted to such foods. No person shall use an electronic calling device for the purpose of attracting wild birds or wild animals. No live wild animals or wild birds shall be removed from any designated wildlife conservation area except with the written permission of the landowner.

(d) Hunting Dates:

- (1) Any game may be taken during the open seasons and hunting is limited to Mondays, Wednesdays, Saturdays and Thanksgiving, Christmas, and New Year's Days. In addition, deer may be taken with bow and arrow on the opening day of the bow and arrow season for deer. Raccoon and opossum hunting may continue until 7:00 a.m. on Tuesdays, until 7:00 a.m. on Thursdays, and until midnight on Saturdays.
- (2) Except as otherwise indicated, the following designated wildlife conservation areas or indicated portions thereof are closed to all hunting:
  - (A) Nona Pitt Hinson Cohen Wildlife Conservation Area - Richmond County.



(B) John D. Lewis Wildlife Conservation Area - Wayne County.

History Note: Authority G.S. 113-134; 113-136; 113-264; 113-291.2; 113-291.5; 113-305; Eff. February 1, 1990; Amended Eff. August 1, 2021; October 1, 1994.

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- 15A NCAC 13B .1701 DEFINITIONS
15A NCAC 13B .1702 GENERAL PROVISIONS FOR STRUCTURAL FILL FACILITIES
15A NCAC 13B .1703 NOTIFICATION FOR STRUCTURAL FILL FACILITIES
15A NCAC 13B .1704 SITING FOR STRUCTURAL FILL FACILITIES
15A NCAC 13B .1705 DESIGN, CONSTRUCTION, AND OPERATION FOR STRUCTURAL FILL FACILITIES
15A NCAC 13B .1706 CLOSURE OF STRUCTURAL FILL FACILITIES
15A NCAC 13B .1707 RECORDATION OF STRUCTURAL FILL FACILITIES
15A NCAC 13B .1708 OTHER USES FOR COAL COMBUSTION BY-PRODUCTS
15A NCAC 13B .1709 STORAGE AND CONTAINMENT OF COAL COMBUSTION BY-PRODUCTS
15A NCAC 13B .1710 ANNUAL REPORTING

History Note: Authority G.S. 130A-294; Eff. January 4, 1994; Repealed Eff. May 1, 2021.

15A NCAC 13B .1713 REQUIREMENTS FOR EXISTING STRUCTURAL FILLS

(a) This Rule shall apply to existing structural fills. The definitions found in G.S. 130A-290 and G.S. 130A-309.201 shall apply to this Rule. For the purposes of this Rule, "existing structural fill" shall mean a structural fill in which coal combustion products were placed prior to September 20, 2014 in accordance with the rules of this Subchapter that were effective at the time of placement of the coal combustion products. Prior editions of the rules in this Section can be obtained free of charge from the Division of Waste Management at 217 West Jones Street, Raleigh, NC 27603. This Rule shall not apply to structural fills contracted for on or after September 20, 2014.

(b) Upon closure, an existing structural fill shall comply with the requirements of G.S. 130A-309.222(a). For the purposes of this Rule, "final cover" as required in G.S. 130A-222(a)(1) shall mean one of the following:

- (1) no less than 12 inches of compacted earth and an additional six inches of soil capable of supporting native plant growth on the surface;
(2) an impervious surface such as concrete or asphalt; or
(3) a building or structure that does not allow infiltration of precipitation.

(c) Following closure, an existing structural fill shall be maintained to comply with the requirements set forth in G.S.

130A-309.220(a)(1), (5), (6), (8), (9) and (11), except that the requirements shall not retroactively apply to the design, construction, development, or operation of an existing structural fill. An existing structural fill is subject to the groundwater quality requirements of 15A NCAC 02L and the surface water quality standards set forth in 15A NCAC 02B.

(d) Following closure, an existing structural fill shall comply with following:

- (1) the landowner of the property where the existing structural fill is located shall not move or change the property boundaries in a way that reduces the existing 25-foot buffer between the existing structural fill and the property boundaries;
(2) the landowner of the property where the existing structural fill is located shall maintain the existing 100-foot buffer between the existing structural fill and any sources of drinking water on land under the control of that landowner; and
(3) final cover as defined in Paragraph (c) of this Rule shall be maintained.

(e) An existing structural fill shall be recorded in accordance with G.S. 130A-309.223, except that every use of the term "coal combustion residuals" shall be replaced with the term "coal combustion products."

History Note: Authority G.S. 130A-294; 130A-309.207; 130A-309.226; Eff. May 1, 2021.

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15A NCAC 18A .0140 FLOORS

Floors shall be of concrete or other impervious material, constructed so that they are easily cleanable and shall be sloped so that water drains.

History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52; Eff. October 1, 1992; Readopted Eff. May 1, 2021.

15A NCAC 18A .0141 WALLS AND CEILINGS

(a) Walls and ceilings shall be constructed of smooth, easily cleanable, non-corrosive, impervious material.

(b) Insulation on cooked crustacea cooler walls shall be covered to the ceiling with a smooth, easily cleanable, non-corrosive, impervious material.

(c) Doors and windows shall be tightly fitted and maintained in good repair so as to keep insects and weather out of the facility.

History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52; Eff. October 1, 1992; Readopted Eff. May 1, 2021.

**15A NCAC 18A .0142 LIGHTING**

(a) Natural or artificial lighting shall be provided in all parts of the facility. Minimum lighting intensities shall be as follows:

- (1) 50 foot-candles on working surfaces in the picking and packing rooms and areas.
- (2) 10 foot-candles measured at a height of 30 inches above the floor throughout the rest of the processing portion of the facility.

(b) Light bulbs within the processing portion of the facility shall be shatterproof or shielded to prevent product contamination in case of breakage.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52; Eff. October 1, 1992; Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0143 VENTILATION**

All rooms and areas shall be ventilated.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52; Eff. October 1, 1992; Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0146 PREMISES**

(a) Premises under the control of the owner shall be kept clean at all times. Waste materials, rubbish, other articles, or litter shall not be permitted to accumulate on the premises.

(b) Measures shall be taken to prevent the harborage and breeding of insects, rodents, and other vermin on premises.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52; Eff. October 1, 1992; Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0150 SEWAGE DISPOSAL**

All sewage and other liquid wastes shall be disposed of in a public sewer system or in the absence of a public sewer system, by an on-site method approved by the Division of Marine Fisheries.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52; Eff. October 1, 1992; Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0154 EMPLOYEES' PERSONAL ARTICLES**

Employees' street clothing, aprons, gloves, and personal articles shall not be stored in rooms or areas described in Rule .0159(b) of this Section.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52; Eff. October 1, 1992; Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0155 SUPPLY STORAGE**

Shipping containers, boxes, and other supplies shall be stored in a storage room or area. The storage room or area shall be kept clean.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52; Eff. October 1, 1992; Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0159 SEPARATION OF OPERATIONS**

(a) Facility design shall provide for continuous flow of raw materials and product to prevent contamination by exposure to areas involved in earlier processing steps, refuse, or other areas subject to contamination.

