

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL DRS35376-MUZ-79B

Short Title: GSC Update Funeral Board and DOI Licensing. (Public)

Sponsors: Senator Galey (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO UPDATE THE BOARD OF FUNERAL SERVICE STATUTES AND TO
3 AMEND VARIOUS LICENSING PROGRAMS BY THE DEPARTMENT OF
4 INSURANCE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.
5 The General Assembly of North Carolina enacts:

6
7 **PART I. UPDATE FUNERAL BOARD STATUTES**

8 **SECTION 1.** The catch line to G.S. 90-210.22 reads as rewritten:

9 "**§ 90-210.22. ~~Required meetings of the Board.~~Board of Funeral Service.**"

10 **SECTION 2.** G.S. 90-210.19 is recodified as G.S. 90-210.22(b).

11 **SECTION 3.** G.S. 90-210.18A(b), (c), and (d) are recodified as G.S. 90-210.22(a),
12 (f), and (g), respectively.

13 **SECTION 4.** G.S. 90-210.23(b) and (c) are recodified as G.S. 90-210.22(c) and (e),
14 respectively.

15 **SECTION 5.** G.S. 90-210.18A, as amended by Section 3 of this act, reads as
16 rewritten:

17 "**§ 90-210.18A. ~~Board of Funeral Service created; qualifications; vacancies; removal.~~State**
18 **policy on the practice of funeral service.**

19 (a) The General Assembly declares that the practice of funeral service affects the public
20 health, safety, and welfare and is subject to regulation and control in the public interest. The
21 public interest requires that only qualified persons be ~~permitted~~ allowed to practice funeral
22 service in North Carolina and that the profession merit the confidence of the public. This Article
23 shall be liberally construed to accomplish these ends.

24 (b) through (d) Recodified."

25 **SECTION 6.** G.S. 90-210.25(c)(3) is recodified as G.S. 90-210.20(22).

26 **SECTION 7.** G.S. 90-210.20, as amended by Section 6 of this act, reads as rewritten:

27 "**§ 90-210.20. Definitions.**

28 ~~Unless a different meaning is required by the context, the~~ The following definitions apply to
29 this Article and Articles 13D and 13F of this Chapter:

30 ~~The following definitions apply in this Article:~~

31 (1) Advertisement. – The publication, dissemination, ~~circulation~~ circulation, or
32 placing before the public, or causing directly or indirectly to be made,
33 published, ~~disseminated~~ disseminated, or placed before the public, ~~any~~ an
34 announcement or statement in a newspaper, magazine, or other publication,
35 or in the form of a book, notice, circular, pamphlet, letter, handbill, poster,



- 1 bill, sign, placard, card, ~~label~~label, or tag, or over any radio, television station,
2 or electronic medium.
- 3 (2) Alkaline hydrolysis. – The technical process that reduces ~~dead human bodies~~
4 human remains to bone fragments using heat, water, and chemical agents.
- 5 (3) Board. – The North Carolina Board of Funeral Service.
- 6 (4) Branch establishment. – A funeral establishment that serves as an ancillary
7 facility to a principal funeral ~~establishment, which is not required to contain a~~
8 preparation room pursuant to G.S. 90-210.27A(a) establishment.
- 9 (5) ~~Burial. – Includes Interment in any form, cremation and the transportation of~~
10 ~~the dead human body as necessary.~~
- 11 (6) Chapel. – A facility separate from ~~the a~~ funeral establishment ~~premises that~~
12 meets all of the following requirements:
- 13 a. for the Its primary purpose of is the ~~reposing of dead human bodies,~~
14 human remains, visitation, funeral ceremony, or memorial ~~service~~
15 service.
- 16 b. that It is owned, operated, or maintained by a principal funeral
17 ~~establishment under this Article, and establishment.~~
- 18 c. that It is not staffed on a full-time ~~basis,~~ basis.
- 19 d. in which or on the premises of which, there is not displayed any
20 caskets or other funeral merchandise; in which or on the premises of
21 which there is not located any business office or preparation room; and
22 which no owner, operator, employee, or agent thereof represents the
23 chapel to be a funeral establishment. A Caskets and other funeral
24 merchandise are not displayed on its premises; however, a funeral
25 establishment may utilize a chapel use it to make funeral arrangements
26 and to sell funeral merchandise to the public by photograph or digital
27 presentation, and to make financial arrangements related to the sale,
28 provided that such so long as these uses are secondary and incidental
29 to and do not interfere with the reposing of dead human bodies,
30 visitation, funeral ceremony, or memorial service.its primary purpose.
- 31 e. A business office or preparation room is not located on its premises.
- 32 f. No owner, operator, employee, or agent of it represents that it is a
33 funeral establishment.
- 34 (7) ~~Dead human bodies. – Includes The body of a decedent, regardless of its stage~~
35 ~~of decomposition, and includes fetuses beyond the second trimester and the~~
36 ~~ashes, bone fragments, or human materials produced as a result of cremation~~
37 ~~or alkaline hydrolysis.~~
- 38 (8) Embalmer. – ~~Any A~~ person engaged in the practice of embalming.
- 39 (9) Embalming. – The preservation and disinfection or attempted preservation
40 and disinfection of ~~dead human bodies~~ human remains by application of
41 chemicals externally or internally or both and the practice of restorative art
42 including the restoration or attempted restoration of the appearance of ~~a dead~~
43 ~~human body. Embalming shall~~ human remains. ~~The term does not include the~~
44 ~~washing or use of soap and water to cleanse or prepare a dead human body~~
45 human remains for disposition by ~~the~~ authorized agents, family, or friends of
46 the deceased who do so privately without pay or as part of the ritual washing
47 and preparation of ~~dead human bodies~~ human remains prescribed by religious
48 ~~practices; provided, that no dead human body shall be handled in a manner~~
49 ~~inconsistent with G.S. 130A-395.practices.~~
- 50 (10) Embalming facility. – A facility, ~~other than a funeral establishment, at which~~
51 ~~an embalmer or funeral service licensee engages in embalming and in which,~~

1 or on the premises of which, there is not displayed any caskets or other funeral
 2 merchandise, and which no owner, operator, employee, or agent represents
 3 the embalming facility to be a funeral establishment or engages in funeral
 4 directing. A facility that is operated by a funeral establishment and meets all
 5 of the following requirements:

6 a. It is located on property that is not contiguous with the premises of the
 7 funeral establishment and has a different physical address than the
 8 funeral establishment.

9 b. An embalmer or a funeral service licensee engages in embalming at
 10 the facility.

11 c. Caskets and other funeral merchandise are not displayed at the facility.

12 d. No owner, operator, employee, or agent of the facility represents that
 13 it is a funeral establishment or engages in funeral directing at the
 14 facility.

15 (11) Embalming fluid. – Any chemicals or substances ~~Any chemicals or substances~~ A chemical or substance
 16 manufactured primarily for use by licensed funeral directors, undertakers or
 17 embalmers, or registered residents ~~licensed funeral directors, undertakers or~~ a licensed embalmer, funeral service
 18 licensee, or resident trainee in embalming or funeral service to prepare,
 19 disinfect, or preserve, either hypodermically, arterially, or by any other
 20 recognized means, the body of a deceased person ~~the body of a deceased person~~ human remains for burial,
 21 cremation, reduction, or other final disposition.

22 (12) Entry-level examination in funeral directing. – An examination recognized by
 23 rule adopted by the Board to assess competency in all of the following
 24 subjects:

25 a. Funeral arranging and directing.

26 b. Funeral service marketing and merchandising.

27 c. Funeral service counseling.

28 d. Legal and regulatory compliance.

29 e. ~~Crematory~~ Reduction facility operations.

30 (13) Funeral directing. – Engaging in the practice of funeral service except
 31 embalming.

32 (14) Funeral director. – Any ~~Any~~ A person engaged in the practice of funeral directing.

33 (15) Funeral establishment. – Every ~~Every~~ A place or premises with one or more
 34 structures, on a contiguous piece of property, that is devoted to or used in the
 35 care, arrangement ~~arrangement~~ , and preparation for the funeral and final
 36 disposition of dead human bodies and human remains and is maintained for
 37 the convenience of the public in connection with dead human bodies or as the
 38 place for carrying on the practice of funeral service.

39 (16) Funeral merchandise or funeral supplies. – Any personal property used in
 40 connection with the conduct of funerals or with the transportation and final
 41 disposition of a dead human body, human remains, including caskets, outer
 42 burial containers, cremation caskets, urns, and burial clothing. The term does
 43 not mean mausoleum crypts, pre-installed outer burial containers ~~or~~ or
 44 containers, interment receptacles, and columbarium niches ~~niches~~ , or other
 45 services or merchandise at a cemetery regulated by the Cemetery
 46 Commission.

47 (17) Funeral service. – The ~~Any~~ Any activity regulated by this Article or Article 13D or
 48 13F of this Chapter. The term includes the following:

49 a. The aggregate of all funeral service licensees and their duties and
 50 responsibilities in connection with the funeral as an organized,
 51 purposeful, time-limited, flexible, group-centered response to death.

- 1 b. The care or disposition of human remains.
2 c. The preparation of human remains by embalming or otherwise for
3 transportation, burial, reduction, or other lawful means of final
4 disposition.
5 d. The sale of funeral supplies to the public or any financial arrangements
6 for the sale of funeral supplies.
7 (18) Funeral service licensee. – A person who is ~~duly~~ licensed and engaged in the
8 practice of ~~funeral service~~ both funeral directing and embalming.
9 (18a) through (18d) Reserved for future codification purposes.
10 (18e) Human remains. – The body of a deceased person, including a separate human
11 fetus, regardless of the length of gestation, or body parts.
12 (19) Practice of funeral service. – Engaging in ~~the care or disposition of dead~~
13 ~~human bodies or in the practice of disinfecting and preparing by embalming~~
14 ~~or otherwise dead human bodies for the funeral service, transportation, burial,~~
15 ~~cremation, or other lawful means of final disposition, or in the practice of~~
16 ~~funeral directing or embalming as presently known, whether under these titles~~
17 ~~or designations or otherwise. "Practice of funeral service" also means~~
18 ~~engaging in making arrangements for funeral service, selling funeral supplies~~
19 ~~to the public or making financial arrangements for the rendering of such~~
20 ~~services or the sale of such supplies.~~ funeral service.
21 (20) Principal funeral establishment. – ~~The~~ A funeral establishment that serves as
22 the primary or principal business office of a funeral establishment that ~~has~~
23 ~~been issued a license by the Board to operate a~~ operates an ancillary branch
24 ~~funeral establishment~~ establishment, embalming facility, or chapel.
25 (20a) Reduced human remains. – Human remains after completion of reduction.
26 (20b) Reduction. – Cremation, alkaline hydrolysis, or any other method of final
27 disposition of human remains authorized under Article 13F of this Chapter.
28 (20c) Reduction facility. – A facility that conducts reduction.
29 (20d) Reduction licensee. – A person licensed under Article 13F of this Chapter.
30 (21) Resident trainee. – A person who is engaged in preparing to become licensed
31 ~~for the practice of funeral directing, embalming as a funeral director,~~
32 ~~embalmer, or funeral service licensee, is~~ under the personal supervision and
33 instruction of a person ~~duly~~ licensed ~~for the practice of funeral directing,~~
34 ~~embalming as a funeral director, embalmer, or funeral service licensee in the~~
35 ~~this State of North Carolina under the provisions of this Chapter, Article, and~~
36 ~~who is duly~~ registered as a resident trainee with the Board.
37 (22) ~~The "transportation~~ Transportation or removal of a dead human body" shall
38 ~~mean the human remains. – The removal of a dead human body~~ human
39 remains for a fee from the location of the place of death or discovery of death
40 or the transportation of the body human remains to or from a medical facility,
41 ~~funeral establishment or~~ establishment, embalming facility, crematory,
42 reduction facility, place of final disposition, or place designated by the
43 Medical Examiner for examination or autopsy of the ~~dead human body~~ human
44 remains.
45 (23) Transportation or removal permit. – A permit authorizing an individual to
46 engage in the transportation or removal of human remains.
47 (24) Transportation or removal service permit. – A permit authorizing a business
48 to engage in the transportation or removal of human remains."

49 **SECTION 8.** G.S. 90-210.22, as amended by Sections 1 through 4 of this act, reads

50 as rewritten:

51 "**§ 90-210.22. Board of Funeral Service.**

1 (a) Creation and Membership. – The North Carolina Board of Funeral Service is created
2 and shall regulate the practice of funeral service in this State. The Board shall have nine members
3 as follows:

- 4 (1) Three members appointed by the Governor from nominees recommended by
5 the North Carolina Funeral Directors Association, Inc. These members shall
6 be persons licensed under this Article.
- 7 (2) Three members appointed by the Governor from nominees recommended by
8 the Funeral Directors & Morticians Association of North Carolina, Inc. These
9 members shall be persons licensed under this Article.
- 10 (3) One member appointed by the Governor who is licensed under this Article
11 and who is not affiliated with any funeral service trade association.
- 12 (4) One member appointed by the General Assembly, upon the recommendation
13 of the President Pro Tempore of the Senate. This member shall be a person
14 who is not licensed under this Article or employed by a person who is licensed
15 under this Article.
- 16 (5) One member appointed by the General Assembly, upon the recommendation
17 of the Speaker of the House of Representatives. This member shall be a person
18 who is not licensed under this Article or employed by a person who is licensed
19 under this Article

20 Members of the Board shall serve staggered three-year terms, ending on December 31 of the
21 last year of the term or when a successor has been duly appointed, whichever is later. No member
22 may serve more than two complete consecutive terms.

23 (b) ~~The members of said Board, before Oath.~~ – Before entering upon their duties,
24 members of the Board shall take and subscribe to the oath of office prescribed for other State
25 ~~officers, which said oath officers.~~ The oath shall be administered by a person qualified to
26 administer such oath it and shall be filed in the office of the Secretary of State.

27 (c) Officers. – The Board shall elect from its members a president, a ~~vice-president and~~
28 ~~a secretary, no vice-president, and a secretary. No two offices to shall~~ be held by the same person.
29 The ~~president and vice-president~~ president, vice-president, and secretary shall serve for one year
30 and until their successors shall be are elected and qualified. The Board ~~shall have authority to~~
31 may engage adequate staff as deemed necessary to perform its duties.

32 (d) Meetings. – The Board shall hold at least four meetings in each year. In addition, the
33 Board may meet as often as the proper and efficient discharge of its duties ~~shall require.~~ requires.
34 Five members ~~shall constitute~~ a quorum.

35 (e) Compensation. – The members of the Board shall serve without compensation
36 ~~provided that such members but~~ shall be reimbursed for their necessary traveling expenses and
37 the necessary expenses incident to their attendance upon the business of the ~~Board, and in~~
38 ~~addition thereto they~~ Board. A member shall also receive per diem and expense reimbursement
39 as provided in G.S. 93B-5 for every day actually spent by such member upon the business of the
40 Board. All expenses, salaries ~~salaries,~~ and per diem provided for in this Article shall be paid from
41 funds received under ~~the provisions of this Article~~ and Articles 13D, 13E, and 13F of this Chapter
42 and shall in no manner be an expense to the State.

43 (f) Vacancies. – A vacancy shall be filled in the same manner as the original appointment,
44 except that all unexpired terms of Board members appointed by the General Assembly shall be
45 filled in accordance with G.S. 120-122. Appointees to fill vacancies shall serve the remainder of
46 the unexpired term and until their successors have been ~~duly~~ appointed and qualified.

47 (g) Removal. – The Board may remove any of its members for neglect of duty,
48 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings as a
49 licensee shall be disqualified from participating in the official business of the Board until the
50 charges have been resolved."

1 SECTION 9. G.S. 90-210.23, as amended by Sections 4 and 18 of this act, reads as
2 rewritten:

3 **"§ 90-210.23. Powers and duties of the Board.**

4 ~~(a) The Board is authorized to adopt and promulgate such rules and regulations for~~
5 ~~transaction of its business and for the carrying out and enforcement of the provisions of this~~
6 ~~Article as may be necessary and as are consistent with the laws of this State and of the United~~
7 ~~States.~~

8 ~~(b), (c) Recodified.~~

9 ~~(d) Every person licensed by the Board and every resident trainee shall furnish all~~
10 ~~information required by the Board reasonably relevant to the practice of the profession or~~
11 ~~business for which the person is a licensee or resident trainee. Every funeral service establishment~~
12 ~~and its records and every place of business where the practice of funeral service or embalming is~~
13 ~~carried on and its records shall be subject to inspection by the Board during normal hours of~~
14 ~~operation and periods shortly before or after normal hours of operation and shall furnish all~~
15 ~~information required by the Board reasonably relevant to the business therein conducted. Every~~
16 ~~licensee, permit holder, resident trainee, embalming facility, funeral establishment, crematory,~~
17 ~~and alkaline hydrolysis licensee shall provide the Board with a current post-office address which~~
18 ~~shall be placed on the appropriate register and all notices required by law or by any rule or~~
19 ~~regulation of the Board to be mailed to any licensee, permit holder, resident trainee, embalming~~
20 ~~facility, funeral establishment, crematory, or alkaline hydrolysis licensee shall be validly given~~
21 ~~when mailed to the address so provided.~~

22 ~~(d1) The Board is empowered to hold hearings in accordance with the provisions of this~~
23 ~~Article and of Chapter 150B to subpoena witnesses and to administer oaths to or receive the~~
24 ~~affirmation of witnesses before the Board.~~

25 ~~In any show cause hearing before the Board held under the authority of Chapter 150B of the~~
26 ~~General Statutes where the Board imposes discipline against a licensee, the Board may recover~~
27 ~~the attorneys' fees and costs associated with holding the hearing against all respondents jointly,~~
28 ~~not to exceed five thousand dollars (\$5,000).~~

29 ~~(e) The Board is empowered to regulate and inspect, according to law, funeral~~
30 ~~establishments, embalming facilities, chapels, crematories, and alkaline hydrolysis licensees,~~
31 ~~their operation, and the licenses under which they are operated, and to enforce as provided by~~
32 ~~law the rules, regulations, and requirements of the Division of Health Services and of the city,~~
33 ~~town, or county in which the funeral establishment, embalming facility, chapel, crematory, or~~
34 ~~alkaline hydrolysis licensee is maintained and operated. Any funeral establishment, embalming~~
35 ~~facility, chapel, crematory, or alkaline hydrolysis licensee that, upon inspection, is found not to~~
36 ~~meet all of the requirements of this Article shall pay a reinspection fee to the Board, as set by~~
37 ~~rule adopted by the Board, for each additional inspection that is made to ascertain that the~~
38 ~~deficiency or other violation has been corrected. The Board is also empowered to enforce~~
39 ~~compliance with the standards set forth in Funeral Industry Practices, 16 C.F.R. 453 (1984), as~~
40 ~~amended from time to time.~~

41 ~~(f) The Board may establish, supervise, regulate and control programs for the resident~~
42 ~~trainee. It may approve schools of mortuary science or funeral service, graduation from which is~~
43 ~~required by this Article as a qualification for the granting of any license, and may establish~~
44 ~~essential requirements and standards for such approval of mortuary science or funeral service~~
45 ~~schools.~~

46 ~~(g) Recodified.~~

47 ~~(h) The Board shall adopt a common seal.~~

48 ~~(h1) The Board shall have the power to acquire, hold, rent, encumber, alienate, and~~
49 ~~otherwise deal with real property in the same manner as a private person or corporation, subject~~
50 ~~only to approval of the Governor and the Council of State. Collateral pledged by the Board for~~
51 ~~an encumbrance is limited to the assets, income, and revenues of the Board.~~

~~(h2) The Board may employ legal counsel and clerical and technical assistance, and fix the compensation therefor, and incur such other expenses as may be deemed necessary in the performance of its duties and the enforcement of the provisions of this Article or as otherwise required by law and as may be necessary to carry out the powers herein conferred.~~

~~(i) The Board may perform such other acts and exercise such other powers and duties as may be provided elsewhere in this Article or otherwise by law and as may be necessary to carry out the powers herein conferred.~~

The Board has the following powers and duties:

(1) To adopt a seal.

