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multiplied by (the county's rate of compliance) equals the allocation to the county; and

- (B) [total amount of remaining funds after distribution in Part (b)(2)(A)] multiplied by (the number of facilities in the county divided by the number of facilities in all counties with 100 percent compliance with mandatory inspection requirements for food and lodging establishments as set forth in G.S. 130A-249 and 10A NCAC 46 .0213 during the previous fiscal year) equals the additional allocation to the county.

(c) Notwithstanding the definition of rate of compliance in Paragraph (a) of this Rule, the total amount of funds distributed to a local health department shall be calculated in accordance with Paragraph (b) of this Rule, but using the local health department's rate of compliance from the last state fiscal year that was completed immediately prior to a disaster, emergency, or event, when:

- (1) one or more counties served by the local health department is named in a disaster or emergency declaration or in an event designation;
- (2) the local health director or the local health director's designee submits a written attestation to the State Environmental Health Director that includes the following:
 - (A) an explanation of how disruption caused by the disaster, emergency, or event is such that inspections that are required pursuant to G.S. 130A-249 and 10A NCAC 46 .0213 for food and lodging establishments cannot be carried out as planned because of the local health department's involvement in the response to the disaster, emergency, or event; and
 - (B) a statement that the loss of funds as a result of the local health department's decreased rate of compliance is expected to result in a financial hardship to the local health department's environmental health program; and
- (3) the Department determines that sufficient funds are available to make a disbursement to the local health department in accordance with this Paragraph.

(d) Attestations written pursuant to Paragraph (c) of this Rule shall be submitted to the State Environmental Health Director by mail at 5605 Six Forks Road, 1632 Mail Service Center, Raleigh, NC 27699-1632.

Authority G.S. 130A-9; 130A-248; 130A-249; S.L. 2023-137.

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Alcoholic Beverage Control Commission intends to amend the rules cited as 14B NCAC 15B .1007, and .1008.

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

Proposed Effective Date: January 1, 2026

Public Hearing:

Date: October 8, 2025

Time: 10:00 AM

Location: NC ABC Commission, Hearing Room, 400 East Tryon Road, Raleigh, NC 27610

Reason for Proposed Action: *Original request by one local ABC board for changes to 14B NCAC 15B .1008 and additional communications with the NC ABC Board Association. ABC Commission determined it was more efficient to add spirituous liquor industry members to 14B NCAC 15B .1007 with malt beverage and wine industry members and to make 14B NCAC 15B .1008 exclusive to ABC boards.*

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

Comment period ends: November 3, 2025

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

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

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

CHAPTER 15 - ALCOHOLIC BEVERAGE CONTROL COMMISSION

SUBCHAPTER 15B - RETAIL BEER: WINE: MIXED BEVERAGES: BROWNBAGGING: ADVERTISING: SPECIAL PERMITS

SECTION .1000 - ADVERTISING

14B NCAC 15B .1007 ADVERTISING OF MALT BEVERAGES AND WINE ALCOHOLIC BEVERAGES BY INDUSTRY MEMBERS

(a) Billboards; Media. Industry members may advertise ~~malt beverages or wine alcoholic beverages~~ on outdoor billboards, by radio, television, ~~newspaper or magazine, and by other similar means.~~ newspaper, magazine, the internet, and social media. ~~Outdoor~~ Industry members shall not display billboards or signs ~~shall not be displayed~~ on the premises of ~~any a~~ retail permittee's establishment ~~nor or~~ in areas where sale of that product is unlawful.

(b) Aerial Display. ~~Industry members may advertise by Malt beverages and wine may be advertised by industry members by means of aerial displays or tethered inflatables, including banner-towing, hot air balloons and parachutes, if:~~

- (1) ~~One~~ The industry member submits ~~one or more~~ photographs or drawings of the displays ~~have been submitted to the Commission at legal@abc.nc.gov and the permittee has received~~ receives prior written approval;
- (2) The advertising on the aerial display ~~is in conformity~~ conforms with all other rules in this Section; and
- (3) ~~No~~ The aerial display or inflatable is not placed on or over the premises of a retail ~~permittee's~~ establishment, permittee.