(b) The following processes shall be carried out in separate rooms or areas:

- (1) raw crustacea receiving or refrigeration;
- (2) crustacea cooking;
- (3) cooked crustacea air-cool;
- (4) cooked crustacea refrigeration;
- (5) picking;
- (6) packing;
- (7) picked crustacea meat refrigeration;
- (8) pasteurizing or thermal processing;
- (9) machine picking;
- (10) repacking; and
- (11) other processes when carried out in conjunction with the cooking of crustacea or crustacea meat.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52; Eff. October 1, 1992; Amended Eff. April 1, 1997; Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0160 RAW CRUSTACEA RECEIVING AND REFRIGERATION**

(a) Only fresh crustacea shall be accepted for processing.  
 (b) Within two hours of receipt at the facility, crustacea shall be cooked or placed in a refrigerated area maintaining a temperature of 50° F (10° C) or below.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52; Eff. October 1, 1992; Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0163 COOKED CRUSTACEA REFRIGERATION**

(a) The cooked crustacea cooler shall be large enough to store all cooked crustacea and maintain a minimum temperature of 40° F (4.4° C). The cooler shall open directly into the picking room or into a clean, enclosed area leading into the picking room.  
 (b) Cooked crustacea shall be stored at a temperature between 33° F (0.5° C) and 40° F (4.4° C) ambient air temperature if not immediately processed. The cooler shall be equipped with an accurate, operating thermometer.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
*Eff. October 1, 1992;*  
*Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0167 DELIVERY WINDOW OR SHELF**

A delivery window or a non-corrosive shelf shall be provided between the picking room and packing room or area. The delivery window shall be equipped with a shelf completely covered with smooth, non-corrosive metal or other material approved by the Division of Marine Fisheries and sloped to drain towards the picking room.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
*Eff. October 1, 1992;*  
*Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0169 FREEZING**

- (a) If crustacea or crustacea meat is to be frozen, the code date shall be followed by the letter "F."
- (b) Frozen crustacea or crustacea meat shall be stored at a temperature of 0° F (-18° C) or less.
- (c) The frozen storage rooms shall be equipped with an accurate, operating thermometer.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
*Eff. October 1, 1992;*  
*Amended Eff. August 1, 2002; April 1, 1997;*  
*Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0170 SHIPPING**

Cooked crustacea and crustacea meat shall be shipped between 33° F (0.5° C) and 40° F (4.4° C). Frozen crustacea products shall be shipped at 0° F (-18° C) or below.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
*Eff. October 1, 1992;*  
*Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0171 WHOLE CRUSTACEA OR CRUSTACEA PRODUCTS**

Whole crustacea, claws, or any other crustacea products shall be prepared, packaged, and labeled in accordance with the rules of this Section.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
*Eff. October 1, 1992;*  
*Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0172 COOKED CLAW SHIPPING CONDITIONS**

- (a) Vehicles used to transport cooked claws shall be mechanically refrigerated, enclosed, tightly constructed, kept clean, and equipped with an operating thermometer.

- (b) Cooked crab claws shall be stored and transported between 33° F (0.5° C) and 40° F (4.4° C) ambient air temperature.
- (c) All vehicles shall be approved by the Division of Marine Fisheries prior to use.
- (d) Cooked claw shipping containers shall be marked for intended use, cleaned, and sanitized prior to use and shall meet the requirements in Rule .0156 of this Section.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
*Eff. October 1, 1992;*  
*Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0179 RECALL PROCEDURE**

Each owner of a cooked crustacea or crustacea meat facility or repacker facility shall keep on file a written product recall procedure. A copy of this recall procedure shall be provided to the Division of Marine Fisheries.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
*Eff. October 1, 1992;*  
*Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0180 SAMPLING AND TESTING**

Samples of cooked crustacea or crustacea meat may be taken and examined by the Division of Marine Fisheries at any time or place. Samples of cooked crustacea or crustacea meat shall be furnished by the owner or operator of facilities, trucks, carriers, stores, restaurants, and other places where cooked crustacea or crustacea meat are sold.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
*Eff. October 1, 1992;*  
*Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0188 HAZARD ANALYSIS**

Each dealer shall conduct a hazard analysis to determine the food safety hazards that are reasonably likely to occur for each kind of crustacea or crustacea meat product processed by that dealer and to identify the preventative measures that the dealer can apply to control those hazards.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
*Eff. August 1, 2000;*  
*Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0189 HACCP PLAN**

Each dealer shall have and implement a written HACCP plan. The owner or authorized designee shall sign the plan when implemented and after any modification. The plan shall be reviewed at least annually and updated if necessary. The plan shall, at a minimum:

- (1) list the food safety hazards that are reasonably likely to occur;
- (2) list the critical control points for each of the food safety hazards;

- (3) list the critical limits that must be met for each of the critical control points;
- (4) list the procedures, and frequency thereof, that will be used to monitor each of the critical control points to ensure compliance with the critical limits;
- (5) list any corrective action plans to be followed in response to deviations from critical limits at critical control points;
- (6) provide a record keeping system that documents critical control point monitoring; and
- (7) list the verification procedures, and frequency thereof, that the dealer will use.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
 Eff. August 1, 2000;  
 Readopted Eff. May 1, 2021.

**15A NCAC 18A .0190 SANITATION MONITORING REQUIREMENTS**

Each dealer shall monitor, at a minimum, the following sanitation items:

- (1) safety of water;
- (2) condition and cleanliness of food contact surfaces;
- (3) prevention of cross contamination;
- (4) maintenance of hand washing, hand sanitizing, and toilet facilities;
- (5) protection of crustacea or crustacea meat, crustacea or crustacea meat packaging materials, and food contact surfaces from adulteration;
- (6) proper labeling, storage, and use of toxic compounds;
- (7) control of employees with adverse health conditions; and
- (8) exclusion of pests from the facility.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
 Eff. August 1, 2000;  
 Readopted Eff. May 1, 2021.

**15A NCAC 18A .0431 STANDARDS FOR AN APPROVED SHELLFISH GROWING AREA**

*History Note:* Authority G.S. 130A-230;  
 Eff. February 1, 1987;  
 Repealed Eff. May 1, 2021.

**15A NCAC 18A .0704 LABORATORY PROCEDURES**

(a) All laboratory analyses used to evaluate the effectiveness of the depuration process shall be performed by a laboratory found by a Food and Drug Administration (FDA) Shellfish Laboratory Evaluation Officer or by an FDA-certified State Shellfish Laboratory Evaluation Officer to conform or provisionally

conform to the requirements established under the National Shellfish Sanitation Program (NSSP).

(b) All methods for the analysis of depuration process water and shellfish that are used to evaluate the effectiveness of the depuration process shall be cited in the latest edition of the NSSP Guide for the Control of Molluscan Shellfish, Section IV: Guidance Documents, subsection Approved NSSP Laboratory Tests, which is incorporated by reference, including subsequent amendments and editions, and available at <https://www.fda.gov/food/federalstate-food-programs/national-shellfish-sanitation-program-nssp> at no cost, or validated for use by the NSSP under the Constitution, Bylaws and Procedures of the Interstate Shellfish Sanitation Conference, which is incorporated by reference, including subsequent amendments and editions, and available at <https://www.issc.org/constitution-bylaws-procedures>, at no cost. If there is an immediate or ongoing critical need for a method and no method approved for use within the NSSP exists, the following may be used:

- (1) a validated Association of Analytical Communities, Bacteriological Analysis Manual, or Environmental Protection Agency method; or
- (2) an Emergency Use Method as set forth in the latest approved edition of the NSSP Guide for the Control of Molluscan Shellfish.

(c) The laboratory shall conduct examinations of depuration process water and shellfish and conduct special examinations if necessary or required, in accordance with Rules .0706 through .0709 of this Section.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
 Eff. February 1, 1987;  
 Amended Eff. September 1, 1991; September 1, 1990;  
 Readopted Eff. May 1, 2021.

**15A NCAC 18A .0901 DEFINITIONS**

The following definitions shall apply to this Section.

- (1) "Approved" means shellfish growing waters determined suitable by the Division for the harvesting of shellfish for direct market purposes.
- (2) "Closed-system marina" means a marina constructed in canals, basins, tributaries, or any other area with restricted tidal flow.
- (3) "Colony forming unit" means an estimate of the number of viable bacteria cells in a sample as determined by a plate count.
- (4) "Commercial marina" means a marina that offers one or more of the following services: fuel, transient dockage, haul-out facilities, or repair services.
- (5) "Conditionally approved" means shellfish growing waters that are subject to predictable intermittent pollution but that may be used for harvesting shellfish for direct market purposes when management plan criteria are met.
- (6) "Division" means the Division of Marine Fisheries or its authorized agent.