(2) To adopt rules to transact its business and to implement and enforce this Article. Before the Board initiates rulemaking or adopts a rule concerning the removal, handling, or transportation of human remains, the Board must consult with the Office of the Chief Medical Examiner. Nothing in this Article prohibits the Office of the Chief Medical Examiner from adopting policies and procedures regarding the removal, transportation, or handling of human remains under the jurisdiction of that office that are more stringent than this Article or any rules adopted under it.

(3) To employ legal counsel and clerical and technical assistance, fix the compensation for these services, and incur other expenses the Board considers necessary to perform its duties.

(4) To supervise and control programs for resident trainees.

(5) To approve schools of mortuary science or funeral service, graduation from which is required by this Article as a qualification for receiving a license, and to establish requirements and standards for the approval of a mortuary science or funeral service school.

(6) To regulate and inspect the operation, equipment, and facilities of any person required by this Article to have a license, permit, or registration.

(7) To require every person that is issued a license, permit, or registration to furnish all information requested by the Board that is reasonably relevant to the practice of the profession or business for which the person is a licensee, a registered resident trainee, or a permit holder.

(8) To obtain a current post office address from each person issued a license, permit, or registration under this Article. A notice mailed to a person at the address the person provided to the Board is validly given.

(9) To enforce compliance with the standards set out in Funeral Industry Practices, 16 C.F.R. Part 453.

(10) To enforce both of the following, as provided by law and as applied to a funeral establishment, chapel, embalming facility, reduction facility, or business engaged in the transportation or removal of human remains:

a. The requirements of the Division of Health Services of the Department of Health and Human Services.

b. The requirements of a local governmental unit.

(11) To publish the current statutes and rules related to the practice of funeral service on its website.

(12) To acquire, hold, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private person or corporation, subject only to approval of the Governor and the Council of State. Collateral pledged by the Board for an encumbrance is limited to the assets, income, and revenues of the Board.

(13) To hold hearings in accordance with this Article and Chapter 150B of the General Statutes and subpoena witnesses and administer oaths to or receive

1 the affirmation of witnesses before the Board. In a show cause hearing before
 2 the Board held under Chapter 150B of the General Statutes in which the Board
 3 imposes discipline against a licensee, the Board may recover its attorneys' fees
 4 and costs associated with holding the hearing against all respondents jointly,
 5 not to exceed five thousand dollars (\$5,000).

6 (14) To apply to the courts of this State for a restraining order and injunction when
 7 it appears to the Board that a person threatens to violate or is violating this
 8 Article. If the court finds that this Article is being violated or a violation is
 9 threatened, the court shall issue an order restraining and enjoining the
 10 violation. This relief may be granted regardless of whether criminal
 11 prosecution is instituted for the violation. The venue for a restraining order
 12 and injunction is the superior court of (i) any county in which the acts
 13 constituting the violation or threatened violation are alleged to have been
 14 committed, (ii) the county where the defendant in the action resides, or (iii)
 15 Wake County. The Board is entitled to reimbursement of costs and attorneys'
 16 fees if the court finds that the defendant has engaged in the unlicensed practice
 17 of funeral service.

18 (15) To exercise powers and duties that are conferred by other law or are necessary
 19 to carry out the powers conferred in this Article."

20 **SECTION 10.** G.S. 90-210.24 reads as rewritten:

21 **"§ 90-210.24. ~~Inspector.~~Inspectors and inspections.**

22 (a) The Board may appoint one or more agents who shall serve at the pleasure of the
 23 Board and who shall have the title "Inspector of the North Carolina Board of Funeral Service."
 24 No person is eligible for appointment as inspector unless at the time of the appointment the person
 25 is licensed under this Article as a funeral service licensee.

26 (b) To determine compliance with ~~the provisions of Articles 13A, 13D, this Article and~~
 27 Articles 13D and 13F of this Chapter and rules adopted by the Board under this Article, these
 28 Articles, inspectors may do any of the following:

29 (1) Enter the office or place of business of any ~~funeral service licensee, funeral~~
 30 director or embalmer in North Carolina, and any office, funeral establishment,
 31 embalming facility, chapel, crematory, or alkaline hydrolysis facility, removal
 32 and transportation business, or person that has a license, permit, or registration
 33 issued under this Article or Article 13D or 13F of this Chapter, any place in
 34 North Carolina where the practice of funeral service ~~or embalming~~ is carried
 35 on, ~~or any place~~ where that practice is advertised as being carried on, ~~or any~~
 36 place where a visitation, funeral, or memorial service is being ~~conducted or a~~
 37 body is being embalmed, conducted, or any place where human remains are
 38 being embalmed to inspect the records, office, establishment, or facility, ~~or to~~
 39 inspect the practice being carried ~~on on,~~ or license ~~or registration to inspect~~
 40 the license, permit, or registration of any licensee, permit holder, and resident
 41 trainee operating there.

42 (2) Enter any hospital, nursing home, or other institution from which a ~~dead~~
 43 human body has ~~human remains have~~ been removed by any person licensed
 44 under this Article a licensee or ~~their~~ the licensee's designated representative to
 45 inspect records pertaining to the removal and its authorization.

46 (3) May ~~inspect~~ Inspect criminal and probation records of ~~licensees~~ licensees,
 47 permit holders, resident trainees, and applicants for ~~licenses under this Article~~
 48 licenses, permits, and registrations to obtain evidence of their character.

49 (4) Inspectors may ~~serve~~ Serve papers and subpoenas issued by the Board or any
 50 office or member thereof under authority of this Article, and shall ~~perform~~
 51 Board member.

1 (5) Perform other duties prescribed or ordered by the Board.
 2 (c) ~~Upon request by the Board, the Attorney General of North Carolina shall provide the~~
 3 ~~inspectors with appropriate identification cards, signed by the Attorney General or his the~~
 4 ~~Attorney General's designated agent.~~

5 (d) The Board may prescribe an inspection form to be used by the inspectors in
 6 performing their duties.

7 (e) An inspection shall be conducted during normal hours of operation and periods
 8 shortly before or after normal hours of operation. The person inspected shall furnish all
 9 information required by the Board reasonably relevant to the inspection.

10 (f) A person that has a license, permit, or registration issued under this Article or Article
 11 13D or 13F of this Chapter that, upon inspection, is found not to meet all of the requirements of
 12 this Article shall pay a reinspection fee to the Board, as set by rules adopted by the Board, for
 13 each additional inspection that is made to ascertain that the deficiency or other violation has been
 14 corrected."

15 SECTION 11. The catch line to G.S. 90-210.25 reads as rewritten:

16 **"§ 90-210.25. Licensing Requirements for all applicants."**

17 SECTION 12. G.S. 90-210.25, as amended by this act, reads as rewritten:

18 **"§ 90-210.25. Requirements for all applicants.**

19 (a) ~~Qualifications, Examinations, Resident Traineeship and Licensure.—An applicant for~~
 20 ~~a license, permit, or resident traineeship bears the burden of substantiating to the satisfaction of~~
 21 ~~the Board that the applicant meets the qualifications for the license, permit, or resident~~
 22 ~~traineeship. An applicant must do all of the following when submitting an application:~~

- 23 (1) Submit the application on a form provided by the Board.
- 24 (2) Sign the application under oath, attesting to the accuracy of the application.
- 25 (3) Consent to a criminal history background check. If the applicant is a business
 26 entity, any owner, partner, manager, member, operator, or officer of the entity
 27 must also consent to a criminal history background check. Refusal to consent
 28 is grounds to deny the application.
- 29 (4) Pay any required fee.

30 "

31 SECTION 13. G.S. 90-210.25(a)(3) is recodified as G.S. 90-210.25D and reads as
 32 rewritten:

33 **"§ 90-210.25D. Qualifications for license to practice as a funeral service licensee.**

34 ~~To be licensed for the~~ An applicant for a license to practice as a funeral service licensee under this
 35 ~~Article, an applicant for licensure bears the burden of substantiating to the satisfaction of the~~
 36 ~~Board that the applicant:~~ licensee must meet all of the following requirements:

- 37 (1) Is at least 18 years of age.
- 38 (2) Is of good moral character.
- 39 (3) Possesses an associate degree in mortuary science, or the equivalent, from a
 40 mortuary science program approved by the Board and accredited by the
 41 American Board of Funeral Service Education.
- 42 (4) Within the last three years, has completed 12 months of resident traineeship
 43 as a funeral service licensee, pursuant to the procedures and conditions set out
 44 in ~~G.S. 90-210.25(a)(4), G.S. 90-210.25L,~~ either before or after satisfying the
 45 educational requirement under ~~sub-subdivision e. of this~~
 46 ~~subdivision.~~ subdivision (3) of this section.
- 47 (5) Within the last five years, has passed an oral or written funeral service
 48 examination on the following subjects:
 49 a. Entry-level examination in funeral directing.
 50 b. Embalming, restorative arts, chemistry, pathology, microbiology, and
 51 anatomy.

1 ~~Repealed by Session Laws 1997-399, s. 7.~~

2 c. Examination of the laws of North Carolina, the standards set forth in
 3 Funeral Industry Practices, 16 C.F.R. § ~~453 (1984), pursuant to its~~
 4 ~~most recent version, Part 453,~~ and rules of the Board and other
 5 agencies dealing with the care, ~~transportation~~ transportation, and
 6 disposition of ~~dead human bodies~~ human remains.
 7 ~~Has paid all applicable fees."~~

8 **SECTION 14.** G.S. 90-210.25(a)(1) and (a)(3a) are recodified as
 9 G.S. 90-210.25E(a) and (b), respectively. G.S. 90-210.25E reads as rewritten:

10 "**§ 90-210.25E. Qualifications for license or provisional license to practice funeral directing.**

11 (a) ~~To be licensed for the License. – An applicant for a license to practice of funeral~~
 12 ~~directing under this Article, an applicant for licensure bears the burden of substantiating to the~~
 13 ~~satisfaction of the Board that the applicant must meet all of the following requirements:~~

- 14 (1) Is at least 18 years of age.
- 15 (2) Is of good moral character.
- 16 (3) Possesses a degree in mortuary ~~science or has graduated from a Funeral~~
 17 ~~Director Program, science,~~ or the equivalent, from a program approved by the
 18 Board or accredited by the American Board of Funeral Service
 19 ~~Education~~ Education, or has graduated from a funeral director program
 20 approved by the Board or accredited by the American Board of Funeral
 21 Service Education.
- 22 (4) Within the last three years, has completed 12 months of resident traineeship
 23 as a funeral director, pursuant to the procedures and conditions set out in
 24 ~~G.S. 90-210.25(a)(4), G.S. 90-210.25L,~~ either before or after satisfying the
 25 educational requirement under ~~sub-subdivision c. of this~~
 26 ~~subdivision~~ subdivision (3) of this subsection.
- 27 (5) Within the last five years, has obtained passing scores on all of the following
 28 examinations:
 29 a. Entry-level examination in funeral directing.
 30 ~~Repealed by Session Laws 1997-399, s. 5.~~
 31 b. Examination of the laws of North Carolina, the standards set forth in
 32 Funeral Industry Practices, 16 C.F.R. § ~~453 (1984), pursuant to its~~
 33 ~~most recent version, Part 453,~~ and rules of the Board and other
 34 agencies dealing with the care, ~~transportation~~ transportation, and
 35 disposition of ~~dead human bodies~~ human remains.
 36 c. Examination of pathology.
 37 ~~Has paid all applicable fees.~~

38 (b) ~~To be licensed provisionally for the Provisional License. – An applicant for a~~
 39 ~~provisional license to practice of funeral directing under this Article, an applicant bears the~~
 40 ~~burden of substantiating to the satisfaction of the Board that the applicant must meet all of the~~
 41 ~~following requirements:~~

42 ~~Has completed a Board approved application for a provisional license and~~
 43 ~~paid an application fee of five hundred dollars (\$500.00).~~

- 44 (1) Is at least 18 years of age.
- 45 (2) Is of good moral character.
- 46 (3) Possesses an undergraduate degree in any field, an Associate of Applied
 47 Science degree in any field, or a diploma in funeral directing from a
 48 Board-approved curriculum at an accredited college of mortuary science.
- 49 (4) Has a certified resident traineeship, is eligible for certification as a resident
 50 trainee, or has at least five years of professional experience under the
 51 supervision of a licensed funeral director or funeral service licensee.

1 A provisional license issued pursuant to this subsection shall ~~expire on December 31 of each~~
 2 ~~year and shall not be renewed more than two times. The annual renewal fee for a provisional~~
 3 ~~license issued pursuant to this subsection is two hundred fifty dollars (\$250.00). A provisional~~
 4 ~~licensee shall complete a minimum of five hours of continuing education each year in accordance~~
 5 ~~with G.S. 90-210.25(a)(5)d.~~

6 If, within three years of first obtaining a provisional license, the provisional licensee
 7 ~~substantiates to the satisfaction of the Board that the provisional licensee has obtained obtains~~
 8 ~~passing scores on an examination of the laws of North Carolina, the standards set forth in Funeral~~
 9 ~~Industry Practices, 16 C.F.R. § 453 (1984), pursuant to its most recent version, and rules of the~~
 10 ~~Board and other agencies dealing with the care, transportation, and disposition of dead human~~
 11 ~~bodies, and a Board-approved entry-level examination in funeral directing, the examinations~~
 12 ~~required by subdivision (a)(5) of this section, other than the pathology exam, the Board may issue~~
 13 ~~the provisional licensee a funeral director license subject to the same annual renewal~~
 14 ~~requirements as for licensees in funeral directing.~~ license."

15 **SECTION 15.** G.S. 90-210.25(a2) is recodified as G.S. 90-210.25F and reads as
 16 rewritten:

17 "**§ 90-210.25F. Requirements for practicing as a funeral director or funeral service licensee.**

18 [~~Certain Exemptions.] In order to To engage in the practice of funeral directing or funeral~~
 19 ~~service, such as a funeral director or a funeral service licensee, a licensee must meet one of the~~
 20 ~~following descriptions:~~

21 ~~(1) own, be Owns, is employed by, or is otherwise be an agent of a licensed~~
 22 ~~funeral establishment; except that such a licensee may practice funeral~~
 23 ~~directing or funeral service if any of the following apply: establishment that~~
 24 ~~has a permit issued under this Article.~~

25 ~~(1)(2) The licensee is Is employed by a an accredited college of mortuary~~
 26 ~~science. science and the practices in which the licensee engages are part of a~~
 27 ~~Board-approved curriculum of mortuary science.~~

28 ~~(2) (Repealed effective July 1, 2030) The licensee does all of the following:~~

29 ~~a. Maintains all of the licensee's business records at a location made~~
 30 ~~known to the Board and available for inspection by the Board under~~
 31 ~~the same terms and conditions as the business records of a licensed~~
 32 ~~funeral establishment.~~

33 ~~b. Complies with rules and regulations imposed on funeral~~
 34 ~~establishments and the funeral profession that are designed to protect~~
 35 ~~consumers, to include, but not be limited to, the Federal Trade~~
 36 ~~Commission's laws and rules requiring General Price Lists and~~
 37 ~~Statements of Goods and Services.~~

38 ~~c. Pays to the Board the funeral establishment license fee required by law~~
 39 ~~and set by the Board.~~

40 ~~d. Obtains and maintains a professional liability insurance policy with~~
 41 ~~liability limits of at least one million dollars (\$1,000,000). Certificates~~
 42 ~~of professional liability insurance shall be (i) submitted to the Board~~
 43 ~~within 30 days of the initial registration of the licensee by the Board~~
 44 ~~and (ii) submitted to the Board upon request. The licensee shall notify~~
 45 ~~the Board in writing within 30 days of any change in the insurer or any~~
 46 ~~cancellation or suspension of policy.~~

47 ~~e. Submits an affidavit to the Board attesting that he or she owns, or was~~
 48 ~~being employed by, a funeral establishment directly damaged or~~
 49 ~~destroyed by Hurricane Helene.~~

50 ~~Nothing in this subdivision shall preclude a licensee from arranging~~
 51 ~~cremations and cremating human remains while employed by a crematory."~~

1 **SECTION 16.** G.S. 90-210.25(a)(2) and (d1) are recodified as G.S. 90-210.25G(a)
2 and (b), respectively. G.S. 90-210.25G reads as rewritten:

3 **"§ 90-210.25G. Qualifications for license to practice embalming; facility registration.**

4 ~~(a) To be licensed for the~~ Qualifications. – An applicant for a license to practice of
5 embalming ~~under this Article, an applicant for licensure bears the burden of substantiating to the~~
6 ~~satisfaction of the Board that the applicant must meet all of the following requirements:~~

7 (1) Is at least 18 years of age.

8 (2) Is of good moral character.

9 (3) Possesses an associate degree in mortuary science, or the equivalent, from a
10 mortuary science program approved by the Board and accredited by the
11 American Board of Funeral Service Education.

12 (4) Within the last three years, has completed 12 months of resident traineeship
13 as an embalmer pursuant to the procedures and conditions set out in
14 ~~G.S. 90-210.25(a)(4), G.S. 90-210.25L,~~ either before or after satisfying the
15 educational requirement under ~~sub-subdivision e. of this subdivision.~~
16 subdivision (3) of this subsection.

17 (5) Within the past five years, has passed an oral or written embalmer examination
18 on the following subjects:

19 a. Embalming, restorative arts, chemistry, pathology, microbiology, and
20 anatomy.

21 ~~Repealed by Session Laws 1997-399, s. 6.~~

22 b. Examination of the laws of North Carolina, the standards set forth in
23 Funeral Industry Practices, 16 C.F.R. § ~~453 (1984), pursuant to its~~
24 ~~most recent version, Part 453,~~ and rules of the Board and other
25 agencies dealing with the care, ~~transportation-transportation,~~ and
26 disposition of ~~dead human bodies-human remains.~~

27 ~~Has paid all applicable fees.~~

28 ~~(b) Embalming Facilities.~~ – An embalmer who engages in embalming at Facility
29 Registration. – A funeral establishment that operates an embalming facility ~~shall~~ must register
30 the facility with the Board ~~on forms provided by the Board."~~

31 **SECTION 17.** Article 13A of Chapter 90 of the General Statutes is amended by
32 adding a new section to read:

33 **"§ 90-210.25H. Examinations.**

34 The Board, by rule, may recognize examinations not prepared by the Board as equivalent to
35 its own examinations. The Board may contract with a third party to administer examinations on
36 its behalf to applicants for licensure under this Article."

37 **SECTION 18.** G.S. 90-210.29(a) and G.S. 90-210.23(g) are recodified as
38 G.S. 90-210.25I(a) and (b), respectively. G.S. 90-210.25I reads as rewritten:

39 **"§ 90-210.25I. Mortuary school students and school privileges.**

40 (a) Students. – Students who are enrolled in duly accredited mortuary science colleges in
41 North Carolina may engage in the practices defined in this Article if the practices are part of their
42 academic training and if the practices are under the supervision of a licensed instructor of
43 mortuary science or a licensee designated by the mortuary science college upon registration with
44 the Board.