(c) Delivery Trucks and Uniforms. Trucks owned ~~by or leased exclusively to or leased by~~ an industry member may be used for advertising ~~purposes~~ purposes, limited to the permittee's name or trade name ~~of the permittee,~~ and the brand names, slogans, house marks marks, or trademarks of the alcoholic beverages manufactured or sold by the permittee. Wholesale permittees and ~~spiruous liquor industry members~~ may display on ~~the uniforms of their employees~~ their employee uniforms the ~~names~~ name of their company and the brand names of the products ~~handled by them; they are authorized to represent.~~

(d) Other Signs. Industry members may maintain ~~any~~ signs required by the laws of the United States to be displayed on their premises ~~as well as signs on the premises and signs~~ indicating the brand names of malt beverages and wine alcoholic beverages sold by them, including the word "beer," or words describing other malt beverages and wine, "wine," "spiruous liquor," or words describing malt beverages, wine, or spiruous liquor.

(e) Price. Industry members shall not advertise the ~~price of malt beverages or wine.~~ prices of their alcoholic beverages. A wholesaler may give to retail permittees a wholesale price list that contains the brand names and prices of ~~his~~ the wholesaler's products ~~to retail permittees.~~ products.

(f) College Campuses. ~~All print advertising, including posters, flyers, display ads, or point-of-sale materials that are published~~

~~primarily for distribution to college students or for dissemination on college campuses shall first be submitted to the Commission for approval prior to any publication or distribution. Industry members shall submit print advertising, including posters, flyers, display ads, or point-of-sale materials that are published for distribution to college students or for dissemination on college campuses, to the Commission at legal@abc.nc.gov for review and approval before use. Industry members are encouraged to submit such advertising at least two months prior to one month before distribution deadlines in order to allow adequate review by the Commission. deadlines.~~

(g) Listings of Available Product Locations. Industry members may advertise and assist consumers to locate the names and locations where their alcoholic beverage products are sold in the State, subject to the following conditions:

- (1) The list includes all retail permittees and ABC stores selling an industry member's products in the State by a searchable electronic database available to the public; and
- (2) The industry member reviews and updates the list of retail permittees and ABC stores in six-month intervals.

(h) Comments Posted on Retailers' Sites. Industry members may post a comment or reaction by text or symbol on a retailer's website or social media but shall not copy and repost the retailer's message.

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

14B NCAC 15B .1008 ADVERTISING OF SPIRITUOUS LIQUORS BY ABC BOARDS

(a) ABC Stores. An ABC store may have one or more ~~outside~~ signs located ~~on the premises for the purpose of identifying on the store's property, as stated on the store's lease or deed, to identify~~ the ~~outlet~~ store's presence if the sign is not prohibited by local ordinance and it has been approved by the Commission. ~~During the approval process the~~ The Commission shall consider the following factors:

- (1) the proximity of the ABC store to schools and churches;
- (2) the number and size of the signs requested;
- (3) the text and graphics on the sign;
- (4) the materials that make up the sign; and
- (5) the public concern in matters of the public's welfare.

(b) ~~Aerial Displays. No distiller, importer, or rectifier of spiruous liquor, or representative thereof, nor any retail permittee, shall advertise by means of an aerial display or inflatable the brand name or availability of spiruous liquor.~~

(c) Billboards; Media. Industry members may advertise spiruous liquor on outdoor billboards, by radio, television, newspaper, magazine or internet, and by other similar means. ~~Outdoor billboards or signs shall not be displayed on the premises of any retail permittee's establishment nor in areas where sale of that product is unlawful.~~

(b) Billboards. Billboards may be used by local ABC boards for the following purposes:

- (1) advertising the location, contact information, and hours of operation of an ABC store;

- (2) statistical information on volume of sales, revenues generate, and the amount of revenues distributed to the State and local government; and
- (3) subject to the Commission's approval, educational content regarding alcohol or substance abuse or public service announcements.