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| <p>(7) "Estimated 90<sup>th</sup> percentile" means a statistic that measures the variability in a sample set that shall be calculated by:</p> <p>(a) calculating the arithmetic mean and standard deviation of the sample result logarithms (base 10);</p> <p>(b) multiplying the standard deviation in Sub-Item (a) of this Item by 1.28;</p> <p>(c) adding the product from Sub-Item (b) of this Item to the arithmetic mean; and</p> <p>(d) taking the antilog (base 10) of the results from Sub-Item (c) of this Item to determine the estimated 90<sup>th</sup> percentile.</p> <p>(8) "Fecal coliform" means bacteria of the coliform group that will produce gas from lactose in a multiple tube procedure liquid medium (EC or A-1) within 24 plus or minus two hours at 44.5° C plus or minus 0.2° C in a water bath.</p> <p>(9) "Geometric mean" means the antilog (base 10) of the arithmetic mean of the sample result logarithm.</p> <p>(10) "Marina" means any water area with a structure (such as a dock, basin, floating dock) that is utilized for docking or otherwise mooring vessels and constructed to provide temporary or permanent docking space for more than 10 boats.</p> <p>(11) "Marine biotoxins" means any poisonous compound produced by marine microorganisms and accumulated by shellstock.</p> <p>(12) "Median" means the middle number in a given sequence of numbers, taken as the average of the two middle numbers when the sequence has an even number of numbers.</p> <p>(13) "Most probable number (MPN)" means a statistical estimate of the number of bacteria per unit volume and is determined from the number of positive results in a series of fermentation tubes.</p> <p>(14) "National Shellfish Sanitation Program (NSSP)" means the cooperative federal-state-industry program for the sanitary control of shellfish that is adequate to ensure that the shellfish produced in accordance with the NSSP Guide For The Control Of Molluscan Shellfish will be safe and sanitary.</p> <p>(15) "Open-system marina" means a marina constructed in an area where tidal currents have not been impeded by natural or man-made barriers.</p> <p>(16) "Private marina" means any marina that is not a commercial marina as defined in this Rule.</p> <p>(17) "Prohibited" means shellfish growing waters unsuitable for the harvesting of shellfish for direct market purposes.</p> | <p>(18) "Public health emergency" means any condition that may immediately cause shellfish waters to be unsafe for the harvest of shellfish for human consumption.</p> <p>(19) "Restricted" means shellfish growing waters from which shellfish may be harvested only by permit and are subjected to a treatment process through relaying or depuration that renders the shellfish safe for human consumption.</p> <p>(20) "Sanitary survey" means the written evaluation of factors that affect the sanitary quality of a shellfish growing area including sources of pollution, the effects of wind, tides, and currents in the distribution and dilution of polluting materials, and the bacteriological quality of water.</p> <p>(21) "Shellfish" means the term as defined in G.S. 113-129, except the term shall not include scallops when the final product is the shucked adductor muscle only.</p> <p>(22) "Shellfish growing area" means a management unit that defines the boundaries of a sanitary survey and that is used to track the location where shellfish are harvested.</p> <p>(23) "Shellfish growing waters" means marine or estuarine waters that support or could support shellfish life.</p> <p>(24) "Shellstock" means live molluscan shellfish in the shell.</p> <p>(25) "Shoreline survey" means an in-field inspection by the Division to identify and evaluate any potential or actual pollution sources or other environmental factors that may impact the sanitary quality of a shellfish growing area.</p> <p>(26) "Systematic random sampling strategy" means a sampling strategy designed to assess the bacteriological water quality of shellfish growing waters impacted by non-point sources of pollution and scheduled sufficiently far in advance to support random collection with respect to environmental conditions.</p> <p><i>History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52; Eff. June 1, 1989; Amended Eff. August 1, 1998; February 1, 1997; September 1, 1990; Readopted Eff. May 1, 2021.</i></p> <p><b>15A NCAC 18A .0902 CLASSIFICATION OF SHELLFISH GROWING WATERS</b></p> <p>(a) All shellfish growing waters shall be classified by the Division of Marine Fisheries as to their suitability for shellfish harvesting. Shellfish growing waters shall be designated with one of the following classifications:</p> <p>(1) approved;</p> <p>(2) conditionally approved;</p> <p>(3) restricted; or</p> <p>(4) prohibited.</p> |
|---|---|

(b) Maps showing the classification of shellfish growing waters shall be maintained by the Division.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52; Eff. June 1, 1989; Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0903 SANITARY SURVEY**

(a) Shellfish growing waters shall be divided into shellfish growing areas by the Division of Marine Fisheries. Maps showing the boundaries of these shellfish growing areas shall be maintained by the Division and can be found at: <https://deq.nc.gov/polluted-area-proclamations>.

(b) Except in shellfish growing areas where all shellfish growing waters are classified as prohibited, the Division shall complete a sanitary survey report for each shellfish growing area at least once every three years.

(c) A sanitary survey report shall include the following:

- (1) a shoreline survey.
- (2) an evaluation of meteorological, hydrodynamic, and geographic factors that may affect distribution of pollutants.
- (3) a microbiological survey to assess water quality. A microbiological survey shall include the collection of water samples and their analysis for fecal coliforms. The number and location of sampling stations shall be selected to produce the data necessary to effectively evaluate all point and non-point pollution sources identified during the shoreline survey. A minimum of six samples shall be collected annually from each designated sampling station.
- (4) a determination of the appropriate classification for all shellfish growing waters within the shellfish growing area in accordance with Rule .0902 of this Section.

(d) A sanitary survey report shall be required to designate any portion of a shellfish growing area with a classification other than prohibited, or for a reclassification from:

- (1) prohibited to any other classification;
- (2) restricted to conditionally approved or approved; or
- (3) conditionally approved to approved.

All other reclassifications may be made without a sanitary survey.

(e) In each calendar year that a shellfish growing area is not evaluated with a sanitary survey, a written annual evaluation report shall be completed by the Division and shall include the following:

- (1) a microbiological survey to assess water quality as set forth in Subparagraph (c)(3) of this Rule.
- (2) an evaluation of changes in pollution source impacts that may affect the classifications of the shellfish growing area.

If the annual evaluation determines conditions have changed and a classification for shellfish growing waters is incorrect, the Division shall initiate action to reclassify the shellfish growing waters in accordance with Rule .0902 of this Section.

(f) Sanitary survey reports and annual evaluation reports shall be maintained by the Division.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52; Eff. June 1, 1989; Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0904 APPROVED WATERS**

Shellfish growing waters classified as approved for shellfish harvesting shall meet the following criteria as indicated by a sanitary survey, as set forth in Rule .0903 of this Section:

- (1) the shoreline survey indicates there are no significant point sources of pollution;
- (2) the area is not contaminated with fecal material, pathogenic microorganisms, poisonous or deleterious substances, or marine biotoxins that may render consumption of the shellfish hazardous; and
- (3) the microbiological survey, as set forth in Rule .0903(c)(3) of this Section, indicates the bacteriological water quality does not exceed the following standards based on results generated using the systematic random sampling strategy:
  - (a) a median fecal coliform most probable number (MPN) or geometric mean MPN of 14 per 100 milliliters;
  - (b) a median fecal coliform colony-forming units (CFU) or geometric mean CFU of 14 per 100 milliliters;
  - (c) an estimated 90<sup>th</sup> percentile of 43 MPN per 100 milliliters for a five-tube decimal dilution test; or
  - (d) an estimated 90<sup>th</sup> percentile of 31 CFU per 100 milliliters for a membrane filter membrane-Thermotolerant Escherichia coli (mTEC) test.