45 ~~(b) Schools-School Privileges.~~ – A school for teaching mortuary science ~~which are that~~
46 is approved by the Board shall have extended to them has the same privileges as to the use of
47 bodies-human remains for dissecting while teaching as those granted to a medical college in this
48 State to medical colleges, ~~but such bodies shall be obtained through the same agencies which~~
49 provide bodies for medical colleges.State. A school of mortuary science must obtain human
50 remains for dissecting from the same agencies that provide human remains to medical colleges."

1 **SECTION 19.** G.S. 90-210.25(b)(1) and (b)(3) are recodified as G.S. 90-210.25J(a)
2 and (b), respectively. G.S. 90-210.25J reads as rewritten:

3 **"§ 90-210.25J. Applicants licensed in other states; courtesy cards.**

4 (a) Other States. – The Board shall grant licenses to funeral directors, ~~embalmers~~
5 ~~embalmers~~, and funeral service licensees, licensed in other jurisdictions, when it is shown that
6 the applicant has satisfied all of the following:

7 (1) The applicant holds an ~~active, valid~~ active license in good standing as a funeral
8 director, embalmer, or funeral service licensee issued by a jurisdiction that
9 ~~will reciprocate~~ reciprocates a North Carolina license to practice as a funeral
10 director, embalmer, or funeral service licensee.

11 (2) The applicant has demonstrated knowledge of the laws ~~and rules~~ governing
12 the profession in North Carolina through achieving a passing score on ~~the laws~~
13 ~~and rules~~ an exam administered on behalf of the Board.

14 (3) The applicant has submitted proof of the applicant's good moral character.

15 (4) The applicant has practiced in the profession for at least three consecutive
16 years in a jurisdiction that ~~will reciprocate~~ reciprocates a North Carolina
17 license to practice as a funeral director, embalmer, or funeral service licensee.

18 (5) The applicant has paid all applicable fees.

19 ~~Nothing in this subdivision shall preclude any individual from obtaining a license by meeting~~
20 ~~the requirements of subdivision (1), (2), or (3) of subsection (a) of this section.~~

21 (b) Courtesy Card. – The Board may issue special permits, to be known as courtesy cards,
22 permitting nonresident funeral directors, ~~embalmers~~ ~~embalmers~~, and funeral service licensees to
23 remove ~~bodies~~ human remains from and to arrange and direct funerals and embalm ~~bodies~~ human
24 remains in this State, ~~but these~~ State. These privileges ~~shall do~~ not include the right to establish
25 a place of business ~~in~~ or engage generally in the business of funeral directing and embalming in
26 this State. Except for special permits issued by the Board for teaching continuing education
27 programs and for work in connection with disasters, no special permits ~~may~~ shall be issued to
28 nonresident funeral directors, embalmers, and funeral service licensees from states that do not
29 issue similar courtesy cards to persons licensed in North Carolina pursuant to this Article. The
30 Board may adopt rules under this subsection to include courtesy card application procedures and
31 the limited practice of funeral service that may be conducted with a courtesy card."

32 **SECTION 20.** G.S. 90-210.25(a)(5)c. and d. are recodified as G.S. 90-210.25K(a),
33 and G.S. 90-210.25(a)(5)e. and f. are recodified as G.S. 90-210.25K(b) and (c), respectively.
34 G.S. 90-210.25K reads as rewritten:

35 **"§ 90-210.25K. Continuing education required of funeral service, funeral director, and**
36 **embalmer licensees.**

37 (a) Requirement. – All funeral service, funeral director, and embalmer licensees ~~now or~~
38 ~~hereafter licensed in North Carolina shall~~ must take continuing education courses approved by
39 the Board in subjects relating to the practice of the profession for which they are licensed, to the
40 end that the benefits of learning and reviewing skills will be utilized and applied to assure proper
41 service to the public. Completion of the courses is

42 As a prerequisite to the annual renewal of a license, the license. Each licensee must complete,
43 during the year immediately preceding renewal, at least five hours of continuing education
44 courses, of which the Board may require licensees to take up to two hours specified by the Board.
45 All continuing education courses must be approved by the Board prior to enrollment. courses
46 approved by the Board before enrollment. The Board may specify two of the five hours. A
47 licensee who completes more than five hours in a year may carry over a maximum of five hours
48 as a credit to the following year's renewal requirement. A licensee ~~does not have~~ is not required
49 to satisfy the continuing education requirement for the calendar year in which the license was
50 first obtained.

(b) Waiver. – ~~The Board shall not renew a license unless fulfillment of the continuing education requirement has been certified to it on a form provided by the Board, but the Board may waive this the continuing education requirement for renewal in cases of certified illness or undue hardship or where the for a licensee who lives outside of North Carolina and does not practice in North Carolina. The Board shall waive the continuing education requirement for the following licensees:~~

(1) ~~All licensees~~ Those who were licensed on or before December 31, 2003, and have been licensed in North Carolina for a continuous period of 25 years or more.

(2) ~~All licensees~~ Those who are licensed on or after January 1, 2004, ~~who~~ have been licensed for a continuous period of 25 years or ~~more~~ more, and have attained the age of 60 years.

(3) ~~All licensees~~ Those who are, at the time of renewal, members of the North Carolina General Assembly.

(c) Board Courses. – The Board shall cause to be established and offered to the licensees, each calendar year, at least eight hours of Board-sponsored continuing education courses. The Board may charge licensees attending these courses a ~~reasonable~~ registration fee ~~not to exceed fifty dollars (\$50.00)~~ in order to meet the expenses ~~thereof~~ of the courses and may also meet those expenses from other funds received under ~~the provisions of this Article.~~ Article and Articles 13D, 13E, and 13F of this Chapter."

SECTION 21. G.S. 90-210.25(a)(4) is recodified as G.S. 90-210.25L and reads as rewritten:

"§ 90-210.25L. Resident traineeship for licensure as a funeral service licensee, funeral director, or embalmer.

(a) ~~A person desiring to~~ Qualifications. – ~~An applicant to become a resident trainee shall apply to the Board on a form provided by the Board. The application shall state that the applicant must apply to the Board and must meet the qualifications set out in this subsection. The Board must register an applicant who meets the qualifications as a resident trainee. The qualifications are as follows:~~

(1) ~~is not less than~~ Is at least 18 years of age, ~~age.~~

(2) Is of good moral ~~character,~~ character.

(3) ~~and is the~~ Is a graduate of a high school or the equivalent thereof, ~~of a graduate.~~

(b) ~~and shall~~ Supervisor Identified. – An application must indicate the licensee under whom the applicant expects to train. A person training to become an embalmer may serve under the supervision of either a licensed embalmer or a funeral service licensee who is in good standing with the Board and who has been licensed to practice funeral service or embalming full time for a minimum of one year. A person training to become a funeral director may serve under the supervision of either a licensed funeral director or a funeral service licensee who is in good standing with the Board and who has been licensed to practice funeral service or funeral directing full time for a minimum of one year. A person training to become a funeral service licensee shall serve under the supervision of a funeral service licensee who is in good standing with the Board and who has been licensed to practice funeral service full time for a minimum of one year. The application must be sustained by oath of the applicant and be accompanied by the appropriate fee. When the Board is satisfied as to the qualifications of an applicant it shall register the applicant as a resident trainee.

(c) Supervisor Limitations. – A licensee who supervises a resident trainee must register with the Board. The registered supervisor for a resident trainee must be employed by and engaged in practice at a funeral establishment during the period of sponsorship. A registered supervisor shall not supervise more than two resident trainees at the same time.

(d) Supervisor Affidavits. – Within 30 days of a resident trainee leaving the proctorship supervision of the licensee under whom the trainee has worked, the licensee shall file with the

1 Board affidavits showing the length of time served with the licensee by the trainee and attesting
2 to the trainee's competencies on a form prescribed by the Board by rule. The affidavits shall be
3 made a matter of record in the Board's office. The licensee shall deliver copies of the affidavits
4 to the trainee.

5 (e) Switching Supervisor. – A person who has not completed the traineeship and wishes
6 to do so under the supervision of a licensee other than the one with whom he or she initially
7 registered may reapply to the Board for approval.

8 (f) Upon payment of the renewal fee, Period of Traineeship. – To satisfy the requirements
9 for licensure as a funeral service licensee, funeral director, or embalmer, a resident trainee must
10 serve 12 months as a trainee. The registration of a resident traineeship ~~shall be~~ is renewable for
11 one year after the date of original ~~registration; registration,~~ but the registration ~~may~~ shall not be
12 renewed more than two times. The Board shall mail to each registered trainee at the trainee's last
13 known residential address or email address a notice that ~~the a~~ renewal fee is due and that, if not
14 paid within 30 days of the notice, the registration will be canceled. A late fee, in addition to the
15 renewal fee, shall be charged for a late renewal, except that the renewal of the registration of any
16 resident trainee who is engaged in active service in the Armed Forces of the United States shall
17 not be charged a late fee. No credit ~~shall be~~ is allowed for ~~the a~~ 12-month period of resident
18 traineeship that ~~shall have been~~ was completed more than ~~five~~ three years preceding the
19 examination for a license. However, ~~any a~~ resident trainee to whom G.S. 105-249.2 grants an
20 extension of time to file a tax return ~~shall be~~ is allowed an extension of time to retain credit equal
21 to the number of days of active deployment.

22 (g) Reports. – All registered resident trainees shall electronically report to the Board at
23 least once every month during traineeship upon forms provided by the Board listing the work
24 ~~which has been~~ completed during the preceding month of resident traineeship. The Board may
25 set and collect a late fee ~~not to exceed fifty dollars (\$50.00)~~ for each work report filed after the
26 date the report is due. The data contained in the reports shall be certified as correct by the licensee
27 under whom the trainee has served during the period and by the licensed person who is managing
28 the funeral service establishment. Each report shall list the following:

- 29 (1) For funeral director trainees, the conduct of any funerals during the relevant
30 time ~~period;~~ period.
- 31 (2) For embalming trainees, the embalming of any ~~bodies~~ human remains during
32 the relevant time ~~period;~~ period.
- 33 (3) For funeral service licensee trainees, both of the activities ~~named in 1 and 2~~
34 ~~of this subsection,~~ described in subdivisions (1) and (2) of this subsection that
35 the trainee engaged in during the relevant time period.

36 (h) Competencies. – To meet the resident traineeship requirements ~~of~~
37 ~~G.S. 90-210.25(a)(1), G.S. 90-210.25(a)(2) and G.S. 90-210.25(a)(3)~~ for licensure as a funeral
38 service licensee, a funeral director, or an embalmer, the following must be shown by the
39 ~~affidavit(s)~~ affidavits of the ~~licensee(s)~~ licensee under whom the trainee worked:

- 40 (1) ~~That~~ For a funeral director trainee, the funeral director trainee has, under the
41 supervision of the ~~licensed individual, registered as the trainee's supervisor,~~
42 licensee, substantially assisted in directing at least 25 funerals during the
43 resident ~~traineeship;~~ traineeship.
- 44 (2) ~~That~~ For an embalmer trainee, the embalmer trainee has, under the supervision
45 of the ~~licensed individual, registered as the trainee's supervisor, licensee,~~
46 substantially assisted in embalming at least 25 bodies during the resident
47 ~~traineeship;~~ traineeship.
- 48 (3) ~~That~~ For a funeral service licensee trainee, the funeral service trainee has,
49 under the supervision of the ~~licensed individual, registered as the trainee's~~
50 ~~supervisor, licensee,~~ substantially assisted in directing at least 25 funerals ~~and,~~
51 ~~under the supervision of the licensed individual, registered as the trainee's~~

1 supervisor, ~~substantially assisted in and~~ embalming at least 25 bodies during
2 the resident traineeship.

3 (i) Discipline. – The Board may suspend, revoke, or refuse to issue or renew the
4 registration of a resident traineeship for violation of any provision of this Article or place a trainee
5 on probation for any violation of this Article or rules adopted by the Board. The Board may
6 determine the length of any suspension, revocation, refusal to issue or renew, or probation and
7 impose conditions on probation and reinstatement as the Board deems appropriate.

8 ~~Each registered supervisor for a resident trainee must during the period of sponsorship~~
9 ~~be actively employed with a funeral establishment.~~

10 ~~Only two resident trainees may register and serve at any one time under any one~~
11 ~~person licensed and registered as a resident trainee supervisor under this Article.~~

12 ~~j., k. Repealed by Session Laws 1991, c. 528, s. 4.~~

13 (j) Meetings. – Any resident trainee or registered supervisor of a resident trainee shall
14 meet with the Board upon request.

15 ~~m. Repealed by Session Laws 2025-76, s. 3.5, effective July 9, 2025."~~

16 **SECTION 22.** G.S. 90-210.25(a1) is recodified as G.S. 90-210.25M and reads as
17 rewritten:

18 "**§ 90-210.25M. Inactive licensees and trainees.**

19 (a) ~~Inactive Licenses.—Any Licensees.~~ – A person holding a license issued by the Board
20 ~~for funeral directing, for embalming, or for the practice of funeral service, or any registered~~
21 ~~resident trainee as a funeral director, embalmer, or funeral service licensee may apply for an~~
22 inactive license in the same category as the active license held. The inactive license is renewable
23 annually. Continuing education is not required for the renewal of an inactive license. The holder
24 of an inactive license ~~may~~ shall not engage in any activity requiring an active license. The holder
25 of an inactive license may apply for an active license in the same category, and the Board shall
26 issue an active license if the applicant has completed a total number of hours of accredited
27 continuing education equal to five times the number of years the applicant held the inactive
28 license. No application fee is required for the reinstatement of an active license pursuant to this
29 subsection. The holder of an inactive license who returns to active status shall surrender the
30 inactive license to the Board.

31 (b) Trainees. – A resident trainee may place his or her traineeship on inactive status by
32 giving the Board written notice of the trainee's decision to do so. While on inactive status, the
33 trainee must continue to renew the traineeship annually and pay the renewal fee. Failure to do so
34 results in termination of the traineeship. The three-year limit on completing a traineeship
35 continues to run while a trainee is on inactive status. To return to active status, a trainee must
36 notify the Board by submitting a form provided by the Board."

37 **SECTION 23.** The first two sentences of G.S. 90-210.25(d)(1), (d)(2), and (d)(5) are
38 recodified as G.S. 90-210.25N(a), (b), and (d), respectively. G.S. 90-210.25N reads as rewritten:

39 "**§ 90-210.25N. Requirement and qualifications for funeral establishment permit.**

40 (a) Requirement. – No person, ~~firm~~ firm, or corporation shall conduct, maintain, ~~manage~~
41 ~~manage,~~ or operate a funeral establishment unless ~~a permit for that~~ the establishment has been a
42 funeral establishment permit issued by the Board and is conspicuously displayed in the
43 establishment. ~~Board.~~ Each funeral establishment at a specific location ~~shall be deemed to be is~~
44 considered a separate entity and shall require requires a separate permit and compliance with the
45 requirements of this Article.

46 (b) ~~A permit shall be issued when:~~ Qualifications. – An applicant for a funeral
47 establishment permit must meet all of the following qualifications:

- 48 (1) It is shown that the funeral establishment has in charge a licensed manager as
49 set forth in this subsection. Satisfy the ownership, naming, and manager
50 requirements in G.S. 90-210.25O.

- 1 (2) ~~The Board receives~~ Provide the Board a list of the names of all part-time and
 2 full-time licensees to be employed or contracted by the funeral establishment.
 3 (3) ~~It is shown that the funeral establishment satisfies~~ Satisfy the preparation
 4 room, reposing room, and other operational requirements of G.S. 90-210.27A.
 5 ~~The Board receives payment of the permit fee.~~

6 (c) Application. – An application for an initial funeral establishment permit must be
 7 submitted to the Board by the person designated in the application as the intended manager of
 8 the funeral establishment. An application for renewal of a funeral establishment permit must be
 9 filed by the manager of the funeral establishment or, if the funeral establishment is operating
 10 within the 30 days allowed under G.S. 90-210.25O, the owner, a partner, a member of the limited
 11 liability company, or an officer of the corporation.

12 (d) No Transfer. – Funeral establishment permits are not transferable. A new application
 13 for a permit shall be made to the Board at least 30 days prior to a change of ownership of a funeral
 14 establishment occurring due to an acquisition or sale. A change to the legal structure owning a
 15 funeral establishment ~~shall constitute~~ constitutes a change of ownership only when there is a
 16 change of a majority of the funeral establishment's owners, partners, managers, members,
 17 operators, or officers. The death of an owner, partner, manager, member, operator, or officer
 18 holding a majority of the funeral establishment's ownership interests constitutes a change of
 19 ownership; ~~provided that the ownership. The estate of the decedent shall be permitted to~~ may
 20 submit a new application for a permit within 180 days following after the majority owner's death.
 21 ~~For the purposes of this subdivision, a funeral establishment means one or more structures on a~~
 22 ~~contiguous piece of property."~~

23 **SECTION 24.** G.S. 90-210.27A(e), (f), (g), (i), and the last three sentences of
 24 G.S. 90-210.25(d)(1) are recodified as G.S. 90-210.25O(a), (b)(1), (c), (b)(2), and (d),
 25 respectively. G.S. 90-210.25O reads as rewritten:

26 **"§ 90-210.25O. Ownership, naming, and management of funeral establishment.**

27 (a) Ownership. – If a funeral establishment is solely owned by a natural person, that
 28 person must be licensed by the Board as a funeral director or a funeral service licensee. If it is
 29 owned by a partnership, at least one partner must be licensed by the Board as a funeral director
 30 or a funeral service licensee. If it is owned by a corporation, the president, vice-president, or ~~the~~
 31 ~~chairman~~ chair of the board of directors must be licensed by the Board as a funeral director or a
 32 funeral service licensee. If it is owned by a limited liability company, at least one member must
 33 be licensed by the Board as a funeral director or a funeral service licensee. The licensee required
 34 by this subsection must be actively engaged in the operation of the funeral establishment. A
 35 provisional license to practice funeral directing pursuant to ~~G.S. 90-210.25(a)(3a)~~ shall
 36 ~~G.S. 90-210.25E(b)~~ does not qualify as a funeral director's license for the purposes of this
 37 subsection, ~~subsection (d) of G.S. 90-210.25, G.S. 90-210.25N,~~ or Article 13D of this Chapter.

38 (b) Establishment Name. – A funeral establishment must register the name under which
 39 it operates with the Board and shall not use any name other than its registered name. The name
 40 must comply with all of the following:

- 41 (1) ~~If a funeral establishment uses the name includes~~ the name of a living person
 42 ~~in the name under which it does business, person,~~ that person must be licensed
 43 by the Board as a funeral director or a funeral service licensee.
 44 (2) ~~No funeral establishment shall use a misleading name. The name must not be~~
 45 ~~misleading. Misleading names include, but are not limited to, include names~~
 46 in the plural form when there is only one funeral establishment, ~~the use of~~
 47 ~~names of deceased individuals, the name of an individual not associated with~~
 48 ~~the funeral establishment, and the name of a deceased individual unless the~~
 49 ~~establishment is licensed using the name at the time the new application is~~
 50 ~~made, the use of names of individuals not associated with the establishment,~~

1 individual was alive when the Board issued the most recent permit to the
 2 funeral establishment.

