

March 22, 2007

S 1435. AMEND FUNERAL SERV. PRAC./OTHER RELATED LAWS. Filed 3/21/07.

AMENDING THE LAWS PERTAINING TO THE PRACTICE OF FUNERAL SERVICE, MUTUAL BURIAL ASSOCIATIONS, PRENEED FUNERAL FUNDS, AND CREMATIONS.

Amends GS 90-210.18A, modifying the provision on terms of Board of Funeral Service members. Amends several definitions in GS 90-210.20. Amends the Board's powers and duties stated in GS 90-210.23 to allow for the recovery of costs in certain disciplinary actions against licensees. Makes changes to the provisions in GS 90-210.25 for licensing for funeral practice. Modifies the provision on owning, operating, or maintaining funeral chapels in GS 90-210.27A, as well as that section's provision on the use of unregistered or misleading names by funeral establishments. Increases maximum fees set out in GS 90-210.28. Enacts GS 90-210.29A-1, providing that examination scores of applicants for licensure are not public records. Modifies various provisions pertaining to preneed contracts, including GS 90-210.62 (types of preneed contracts and forms for contracts), GS 90-210.64 (death of a preneed contract beneficiary and disposition of funds), GS 90-210.65 (refund of preneed funeral funds), GS 90-210.68 (preneed licensee's books and records and notice of transfers, assignments and terminations); and GS 90-210.69(c) (grounds for refusing to issue or renew a license, suspend or revoke a license or place the license holder on probation). Enacts new GS 90-210.63A, providing for amendment of preneed funeral contracts. Amends GS 90-210.67 pertaining to licensing to offer or sell preneed funeral contracts, including increasing fees and requiring a surety bond in certain circumstances. Amends GS 90-210.102 with regard to appeal from hearings by the Board of disputes regarding liability for funeral benefits. Amends various subsections in GS 90-210.107, pertaining to the acquisition, merger, dissolution, and liquidation of mutual burial associations. Repeals the definition of *temporary container* in GS 90-210.121(22) and adds new definitions to that provision. Amends the provision on election of Crematory Authority members in GS 90-210.122(c). Modifies the Board's authority in GS 90-210.123(g) to suspend, revoke, or refuse to issue or renew a license for crematory managers and specified others, and allows the Board to seek injunctions in certain circumstances when a violation of Article 13F, Cremations, has occurred or threatens to occur. Amends the priority list, in GS 90-210.124, of individuals who have the right to serve as authorizing agents, and makes other changes to that provision. Adds several new subsections to GS 90-210.129, pertaining to cremation procedure and amends GS 90-210.130, pertaining to final disposition of cremated remains. Enacts GS 90-210.135 providing that no person, firm, or corporation licensed as a crematory may operate a cremation society without first registering with the Board. Amends the provisions in GS 130A-420 dealing with an individual's authorization of the disposition of his or her own dead body and disposition when the person left no written authorization; also adds a new provision regarding an individual's waiver of the right to authorize disposition of the decedent's body.

Intro. by Atwater.

GS 90, 130A

July 27, 2007

S 1435. AMEND FUNERAL SERV. PRAC./OTHER RELATED LAWS. Filed 3/21/07. Senate

committee substitute makes the following changes to 1st edition. Modifies proposed amendments to GS 90-210.18A to provide that the staggered terms of members of the NC Board of Funeral Service end on December 31 (was, June 30; 1st edition, December 1) of the last year of the term. Modifies proposed changes to GS 90-210.20 to remove making arrangements for cremation from the definition of the *practice of funeral service*. Deletes proposed GS 90-210.25(e1) prohibiting a licensee from accepting, soliciting, or offering to accept any compensation in exchange for taking human tissue from a dead body for any person engaging in the recovery of human tissue. Modifies proposed changes to GS 90-210.67(b) to remove the \$400 cap on preneed funeral establishment license application and renewal fees set by the Board. Makes clarifying changes. Decreases the proposed cap on the license renewal fee from the proposed \$400 to \$250 (the cap is currently \$150). Reorganizes proposed amendments to GS 90-210.121. Modifies proposed amendments to GS 90-210.129 to replace requirements for a temporary container with an initial container. Also modifies proposed subsection (o) to provide that if a physician with enough knowledge to complete a written statement about the circumstances surrounding the fetal

remains of less than 20 weeks gestation cannot be found, then the crematory licensee must obtain documentation of the circumstances, date, and time of delivery of the remains prepared by a hospital, medical facility, law enforcement agency, or other entity. Allows healthcare providers to release the pertinent medical records to a licensee. Requires the licensee to report the death to the local medical examiner if the licensee cannot identify sufficient documents. Modifies proposed subsection (q) to require the crematory licensee to notify the local medical examiner if a physician who has enough information to complete a statement acknowledging the circumstances of an amputated body part cannot be identified.

July 28, 2007

S 1435. AMEND FUNERAL SERV. PRAC./OTHER RELATED LAWS. Filed 3/21/07. Senate amendment makes the following changes to 2nd edition. Modifies new subsection (o) in GS 90-210.129 (cremation procedures) pertaining to the written statement that must be received before cremation of certain fetal remains and to reporting by the crematory licensee to the local medical examiner. Also amending new GS 90-210.129(p) regarding receipt by a crematory licensee of a fetal report of death.

August 2, 2007

S 1435. AMEND FUNERAL SERV. PRAC./OTHER RELATED LAWS. Filed 3/21/07. House amendments make the following changes to 3rd edition. Amendment #1 enacts GS 90-210.60(3a) to define *legal representation* as used in GS Chapter 90, Article 13A. Modifies GS 90-210.124(a) to reorder the priority of documents that may be used by an individual who is at least 18 years of age to authorize the type, place, and method of disposition of the individual's own body.

Amendment #2 reduces the maximum costs, exclusive of attorneys' fees, that the NC Board of Funeral Service may recover when it imposes discipline against a licensee, from \$5,000 to \$2,500.

September 4, 2007

SL 2007-531 (S 1435). AMEND FUNERAL SERVICE PRACTICE/OTHER RELATED LAWS. AN ACT AMENDING THE LAWS PERTAINING TO THE PRACTICE OF FUNERAL SERVICE, MUTUAL BURIAL ASSOCIATIONS, PRENEED FUNERAL FUNDS, AND CREMATIONS. Summarized in *Daily Bulletin* 3/22/07, 7/27/07, 7/28/07, and 8/1/07. Enacted August 31, 2007. Effective August 31, 2007.