*History Note: Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52; Eff. June 1, 1989; Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0905 CONDITIONALLY APPROVED WATERS**

(a) Shellfish growing waters may be classified as conditionally approved if the Division of Marine Fisheries determines the following:

- (1) the sanitary survey indicates the shellfish growing waters will not meet the approved waters classification criteria as set forth in Rule .0904 of this Section under all conditions, but will meet those criteria under certain conditions;
- (2) the conditions when the shellfish growing waters will meet the approved waters classification criteria are known and predictable;

- (3) the public bottom within those shellfish growing waters support a population of harvestable shellfish; and
- (4) staff are available to carry out the requirements defined in the management plan, as set forth in Paragraph (b) of this Rule.

(b) A written management plan shall be developed by the Division for conditionally approved areas. This plan shall define the conditions under which the shellfish growing waters may be open to the harvest of shellfish. If the conditions defined in the management plan are not met, the Division shall immediately close the shellfish growing waters to shellfish harvesting.

(c) All conditionally approved growing waters shall be re-evaluated on an annual basis. A written report summarizing this re-evaluation shall be produced and shall include the following:

- (1) an evaluation of compliance with management plan criteria;
- (2) a review of the cooperation of all persons involved;
- (3) an evaluation of bacteriological water quality in the growing waters with respect to the standards for the classification; and
- (4) an evaluation of critical pollution sources.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
*Eff. June 1, 1989;*  
*Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0906 RESTRICTED AREAS**

(a) Shellfish growing waters may be classified as restricted if:

- (1) a sanitary survey indicates there are no significant point sources of pollution; and
- (2) levels of fecal pollution, human pathogens, or poisonous or deleterious substances are at such levels that shellstock can be made safe for human consumption by either relaying or depuration.

(b) Relaying of shellfish shall be conducted in accordance with all applicable rules, including 15A NCAC 03K and 15A NCAC 18A .0300.

(c) Depuration of shellfish shall be conducted in accordance with all applicable rules, including 15A NCAC 03K and 15A NCAC 18A .0300 and .0700.

(d) For shellfish growing waters classified as restricted and used as a source of shellstock for depuration, the microbiological survey, as set forth in Rule .0903(c)(3) of this Section, shall indicate the bacteriological water quality does not exceed the following standards based on results generated using the systematic random sampling strategy:

- (1) a median fecal coliform most probable number (MPN) or geometric mean MPN of 88 per 100 milliliters;
- (2) a median fecal coliform colony-forming units (CFU) or geometric mean CFU of 88 per 100 milliliters;
- (3) an estimated 90<sup>th</sup> percentile of 260 MPN per 100 milliliters for a five-tube decimal dilution test; or

- (4) an estimated 90<sup>th</sup> percentile of 163 CFU per 100 milliliters for a membrane filter membrane-Thermotolerant Escherichia coli (mTEC) test.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
*Eff. June 1, 1989;*  
*Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0907 PROHIBITED WATERS**

Shellfish growing waters shall be classified as prohibited if:

- (1) no current sanitary survey, as set forth in Rule .0903 of this Section, exists for the growing area; or
- (2) the sanitary survey determines:
  - (a) the shellfish growing waters are adjacent to a sewage treatment plant outfall or other point source outfall with public health significance; or
  - (b) the shellfish growing waters are contaminated with fecal material, pathogenic microorganisms, poisonous or deleterious substances, or marine biotoxins that render consumption of shellfish from those growing waters hazardous.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
*Eff. June 1, 1989;*  
*Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0908 UNSURVEYED AREAS**

*History Note:* Authority G.S. 130A-230;  
*Eff. June 1, 1989;*  
*Repealed Eff. May 1, 2021.*

**15A NCAC 18A .0909 BUFFER ZONES**

(a) The Division of Marine Fisheries shall establish a buffer zone around the following:

- (1) marinas, in accordance with Rule .0911 of this Section; and
- (2) wastewater treatment plant outfalls or other point source outfalls determined to be of public health significance, in accordance with the latest approved edition of the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, Section II: Model Ordinance, Chapter IV: Shellstock Growing Areas, which is incorporated by reference, including subsequent amendments and editions, and available at <https://www.fda.gov/food/federalstate-food-programs/national-shellfish-sanitation-program-nssp> at no cost.

(b) Buffer zones shall be classified as prohibited.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
*Eff. June 1, 1989;*  
*Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0910 RECLASSIFICATION**

*History Note:* Authority G.S. 130A-230;  
*Eff. June 1, 1989;*  
*Repealed Eff. May 1, 2021.*

**15A NCAC 18A .0913 PUBLIC HEALTH EMERGENCY**

- (a) The Division of Marine Fisheries shall immediately close any potentially impacted shellfish growing waters to the harvesting of shellfish in the event of a public health emergency.
- (b) The Division may re-open shellfish growing waters if the condition causing the public health emergency no longer exists and shellfish have had time to purify naturally from possible contamination.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;  
*Eff. June 1, 1989;*  
*Readopted Eff. May 1, 2021.*

**15A NCAC 18A .0914 LABORATORY PROCEDURES**

(a) All laboratory analyses used for the evaluation of shellfish growing areas shall be performed by a laboratory found by a Food and Drug Administration (FDA) Shellfish Laboratory Evaluation Officer or by an FDA-certified State Shellfish Laboratory Evaluation Officer to conform or provisionally conform to the requirements established under the National Shellfish Sanitation Program (NSSP).

(b) All methods for the analysis of shellfish and shellfish growing waters that are used for the evaluation of shellfish growing areas shall be cited in the latest edition of the NSSP Guide for the Control of Molluscan Shellfish, Section IV: Guidance Documents, subsection Approved NSSP Laboratory Tests, which is incorporated by reference, including subsequent amendments and editions, and available at <https://www.fda.gov/food/federalstate-food-programs/national-shellfish-sanitation-program-nssp> at no cost, or validated for use by the NSSP under the Constitution, Bylaws and Procedures of the Interstate Shellfish Sanitation Conference, which is incorporated by reference, including subsequent amendments and editions, and available at <https://www.issc.org/constitution-bylaws-procedures>, at no cost. If there is an immediate or ongoing critical need for a method and no method approved for use within the NSSP exists, the following may be used:

- (1) a validated Association of Analytical Communities, Bacteriological Analysis Manual, or Environmental Protection Agency method; or
- (2) an Emergency Use Method as set forth in the latest approved edition of the NSSP Guide for the Control of Molluscan Shellfish.

*History Note:* Authority G.S. 113-134; 113-182; 113-221.2; 143B-289.52;

*Eff. June 1, 1989;*  
*Amended Eff. September 1, 1991; September 1, 1990;*  
*Readopted Eff. May 1, 2021.*

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**TITLE 16 – STATE BOARD OF EDUCATION**

**16 NCAC 06G .0508 CHARTER SCHOOLS APPLICATION AND REVIEW PROCESS**

(a) Applications for charters, and the nonrefundable one thousand dollar (\$1,000) fee, shall be received by the Office of Charter Schools no later than the last Friday in July.

(b) Applications and fees received after the deadline specified by the Office of Charter Schools will not be considered, and any affected applicant groups will be notified in writing.

(c) When determining whether to award a charter, the SBE shall consider any factors relevant to academic, financial, and governance of the school, including the extent to which the application:

- (1) reflects the applicant's commitment to the purposes of the charter school law stated in G.S. 115C-218(a);
- (2) promotes the use of different and innovative teaching methods;
- (3) reflects the applicant's planning, research, and understanding of educational issues, including budgeting, financing, and accounting;
- (4) describes a board whose size, diversity, and regional affiliations represent the community and are likely to promote community support for the school;
- (5) contains articles of incorporation and by-laws;
- (6) contains a budget that reflects anticipated revenues and costs, including costs associated with maintenance of the school facilities and projected growth;
- (7) contains a plan for acquisition and utilization of a facility consistent with the proposed budget and timeline for opening school;
- (8) describes a five year marketing plan that promotes a diverse student population; and
- (9) any other factor that it determines will promote the purposes of the Charter School Act, G.S. 115C-218 et seq.