3 (3) ~~and the use of~~ The name shall not use the words "crematory," "crematorium,"
 4 or "crematory - cremation center" in the name of a funeral establishment that
 5 does not share a facility or other contiguous real property with a crematory
 6 licensee. If an owner of a funeral establishment owns more than one funeral
 7 establishment or chapel, the owner may not use the word "crematory,"
 8 "crematorium," or "cremation center" in the name of more than one of its
 9 funeral establishments; except that each funeral home having a crematory
 10 licensee on the premises may contain the term "crematory," "crematorium,"
 11 or "cremation center" in its name unless the funeral establishment shares a
 12 facility with or its premises are contiguous with a crematory licensed under
 13 Article 13F of this Chapter.

14 (c) ~~No Ancillary Entities. – A funeral establishment shall own, operate, or maintain that~~
 15 owns, operates, or maintains a branch funeral establishment, embalming facility,
 16 or chapel without first having registered the must register its name, location, and ownership with
 17 the Board; or own or maintain a branch funeral establishment or chapel outside of Board. A
 18 branch funeral establishment, embalming facility, or chapel of a funeral establishment must be
 19 located within a radius of 50 miles in a straight line from the funeral establishment.

20 (d) Manager. – Each funeral establishment shall have in charge a person, known as a
 21 manager, licensed for the practice of as a funeral directing director or funeral service, service
 22 licensee, who shall be permitted to may manage a principal funeral establishment and any branch
 23 funeral establishments establishments, embalming facilities, and chapels registered to it within a
 24 50-mile radius in a straight line. The manager shall be charged with overseeing oversee the daily
 25 operation of the funeral establishment and any branch funeral establishments establishments,
 26 embalming facilities, and chapels registered to the principal funeral establishment. If the manager
 27 leaves the employment of the funeral establishment and is the only licensee employed who is
 28 eligible to serve as manager, the funeral establishment may operate without a manager for a
 29 period not to exceed 30 days so long as: (i) the funeral establishment retains one or more licensees
 30 to perform all services requiring a license under this Article and (ii) the funeral establishment
 31 registers the name of the licensees with the Board."

32 **SECTION 25.** G.S. 90-210.27A, as amended by Section 24 of this act, reads as
 33 rewritten:

34 **"§ 90-210.27A. Funeral Operation of funeral establishments.**

35 (a) ~~Every Preparation Room. – A funeral establishment establishment, other than a~~
 36 branch establishment, shall contain a preparation room which that is strictly private, private and
 37 of suitable size for the embalming of dead bodies. human remains. Each preparation room
 38 shall shall satisfy all of the following requirements:

- 39 (1) Contain one standard type operating table.
- 40 (2) Contain facilities for adequate drainage.
- 41 (3) Contain sanitary receptacles for the storage of waste and soiled linens.
- 42 (4) Contain an instrument sterilizer.
- 43 (5) Have wall-to-wall floor covering of tile, concrete, or other material ~~which that~~
 44 can be easily cleaned.
- 45 (6) Be kept in sanitary condition and subject to inspection by the Board or its
 46 agents at all times.
- 47 (7) Have a placard or sign on the door indicating that the preparation room is
 48 private.
- 49 (8) Have a proper ventilation or purification system to maintain a nonhazardous
 50 level of airborne contamination.

1 (9) Contain surgical gloves and clean smocks or gowns for use when embalming
2 or otherwise preparing remains for disposition.

3 (10) Contain identification tags for use in accordance with
4 ~~G.S. 90-210.29A~~. G.S. 90-210.27C.

5 (a1) Temporary Exception. – If a funeral establishment is destroyed by fire, weather event,
6 or other natural disaster, the Board may suspend the requirements of subsections (a) and (c) of
7 this section, in part or whole, for a period not to exceed two years. To receive an extension of
8 more than two years from the date of loss, the funeral establishment may petition a court of
9 competent jurisdiction ~~who, that,~~ upon finding that granting the requested extension would not
10 negatively affect the public health, safety, and welfare, may grant an additional extension not to
11 exceed three years from the date of loss or one year from the date of the court's order, whichever
12 is greater. In addition to remaining in compliance with all ~~applicable other~~ State and local laws,
13 ~~rules, and regulations of the city or county where the funeral establishment is located,~~ a funeral
14 establishment operating under a waiver or extension granted under this section shall do all of the
15 following:

16 (1) ~~Comply with all rules and regulations imposed on funeral establishments and~~
17 ~~the funeral profession designed to protect consumers, including the provisions~~
18 ~~of G.S. 90-210.25(d) and the standards set forth in Funeral Industry Practices,~~
19 ~~16 C.F.R. § 453, as amended.~~ 16 C.F.R. Part 453.

20 (2) Maintain all of the licensee's business records at a location made known to the
21 Board and available for inspection by the Board under the same terms and
22 conditions as the business records of a funeral establishment.

23 (b) Limited Access. – No one is allowed in the preparation room while ~~a dead human~~
24 ~~body is~~ human remains are being prepared except licensees, resident trainees, public officials in
25 the discharge of their duties, members of the medical profession, officials of the funeral home,
26 next of kin, or ~~other legally authorized persons.~~ the person authorized, or a person designated in
27 writing by the person authorized, to arrange final disposition under G.S. 130A-420.

28 (c) Every Reposing Room. – A funeral establishment shall contain a reposing room for
29 ~~dead human bodies,~~ human remains that is of suitable size to accommodate a casket and visitors.

30 (d) Repealed by Session Laws 1997-399, s. 14.

31 (e) through (g) Recodified.

32 (h) Compliance. – All public health laws ~~and rules~~ apply to funeral establishments. In
33 addition, all funeral establishments must comply with all of the standards established by the rules
34 adopted by the Board.

35 (i) Recodified.

36 (j) ~~A funeral establishment will not use any name other than the name by which it is~~
37 ~~properly registered with the Board.~~

38 (k) Storage. – Human remains shall be stored in a funeral establishment, a licensed
39 ~~crematory,~~ reduction facility, or an embalming facility at all times when the remains are not in
40 transit or at a gravesite, church, or other facility or residence for the purpose of a visitation or
41 funeral service.

42 (l) ~~Funeral establishments and crematories~~ Refrigeration. – A funeral establishment or
43 reduction facility shall refrigerate ~~a deceased body unembalmed~~ human remains at a temperature
44 not greater than 40 degrees Fahrenheit unless final disposition will occur within 24 hours of the
45 time that the funeral establishment or ~~crematory~~ reduction facility takes custody."

46 **SECTION 26.** The second paragraph of G.S. 90-210.25(e) following subdivision (2)
47 of that subsection is recodified as G.S. 90-210.27B and reads as rewritten:

48 **"§ 90-210.27B. Funeral establishment to ascertain desires regarding disposal of human**
49 **remains.**

50 No funeral establishment shall accept ~~a dead human body~~ human remains from ~~any~~ a public
51 officer ~~(excluding the medical examiner), or employee or~~ who is not a medical examiner, from a

1 public employee, from the official of any an institution, hospital-hospital, or nursing home, or
 2 from a physician or any-a person having a professional relationship with a decedent, decedent
 3 without having first made due inquiry as to the desires of the persons who have the legal authority
 4 to direct the disposition of the decedent's body-their disposition. If any persons are found, their
 5 authority and directions shall govern the disposal of the remains-of the decedent's body-human
 6 remains pursuant to G.S. 130A-420. Any-A funeral establishment receiving the-human remains
 7 in violation of this subsection-section shall make no charge for any service in connection with
 8 the human remains prior to delivery of the human remains as stipulated by the persons having
 9 legal authority to direct the disposition of the body-human remains. This section shall does not
 10 prevent any-a funeral establishment from charging and being reimbursed for services rendered in
 11 connection with the removal of the remains-of any deceased person-human remains in case of
 12 accidental or violent death, and death or from rendering necessary professional services required
 13 until the persons having legal authority to direct the disposition of the body-human remains have
 14 been notified."

15 **SECTION 27.** G.S. 90-210.29A is recodified as G.S. 90-210.27C and reads as
 16 rewritten:

17 **"§ 90-210.27C. Identification of bodies before burial or cremation-reduction.**

18 Upon taking physical custody of a ~~dead human body~~, any human remains, a licensee under
 19 this Article or Article 13F of this Chapter, or an authorized representative of a licensee, shall
 20 affix on the ankle or wrist of the decedent a durable tag permanently marked with the decedent's
 21 name and date of death. The licensee or the licensee's authorized representative, or the person
 22 otherwise responsible for the final disposition of a ~~dead human body~~ the human remains shall,
 23 ~~prior to~~ before the interment or entombment of the ~~dead body~~, human remains, affix on the ankle
 24 or wrist of the ~~dead body, decedent~~, or, if ~~cremated~~, reduced, on the inside of the temporary
 25 container or urn containing the ~~remains-of the dead body~~, reduced human remains, a tag of
 26 durable, noncorroding material permanently marked with the name of the deceased, the date of
 27 death, the social security number of the deceased, the county and state of death, and the site of
 28 interment or entombment."

29 **SECTION 28.** The first paragraph of G.S. 90-210.25(e) following subdivision (2) of
 30 that subsection is recodified as G.S. 90-210.27D and reads as rewritten:

31 **"§ 90-210.27D. Prohibitions concerning human remains.**

32 (a) No person shall fail to treat human remains with respect at all times, and no person
 33 shall take a photograph or video recording of human remains without the consent of a member
 34 of the deceased's immediate family or next of kin or other authorizing agent.

35 (b) No licensee shall handle human remains in a manner inconsistent with
 36 G.S. 130A-395. No person licensed under this Article licensee shall remove or cause human
 37 remains to be embalmed a dead human body when he or she has information indicating crime or
 38 violence of any sort in connection with the cause of death, nor shall a dead human body be
 39 cremated, human remains be reduced until permission of the State or county medical examiner
 40 has first been obtained. However, nothing-Nothing in this Article shall be construed to alter alters
 41 the duties and authority now-vested in the Office of the Chief Medical Examiner."

42 **SECTION 29.** G.S. 90-210.25C is recodified as G.S. 90-210.27E.

43 **SECTION 30.** The last two paragraphs of G.S. 90-210.25(e) are recodified as
 44 G.S. 90-210.27F and read as rewritten:

45 **"§ 90-210.27F. Disclosure of prices for funeral merchandise and services.**

46 (a) ~~When and where~~ Prices. – When a licensee presents a selection of funeral
 47 merchandise to the public to be used in connection with the service to be provided by the licensee
 48 or by a funeral establishment as licensed under this Article, establishment, a card or brochure
 49 shall be directly associated with each item of merchandise setting forth the price of the service
 50 using ~~said~~ the merchandise and listing ~~the~~ any services and other merchandise included in the

price, if any. ~~When price.~~ If there are separate prices for the merchandise and services, ~~such the~~ cards or brochures shall indicate the price of the merchandise and of the items separately priced.

(b) Statement. – At the time funeral arrangements are made and ~~prior to the time of before~~ rendering the service and providing the merchandise, a funeral director or funeral service licensee shall give or cause to be given to the person ~~or persons~~ making ~~such the~~ arrangements a written statement ~~duly~~ signed by a licensee of ~~said the~~ funeral establishment showing the price of the service ~~as selected and what selected, the services that are included therein, included,~~ the price of each of the supplemental items of services or merchandise requested, and the amounts involved for each of the items for which the funeral establishment will advance moneys as an accommodation to the person making arrangements, ~~insofar as to the extent that any of the above~~ these items can be specified at that time. If fees charged by a finance company for expediting payment of life insurance proceeds to the establishment will be passed on to the person ~~or persons~~ responsible for payment of the funeral expenses, information regarding the fees, including ~~the~~ their total dollar amount of the fee, amount, shall be disclosed in writing. The statement shall have printed, ~~typed typed,~~ or stamped on the face a disclosure indicating that the statement is provided pursuant to the requirements of ~~G.S. 90-210.25(e).~~ this section. The Board may prescribe other disclosures that a licensee shall give to consumers upon finding that the disclosure is necessary to protect public health, safety, and welfare."

SECTION 31. G.S. 90-210.25(e1) is recodified as G.S. 90-210.27G and reads as rewritten:

"§ 90-210.27G. Prohibitions on taking human tissue.

(a) ~~{Taking of Tissue Prohibited.}~~ No Taking Tissue. – The taking or recovery of human tissue at a facility licensed pursuant to ~~Article 13A or this Article or Article 13F~~ of this Chapter by any person for any reason is prohibited. The prohibition does not apply to any of the following:

- (1) A licensee under this Article that performs embalming or otherwise prepares ~~a dead human body~~ human remains in the ordinary course of business.
- (2) The Chief Medical Examiner or anyone acting under the Chief Medical Examiner's authority.
- (3) An autopsy technician who takes or recovers tissue from ~~a dead human body~~ human remains if all of the following apply:
 - a. The taking or recovery is the subject of an academic research program.
 - b. The academic research program has appropriate Institutional Review Board supervision.
 - c. The academic research program has obtained informed consent of the donor or the person ~~legally~~ authorized to provide consent.

(b) ~~No licensee under Article 13A or 13F of this Chapter shall permit the taking or recovery of human tissue from a dead human body in its custody or control for human transplantation purposes or for research purposes, except that a funeral establishment or person licensed under this Article may permit an autopsy technician to take or recover tissue at a funeral establishment pursuant to subdivision (3) of this subsection.~~ No Compensation for Referrals. – No licensee facility licensed under Article 13A or 13F this Article or Article 13F of this Chapter or any of its licensees, agents, or employees shall accept, solicit, or offer to accept any payment, gratuity, commission, or compensation of any kind for referring potential tissue donors donors, other than eye donors, to a tissue bank or tissue broker or to an eye bank or eye broker. For purposes of this subsection, the term "tissue" does not include an eye.

SECTION 32. G.S. 90-210.25(c)(7)a., b., c., and e. are recodified as G.S. 90-210.27H(a)(1), (3), (4), and (2), respectively. G.S. 90-210.27H reads as rewritten:

"§ 90-210.27H. Individual permit for transportation and removal of human remains.

(a) Qualifications. – An individual shall not engage in the transportation or removal of human remains unless the individual has a transportation and removal permit issued by the Board. An application for a transportation and removal permit must meet the following qualifications:

- 1 (1) Be at least 18 years of age.
- 2 (2) Be of good moral character.
- 3 (3) Possess ~~and maintain a valid~~ drivers license issued by this State and provide
4 proof of ~~all the required liability insurance required for the registration of for~~
5 any vehicle ~~in which the person the applicant owns and intends to use to~~
6 engage in the ~~business of the removal or transportation of a dead human~~
7 ~~body transportation or removal of human remains.~~
- 8 (4) ~~Affirmatively state under oath that the person has~~ Have read and understands
9 ~~understood the statutes and rules relating to the transportation and removal~~
10 ~~and transportation of dead human bodies of human remains and any guidelines~~
11 ~~as may be adopted by the Board.~~

12 (b) Requirements. – An individual who holds a transportation and removal permit must
13 comply with both of the following:

- 14 (1) Notify the Board of any change in the individual's address within 30 days of
15 the change.
- 16 (2) Before working for more than one business that has a transportation and
17 removal service permit issued by the Board, notify the Board in writing of the
18 name and physical address of each of the businesses."

19 **SECTION 33.** Article 13A of Chapter 90 of the General Statutes is amended by
20 adding a new section to read:

21 **"§ 90-210.27I. Business permit for transportation and removal of human remains.**

22 A business entity shall not engage in the transportation or removal of human remains unless
23 the business has a transportation and removal service permit issued by the Board. In conducting
24 its business, a person that has a transportation and removal service permit must comply with all
25 of the following:

- 26 (1) Notify the Board of the name and home address of each individual the person
27 employs for the transportation and removal of human remains.
- 28 (2) Notify the Board of the make, year, model, and vehicle registration of each
29 vehicle the person uses in the transportation and removal of human remains.
- 30 (3) Conspicuously display its permit in all vehicles used for the transportation or
31 removal of human remains.
- 32 (4) Keep in its employ at all times at least one individual who holds a
33 transportation and removal permit.
- 34 (5) Obtain and maintain a professional liability insurance policy that has a liability
35 limit of at least five hundred thousand dollars (\$500,000) and specifies the
36 individuals covered by the policy. The person must submit the required
37 certificate of liability insurance to the Board within 30 days of receiving a
38 permit and each year when the person renews its permit.
- 39 (6) Notify the Board of any change in the information required by this section
40 within 30 days of the change. Changes requiring notification include a change
41 in the insurer issuing the policy required under subdivision (5) of this section
42 or of the suspension or cancellation of that policy."

43 **SECTION 34.** G.S. 90-210.25(c)(5) is recodified as G.S. 90-210.27J and reads as
44 rewritten:

45 **"§ 90-210.27J. Exemptions to permit requirements for the transportation or removal of**
46 **human remains.**

47 The following persons shall be exempt from the Exemptions. – The permit requirements of
48 this section but shall otherwise be subject to subdivision (9) of this subsection and any rules
49 relating to the proper handling, care, removal, or transportation of a dead human
50 body: G.S. 90-210.27H and G.S. 90-210.27I do not apply to the following:

- 1 (1) ~~Licenses-Individuals licensed under Articles 13A and this Article or Article~~
 2 13F of this ~~Chapter and their employees.~~Chapter.
- 3 (2) Employees of common carriers.
- 4 (3) ~~Except as provided in sub-subdivision (6)c. of this section, employees~~
 5 Employees of the State and its agencies and employees of local governments
 6 and their ~~ageneies-~~agencies, while acting within the scope of their
 7 employment.
- 8 (4) Funeral directors, embalmers, or funeral service licensees licensed in another
 9 state and their employees.
- 10 (5) Funeral establishments issued permits under this Article or reduction licensees
 11 licensed under Article 13F of this Chapter.
- 12 (6) Individuals exempt under G.S. 90-210.27K(b) from the prohibitions on
 13 transporting or removing human remains."

14 **SECTION 35.** G.S. 90-210.25(c)(6) and (c)(9) are recodified as G.S. 90-210.27K(b)
 15 and (a), respectively. G.S. 90-210.27K reads as rewritten:

16 "**§ 90-210.27K. Prohibitions when transporting or removing human remains.**

17 (a) Prohibitions. – No person shall transport ~~a dead human body or remove human~~
 18 remains in the open cargo area or passenger area of a vehicle or in ~~any a~~ vehicle in which the
 19 body human remains may be viewed by the public. ~~Any A~~ person transporting or removing or
 20 transporting a dead human body human remains shall either ~~cover~~ do one of the following:

- 21 (1) Cover the body, place it upon a stretcher designed for the purpose of
 22 transporting humans or ~~dead human bodies-~~human remains in a vehicle, and
 23 secure ~~such the~~ stretcher in the vehicle used for ~~transportation,~~ or shall
 24 transportation.
- 25 (2) ~~enclose~~ Enclose the body human remains in a casket or container designed for
 26 common carrier ~~transportation,~~ transportation and secure the casket or
 27 container in the vehicle used for transportation. ~~No person shall fail to treat a~~
 28 ~~dead human body with respect at all times. No person shall take a photograph~~
 29 ~~or video recording of a dead human body without the consent of a member of~~
 30 ~~the deceased's immediate family or next of kin or other authorizing agent.~~

31 (b) Exemptions. – The following persons ~~shall be~~ are exempt from this section:

- 32 (1) Emergency medical technicians, rescue squad workers, volunteer and paid
 33 ~~firemen,~~ firefighters, and law enforcement officers while acting within the
 34 scope of their employment.
- 35 (2) Employees of public or private hospitals, nursing homes, or long-term care
 36 facilities, while handling a ~~dead human body~~ human remains within ~~such the~~
 37 the facility or while acting within the scope of their employment.
- 38 (3) State and county medical examiners and their investigators.
- 39 (4) ~~Any An~~ individual transporting ~~eremated-~~ reduced human remains.
- 40 (5) ~~Any An~~ individual transporting or removing a ~~dead human body~~ the human
 41 remains of their- his or her immediate family or next of kin."