Billboards used by a local ABC board shall not include the brand name or picture of a spirituous liquor or fortified wine.

~~(d)(c)~~ Point-of-Sale. Point-of-sale and advertising specialties for spirituous liquor may be used in ABC stores. Advertising used in ABC stores shall conform to the provisions of Rule 14B NCAC 15B .1005, ~~1005 of this Section, and in addition shall not:~~

- ~~(1) incorporate the use of any present or former athlete or athletic team; or~~
- ~~(2) refer to the availability of or offer any alcoholic beverages by mail.~~

~~All point-of-sale advertising material, advertising specialties, and recipes, booklets or brochures intended for use and display in ABC stores shall first be submitted to the Commission prior to their display in an ABC store. Industry members shall submit point-of-sale advertising material, advertising specials, recipes, booklets, or brochures for use and display in ABC stores to the Commission at legal@abc.nc.gov before displaying these items in an ABC store.~~

~~(e)(d)~~ Local ABC Boards. Local ABC boards may advertise on their web site or social networking page page, and inside ABC stores, the following information:

- (1) general information such as including the history of the local ABC board, locations, hours of operation, contact information, employment opportunities, alcohol enforcement, alcohol education, underage drinking education and other local government information; and
- (2) liquor products and prices, as long as: prices, subject to the following conditions:
 - ~~(A) no logos are shown;~~
 - ~~(B)(A) when a product is listed, the list includes all products that are offered are listed; of the same category or type advertised;~~
 - ~~(C)(B) when if a product's regular price is listed, the list includes all products' regular prices of all products of the same category or type offered by the board are listed; and local ABC board;~~
 - ~~(D)(C) when if a special price reduced for 30 days is listed for a product, product on a supplemental price list pursuant to Rule 14B NCAC 15A .1503, the list includes all products with special temporary reduced prices offered by the board are listed. local ABC board; and~~
 - (D) if the Commission authorizes a local ABC board to sell certain products at below the uniform price pursuant to Rule 14B NCAC 15A .1702, the list

includes all products offered by the local ABC board with prices below the uniform price.

- (3) Logos and prices of spirituous liquor products posted in pictures or videos of the inside of an ABC store must include all products in a category and their prices.
- (4) New products during the first 180 days of availability for purchase in an ABC store and products returning to inventory after one year of unavailability for purchase.
- (5) Spirituous liquor products available via special order pursuant to Rule 14B NCAC 15A .1403(b).
- (6) Special order barrel products with personalized labeling pursuant to G.S. 18B-800(c1) ordered by a local ABC board in compliance with Rule 14B NCAC 15A .1403.
- (7) Products available for online order pursuant to G.S. 18B-800(c3).
- (8) Products available on the Limited Product Record list pursuant to G.S. 18B-204(a3).

(e) Advertising by email. Local ABC boards may advertise by email or text to mixed beverage permittees that request to receive advertisements from the local board. Local ABC boards shall not advertise by email or text to retail customers of the local board except:

- (1) when a customer inquires about the availability or the price of a specific product; or
- (2) when a customer requests or consents to receive marketing emails or texts.

A local ABC board email advertisement to retail customers shall be limited to advertising allowed pursuant to this Rules, to a lottery of spirituous liquor, and to barrel purchase opportunities.

(f) Local ABC boards may join local chambers of commerce or visitor's bureaus and may provide them general board information which that includes store locations and hours to be distributed made available through the website or other electronic means of the chambers of commerces' or visitor's bureaus' media information. commerce or visitor's bureaus.

(g) Local ABC boards shall submit approval requests required by this Rule to legal@abc.nc.gov.

(h) Local ABC boards shall not use or allow the use or display of any tent, canopy, cooler, sign, or personal property owned by the local ABC board or that displays the local ABC board's name or logo except within the local ABC board store.

Authority G.S. 18B-100; 18B-105; 18B-207; 18B-807.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rules cited as 15A NCAC 10F .0324, and .0338.