*History Note:* Authority G.S. 115C-12; 115C-218, 115C-218.1; 115C-218.5;  
*Emergency Adoption Eff. August 20, 2019;*  
*Eff. Pending Legislative Review.*

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**TITLE 19A - DEPARTMENT OF TRANSPORTATION**

**19A NCAC 03C .0101 PURPOSE**

*History Note:* Authority G.S. 20-4.01 through 20-4.12; 20-37.6; 20-39; 20-42; 20-44 through 20-53; 20-54 through 20-58; 20-58.4 through 20-58.10; 20-63.1; 20-64 through



20-79.3; 20-80 through 20-81; 20-81.2 through 20-81.7; 20-83 through 20-88; 20-88.1; 20-94; 20-95; 20-109.1; 20-114; 20-116; 20-118; 20-279; 20-286; 20-294; 20-309 through 20-319; 20-347; 14-401.4; 105-164.3(16); 105-164.4(1); 105-164; 105-314;  
 Eff. July 1, 1978;  
 Amended Eff. December 1, 1993; February 1, 1982;  
 Repealed Eff. May 1, 2021.

**19A NCAC 03C .0102 FORMS**

The forms used by the Division of Motor Vehicles to administer the functions described in the rules of this Section are available from the Division of Motor Vehicles, 1100 New Bern Avenue, Raleigh, North Carolina 27697 or online at [www.ncdot.gov/dmv](http://www.ncdot.gov/dmv).

*History Note:* Authority G.S. 20-1; 20-39; 20-41;  
 Eff. July 1, 1978;  
 Amended Eff. November 1, 1991; February 1, 1982;  
 Readopted Eff. May 1, 2021.

**19A NCAC 03C .0201 FUNCTION**

This Section establishes the rules for vehicle registration in North Carolina including:

- (1) manufacturer's certificate of origin;
- (2) registration of out-of-state vehicles;
- (3) custom built vehicles;
- (4) motor homes;
- (5) purchase information required for registration;
- (6) buses for hire;
- (7) date vehicle first operated in North Carolina;
- (8) application for title only;
- (9) acknowledgements;
- (10) certified record fees;
- (11) registration of leased vehicle;
- (12) duplicate titles;
- (13) salvaged vehicles; and
- (14) penalty for failure to transfer registration.

*History Note:* Authority G.S. 20-4.01; 20-4.2; 20-4.3; 20-4.4; 20-4.5; 20-4.7; 20-4.8; 20-4.9; 20-4.10; 20-4.11; 20-4.12; 20-37.6; 20-39; 20-42; 20-44; 20-50; 20-51; 20-52; 20-53; 20-57; 20-58; 20-58.4; 20-64; 20-66; 20-67; 20-68; 20-69; 20-70; 20-72; 20-74; 20-75; 20-77; 20-79; 20-79.1; 20-79.2; 20-79.3; 20-81; 20-81.2; 20-81.3; 20-81.4; 20-81.5; 20-81.6; 20-83; 20-84; 20-85; 20-86; 20-87; 20-88; 20-94; 20-95; 20-109.1; 20-114; 20-116; 20-118; 20-286; 20-294; 20-309; 20-311; 20-313; 20-314; 20-315; 20-316; 20-317; 20-318; 20-319; 20-347; 14-401.4; 105-164.4(1); 105-164; 105-314;  
 Eff. July 1, 1978;  
 Amended Eff. December 1, 1993; March 1, 1982;  
 Readopted Eff. May 1, 2021.

**19A NCAC 03C .0225 CLASS OF LICENSE PLATE**

Any applicant seeking an initial license plate or a transfer of a license plate shall indicate the desired classification at the time of application.

*History Note:* Authority G.S. 20-1; 20-39; 20-52; 20-64; 20-72; 20-78;

Eff. March 1, 1982;  
 Readopted Eff. May 1, 2021.

**19A NCAC 03C .0227 DATE FIRST OPERATED**

The date a vehicle is placed into operation in North Carolina shall be indicated upon registration. An applicant shall be subject to the license fee on the date a vehicle is placed into operation in North Carolina, unless he or she is a new resident operating under reciprocity in accordance with G.S. 20-4.1.

*History Note:* Authority G.S. 20-1; 20-4.01; 20-4.1; 20-39; 20-52;  
 Eff. March 1, 1982;  
 Readopted Eff. May 1, 2021.

**19A NCAC 03C .0229 SIGNATURE**

The signature on any application for registration shall be written in ink or provided by electronic signature as referenced in Article 40 of Chapter 66 of the North Carolina General Statutes and shall comply with the requirements of this Rule.

- (1) The signature shall include the owner's full name, including "junior" if applicable.
- (2) If the vehicle is jointly owned, each owner must sign.
- (3) If the owner is unable to write or print, he or she must make his or her mark. A disinterested party shall write the owner's name and then sign his name as a witness to the owner's mark.
- (4) When the owner is a partnership or a corporation, the signature shall show the name of the firm and be signed by an officer or partner.
- (5) A printed or typed version of the signature agreeing with the signature shall appear on each application.

*History Note:* Authority G.S. 20-1; 20-39; 20-52; 20-57;  
 Eff. March 1, 1982;  
 Amended Eff. December 1, 1993;  
 Readopted Eff. May 1, 2021.

**19A NCAC 03C .0233 LEASED VEHICLES**

Vehicles being leased under a private lease shall be titled and registered in the name of the lessor. A copy of the lease agreement shall be filed with the Division at the time of application for the certificate of title and registration.

*History Note:* Authority G.S. 20-1; 20-4.01; 20-39; 20-50;  
 Eff. March 1, 1982;  
 Amended Eff. December 1, 1993;  
 Readopted Eff. May 1, 2021.

**19A NCAC 03C .0237 DISPLAY OF LICENSE PLATE RENEWAL STICKER**

- (a) The license plates issued by the Division of Motor Vehicles shall be renewed by attaching an annual validation sticker.
- (b) These plates shall expire on the last day of the month indicated by the validation sticker. There is a 15-day grace period following

the expiration date of the sticker. The plate cannot be transferred to another vehicle during the grace period.

(c) The single month and year sticker shall be displayed on the plate in the upper right-hand corner.

*History Note:* Authority G.S. 20-39; 20-66;  
*Eff. March 1, 1982;*  
*Amended Eff. December 1, 1993;*  
*Readopted Eff. May 1, 2021.*

**19A NCAC 03C .0423 SELF-PROPELLED CAMPING VEHICLES**

Self-propelled vehicles equipped with permanent living and sleeping facilities and used for camping are classed as private passenger vehicles.

*History Note:* Authority G.S. 20-39; 20-87(5);  
*Eff. March 1, 1982;*  
*Readopted Eff. May 1, 2021.*

**19A NCAC 03C .0427 PERSONALIZED PLATES AND SPECIALTY PLATES**

(a) Specialty plates shall transfer from one vehicle to another if the vehicles have the same owner.

(b) Additional fees paid pursuant to G.S. 20-79.7 for a specialty plate shall not be refunded after the order has been submitted to the plate's manufacture.

*History Note:* Authority G.S. 20-39; 20-79.4; 20-79.7  
(recodified);  
*Eff. March 1, 1982;*  
*Amended Eff. December 1, 1993; November 1, 1991;*  
*Readopted Eff. May 1, 2021.*

**19A NCAC 03C .0431 PURCHASE OF OUT-OF-STATE VEHICLES: REMOVAL OF PLATES**

No resident of North Carolina shall use out-of-state license plates, unless the resident serves in the military, has dual residency, or where reciprocity agreements apply. This Rule applies to dealers and consumer owners.