42 **SECTION 36.** Article 13A of Chapter 90 of the General Statutes is amended by
 43 adding a new section to read:

44 "**§ 90-210.27L. Issuance and display of licenses, permits, and certificates.**

45 (a) Issuance. – The Board must affix the Board's seal to each license issued to a funeral
 46 service licensee, funeral director, or embalmer, and the president and secretary of the Board must
 47 sign each license. The Board must issue a permit certificate for a business permit issued under
 48 this Article or Article 13D or 13F of this Chapter.

49 (b) Display. – A funeral establishment must conspicuously display its funeral
 50 establishment permit and the licenses of each funeral service licensee, funeral director, and
 51 embalmer who provides services at the funeral establishment. A business that has a transportation

1 and removal service permit must conspicuously display the permit in each vehicle used in that
2 business to transport or remove human remains."

3 **SECTION 37.** G.S. 90-210.25(a)(5)b. is recodified as G.S. 90-210.27M(c).
4 G.S. 90-210.27M reads as rewritten:

5 "**§ 90-210.27M. Expiration and renewal of licenses and permits.**

6 (a) Expiration and Renewal Application. – A license or permit issued under this Article
7 expires on December 31 of each year. The holder of a license or permit must submit an
8 application to renew the license or permit on a form provided by the Board and must pay the
9 applicable renewal fee. An application for renewal of a funeral establishment permit must be
10 submitted by the manager of the establishment or, if the establishment is temporarily operating
11 without a manager in accordance with G.S. 90-210.25O(b), by an individual who has an
12 ownership interest in the establishment or is an officer of an entity that has an ownership interest
13 in the establishment. The expiration date may be changed by unanimous consent of the Board
14 and upon 90 days' written notice of the change to all persons that have a license or permit issued
15 under this Article.

16 (b) Deadline for License Renewal. – An application for renewal of a license must be
17 received by the Board by February 1 following expiration of the license. A person who does not
18 submit a renewal application by this deadline is considered to have forfeited the license as of the
19 deadline. The Board shall not accept an application for renewal of a license received after the
20 deadline.

21 (c) Reinstatement After License Forfeiture. – The holder of ~~any a~~ license issued by the
22 Board who ~~shall fail~~ fails to renew the same ~~on or it~~ before February 1 ~~of the calendar year for~~
23 ~~which the license is to be renewed shall have forfeited and surrendered after it expires may ask~~
24 ~~the Board to reinstate the license as of that date. No license forfeited or surrendered pursuant to~~
25 ~~the preceding sentence shall be reinstated by the Board unless it is shown to the Board that the~~
26 ~~date of forfeiture. The Board must reinstate the forfeited license if the Board finds that either of~~
27 ~~the following applies:~~

28 (1) The applicant has, throughout the period of forfeiture, engaged full time in
29 another state of the United States or the District of Columbia in the practice
30 to which the applicant's North Carolina license applies and has completed for
31 each ~~such~~ year of the period of forfeiture continuing education substantially
32 equivalent ~~in the opinion of the Board~~ to that required of North Carolina
33 ~~licensees; or licensees.~~

34 (2) The applicant has completed in North Carolina a total number of hours of
35 accredited continuing education computed by multiplying five times the
36 number of years of forfeiture.

37 ~~No~~ When reinstating a license under this subsection, ~~no~~ additional resident traineeship ~~shall~~
38 ~~be is~~ required. ~~The~~ An applicant ~~shall be required to~~ whose license is reinstated under this
39 ~~subsection must~~ pay all delinquent annual renewal fees ~~incurred~~ for all years since expiration of
40 licensure and a reinstatement fee set forth in G.S. 90-210.28. The Board may waive the
41 ~~provisions requirements~~ of this ~~section~~ subsection for an applicant ~~for a~~ whose forfeiture ~~which~~
42 occurred during the applicant's service in the Armed Forces of the United States ~~provided if~~ the
43 applicant applies within six months following severance ~~therefrom from the~~ Armed Forces.

44 (d) Deadline for Permit Renewal. – An application for renewal of a permit must be
45 received by the Board by June 30 following expiration of the permit. The Board shall not accept
46 an application for renewal of a permit received after the deadline. If the Board receives an
47 application for renewal of a permit after February 1 but before July 1, the application is subject
48 to a late renewal fee in addition to the regular renewal fee."

49 **SECTION 38.** G.S. 90-210.28 reads as rewritten:

50 "**§ 90-210.28. Fees.**

51 (a) The Board may set and collect fees, not to exceed the following amounts:

1	Funeral Establishment and Branch Funeral Establishment permit	
2	Application.....	\$400.00
3	Annual renewal	250.00
4	Late renewal	150.00
5	Establishment and embalming facility reinspection fee.....	150.00
6	Courtesy card	
7	Application.....	100.00
8	Annual renewal	75.00
9	Out-of-state licensee	
10	Application.....	250.00
11	Embalmer, funeral director, funeral service	
12	Application	
13	North <u>North</u> Carolina-Resident.....	200.00
14	Non-Resident <u>Non-Resident</u>	250.00
15	Annual Renewal	
16	Embalmer <u>Embalmer</u> or funeral director	75.00
17	Total fee, embalmer and funeral director	
18	when both are held by the same person	100.00
19	funeral <u>Funeral</u> service.....	100.00
20	Inactive Status	50.00
21	Reinstatement fee	50.00
22	Resident trainee permit	
23	Application.....	50.00
24	Voluntary change in supervisor	50.00
25	Annual renewal	35.00
26	Late renewal	25.00
27	Duplicate license certificate	25.00
28	<u>Transportation or removal permit</u>	
29	<u>Application (individual).....</u>	<u>200.00</u>
30	<u>Application (business).....</u>	<u>300.00</u>
31	<u>Annual renewal.....</u>	<u>75.00</u>
32	<u>Late renewal.....</u>	<u>100.00</u>
33	Chapel registration	
34	Application.....	150.00
35	Annual renewal	100.00
36	Late renewal	75.00
37	<u>Continuing education course</u>	
38	<u>Registration.....</u>	<u>50.00</u>
39	<u>Work report</u>	
40	<u>Late fee.....</u>	<u>50.00</u>
41	The Board shall cause to be published the current statutes and rules related to the practice of	
42	funeral service on its website.	
43	(b) <u>The following fees apply to a provisional license to practice funeral directing:</u>	
44	<u>Application.....</u>	<u>\$500.00</u>
45	<u>Annual renewal.....</u>	<u>250.00"</u>
46	SECTION 39. G.S. 90-210.25(e)(1), except for the last paragraph, is recodified as	
47	G.S. 90-210.28A(a). The last paragraph of G.S. 90-210.25(c)(14) is recodified as	
48	G.S. 90-210.28A(b). G.S. 90-210.28A reads as rewritten:	
49	"§ 90-210.28A. <u>Grounds to refuse to issue or renew a license or permit or to take</u>	
50	<u>disciplinary action.</u>	

1 (a) ~~Whenever Grounds.~~ – When the Board finds that an applicant for a license or a person
2 to whom a license has been issued by the Board ~~individual applicant, licensee, or permit holder~~
3 is guilty of any of the following acts or omissions and ~~the Board~~ also finds that the person
4 ~~individual~~ has ~~thereby~~ become unfit to practice, the Board may suspend or revoke the license or
5 ~~permit~~ or refuse to issue or renew the ~~license, license or permit~~ in accordance with the procedures
6 set out in Chapter 150B of the General Statutes:

7 (1) Conviction of, or plea of guilty or nolo contendere to, a felony or misdemeanor
8 that indicates that the individual is unfit or incompetent to engage in funeral
9 service or that the individual has deceived or defrauded the public.

10 (2) Denial, suspension, or revocation of an occupational or business license by
11 another jurisdiction.

12 (3) Fraud or misrepresentation in obtaining or renewing a license or permit or in
13 the practice of funeral service or operation of ~~a~~ the licensee's or permit holder's
14 business.

15 (4) False or misleading advertising as the holder of a ~~license, license or permit.~~

16 (5) Solicitation of ~~dead human bodies~~ human remains by the ~~licensee, his~~
17 ~~individual, or the individual's agents, assistants, or employees; but this~~
18 ~~paragraph shall not be construed to employees.~~ This subdivision does not
19 prohibit general advertising by the ~~licensee, licensee or permit holder.~~

20 (6) Employment directly or indirectly of ~~any~~ a resident trainee agent, ~~assistant~~
21 ~~assistant,~~ or other person, on a part-time or full-time basis, or on commission,
22 for the purpose of calling upon individuals or institutions by whose influence
23 ~~dead human bodies~~ human remains may be turned over to a particular
24 ~~licensee, licensee or permit holder.~~

25 (7) The payment or offer of payment of a commission by the ~~licensee, his~~
26 ~~individual, or the individual's agents, assistants~~ assistants, or ~~employees~~
27 employees, for the purpose of securing business except as authorized by
28 Article 13D of this Chapter.

29 (8) Acts or omissions indicating that the ~~permittee~~ individual is unable to engage
30 in funeral service with reasonable skill and safety by reason of illness,
31 excessive use of alcohol, drugs, chemicals, or any other type of substance, or
32 by reason of any physical or mental ~~abnormality, disability.~~

33 (9) Aiding or abetting ~~an unlicensed~~ a person who does not hold a license or
34 permit to perform services under this Article, including the use of a picture or
35 name in connection with advertisements or other written material published
36 or caused to be published by the ~~licensee, licensee or permit holder.~~

37 (10) Failure to treat ~~a dead human body~~ human remains with respect at all times.

38 (11) Violation of or cooperation with others to violate any of the provisions of this
39 Article or Articles 13D, 13E, or 13F of this Chapter, any rules ~~and regulations~~
40 of the Board, or the standards set forth in Funeral Industry Practices, ~~16 C.F.R.~~
41 ~~453 (1984), as amended from time to time.~~ 16 C.F.R. Part 453.

42 (12) Violation of any State law or municipal or county ordinance or regulation
43 affecting the handling, custody, ~~care~~ care, or transportation of ~~dead human~~
44 ~~bodies.~~ human remains.

45 (13) Refusing to surrender promptly the custody of ~~a dead human body or cremated~~
46 ~~remains~~ human remains, including reduced human remains, upon the express
47 order of the person lawfully entitled to the custody thereof. ~~their custody.~~

48 (14) Knowingly making any false statement on a certificate of death or violating
49 or cooperating with others to violate any provision of Article 4 or 16 of
50 Chapter 130A of the General Statutes or any rules ~~or regulations promulgated~~

- 1 ~~under those Articles as amended from time to time.~~adopted under those
 2 Articles.
 3 (15) ~~Indecent exposure or exhibition of a dead human body~~human remains while
 4 in the custody or control of a ~~licensee.~~licensee or permit holder.
 5 (16) Failure to refund any insurance proceeds received as consideration in excess
 6 of the funeral contract purchase price within 30 days of ~~receipt; provided,~~
 7 ~~however, that this provision shall not be construed to include receipt.~~ This
 8 subdivision does not apply to interest or growth on funds paid toward funeral
 9 goods and services to be provided pursuant to an inflation-proof preneed
 10 contract.
 11 (17) Failure to provide, within a reasonable time, either the goods and services
 12 contracted for or a refund for the price of goods and services paid for but not
 13 fulfilled.
 14 (18) Violation of G.S. 58-58-97.
 15 (19) Failure to respond to the Board's inquiries in a reasonable manner or time
 16 regarding any matter affecting the individual's performance of funeral
 17 services.
 18 (20) Failure to adequately supervise or oversee auxiliary licensed or unlicensed
 19 staff, employees, agents, or contractors as required by this Article or Articles
 20 13D, 13E, or 13F of this Chapter, any rules ~~and regulations~~adopted by the
 21 Board, or the standards set forth in Funeral Industry Practices, 16 C.F.R. § 453
 22 (1984), as amended, 16 C.F.R. Part 453.
 23 (21) Knowingly failing to follow the lawful direction of the person ~~or persons~~with
 24 the right to authorize disposition of a dead human bodyhuman remains in
 25 accordance with G.S. 130A-420.
 26 (22) Practicing funeral service, funeral directing, or embalming without a license.
 27 (b) Length and Conditions. – The Board shall have the authority tomay determine the
 28 length and conditions of any period of revocation, suspension, or refusal to issue or renew,or
 29 probation.renew a license or permit. The Board may require satisfactory completion of remedial
 30 or educational training as a prerequisite to license or permit reinstatement."

31 **SECTION 40.** The last paragraph of G.S. 90-210.25(e)(1) is recodified as
 32 G.S. 90-210.28B(a). G.S. 90-210.28B reads as rewritten:

33 "**§ 90-210.28B. Penalties.**

34 (a) ~~In any case in which~~Authorization. – If the Board is entitled to suspend, revoke
 35 revoke, or refuse to renew a ~~license,~~license or permit, the Board may accept from the licensee
 36 or permit holder an offer to pay a civil penalty of not more than five thousand dollars (\$5,000).
 37 The Board may either accept a civil penalty or revoke or refuse to renew a ~~license,~~license or
 38 permit, but not both.

39 (b) Fund. – The clear proceeds of civil penalties imposed under this Article shall be
 40 remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

41 **SECTION 41.** G.S. 90-210.25(e)(2) is recodified as G.S. 90-210.28C and reads as
 42 rewritten:

43 "**§ 90-210.28C. Probation.**

44 ~~Where~~When the Board finds that a licensee or permit holder is guilty of one or more of the
 45 acts or omissions listed in subdivision (e)(1) of this section G.S. 90-210.28A but it is determined
 46 by the Board that the licensee has not thereby become unfit to practice, the Board may place the
 47 licensee or permit holder on a term of probation in accordance with the procedures set out in
 48 Chapter 150B of the General Statutes. ~~In any case in which~~If the Board is entitled to place a
 49 licensee or permit holder on a term of probation, the Board may also impose a civil penalty of
 50 not more than five thousand dollars (\$5,000) in conjunction with the probation. ~~The Board may~~
 51 ~~also require satisfactory completion of remedial or educational training as a prerequisite to~~

1 ~~license reinstatement or for completing the term of probation. The Board shall have the authority~~
2 ~~to may determine the length and conditions of any period of suspension, revocation, probation,~~
3 ~~or refusal to issue or renew a license. probation."~~

4 **SECTION 42.** G.S. 90-210.25(d)(4) is recodified as G.S. 90-210.28D and reads as
5 rewritten:

6 "**§ 90-210.28D. Disciplinary action against business permit holder.**

7 The Board may place on probation, refuse to issue or renew, suspend, or revoke a funeral
8 establishment permit or other business permit when an owner, partner, manager, member,
9 operator, or officer of the ~~funeral establishment business~~ violates any provision of this Article or
10 ~~any regulations rule~~ of the Board, or when ~~any an~~ agent or employee of the ~~funeral establishment,~~
11 ~~business,~~ with the consent of ~~any a~~ person, ~~firm firm,~~ or corporation operating the ~~funeral~~
12 ~~establishment, business,~~ violates any ~~of those provisions, rules or regulations.~~ provision of this
13 Article or rule of the Board. ~~In any case in which~~ If the Board is entitled to place a ~~funeral~~
14 ~~establishment business~~ permittee on a term of probation, the Board may also impose a civil
15 penalty of not more than five thousand dollars (\$5,000) in conjunction with the probation. ~~In any~~
16 ~~case in which~~ If the Board is entitled to suspend, revoke, or refuse to renew a permit, the Board
17 may accept from the ~~funeral establishment business~~ permittee an offer to pay a civil penalty of
18 not more than five thousand dollars (\$5,000). The Board may either accept a civil penalty or
19 revoke or refuse to renew a license, but not both. ~~Any A~~ civil penalty under this ~~subdivision~~
20 ~~section~~ may be in addition to ~~any a~~ civil penalty assessed against one or more licensed individuals
21 employed by the ~~funeral establishment business~~ permittee. The Board ~~shall have the authority~~
22 ~~to may determine the length and conditions of any period of revocation, suspension, refusal to~~
23 ~~issue or renew, or probation."~~

24 **SECTION 43.** G.S. 90-210.25(a)(5)h. is recodified as G.S. 90-210.28E and reads as
25 rewritten:

26 "**§ 90-210.28E. Procedure for criminal history background check.**

27 (a) ~~All applicants for licensure, including any owner, partner, manager, member,~~
28 ~~operator, or officer of a business entity applying for licensure under this Article, shall consent to~~
29 ~~a criminal history record check. Refusal to consent to a criminal history record check may~~
30 ~~constitute grounds for the Board to deny licensure to an applicant. The Board shall ensure that~~
31 ~~the State and national criminal history is checked for any an applicant applying for initial~~
32 ~~licensure or for reinstatement of licensure, if such the licensure has been expired for three or~~
33 ~~more years. The Department of Public Safety may provide a criminal record check to the Board~~
34 ~~for a person who has applied for a new or renewal license, or certification license through the~~
35 ~~Board; provided, however, that the Board. The Board and the applicant may consent to the use~~
36 ~~of a criminal background check vendor other than the Department of Public Safety, the cost of~~
37 ~~which shall be paid by the applicant.~~

38 (b) If the Department of Public Safety performs the criminal background check, the
39 Board shall provide to the Department of Public Safety, along with the request, the fingerprints
40 of the applicant, any additional information required by the Department of Public Safety, and a
41 form signed by the applicant consenting to the check of the criminal record and to the use of the
42 fingerprints and other identifying information required by the State or national repositories. The
43 applicant's fingerprints shall be forwarded to the State Bureau of Investigation for a search of the
44 State's criminal history record file, and the State Bureau of Investigation shall forward a set of
45 the fingerprints to the Federal Bureau of Investigation for a national criminal history check. The
46 Department of Public Safety may charge each applicant a fee for conducting the checks of
47 criminal history records authorized by this section.

48 (c) The Board shall keep all information obtained pursuant to this ~~subdivision section~~
49 ~~privileged, in accordance with applicable State law and federal guidelines, and federal law, and~~
50 ~~the information shall be is confidential and shall not be is not a public record under Chapter 132~~
51 ~~of the General Statutes. The Board, Board and its officers and employees, acting in good faith~~

1 and in compliance with this section, ~~shall be are~~ immune from civil liability for denying licensure
2 to an applicant based on information provided in the applicant's criminal history record check.

3 ~~The Department of Public Safety may charge each applicant a fee for conducting the checks~~
4 ~~of criminal history records authorized by this subdivision."~~

5 SECTION 44. G.S. 90-210.29C reads as rewritten:

6 "**§ 90-210.29C. Unlawful sale of embalming fluid. Misdemeanors and felonies.**

7 (a) ~~Offense.~~—It is unlawful for a funeral director, embalmer, or resident trainee to
8 knowingly give, sell, permit to be sold, offer for sale, or display for sale, other than for purposes
9 within the general scope of their activities as a funeral director, embalmer, or resident trainee,
10 embalming fluid to another person with actual knowledge that the person is not a funeral director,
11 embalmer, or resident trainee.

12 (b) ~~Punishment.~~—A person who violates subsection (a) of this section is guilty of a Class
13 I felony, including a fine of not less than one hundred dollars (\$100.00) and not more than five
14 hundred dollars (\$500.00).