*History Note:* Authority G.S. 20-39; 20-50;  
*Eff. March 1, 1982;*  
*Readopted Eff. May 1, 2021.*

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**TITLE 25 - STATE HUMAN RESOURCES COMMISSION**

**25 NCAC 01E .0908 ELIGIBILITY**

Full-time and part-time employees working half-time or more with a permanent, probationary, or time-limited appointment, shall receive paid holidays in accordance with the rules of this Section for the paid holidays. Part-time employees working half-time or more shall receive holidays on a pro rata basis. Temporary and part-time employees working less than half-time are not eligible for paid holidays.

*History Note:* Authority G.S. 126-4;  
*Eff. February 1, 1976;*  
*Amended Eff. February 1, 1995;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016;*  
*Amended Eff. May 1, 2021.*

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**RULES REVIEW COMMISSION**

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*This Section contains information for the meeting of the Rules Review Commission June 17, 2021 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 2<sup>nd</sup> 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  
Robert A. Rucho

**Appointed by House**

Anna Baird Choi (1st Vice Chair)  
Andrew P. Atkins (2nd Vice Chair)  
Paul Powell  
Randy Overton  
Vacant

**COMMISSION COUNSEL**

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

**RULES REVIEW COMMISSION MEETING DATES**

June 17, 2021	July 15, 2021
August 19, 2021	September 16, 2021

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**AGENDA**

**RULES REVIEW COMMISSION**

**THURSDAY, JUNE 17, 2021 9:00 A.M.**

**1711 New Hope Church Rd., Raleigh, NC 27609**

- I. Ethics reminder by the chair as set out in G.S. 138A-15(e)
- II. Approval of the minutes from the last meeting
- III. Follow-up matters
  - A. Department of Environmental Quality – 01 NCAC 41D .0101, .0102 (Reeder)
  - B. Coastal Resources Commission – 15A NCAC 07J .0403, .0404, .0405, .0407, .0410; 07K .0207 (Snyder)
  - C. Department of Transportation - Division of Motor Vehicles - 19A NCAC 03C .0232 (May)
  - D. Department of Transportation - Division of Motor Vehicles - 19A NCAC 03F .0201, .0202, .0203; 03I .0307 (Snyder)
  - E. Real Estate Commission - 21 NCAC 58A .0104, .0105, .0110, .0114, .0120, .0503, .1601, .2202; 58H .0210, .0303 (Snyder)
  - F. Board of Environmental Health Specialist Examiners - 21 NCAC 62 .0407, .0411 (May)
  - G. Building Code Council - Residential Code, N1101.13(R401.2) (Reeder)
- IV. Review of Log of Filings (Permanent Rules) for rules filed between April 21, 2021 through May 20, 2021
  - Child Care Commission (May)
  - Medical Care Commission (Reeder)
  - Private Protective Services Board (Reeder)
  - Environmental Management Commission (Snyder)
  - Board of Chiropractic Examiners (May)
  - Licensing Board for General Contractors (May)
  - Landscape Contractors' Licensing Board (May)
- V. Review of Log of Filings (Temporary Rules) for any rule filed within 15 business days prior to the RRC Meeting
- VI. Existing Rules Review
- VII. Commission Business
  - Next meeting: July 15, 2021

**Commission Review  
Log of Permanent Rule Filings  
April 21, 2021 through May 20, 2021**

**CHILD CARE COMMISSION**

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

Enhanced Program Standards for a Rated License for Family... 10A NCAC 09 .2828  
Amend\*

**MEDICAL CARE COMMISSION**

The rules in Subchapter 13F concern licensing of homes for the aged and infirm and include definitions (.0100); licensing (.0200); physical plant (.0300); staff qualification (.0400); staff orientation training, competency and continuing education (.0500); staffing (.0600); admission and discharge (.0700); resident assessment and care plan (.0800); resident care and services (.0900); medication (.1000); Resident's funds and refunds (.1100); policies; records and reports (.1200); special care units for alzheimer and related disorders (.1300); special care units for mental health disorders (.1400); use of physical restraints and alternatives (.1500); rated certificates (.1600); administrator certification and renewal (.1700); and infection prevention and control (.1800).

Qualifications of Medication Staff 10A NCAC 13F .0403  
Readopt with Changes\*

Test for Tuberculosis 10A NCAC 13F .0406  
Amend\*

The rules in Subchapter 13G concern licensing of family care homes including definitions (.0100); licensing (.0200); the building (.0300); staff qualifications (.0400); staffing orientation, training, competency and continuing education (.0500); staffing of the home (.0600); admission and discharge (.0700); resident assessment and care plan (.0800); resident care and services (.0900); medications (.1000); management and resident's funds and refunds (.1100); policies, records and reports (.1200); use of physical restraints and alternatives (.1300); rated certificates (.1600); and infection prevention and control (.1700)..

Qualifications of Supervisor-In-Charge 10A NCAC 13G .0402  
Readopt with Changes\*

Qualifications of Medication Staff 10A NCAC 13G .0403  
Readopt with Changes\*

Test for Tuberculosis 10A NCAC 13G .0405  
Readopt without Changes\*

The rules in Subchapter 13P concern emergency medical services and trauma including definitions (.0100); EMS systems (.0200); specialty care transport programs (.0300); medical oversight and EMS personnel (.0400 - .0500); EMS educational institutions and programs (.0600); enforcement (.0700); trauma system definitions (.0800); trauma center

standards and approval (.0900); trauma center designation enforcement (.1000); trauma system design (.1100); and recovery and rehabilitation of chemically dependent ems personnel (.1400).

<u>Abbreviations</u>	10A NCAC 13P .0101
Amend*	
<u>Definitions</u>	10A NCAC 13P .0102
Amend*	
<u>Transport of Stretcher Bound Patients</u>	10A NCAC 13P .0222
Amend*	
<u>Educational Programs</u>	10A NCAC 13P .0501
Amend*	
<u>Initial Credentialing Requirements for EMR, EMT, AEMT, Pa...</u>	10A NCAC 13P .0502
Amend*	
<u>Renewal of Credentials for EMR, AEMT, Paramedic, and EMD</u>	10A NCAC 13P .0504
Amend*	
<u>Initial Credentialing Requirements for Level 1 EMS Instru...</u>	10A NCAC 13P .0507
Amend*	
<u>Initial Credentialing Requirements for Level II EMS Instr...</u>	10A NCAC 13P .0508
Amend*	
<u>Renewal of Credentials for Level I and Level II EMS Instr...</u>	10A NCAC 13P .0510
Amend*	
<u>Reinstatement of Lapsed EMS Credential</u>	10A NCAC 13P .0512
Amend*	
<u>Continuing Education EMS Educational Program Requirements</u>	10A NCAC 13P .0601
Amend*	
<u>Basic and Advanced EMS Educational Institution Requirements</u>	10A NCAC 13P .0602
Amend*	
<u>Renewal Designation Process</u>	10A NCAC 13P .0905
Amend*	
<u>State Trauma System</u>	10A NCAC 13P .1101
Amend*	
<u>Chemical Addiction or Abuse Recovery Program Requirements</u>	10A NCAC 13P .1401
Amend*	
<u>Conditions for Restricted Practice with Limited Privileges</u>	10A NCAC 13P .1403
Amend*	
<u>Reinstatement of an Unencumbered EMS Credential</u>	10A NCAC 13P .1404
Amend*	
<u>Failure to Complete the Chemical Addiction or Abuse Recov...</u>	10A NCAC 13P .1405
Amend*	
<u>EMS Educational Institutions</u>	10A NCAC 13P .1505
Amend*	
<u>EMS Personnel Credentials</u>	10A NCAC 13P .1507
Amend*	
<u>Procedures for Qualifying for an EMS Credential Following...</u>	10A NCAC 13P .1511
Amend*	

**PRIVATE PROTECTIVE SERVICES BOARD**

The rules in Chapter 16 are from the Private Protective Services Board and cover organization and general provisions (.0100); licenses and trainee permits (.0200); security guard patrol and guard dog service (.0300); private investigator: electronic countermeasures (.0400); polygraph (.0500); psychological stress evaluator (PSE) (.0600); unarmed security guard registration (.0700); armed security guard firearm registration permit (.0800); trainer certificate (.0900); recovery

fund (.1000); training and supervision for private investigator associates (.1100); continuing education (.1300); and armed armored car service guards firearm registration permit (.1400).

<u>Reporting Requirements</u> Amend*	14B NCAC 16 .0110
<u>Involvement in Administrative Hearing</u> Amend*	14B NCAC 16 .0113
<u>Application for Licenses and Trainee Permits</u> Amend*	14B NCAC 16 .0201
<u>Renewal or Re-issue of Licenses and Trainee Permits</u> Amend*	14B NCAC 16 .0203
<u>Determination of Experience</u> Amend*	14B NCAC 16 .0204
<u>Reports</u> Amend*	14B NCAC 16 .0404
<u>Private Investigator's Use of a Badge</u> Amend*	14B NCAC 16 .0405
<u>P.S.E. Examination Requirements</u> Amend*	14B NCAC 16 .0602
<u>Application for Unarmed Security Guard Registration</u> Amend*	14B NCAC 16 .0701
<u>Minimum Standards for Unarmed Security Guard Registration</u> Amend*	14B NCAC 16 .0703
<u>Training Requirements for Unarmed Security Guards</u> Amend*	14B NCAC 16 .0707
<u>Trainer Name to be Submitted to Director</u> Adopt*	14B NCAC 16 .0708
<u>Application/Armed Security Guard Firearm Registration Permit</u> Amend*	14B NCAC 16 .0801
<u>Training Requirements for Armed Security Guards</u> Amend*	14B NCAC 16 .0807
<u>Concealed Weapons</u> Amend*	14B NCAC 16 .0808
<u>Application for Firearms Trainer Certificate</u> Amend*	14B NCAC 16 .0902
<u>Accreditation Standards</u> Amend*	14B NCAC 16 .1203
<u>Application for Unarmed Armored Car Service Guard Registr...</u> Amend*	14B NCAC 16 .1301
<u>Training Requirements for Armed Armored Car Service Guards</u> Amend*	14B NCAC 16 .1407

**ENVIRONMENTAL MANAGEMENT COMMISSION**

The rules in Subchapter 2B pertain to surface water standards and monitoring including procedures for assignment of water quality standards (.0100); the standards used to classify the waters of the state (.0200); stream classifications (.0300); effluent limitations (.0400); monitoring and reporting requirements (.0500); and water quality management plans (.0600).

<u>Water Quality Management Plans</u> Amend*	15A NCAC 02B .0227
<u>Cape Fear River Basin</u> Amend*	15A NCAC 02B .0311

The rules in Subchapter 2D are air pollution control requirements including definitions and references (.0100); air pollution sources (.0200); air pollution emergencies (.0300); ambient air quality standards (.0400); emission control standards (.0500); monitoring: recordkeeping: reporting (.0600); volatile organic compounds (.0900); motor vehicle emission control standard (.1000); control of toxic air pollutants (.1100); control of emissions from incinerators and combustion units (.1200); nitrogen oxides (.1400); municipal solid waste landfills (.1700); control of odors (.1800); open burning (.1900); transportation conformity (.2000); risk management program (.2100); special orders (.2200); banking emission reduction credits (.2300); and source testing (.2600).

<u>Definitions</u>	15A NCAC 02D .1701
Amend*	
<u>Applicability</u>	15A NCAC 02D .1702
Amend*	
<u>Emission Standards</u>	15A NCAC 02D .1703
Amend*	
<u>Test Methods and Procedures</u>	15A NCAC 02D .1704
Amend*	
<u>Operational Standards</u>	15A NCAC 02D .1705
Amend*	
<u>Compliance Provisions</u>	15A NCAC 02D .1706
Amend*	
<u>Monitoring Provisions</u>	15A NCAC 02D .1707
Amend*	
<u>Reporting Requirements</u>	15A NCAC 02D .1708
Amend*	
<u>Recordkeeping Requirements</u>	15A NCAC 02D .1709
Amend*	
<u>Compliance Schedule</u>	15A NCAC 02D .1710
Amend*	

**CHIROPRACTIC EXAMINERS, BOARD OF**

The rules in Chapter 10 include organization of the Board (.0100); the practice of chiropractic (.0200); rules of unethical conduct (.0300); rule-making procedures (.0400); investigation of complaints (.0500); contested cases and hearings in contested cases (.0600-.0700); and miscellaneous provisions (.0800).

<u>Structure of Board</u>	21 NCAC 10 .0103
Amend*	
<u>North Carolina Examination</u>	21 NCAC 10 .0203
Amend*	
<u>Continuing Education Seminars</u>	21 NCAC 10 .0207
Amend*	
<u>Waiver</u>	21 NCAC 10 .0216
Adopt*	

**GENERAL CONTRACTORS, LICENSING BOARD FOR**

The rules in Subchapter 12A concern general provisions including organization and responsibilities of the board (.0100); licensing requirements (.0200); application procedure (.0300); examination (.0400); license (.0500); board disciplinary procedures (.0700); contested cases (.0800); and homeowners recovery fund (.0900).

<u>Definitions</u>	21 NCAC 12A .0201
Amend*	
<u>Permits and Inspections</u>	21 NCAC 12A .0212
Adopt*	

<u>Renewal of License</u>	21	NCAC	12A	.0503
Amend*				
<u>Waiver</u>	21	NCAC	12A	.0607
Adopt*				

The rules in Subchapter 12B concern the general provisions (.0100); providers (.0200); courses (.0300); and instructors (.0400) for continuing education.

<u>Attendance; Roster Reports and Certificates</u>	21	NCAC	12B	.0204
Amend*				
<u>Course Requirements</u>	21	NCAC	12B	.0301
Amend*				

#### **LANDSCAPE CONTRACTORS' LICENSING BOARD**

The rules in Subchapter 28B are from the Landscape Contractors' Licensing Board and include board meetings and definitions (.0100); licensure, reciprocity and seal (.0200); license renewal and reinstatement (.0300); continuing education (.0400); minimum standards (.0500); fees (.0600); complaints and investigations (.0700); and hearings process and summary suspension (.0800).