15 (a) Practicing Without Authorization. – A person who holds himself or herself out as
16 practicing as a funeral service licensee, a funeral director, or an embalmer or as operating a
17 funeral establishment without having complied with this Article commits a Class 2 misdemeanor.
18 A person who holds himself or herself out as engaging in the business of the transportation or
19 removal of human remains without having complied with this Article commits a Class 2
20 misdemeanor.

21 (b) Abusing Human Remains. – A person who knowingly or willfully abuses or mutilates
22 human remains in the person's custody commits a Class 2 misdemeanor. It is not a violation of
23 this subsection for a person licensed under this Article as a funeral service licensee or an
24 embalmer to embalm human remains consistent with techniques of embalming generally
25 recognized by funeral service licensees or embalmers. It is not a violation of this subsection for
26 a person licensed under this Article as a funeral service licensee or a funeral director to exhibit
27 human remains consistent with instructions from the person authorized to dispose of the human
28 remains.

29 (c) Selling Embalming Fluid. – It is unlawful for a funeral director, embalmer, or resident
30 trainee to knowingly give, sell, allow to be sold, offer for sale, or display for sale, other than for
31 purposes within the general scope of their activities as a funeral director, embalmer, or resident
32 trainee, embalming fluid to another person with actual knowledge that the person is not a funeral
33 director, embalmer, or resident trainee. A person who violates this subsection commits a Class I
34 felony and is punishable by imprisonment and a fine of not less than one hundred dollars
35 (\$100.00) and not more than five hundred dollars (\$500.00)."

36 SECTION 45. All provisions of G.S. 90-210.25 that are not enacted or recodified by
37 this act are repealed.

38 SECTION 46. Article 13D of Chapter 90 of the General Statutes reads as rewritten:

39 "Article 13D.

40 "Preneed Funeral Funds.

41 "**§ 90-210.60. Definitions.**

42 ~~As used in this Article, unless the context requires otherwise:~~The following definitions and
43 the definitions of Article 13A of this Chapter apply in this Article:

44 (1) Board. – The North Carolina Board of Funeral Service as created pursuant to
45 Article 13A of Chapter 90 of the General Statutes. ~~this Chapter.~~

46 (1a) Cash advance item. – Any item obtained from a third party and paid for by the
47 funeral provider on the purchaser's behalf. Cash advance items may include,
48 but are not limited to, sales tax, certified copies of death certificates, clergy
49 honoraria, flowers, musicians or singers, obituary notices, and gratuities.

50 (2) Financial institution. – A bank, credit union, trust company, savings bank, or
51 savings and loan association authorized by law to do business in this State.

- 1 (3) Insurance company. – ~~Any~~A corporation, limited liability company,
2 association, partnership, society, order, ~~individual~~individual, or aggregation
3 of individuals engaging in or proposing or attempting to engage as principals
4 in any kind of insurance business, including the exchanging of reciprocal or
5 interinsurance contracts between individuals, partnerships, and corporations.
- 6 (3a) Legal representative. –The person authorized by G.S. 130A-420 who would
7 be otherwise authorized to dispose of the remains of the preneed funeral
8 contract beneficiary.
- 9 (4) Prearrangement insurance policy. – A life insurance policy, annuity contract,
10 or other insurance contract, or any series of contracts or agreements in any
11 form or manner, issued by an insurance company authorized by law to do
12 business in this State, ~~which~~that, whether by assignment or otherwise, has
13 for a purpose the funding of a preneed funeral contract or an insurance-funded
14 funeral or burial prearrangement, the insured or annuitant being the person for
15 whose service the funds were paid.
- 16 (5) Preneed funeral contract. – ~~Any~~A contract, agreement, or mutual
17 understanding, or any series or combination of contracts, agreements, or
18 mutual understandings, whether funded by trust deposits or prearrangement
19 insurance policies, or any combination thereof, ~~which~~that has for a purpose
20 the furnishing or performance of funeral services, or the furnishing or delivery
21 of personal property, merchandise, or services of any nature in connection
22 with the final disposition of a ~~dead human body~~, person's human remains, to
23 be furnished or delivered at a time determinable by the death of the ~~person~~
24 ~~whose body is to be disposed of~~, but person. The term does not mean the
25 furnishing of a cemetery lot, crypt, niche, mausoleum, outer burial containers,
26 or pre-installed interment receptacle sold by a cemetery that is regulated by
27 the Cemetery Commission. The term does not include a transportation
28 protection agreement.
- 29 (6) Preneed funeral contract beneficiary. – The person upon whose death the
30 preneed funeral contract will be performed; this person may also be the
31 purchaser of the preneed funeral contract.
- 32 (7) Preneed funeral funds. – All payments of cash made to ~~any~~a person,
33 partnership, association, corporation, or other entity upon any preneed funeral
34 contract or any other agreement, contract, or prearrangement insurance policy,
35 or any series or combination of preneed funeral contracts or any other
36 agreements, contracts, or prearrangement insurance policies, but excluding
37 the furnishing of cemetery lots, crypts, niches, mausoleums, outer burial
38 containers, or pre-installed interment receptacles sold by a cemetery regulated
39 by the Cemetery Commission, ~~which~~that have for a purpose or ~~which~~that by
40 operation provide for the furnishing or performance of funeral or burial
41 services, or the furnishing or delivery of personal property, merchandise, or
42 services of any nature in connection with the final disposition of a ~~dead human~~
43 ~~body~~, human remains, to be furnished or delivered at a time determinable by
44 the death of the person whose ~~body is~~ human remains are to be disposed of,
45 or the providing of the proceeds of ~~any~~an insurance policy for ~~such~~this use.
- 46 (8) Preneed funeral planning. – Offering to sell or selling preneed funeral
47 contracts, or making other arrangements ~~prior to~~before death for the
48 providing of funeral services or merchandise.
- 49 (9) Preneed licensee. –A funeral establishment ~~which~~that has applied for and has
50 been granted a license to sell preneed funeral contracts under ~~the~~this Article.

1 ~~Such~~ This license is also referred to in this Article as a "preneed funeral
2 establishment license" or "preneed funeral establishment permit."

- 3 (10) Transportation protection agreement. – An agreement, sold separately from a
4 preneed funeral contract, that primarily provides for the coordination and
5 arranging of all professional services related to the preparation of human
6 remains or ~~cremated~~ reduced human remains for the purpose of initial and
7 subsequent transportation of those remains.

8 **"§ 90-210.61. Deposit or application of preneed funeral funds.**

9 (a) Preneed funeral funds are subject to ~~the provisions of this~~ Article and shall be
10 deposited or applied as follows:

- 11 (1) If the preneed funeral contract purchaser chooses to fund the preneed funeral
12 contract by a trust ~~deposit or deposits,~~ deposit, the preneed licensee shall
13 deposit all funds in an insured account in a financial institution, in trust, in the
14 preneed licensee's name as trustee within five business days. The preneed
15 licensee, at the time of making the deposit as trustee, shall furnish to the
16 financial institution the name of each preneed funeral contract purchaser and
17 the amount of payment on each preneed funeral contract for which the deposit
18 is being made. The preneed licensee may establish an individual trust fund for
19 each preneed funeral contract or a common trust fund for all preneed funeral
20 contracts. The trust accounts shall be carried in the name of the preneed
21 licensee as trustee, but accounting records shall be maintained for each
22 individual preneed funeral contract purchaser showing the amounts deposited
23 and invested, and interest, dividends, increases, and accretions earned. Except
24 as provided in this Article, all interest, dividends, increases, or accretions
25 earned by the funds shall remain with the principal. The trust fund may be
26 charged with applicable taxes and for reasonable charges paid by the trustee
27 to itself or others for the preparation of fiduciary tax returns. Penalties charged
28 by a financial institution for early withdrawals caused by a transfer pursuant
29 to G.S. 90-210.63 shall be paid by the preneed licensee. Penalties charged as
30 a result of other early withdrawals as ~~permitted~~ allowed by this Article shall
31 be paid from the trust fund, and the financial institution shall give the preneed
32 funeral contract purchaser prompt notice of these penalties.

- 33 (2) Notwithstanding any other provision of law, if a preneed funeral contract is
34 funded by a trust ~~deposit or trust deposits,~~ deposit, a preneed licensee may
35 retain, free of the trust, up to ten percent (10%) of any payments made on a
36 preneed funeral contract, ~~provided that so long as~~ the preneed licensee ~~fully~~
37 discloses in writing in advance to the preneed funeral contract purchaser the
38 percentage of the payments to be retained. If there is no substitution pursuant
39 to G.S. 90-210.63(a), the preneed licensee shall give credit for the amount
40 retained upon the death of the preneed funeral contract beneficiary and
41 performance of the preneed funeral contract.

- 42 (3) If the preneed funeral contract purchaser chooses to fund the contract by a
43 prearrangement insurance policy, the preneed licensee shall apply all funds
44 received for this purpose to the purchase of the prearrangement insurance
45 policy within five business days. The preneed licensee shall notify the
46 insurance company of the name of each preneed funeral contract purchaser
47 and the amount of each payment when the prearrangement insurance policy
48 or policies are is purchased.

49 (b) Except as provided by this Article or by the preneed funeral contract, all payments
50 made by the purchaser of a preneed funeral contract or prearrangement insurance policy shall
51 remain trust funds within a financial institution or as paid insurance premiums with an insurance

1 company, as the case may be, until the death of the preneed funeral contract beneficiary and until
2 full performance of the preneed funeral contract.

3 (c) Each preneed licensee may establish and maintain with a financial institution of its
4 ~~choice,~~ choice a preneed funeral fund clearing account. Preneed funeral funds received by a
5 preneed licensee may be deposited and held in ~~such an~~ this account until disbursed by the preneed
6 licensee to fund a preneed funeral contract pursuant to subdivisions (a)(1) or (a)(3) of this section.
7 This account shall be used solely for the receipt and disbursement of preneed funeral funds.

8 (d) Funds deposited in trust under a revocable or irrevocable preneed funeral contract
9 may, with the written permission of the preneed funeral contract purchaser, be withdrawn by the
10 trustee and used to purchase a prearrangement insurance policy. Within 10 days after the
11 purchase of the prearrangement insurance policy, the preneed licensee shall notify the Board, in
12 writing, of the name and address of the insurance company and any other information deemed
13 necessary by the Board. Nothing in this subsection ~~shall be construed to permit~~ permits the
14 revocation of an irrevocable preneed funeral ~~contract~~ contract, and all funds withdrawn from trust
15 pursuant to this subsection shall be applied to the purchase of a prearrangement insurance policy.

16 (e) Except as provided by ~~G.S. 90-210.61(e), subsection (c) of this section,~~ at no time
17 before making a deposit or purchasing a prearrangement insurance policy ~~may~~ shall a preneed
18 licensee, or its agents or employees, deposit in its own account or the account of any other person
19 any ~~monies coming into its hands for the purpose of funds whose purpose is purchasing services,~~
20 merchandise, or prearrangement insurance policies under ~~the provisions of this Article.~~

21 ...

22 **"§ 90-210.67. Application for license.**

23 (a) No person ~~may~~ shall offer or sell preneed funeral contracts or offer to make or make
24 any funded funeral prearrangements without first securing a license from the Board.
25 Notwithstanding any other provision of law, ~~any a person who~~ that offers to sell or sells a casket,
26 to be furnished or delivered at a time determinable by the death of the person whose ~~body is~~
27 human remains are to be disposed of in the casket, shall first comply with ~~the provisions of this~~
28 Article. There ~~shall be~~ are two types of licenses: a preneed funeral establishment license and a
29 preneed sales license. Only funeral establishments holding ~~a valid an~~ an establishment permit
30 ~~pursuant to G.S. 90-210.25(d) shall be issued by the Board~~ are eligible for a preneed funeral
31 establishment license. Employees and agents of ~~such these~~ these entities, upon meeting the
32 qualifications to engage in preneed funeral planning as established by the Board, ~~shall be~~ are
33 eligible for a preneed sales license. The Board shall establish the preneed funeral planning
34 activities that are ~~permitted~~ authorized under a preneed sales license. ~~The Board shall adopt rules~~
35 ~~establishing such qualifications and activities no later than 12 months following the ratification~~
36 ~~of this act [Session Laws 1991 (Reg. Sess., 1992), c. 901, s. 2].~~ A preneed sales licensee may sell
37 preneed funeral ~~contracts,~~ contracts and prearrangement insurance policies, ~~policies~~ and make
38 funded funeral prearrangements only on behalf of one preneed funeral establishment licensee;
39 ~~provided, however, the a~~ preneed sales licensee may sell preneed funeral ~~contracts,~~ contracts and
40 prearrangement insurance ~~policies,~~ policies and make funeral prearrangements for any number
41 of licensed preneed funeral establishments that are wholly owned by or affiliated with, through
42 common ownership or contract, the same ~~entity; provided further, in the event~~ entity. If the
43 preneed sales licensee engages in selling prearrangement insurance policies, ~~they the~~ preneed
44 sales licensee shall meet the licensing requirements of the Commissioner of Insurance. ~~Every A~~
45 preneed funeral contract shall be signed by a person licensed as a funeral director or funeral
46 service licensee pursuant to Article 13A of ~~Chapter 90 of the General Statutes.~~ this Chapter.

47 Application for a license shall be in writing, signed by the ~~applicant~~ applicant, and duly
48 verified on forms furnished by the Board. Each application shall contain at least the following:
49 the full names and ~~addresses (both residence and place of business)~~ addresses, both residential
50 and business, of the ~~applicant,~~ applicant and every partner, member, ~~officer~~ officer, and director
51 ~~thereof~~ thereof, if the applicant is a partnership, limited liability company, association, or

1 ~~corporation corporation,~~ and any other information as the Board shall deem necessary. ~~deemed~~
2 necessary by the Board. A preneed funeral establishment license ~~shall be is~~ valid only at the
3 address stated in the application or at a new address approved by the Board.

4 (b) An application for a preneed funeral establishment license shall be accompanied by a
5 nonrefundable application fee of not more than four hundred dollars (\$400.00). The Board shall
6 set the amounts of the application fees and renewal ~~fees, fees~~ by rule.

7 If the license is granted, the application fee shall be applied to the annual license fee for the
8 first year or part thereof. Upon receipt of the application and payment of the application fee, the
9 Board shall issue a renewable preneed funeral establishment license unless it determines that the
10 applicant has violated ~~any provision of G.S. 90-210.69(e) or G.S. 90-210.69(c),~~ has made false
11 statements or representations in the application, ~~or is insolvent, or has conducted or is about to~~
12 ~~conduct, conduct~~ its business in a fraudulent manner, or is not ~~duly~~ authorized to transact business
13 in this State. The license ~~shall expire expires~~ on December 31 and each preneed funeral
14 establishment licensee shall pay annually to the Board on or before that date a license renewal
15 fee of not more than two hundred fifty dollars (\$250.00). After February 1, a license may be
16 renewed by paying a late fee of not more than one hundred dollars (\$100.00) in addition to the
17 annual renewal fee. Preneed funeral establishment permits that remain expired six months or
18 more ~~cannot shall not be renewed renewed,~~ and establishments must reapply for licensure
19 pursuant to this subsection.

20 ~~If, after January 1, 2008,~~ If a funeral establishment ~~receiving receives~~ a new preneed
21 establishment license or if a preneed establishment license has lapsed or has been terminated for
22 any reason, other than for failure to timely renew the license, the funeral establishment shall
23 obtain a surety bond in an amount not less than fifty thousand dollars (\$50,000) for a period of
24 at least two years; ~~provided, however, that~~ the Board, in its discretion, may require the term of
25 the surety bond to be for five years. However, upon demonstrating to the satisfaction of the Board
26 that the funeral establishment is solvent, the Board may reduce the bond term to a period of no
27 less than one year from the date the original license is issued. The funeral establishment may (i)
28 purchase the bond from any company authorized by law to sell bonds in this State or (ii) deposit
29 fifty thousand dollars (\$50,000) with the clerk of superior court in the county where the preneed
30 funeral establishment maintains its ~~facility that is licensed or has submitted an application for~~
31 ~~licensure to the Board.~~ facility. The Board may extend the ~~bonding bond~~ requirement beyond a
32 period of five years ~~in the event if~~ there is a claim paid from the bond.

33 (c) An application for a preneed sales license shall be accompanied by a nonrefundable
34 application fee of not more than fifty dollars (\$50.00). The Board shall set the amounts of the
35 application fees and renewal fees by rule, but the fees shall not exceed fifty dollars (\$50.00). If
36 the license is granted, the application fee shall be applied to the annual license fee for the first
37 year or part thereof. Upon receipt of the application and payment of the application fee, the Board
38 shall issue a renewable preneed sales license ~~provided so long as~~ the applicant has met the
39 qualifications to engage in preneed funeral planning as established by the Board ~~unless it~~
40 ~~determines that the applicant has and has not~~ violated ~~any provision of G.S. 90-210.69(c).~~ The
41 license ~~shall expire expires~~ on December 31 and each preneed sales licensee shall pay annually
42 to the Board on or before that date a license renewal fee of not more than fifty dollars (\$50.00).
43 After February 1, a license may be renewed by paying a late fee of not more than twenty-five
44 dollars (\$25.00) in addition to the annual renewal fee.

45 (d) ~~Any~~ A person selling a preneed funeral contract, whether funded by a trust deposit or
46 a prearrangement insurance policy, shall remit to the Board, within 10 days of the sale, a fee not
47 to exceed twenty dollars (\$20.00) for each sale and a copy of each contract. The person shall pay
48 a late fee of not more than twenty-five dollars (\$25.00) for each late filing and payment. The fees
49 shall not be remitted in cash. If the person resides in a county that is under a state of emergency,
50 as defined in ~~G.S. 166A-19.3(19),~~ G.S. 166A-19.3, at the time of the sale, then the Board shall

1 extend the period to file and pay the fee for each sale and copy of each contract to 30 days ~~from~~
2 after the date of the sale.

3 (d1) The Board may also set and collect a fee of not more than twenty-five dollars (\$25.00)
4 for the late filing of a certificate of performance and a fee of not more than one hundred fifty
5 dollars (\$150.00) for the late filing of an annual report.

6 (e), (f) Repealed by Session Laws 2003-420, s. 14, effective October 1, 2003.

7 **"§ 90-210.68. Licensee's books and records; notice of transfers, ~~assignments~~ assignments,**
8 **and terminations.**

9 (a) ~~Every A~~ preneed licensee shall keep for examination by the Board accurate accounts,
10 books, and records in this State of all preneed funeral contract and prearrangement insurance
11 policy transactions used to fund preneed funeral contracts, copies of all agreements, insurance
12 policies, instruments of assignment, the dates and amounts of payments made and accepted
13 ~~thereon, on them,~~ the names and addresses of the contracting parties, the persons for whose
14 benefit funds are accepted, and the names of the financial institutions holding preneed funeral
15 trust funds and insurance companies issuing insurance policies used to fund preneed funeral
16 contracts. The Board, its inspectors appointed pursuant to ~~G.S. 90-210.24~~ G.S. 90-210.24, and
17 its examiners, which the Board may appoint to assist in the enforcement of this Article, ~~may~~ may,
18 during normal hours of operation and periods shortly before or after normal hours of operation,
19 investigate the books, records, and accounts of any licensee under this Article with respect to
20 trust funds, preneed funeral contracts, and insurance policies used to fund preneed funeral
21 contracts. ~~Any A~~ preneed licensee ~~who, that,~~ upon inspection, fails to meet the requirements of
22 this subsection or ~~who that~~ fails to keep an appointment for an inspection shall pay a reinspection
23 fee to the Board in an amount not to exceed one hundred dollars (\$100.00). The Board may
24 require the attendance of and examine under oath all persons whose testimony it may require.
25 ~~Every preneed licensee shall submit a written report to the Board, at least annually, in a manner~~
26 ~~and with such content as established by the Board, of its preneed funeral contract sales and~~
27 ~~performance of such contracts. The Board may also require other reports.~~

28 (a1) On or before March 31 of each year, each preneed licensee shall prepare and submit
29 an annual report on its preneed funeral contract sales during the previous calendar year, ~~to include~~
30 year that includes the total number, status, and type of each preneed contract for which the
31 preneed licensee serves as trustee, the total year-end balance of each contract, and the status of
32 each preneed contract. The preneed licensee shall submit the report to the Board in a manner and
33 form prescribed by the Board. The Board may also require other reports.