<u>Practice of Landscape Contracting; Display of License Number</u>	21	NCAC	28B	.0103
Amend*				
<u>Maintain Current Information</u>	21	NCAC	28B	.0204
Amend*				
<u>Continuing Education Units</u>	21	NCAC	28B	.0402
Amend*				
<u>Continuing Education Records; Audit</u>	21	NCAC	28B	.0403
Amend*				
<u>Turf</u>	21	NCAC	28B	.0503
Amend*				
<u>Walls</u>	21	NCAC	28B	.0508
Amend*				



**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](mailto: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  
J. Randall May  
David Sutton  
Selina Malherbe

J. Randolph Ward  
Stacey Bawtinheimer  
Tenisha Jacobs  
Michael Byrne  
Karlene Turrentine

Year	Code	Number	Date Decision Filed	Petitioner		Respondent	ALJ
				<u>Published</u>			
20	ABC	03504	4/6/2021	NC Alcoholic Beverage Control Commission	v.	Prachi Adhikary, Inc T/A C Mart	Ward
20	ABC	04787	4/14/2021	NC Alcoholic Beverage Control Commission	v.	MAA Gayatri Properties LLC T/A Ganesh Mart	Lassiter
19	DHR	06333	4/26/2021	Lacey Queen	v.	NC Department of Health and Human Services	Sutton
20	DHR	05322	4/6/2021	Adonai Victory Health Services	v.	NC Department of Health and Human Services Division of Health Benefits	Malherbe
20	DOJ	03449	4/22/2021	Robert Erick Jordan	v.	NC Sheriffs Education and Training Standards Commission	Lassiter
20	DOJ	04028	4/6/2021	Ladonte Lashawn Hines-Tobar	v.	NC Sheriffs Education and Training Standards Commission	Jacobs
20	DOJ	04991	4/16/2021	Dustin Matthew Williams	v.	NC Sheriffs Education and Training Standards Commission	Lassiter
21	DOJ	00672	4/8/2021	Julius Jamaal Mckinney	v.	NC Private Protective Services Board	Jacobs
20	DST	03183	4/12/2021	Roger L Stancil	v.	North Carolina Department of State Treasurer, Retirement Systems Division	Lassiter
21	INS	00074	4/12/2021	Micheala Rose Griffin Coleman	v.	NC State Health Plan	May
21	INS	00076	4/5/2021	Melanie Bearror	v.	North Carolina State Health Plan for Teachers and Employees ( A Division of the Department of State Treasurer)	May

**CONTESTED CASE DECISIONS**

20	UNC	04605	4/22/2021	Kammeron Stumpf	v.	University of North Carolina Hospitals	Ward
				<b><u>Unpublished</u></b>			
20	CRA	03865	4/9/2021	Taquila S Nelson	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Lassiter
21	CRA	00937	4/14/2021	Mondarius E Henry	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Malherbe
19	CSE	05837	4/14/2021	Samuel Fianko-Ofori	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Ward
20	CSE	04052	4/19/2021	Carol McCullough	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Ward
20	CSE	04074	4/16/2021	Verna Ortiz	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Lassiter
20	CSE	04174	4/12/2021	Sierras D Cobb	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Ward
20	CSE	04175	4/1/2021	Jessica Rappe	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Lassiter
20	CSE	04194	4/12/2021	Sharef McBride	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Ward
20	CSE	04209	4/12/2021	Devin M Phillips	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Ward
20	CSE	04233	4/12/2021	Dwight F McArn	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Ward
20	CSE	04257	4/12/2021	Harold Moore Jr	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Ward
20	CSE	04275	4/19/2021	Otis L Johnson Jr.	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Ward
20	CSE	04276	4/12/2021	Peter B Savage	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Ward
20	CSE	04293	4/16/2021	Andre D Thompson	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Byrne
20	CSE	04315	4/27/2021	Erik J Wilson	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
20	CSE	04316	4/29/2021	Takoby C Cofield	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Turrentine
20	CSE	04317	4/20/2021	Darrell Morgan	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer

**CONTESTED CASE DECISIONS**

20	CSE	04322	4/23/2021	Matthew Asby	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Byrne
20	CSE	04323	4/29/2021	Derrick Anthony Breckenridge	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Byrne
20	CSE	04333	4/5/2021	Kevin M Bizjak	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
20	CSE	04390	4/16/2021	Halisaam R Thompson	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
20	CSE	04394	4/12/2021	Junior R Laguerre	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
20	CSE	04397	4/12/2021	William Smith	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Malherbe
20	CSE	04436	4/1/2021	Rudy Kyle Thompson	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Bawtinhimer
20	CSE	04455	4/21/2021	Derick V Collier	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
20	CSE	04468	4/16/2021	Christopher B Walters	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
20	CSE	04469	4/16/2021	Christopher B Walters	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
20	CSE	04494	4/27/2021	David Coyote-Garcia	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Sutton
20	CSE	04532	4/21/2021	April Burgess	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Sutton
20	CSE	04556	4/26/2021	Peter R Knott	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Bawtinhimer
20	CSE	04569	4/26/2021	Harold L Lofton	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Bawtinhimer
20	CSE	04572	4/26/2021	Derrick L Terry	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Sutton
20	CSE	04608	4/5/2021	Michael West Miller	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Jacobs
20	CSE	04609	4/23/2021	Cori E Simms	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
20	CSE	04614	4/13/2021	Gregory Kearn Clyburn	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Malherbe
20	CSE	04667	4/14/2021	Jerron C Faulk	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Malherbe

**CONTESTED CASE DECISIONS**

20	CSE	04669	4/19/2021	Steven T Tipmore II	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	May
20	CSE	04690	4/15/2021	Jon R Lofthouse	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinheimer
20	CSE	04692	4/30/2021	David M Kroll	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Lassiter
20	CSE	04728	4/13/2021	Angelo Newkirk, JR	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Lassiter
20	CSE	05042	4/16/2021	Brandon M Terrell	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Byrne
21	CSE	00376	4/5/2021	Melvin Lee Williams	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Jacobs
21	CSE	00648	4/8/2021	Daniel James Richards	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Jacobs
21	CSE	01215	4/22/2021	Darrin Butch Strunk	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Sutton
21	DCS	00773	4/21/2021	Robin W Morgan	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Sutton
21	DCS	00774	4/21/2021	Sarah Stafford	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Sutton
20	DHR	04043	4/9/2021	India Haynes by her attorney F Lane Williamson	v.	Department of Health and Human Services, Division of Health Service Regulation	Malherbe
20	DHR	04112	4/12/2021	Kathy Irvin	v.	On Site Water Protection Section Rowan County NC Environmental Health	May
20	DHR	04502	4/23/2021	Patricia Dixon	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Bawtinheimer
20	DHR	04600	4/23/2021	Karen Katrina Wilkins	v.	Department of Health and Human Services, Division of Health Service Regulation	Bawtinheimer
20	DHR	04610	4/21/2021	Leslie Dunbar	v.	Ms. Lisa G - General Counsel Department of Health and Human Services Office of Legal Affairs	Sutton
20	DHR	04633	4/13/2021	Daryl Bodricks Bar B Q	v.	NC Department of Health and Human Services, Division of Public Health Environmental Health Section	Sutton
21	DHR	00358	4/6/2021	Room to Grow Michelle P Jones	v.	NC Department of Health and Human Services, Division of Child Development and Early Education	Byrne
21	DHR	00833	4/7/2021	Jeffrey D Dekeyser	v.	DHHS	Lassiter
21	DHR	01159	4/16/2021	Dorothy Edwards	v.	Department of Health and Human Services, Division of Health Service Regulation	Turrentine

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**CONTESTED CASE DECISIONS**

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21	DHR	01617	4/12/2021	All My Children Child Care Center Paulette Muhammad	v.	North Carolina Department of Health and Human Services, Division of Public Health, Child & Adult Care Food Program	Ward
21	DHR	01643	4/30/2021	Michelle P Jones Room to Grow	v.	NC Dept of Health and Human Services, Division of Child Development	Lassiter
20	DOJ	05456	4/9/2021	Ethan Joseph Cornell	v.	NC Sheriffs Education and Training Standards Commission	Ward
20	DOJ	05457	4/9/2021	Nicole Claire Leslie	v.	NC Sheriffs Education and Training Standards Commission	Ward
21	DOJ	00443	4/19/2021	Jerry Lee McClarin	v.	NC Criminal Justice Education and Training Standards Commission	Bawtinhimer
21	DOJ	00943	4/27/2021	Laura Lee Young Steele	v.	NC Private Protective Services Board	Byrne
21	EHR	00279	4/20/2021	Kevin G Pool	v.	NC Division of Air Quality	Turrentine
21	OSP	00440	4/13/2021	Quinton M Ashe	v.	NC Department of Transportation	Byrne