34 (b) A preneed licensee may transfer preneed funds held by it as trustee from the financial
35 institution ~~which that~~ is a party to a preneed funeral contract to a substitute financial institution
36 that is not a party to the contract. Within 10 days after the transfer, the preneed licensee shall
37 notify the Board, in writing, of the name and address of the ~~transferee~~ substitute financial
38 ~~institution. Before the transfer may be made, the transferee financial institution shall agree to~~
39 ~~make disclosures required under the preneed funeral contract to the Board or its inspectors or~~
40 ~~examiners.~~ institution and any other information deemed necessary by the Board. If the contract
41 is revocable, before transferring trust funds to the substitute financial institution, the licensee
42 shall notify the ~~contracting party~~ preneed contract purchaser or, if the preneed contract purchaser
43 is deceased, the preneed contract beneficiary of the intended transfer.

44 (c) If ~~any a~~ preneed licensee transfers or assigns its assets or stock to a successor funeral
45 establishment or terminates its business as a funeral establishment, the preneed licensee and
46 assignee shall notify the Board at least 30 days ~~prior to~~ before the effective date of the transfer,
47 ~~assignment~~ assignment, or ~~termination:~~ provided, however, the termination. The successor
48 funeral establishment must be a preneed licensee in good standing with the Board or shall be
49 required to apply for and be granted ~~such this~~ license by the Board before accepting any preneed
50 funeral contracts, whether funded by trust deposits or preneed insurance policies. ~~Provided~~
51 ~~further, a A~~ successor funeral establishment ~~shall be~~ is liable to the preneed funeral contract

1 purchasers for the amount of contract payments retained by the assigning or transferring funeral
2 home pursuant to G.S. 90-210.61(a)(2).

3 (d) ~~Financial institutions that accept preneed funeral trust funds and, for any insurance~~
4 ~~policy that names a funeral establishment as an assignee or beneficiary, the issuing or~~
5 ~~underwriting insurance company shall, upon and insurance companies that issue or underwrite~~
6 insurance policies naming a funeral establishment as an assignee or beneficiary shall do all of the
7 following:

8 (1) Upon request by the Board or its inspectors, disclose any information
9 regarding the preneed funeral trust accounts or any insurance policy that
10 names a funeral establishment as an assignee or beneficiary.

11 (2) ~~Financial institutions that accept preneed funeral trust funds and, for any~~
12 ~~insurance policy that names a funeral establishment as an assignee or~~
13 ~~beneficiary, the issuing or underwriting insurance company shall also forward~~
14 Forward the account balance or policy status and current death benefit to the
15 contracting preneed funeral establishment or the funeral establishment named
16 as an assignee or beneficiary at the end of each calendar year.

17 (d1) When a preneed funeral establishment license lapses or is terminated for any reason,
18 the preneed licensee shall immediately divest of all the unperformed preneed funeral contracts
19 and shall transfer them and any amounts retained under G.S. 90-210.61(a)(2) to a successor
20 preneed funeral establishment licensee in good standing with the Board pursuant to the
21 procedures of subsection (e) of this section. The contracting and the successor preneed funeral
22 establishments shall notify the Board at least 30 days ~~prior to such transfer. Within 30 days~~
23 ~~following the transfer, the contracting and successor preneed funeral establishments shall provide~~
24 ~~notice of the transfer to each preneed contract purchaser and to the~~ before the transfer and shall
25 notify the following within 30 days after the transfer:

26 (1) The financial institution housing the preneed funeral trust funds or the issuing
27 or underwriting insurance company for the contracts.

28 (2) Each preneed contract purchaser, unless the preneed contract is transferred
29 due to an acquisition or sale and the contract will continue to be performed at
30 the same physical address.

31 (e) ~~In the event that any~~ If a preneed licensee is unable or unwilling or is for any reason
32 relieved of its responsibility to perform as trustee or to perform any a preneed funeral contract,
33 the Board shall order the contract and any amounts retained pursuant to G.S. 90-210.61(a)(2)
34 to be assigned transferred to a substitute preneed licensee provided that neither the substitute
35 preneed licensee or preneed contract purchaser, or after the death of the preneed contract
36 purchaser, the preneed contract beneficiary or his or her legal representative, shall be obligated
37 to perform the agreement without executing a new preneed funeral contract. Any lapse or transfer
38 of a preneed contract pursuant to this section shall not be grounds to revoke an irrevocable
39 preneed funeral contract. licensee. The substitute preneed licensee is not obligated to perform the
40 contract but shall make reasonable efforts to execute a new preneed funeral contract with the
41 preneed contract purchaser or, if the preneed contract purchaser is deceased, the preneed contract
42 beneficiary. Nothing in this subsection, however, allows a preneed contract purchaser to revoke
43 an irrevocable preneed funeral contract, except as otherwise provided in this Article. The
44 substitute preneed licensee shall maintain the preneed contract in accordance with this Article
45 and shall include information about the preneed contract in its annual report to the Board under
46 subsection (a1) of this section.

47 (f) The substitute preneed licensee under subsections (d1) and (e) of this section ~~shall be~~
48 is liable to the preneed funeral contract purchasers for the amount of contract payments that had
49 been retained by, and that the substitute preneed licensee has received from, the assigning
50 contracting preneed licensee."

51 **SECTION 47.** G.S. 90-210.85 reads as rewritten:

"§ 90-210.85. Revocation of license.

~~In the event it is proven to the satisfaction of~~ If the Board of Funeral Service finds that any a burial association ~~is being operated not in conformity with~~ has violated any provision of this Article, ~~then it shall become the duty of the Board of Funeral Service~~ the Board shall, upon hearing to a hearing, revoke the license of ~~said~~ the burial association and ~~transfer said~~ burial association, ~~its membership and all its assets of every kind and description to another burial association that is found by the Board of Funeral Service to be in good sound financial condition;~~ provided, that if said issue an order of dissolution pursuant to G.S. 90-210.107(i). If the burial association gives notice of appeal as provided for in G.S. 90-210.94, ~~then said~~ the burial association may continue to operate ~~as before the revocation and until the appeal's final adjudication.~~

SECTION 48. G.S. 90-210.107(i) reads as rewritten:

"(i) Upon receipt of a request for voluntary dissolution under subsection (h) of this section or if the sponsoring funeral establishment has its permit revoked or ceases operation for any reason, the Board shall issue an order of liquidation. The Board's order ~~may~~ shall direct ~~that the termination of all agreements for members' benefits be transferred to a financially sound mutual burial association, as well as~~ and the liquidation of all records, property, and unexpended balances of funds of the association ~~to be liquidated, if the financially sound mutual burial association agrees in writing to accept the transfer.~~ association. The Board's order shall direct the burial association to complete the liquidation and to file a final report with the Board no later than ~~December 31 of the year of the liquidation.~~ 30 days after the completion of the liquidation. Upon receipt of the order of liquidation, the burial association ~~shall~~ shall do all of the following:

- (1) Cease accepting new members.
- (2) Collect all debts owed to the association and pay all debts owed by the association from ~~monies~~ money on hand, including the reserve.
- (3) Distribute pro rata any remaining ~~monies~~ money on hand and in the reserve among those who were members of the association and whose transfer could not be accomplished on the date that the liquidation order was issued by the Board. Each member's distributive share shall be determined by dividing the amount of the member's benefit by the aggregate benefits of all members of the association and then multiplying the total amount of money available for distribution by the percentage so derived. Assessments owed by the members to the association at the time of distribution shall be taken into account and shall be offset against the members' distributive shares.
- (4) Issue a certificate to members in an amount that equals the difference between the distributive share issued in subdivision (3) of this subsection and the full amount of the member's association benefit. ~~Any~~ This certificate ~~issued~~ shall supersede and supplant any other certificate already issued by the association. The certificate shall be on a form prescribed by the Board and shall be prepared and distributed by the association at its expense.
- (5) File a final report with the Board ~~on or before December 31 in the year in which the order of liquidation was issued.~~ no later than 30 days after the completion of the liquidation. This report shall show all receipts and disbursements, including the amount distributed to each member, since the last annual report of the association was filed with the Board."

SECTION 49. Subdivisions (8), (13), and (14) of G.S. 90-210.121 are recodified as subdivisions (20c), (20e), and (20f), respectively, of that section.

SECTION 50. Subsection (g) of G.S. 90-210.136 is recodified as subsection (d1) of G.S. 90-210.129.

SECTION 51. Article 13F of Chapter 90 of the General Statutes, as amended by Sections 49 and 50 of this act, reads as rewritten:

"Article 13F.

"Cremations and Alkaline Hydrolysis.

~~"§ 90-210.120. Short title.~~

~~This Article shall be known and may be cited as the North Carolina Crematory Act.~~

"§ 90-210.121. Definitions.

~~As used in this Article, unless the context requires otherwise: The following definitions and the definitions of Article 13A of this Chapter apply in this Article:~~

~~(1) Alkaline hydrolysis. — As defined in G.S. 90-210.20.~~

~~(1a) Authorizing agent. — A person or entity legally entitled to arrange for the final disposition of human remains in accordance with G.S. 130A-420.~~

~~(2) Board. — The North Carolina Board of Funeral Service.~~

~~(3) Body parts. — Any of the following:~~

~~a. Limbs or other portions of the anatomy that are removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy, or medical research.~~

~~b. Human bodies or any portion thereof that have been donated to science for medical purposes.~~

~~(4) Casket. — A rigid container that is designed for the encasement of human remains and remains, that is usually constructed of wood, metal, or other material and ornamented and lined with fabric, and which that may or may not be combustible.~~

~~(5) Certificate of ~~cremation~~ reduction. — A certificate provided by the ~~crematory~~ reduction facility manager who performed the ~~cremation~~ reduction containing, at a minimum, all of the following information:~~

~~a. Name of decedent.~~

~~b. Date of ~~cremation~~ reduction.~~

~~c. Name and address of ~~crematory~~ reduction facility.~~

~~d. Signature of ~~crematory~~ reduction facility manager or person acting as ~~crematory~~ the reduction facility manager.~~

~~(6) Cremated remains. — All human remains recovered after the completion of the cremation process, including pulverization which that leaves only bone fragments reduced to unidentifiable dimensions.~~

~~(7) Cremation. — The technical process, using intense heat and flame, that reduces human remains to bone fragments. ~~Cremation~~ This term includes the processing and may include the pulverization of the bone fragments.~~

~~(8) Recodified.~~

~~(9) Cremation container. — ~~The~~ A container that is composed of readily combustible materials suitable for cremation, that is resistant to leakage or spillage, and in which the human remains are transported to the crematory or placed therein upon arrival for storage and placement in a cremation chamber for cremation. A cremation container shall comply with all of the following standards: arrival.~~

~~a. Be composed of readily combustible materials suitable for cremation.~~

~~b. Be able to be closed in order to provide a complete covering for the human remains.~~

~~c. Be resistant to leakage or spillage.~~

~~d. Be rigid enough for handling with ease.~~

~~e. Be able to provide protection for the health, safety, and personal integrity of crematory personnel.~~

~~f. Be easily identifiable. The covering of the cremation container shall contain all of the following information:~~

1. ~~The name of the decedent.~~
 2. ~~The date of death.~~
 3. ~~The sex of the decedent.~~
 4. ~~The age at death of the decedent.~~
- (10) Cremation interment container. – A rigid outer container composed of concrete, steel, fiberglass, or some similar material in which an urn is placed ~~prior to before~~ being interred in the ground and ~~which that~~ is designed to withstand prolonged exposure to the elements and to support the earth above the urn.
- (10a) Cremation society. – ~~Any~~ A person, firm, corporation, or organization that is affiliated with a crematory licensed under this Article and provides cremation information to consumers.
- (11) Crematory or crematorium. – The building or buildings or portion of a building on a single site that houses the cremation equipment, the holding and processing facilities, the business office, and other parts of the crematory business. ~~A crematory must comply with all applicable public health and environmental laws and rules and must contain the equipment and meet all of the standards established by the rules adopted by the Board.~~
- (12) Crematory licensee. – ~~The~~ An individual or legal entity that holds a license to operate a crematory and perform cremations.
- (13) Recodified.
- (14) Recodified.
- (15) Final disposition. – The ~~cremation reduction~~ and the ultimate interment, entombment, inurnment, or scattering of the ~~cremated reduced human~~ remains or the return of the ~~cremated reduced human~~ remains by the ~~crematory reduction~~ licensee to the authorizing agent or ~~such the~~ agent's designee as provided in this Article. ~~Upon the written direction of the authorizing agent, cremated remains may take various forms.~~
- (16) Holding and processing facility. – An area or areas that are designated for the retention of human remains ~~prior to, before,~~ and the retention and processing of ~~cremated reduced human~~ remains after, ~~cremation; that reduction; that~~ cremation; that reduction; that comply with all applicable public health and environmental laws; that preserve the health and safety of the ~~crematory reduction facility~~ technician and other personnel of the ~~crematory; reduction facility;~~ cremation; that reduction; that and that are secure from access by anyone other than authorized persons. ~~A holding facility and processing facility must be located in a crematory.~~
- (17) ~~Human remains.~~ – ~~The body of a deceased person, including a separate human fetus, regardless of the length of gestation, or body parts.~~
- (17a) Hydrolysis container. – A container, other than a casket, designed to enclose human remains and made of suitable material to be easily destroyed during hydrolysis and to resist spillage and leakage. ~~A hydrolysis container may be a cremation container or any other container that meets the requirements of this subdivision.~~ The term includes a cremation container if it satisfies the requirements of this definition.
- (17b) Hydrolysis licensee. – A person or entity licensed to hydrolyze human remains and perform hydrolysis.
- (17c) Initial container. – A receptacle for ~~cremated reduced human~~ remains, for which the intended use and design is to hold ~~cremated reduced human~~ remains, usually composed of cardboard, plastic, or similar material that can be closed in a manner so as to prevent the leakage or spillage of the ~~cremated~~

- 1 reduced human remains or the entrance of foreign material and is a single
2 container of sufficient size to hold the ~~eremated~~ reduced human remains.
- 3 (17d) Liquid waste. – Any liquid remaining after hydrolysis that does not contain
4 any trace elements of human tissue.
- 5 (18) Niche. – A compartment or cubicle for the memorialization or final
6 disposition of an urn or container containing ~~eremated~~ reduced human
7 remains.
- 8 (19) Processing. – The removal of bone fragments from the ~~eremation~~ reduction
9 chamber for ~~the reduction in size, pulverization, labeling and packaging, and~~
10 placing in an urn or initial container.
- 11 (20) Pulverization. – The reduction of identifiable or unidentifiable bone fragments
12 after the completion of the ~~eremation~~ reduction to granulated particles by
13 mechanical means.
- 14 (20a) ~~Reduced human remains. — The remains of a human body after completion of~~
15 ~~reduction.~~
- 16 (20b) ~~Reduction. — Alkaline hydrolysis, cremation, and any other method of final~~
17 ~~disposition of human remains authorized pursuant to this Article.~~
- 18 (20c) ~~Cremation~~ Reduction chamber. – The enclosed space within which the
19 ~~eremation~~ reduction process takes place. ~~Cremation chambers covered by this~~
20 ~~Article shall be used exclusively for the cremation of human remains.~~
- 21 (20e)(20d) ~~Reduction container. – A container, including a cremation~~ reduction
22 ~~container, hydrolysis container, or any other container that meets the~~
23 ~~requirements of this subdivision~~ other than a casket, designed to enclose
24 human remains and made of suitable material to be easily destroyed during
25 ~~alkaline hydrolysis or cremation~~ reduction and to resist spillage and leakage.
- 26 (20e) ~~Crematory~~ Reduction facility manager. – The person who is responsible for
27 the daily management and operation of the ~~erematory~~. ~~A crematory manager~~
28 ~~must either be licensed to practice funeral directing or funeral service and be~~
29 ~~qualified as a crematory technician or must obtain a crematory manager permit~~
30 ~~issued by the Board. In order to receive a crematory manager permit, a person~~
31 ~~must meet all of the following criteria:~~ reduction facility.
- 32 a. Be at least 18 years of age.
- 33 b. Be of good moral character.
- 34 e. Be qualified as a crematory technician.
- 35 ~~Notwithstanding any other provision of law, a crematory that is licensed by~~
36 ~~the Board prior to January 1, 2004, and as of that date is not managed by a~~
37 ~~crematory manager who is licensed to practice funeral directing or funeral~~
38 ~~service, or who has a crematory manager permit, may continue to be managed~~
39 ~~by a crematory manager who is not licensed to practice funeral directing or~~
40 ~~funeral service or who does not have a crematory manager permit so long as~~
41 ~~there is no sale, transfer, devise, gift, or any other disposal of a controlling~~
42 ~~interest in the crematory.~~
- 43 (20f) ~~Crematory~~ Reduction facility technician. – ~~Any An~~ employee of a ~~erematory~~
44 reduction licensee who has a certificate confirming that the ~~erematory~~
45 ~~technician~~ employee has attended a training course approved by the Board.
46 ~~The Board shall recognize the cremation certificate program that is conducted~~
47 ~~by the Cremation Association of North America (CANANA) completed~~ a
48 cremation or alkaline hydrolysis technician certification program offered by a
49 manufacturer of reduction equipment, the Cremation Association of North
50 America (CANANA), or a similar training program approved for continuing
51 education hours by the Board.

1 (21) Scattering area. – An area permitted by North Carolina ~~law including, law,~~
2 including an area designated by a cemetery and located on dedicated cemetery
3 property where ~~cremated-reduced human~~ remains that have been removed
4 from their container can be mixed with or placed on top of the soil or ground
5 cover.

6 (22) Repealed by Session Laws 2007-531, s. 18, effective August 31, 2007.

7 (23) Urn. – A receptacle designed to permanently encase the ~~cremated-reduced~~
8 human remains.

9 "§ 90-210.122. Repealed by Session Laws 2025-76, s. 1.2, effective October 1, 2025.

10 "§ 90-210.123. **Licensing and inspection.**

11 (a) ~~Any person doing business in this State, or any cemetery, funeral establishment,~~
12 ~~corporation, partnership, joint venture, voluntary organization, or any other entity may erect,~~
13 ~~maintain, and operate a crematory in this State and may provide the necessary employees,~~
14 ~~facilities, structure, and equipment for the cremation of human remains, provided that the person~~
15 ~~or entity has secured~~ No person or entity shall operate a crematory or cremate any human remains
16 without first obtaining a license as a crematory licensee in accordance with this Article. No
17 person or entity shall conduct alkaline hydrolysis of human remains without first obtaining a
18 license as a hydrolysis licensee in accordance with this Article. Only a funeral establishment
19 holding an establishment permit issued by the Board is eligible to be a hydrolysis licensee. A
20 reduction licensee shall reduce human remains only in a reduction facility in compliance with
21 this Article.

22 (a1) ~~A crematory-reduction facility~~ operating under this Article is required to have a
23 ~~crematory-reduction facility~~ manager. A ~~crematory-reduction facility~~ manager may manage
24 multiple ~~crematories-reduction facilities~~ within a 50-mile radius of each other. A ~~crematory~~
25 ~~reduction facility~~ may operate for a period not to exceed 30 days without a ~~crematory-reduction~~
26 ~~facility~~ manager due to the ~~crematory-reduction facility~~ manager's termination or cessation of
27 employment if all of the following criteria are met:

28 (1) The ~~crematory-reduction facility~~ manager was the only person employed that
29 is eligible to serve as a ~~crematory-reduction facility~~ manager at the time of the
30 ~~crematory-reduction facility~~ manager's end of employment.

31 (2) The ~~crematory-reduction licensee~~ retains one or more ~~crematory-reduction~~
32 ~~facility technicians~~ to perform ~~cremations-reductions~~.

33 (3) The ~~crematory-reduction licensee~~ registers the name of ~~the crematory~~
34 ~~technicians~~ each reduction facility technician with the Board.

35 (a2) A reduction facility manager shall be licensed to practice funeral directing or funeral
36 service and shall be qualified as a reduction facility technician or shall hold a reduction facility
37 manager permit issued by the Board. To receive a reduction facility manager permit, a person
38 shall meet all of the following requirements:

39 (1) Be at least 18 years of age.

40 (2) Be of good moral character.

41 (3) Be qualified as a reduction facility technician.

42 However, a crematory licensee that was licensed by the Board before January 1, 2004, and
43 as of that date was not managed by a crematory manager who satisfied the requirements of this
44 subsection may continue to be managed by that crematory manager until there is a sale, transfer,
45 devise, gift, or other disposal of a controlling interest in the crematory licensee.

46 (b) A crematory may be constructed on or adjacent to ~~any~~ a cemetery, on or adjacent to
47 ~~any~~ a funeral establishment that is zoned commercial or industrial, or at any other location
48 consistent with local zoning and environmental regulations. A reduction facility shall conduct
49 alkaline hydrolysis only on the premises of a funeral establishment holding an establishment
50 permit issued by the Board.

1 (c) Application for a license as a ~~crematory~~reduction licensee shall be made on forms
2 furnished and prescribed by the Board. The Board shall inspect the premises, facilities, structure,
3 and equipment to be used ~~as at a crematory,~~reduction facility, confirm that the ~~crematory~~
4 reduction facility manager's and ~~crematory~~reduction facility technician's educational certificate
5 is valid, and issue a renewable license to the ~~crematory~~reduction licensee if the applicant meets
6 all the requirements and standards of the Board and the requirements of this Article.

7 (c1) All applicants for licensure shall consent to a criminal history record check. Refusal
8 to consent to a criminal history record check may constitute grounds for the Board to deny
9 licensure to an applicant. The Board shall ensure that the State and national criminal history is
10 checked for any applicant applying for initial licensure or for reinstatement of licensure, if ~~such~~
11 the licensure has been expired for three or more years. The Department of Public Safety may
12 provide a criminal history record check to the Board for a person who has applied for a new or
13 renewed license under this Article; ~~provided,~~ however, ~~that~~ the Board and the applicant may
14 consent to the use of a criminal background check vendor other than the Department of Public
15 Safety, the cost of which shall be paid by the applicant. If the Department of Public Safety
16 performs the criminal background check, the Board shall provide to the Department of Public
17 Safety, along with the request, the fingerprints of the applicant, any additional information
18 required by the Department of Public Safety, and a form signed by the applicant consenting to
19 the check of the criminal record and to the use of the fingerprints and other identifying
20 information required by the State or national repositories. The applicant's fingerprints shall be
21 forwarded to the State Bureau of Investigation for a search of the State's criminal history record
22 file, and the State Bureau of Investigation shall forward a set of the fingerprints to the Federal
23 Bureau of Investigation for a national criminal history check. The Board shall keep all
24 information pursuant to this subsection privileged, in accordance with applicable State law ~~and~~
25 ~~federal guidelines, and the~~ and federal law. This information ~~shall be~~ is confidential and ~~shall not~~
26 ~~be~~ is not a public record under Chapter 132 of the General Statutes. The Board, its ~~officers~~
27 officers, and its employees, acting in good faith and in compliance with this section, ~~shall be~~ are
28 immune from civil liability for denying licensure to an applicant based on information provided
29 in the applicant's criminal history record check.

30 The Department of Public Safety may charge each applicant a fee for conducting the checks
31 of criminal history records authorized by this subsection.

32 (d) ~~Every~~ An application for licensure shall identify the ~~crematory~~reduction facility
33 manager and all ~~crematory technicians employed by the crematory licensee providing that~~
34 ~~nothing~~ reduction facility technicians for the reduction licensee. Nothing in this Article ~~shall~~
35 ~~prohibit~~ prohibits the designation and identification by the ~~crematory~~reduction licensee of one
36 individual to serve as a ~~crematory~~reduction facility manager and ~~crematory~~reduction facility
37 technician. Each ~~crematory licensed in North Carolina~~ reduction licensee shall employ on a
38 full-time basis at least one ~~crematory~~reduction facility technician. ~~Every~~ An application for
39 licensure shall include each ~~crematory~~reduction facility technician's educational certificate. The
40 ~~crematory~~reduction licensee shall keep the Board informed at all times of the names and
41 addresses of the ~~crematory~~reduction facility manager and all ~~crematory~~reduction facility
42 technicians. In the event a licensee is in the process of replacing its only ~~crematory~~reduction
43 facility technician at the time of license renewal, the licensee may continue to operate the
44 ~~crematory~~reduction facility for a reasonable time period not to exceed 30 days.

45 (d1) ~~Crematory licensees~~ A reduction licensee that ~~offer~~ offers at-need ~~cremation~~
46 reduction goods and services to the public shall comply with the standards set forth in Funeral
47 Industry Practices, 16 C.F.R. § 453 (1984), ~~as amended.~~ 16 C.F.R. Part 453.

48 (e) ~~All licenses and permits shall expire~~ A license or permit expires on the last day of
49 December of each year. After February 1, a license or permit may be renewed by paying a late
50 fee as provided in G.S. 90-210.132 in addition to the annual renewal fee. ~~Licenses and permits~~

1 ~~that remain~~ A license or permit that remains expired six months or more ~~require~~ requires a new
 2 application for renewal. ~~Licenses and permits are~~ A license or permit is not transferable.

3 (e1) A new application for a license or permit shall be made to the Board within 30 days
 4 following a change of ownership of more than fifty percent (50%) of the business. A new
 5 application for a license or permit is required if any of the following ~~occur~~ occurs:

6 (1) A change to the legal structure of a ~~crematory~~ reduction licensee that results
 7 in a change of a majority of the ~~crematory~~ reduction licensee's owners,
 8 partners, managers, members, operators, or officers.

9 (2) A ~~crematory~~ reduction licensee's owner, partner, manager, member, operator,
 10 or officer that holds a majority of the ~~crematory's~~ reduction licensee's
 11 ownership interest dies. The estate of the decedent ~~is permitted to~~ may apply
 12 for a permit within 180 days of the date of death.

13 (f) ~~No person, cemetery, funeral establishment, corporation, partnership, joint venture,~~
 14 ~~voluntary organization, or any other entity shall cremate any human remains, except in a~~
 15 ~~crematory licensed for this express purpose and operated by a crematory licensee subject to the~~
 16 ~~restrictions and limitations of this Article or unless otherwise permitted by statute.~~

17 (g) ~~Whenever~~ If the Board finds that an owner, partner, ~~crematory~~ manager, member,
 18 officer, reduction facility manager, or ~~any crematory~~ reduction facility technician of a ~~crematory~~
 19 ~~licensee or any reduction licensee, an applicant to become a crematory reduction licensee, or that~~
 20 ~~any authorized~~ an employee, agent, or representative of a reduction licensee has violated any
 21 provision of this Article, or is guilty of any of the following acts, and ~~when~~ if the Board also
 22 finds that the ~~crematory operator~~ reduction licensee or applicant has thereby become unfit to
 23 practice, the Board may suspend, revoke, or refuse to issue or renew the license, in accordance
 24 with Chapter 150B of the General Statutes:

25 (1) Conviction of or a plea of guilty or nolo contendere to a felony or
 26 misdemeanor that indicates that the individual is unfit or incompetent to
 27 engage in ~~cremations~~ reductions or that the individual has deceived or
 28 defrauded the public.

29 (1a) Denial, suspension, or revocation of an occupational or business license by
 30 another jurisdiction.

31 (2) Fraud or misrepresentation in obtaining or renewing a license, in the practice
 32 of ~~cremation~~ reduction, or in the operation of a licensee's business.

33 (3) False or misleading advertising.

34 (4) Solicitation of ~~dead human bodies~~ human remains by the licensee, his licensee
 35 or the licensee's agents, assistants, or ~~employees~~; ~~but this subdivision shall not~~
 36 ~~be construed to prohibit employees. This subdivision does not prohibit~~ general
 37 advertising by the licensee.

38 (5) Employment directly or indirectly of ~~any~~ an agent, assistant, or other person
 39 on a part-time or full-time basis or on commission for the purpose of calling
 40 upon individuals or institutions by whose influence ~~dead human bodies~~ human
 41 remains may be turned over to a particular licensee.

42 (6) The direct or indirect payment or offer of payment of a commission by the
 43 licensee or the licensee's agent, assistant, or ~~employees~~ employee for the
 44 purpose of securing business.

45 (7) Acts or omissions indicating that the licensee is unable to engage in
 46 ~~cremations~~ reductions with reasonable skill and safety by reason of illness,
 47 excessive use of alcohol, drugs, chemicals, or any other type of substance, or
 48 by reason of any physical or mental ~~abnormality~~ disability.

49 (8) Aiding or abetting an unlicensed person to perform services under this Article,
 50 including the use of a picture or name in connection with advertisements or
 51 other written material published or caused to be published by the licensee.

- 1 (9) Failing to treat ~~a dead human body~~ human remains with respect at all times.
- 2 (10) Violating or cooperating with others to violate any of the provisions of this
- 3 Article, Article 13A, 13D, or 13E of this Chapter, or of the rules of the Board
- 4 or violation of Funeral Industry Practices, ~~16 C.F.R. § 453 (1984), as~~
- 5 ~~amended.~~ 16 C.F.R. Part 453.
- 6 (11) Violation of any State law or ~~municipal or county local ordinance or~~
- 7 ~~regulation~~ affecting the handling, custody, care, or transportation of ~~dead~~
- 8 ~~human bodies.~~ human remains.
- 9 (12) Refusing to surrender promptly the custody of ~~a dead human body or cremated~~
- 10 ~~remains~~ human remains, including reduced human remains, upon the express
- 11 order of the person ~~lawfully entitled to the custody thereof, their custody,~~
- 12 except as provided in G.S. 90-210.131(e).
- 13 (13) Indecent exposure or exhibition of ~~a dead human body~~ human remains while
- 14 in the custody or control of a licensee.
- 15 (14) Practicing funeral directing, embalming, or funeral service without a license.
- 16 (15) Allowing anyone other than a licensee of the Board or a ~~crematory reduction~~
- 17 ~~facility technician~~ to perform a cremation-reduction.
- 18 (16) Failure to refund any insurance proceeds received as consideration in excess
- 19 of the funeral contract purchase price within 30 days of receipt.
- 20 (17) Failure to provide, within a reasonable time, either the goods and services
- 21 contracted for or a refund for the price of goods and services paid for but not
- 22 fulfilled.
- 23 (18) Violation of G.S. 58-58-97.
- 24 (19) Failure to respond to the Board's inquiries in a reasonable manner or time
- 25 regarding any matter affecting ~~the individual's~~ performance of
- 26 ~~cremations-reductions.~~
- 27 (20) Failure to adequately supervise or oversee auxiliary licensed or unlicensed
- 28 staff, employees, agents, or contractors, as required by this Article and ~~Article~~
- 29 ~~13D, 13E, or 13F~~ Articles 13D and 13E of this Chapter, any rules of the Board,
- 30 or the standards set forth in Funeral Industry Practices, ~~16 C.F.R. § 453~~
- 31 ~~(1984), as amended.~~ 16 C.F.R. Part 453.
- 32 (21) Knowingly failing to follow the lawful direction of a person with the right to
- 33 authorize disposition of human remains in accordance with G.S. 130A-420.

34 In any case in which the Board is authorized to take any of the actions ~~permitted~~ allowed

35 under this subsection, the Board may instead accept an offer in compromise of the charges

36 ~~whereby by which~~ the accused shall pay to the Board a civil penalty of not more than five

37 thousand dollars (\$5,000). The clear proceeds of civil penalties imposed under this section shall

38 be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

39 (h) ~~Where~~ If the Board finds a licensee is guilty of one or more of the acts or omissions

40 listed in subsection (g) of this section but it is determined by the Board that the licensee has not

41 thereby become unfit to practice, the Board may place the licensee on a term of probation in

42 accordance with the procedures set out in Chapter 150B of the General Statutes. In any case in

43 which the Board is entitled to place a licensee on a term of probation, the Board may also impose

44 a civil penalty of not more than five thousand dollars (\$5,000) in conjunction with the probation.

45 The Board may determine the length and conditions of any period of probation, suspension,

46 revocation, or refusal to issue or renew a license.

47 (i) The Board may hold hearings in accordance with ~~the provisions of this Article and~~

48 Article 3A of Chapter 150B of the General Statutes. The Board is ~~empowered to~~ may regulate

49 and inspect ~~crematories-reduction facilities and crematory-reduction~~ crematory-reduction licensees and to enforce as

50 provided by law ~~the provisions of this Article and the rules adopted hereunder.~~ Any crematory

51 under it. A reduction licensee that, upon inspection, is found not to meet any all of the

1 requirements of this Article shall pay a reinspection fee to the Board for each additional
2 inspection that is made to ascertain whether the deficiency or other violation has been corrected.
3 The Board may enforce compliance with the standards set forth in Funeral Industry Practices, ~~16~~
4 ~~C.F.R. § 453 (1984), as amended, and~~ 16 C.F.R. Part 453, in accordance with subsection (d1) of
5 this section.

6 (j) The Board may apply for injunctive relief in the superior court of (i) the county where
7 an act is alleged to have taken place, (ii) the county where the defendant resides, or (iii) Wake
8 County, if any person, firm, corporation, or other entity has committed an act allegedly violating
9 any provision of this Article. If a court of competent jurisdiction finds a defendant has acted in
10 violation of this Article, then the court shall issue an order enjoining and restraining the acts
11 constituting violations. The Board ~~shall be~~ is entitled to reimbursement of costs and attorneys'
12 fees expended in an action brought under this subsection.

13 In addition to the powers enumerated in Chapter 150B of the General Statutes, the Board
14 ~~shall have the power to~~ may administer oaths and issue subpoenas requiring the attendance of
15 persons and the production of papers and records before the Board in ~~any~~ a hearing, investigation,
16 or proceeding conducted by it. Members of the Board's staff or the sheriff or other appropriate
17 official of any county of this State shall serve all notices, subpoenas, and other papers given to
18 them by the President of the Board for service in the same manner as process issued by ~~any~~ a
19 court of record. ~~Any person who~~ A person that neglects or refuses to obey a subpoena issued by
20 the Board ~~shall be~~ is guilty of a Class 1 misdemeanor.

21 "**§ 90-210.124.** Repealed by Session Laws 2025-76, s. 1.5, effective October 1, 2025.

22 "**§ 90-210.124A. Authorizing agent.**

23 All ~~crematory-reduction~~ licensees shall comply with G.S. 130A-420 when acting under their
24 respective scope of practice for dispositions of reduced human remains or body parts.

25 "**§ 90-210.125. Authorization to ~~cremate-reduce~~.**

26 (a) A ~~crematory-reduction~~ licensee shall not ~~cremate-reduce~~ human remains until it has
27 received a ~~cremation-reduction~~ authorization form signed by an authorizing agent. The ~~cremation~~
28 ~~reduction~~ authorization form shall be prescribed by the Board and shall contain at a minimum
29 the following information:

- 30 (1) The identity of the human remains and confirmation that the human remains
31 are in fact the individual so named.
- 32 (2) The time and date of death of the decedent.
- 33 (3) The name and address of the funeral ~~establishment and/or the establishment,~~
34 ~~funeral director-director, or funeral service licensee~~ that obtained the
35 ~~cremation-reduction~~ authorization.
- 36 (4) The name and address of the ~~crematory-reduction facility~~ to be in receipt of
37 the human remains for the purpose of ~~cremation-reduction~~.
- 38 (5) The name and address of the authorizing agent, the relationship between the
39 authorizing agent and the decedent, and the date and time of signature of the
40 authorizing agent.
- 41 (5a) The type of reduction authorized, such as cremation or alkaline hydrolysis,
42 and any other specific instruction regarding the disposition of the reduced
43 human remains.
- 44 (6) A representation that the authorizing agent does in fact have the right to
45 authorize the ~~cremation-reduction~~ of the decedent and that the authorizing
46 agent is not aware of any living person who has a superior priority right to that
47 of the authorizing agent, as set forth in G.S. 130A-420. Or, in the event that
48 there is another living person who does have a superior priority right to that
49 of the authorizing agent, a representation that the authorizing agent has made
50 all reasonable efforts to contact ~~such~~ this person, has been unable to do so, and

- 1 has no reason to believe that ~~such~~this person would object to the ~~ere~~re~~mat~~duction of the decedent.
- 2
- 3 (7) A representation that the authorizing agent has either disclosed the location of
- 4 all living persons with an equal right to that of the authorizing agent, as set
- 5 forth in G.S. 130A-420, or does not know the location of any other living
- 6 person with an equal right to that of the authorizing agent.
- 7 (8) Authorization for the ~~ere~~re~~mat~~duction licensee to ~~ere~~re~~mate~~duce the
- 8 human remains, including authorization to process or pulverize the ~~ere~~re~~mat~~ed
- 9 ~~reduced~~ human remains.
- 10 (9) A representation that the human remains do not contain a pacemaker that is
- 11 not approved ~~for~~ ~~ere~~re~~mat~~ion by the pacemaker's manufacturer or ~~proper~~
- 12 regulating agency for the type of reduction authorized or any other material or
- 13 implant that may be potentially hazardous to the person performing the
- 14 ~~ere~~re~~mat~~ionreduction.
- 15 (10) The name of the person authorized to receive the ~~ere~~re~~mat~~ed reduced human
- 16 remains from the ~~ere~~re~~mat~~ion licensee.
- 17 (11) ~~The manner in which final disposition of the cremated remains is to take place,~~
- 18 ~~if known. If the cremation authorization form does not specify final~~
- 19 ~~disposition in a grave, crypt, niche, or scattering area, then the form shall~~
- 20 ~~indicate that the cremated remains will be held by the crematory licensee for~~
- 21 ~~30 days before they are disposed of, unless they are received from the~~
- 22 ~~crematory licensee prior to that time, in person, by the authorizing agent or~~
- 23 ~~his designee. Whether the reduced human remains will be finally disposed in~~
- 24 ~~a specific manner, such as in a grave, crypt, niche, or scattering area, or~~
- 25 ~~whether the reduced human remains shall be held by the reduction licensee or~~
- 26 ~~person in possession of the reduced human remains in accordance with~~
- 27 ~~G.S. 90-210.130(b).~~
- 28 (12) The signature of the authorizing agent attesting to the accuracy of all
- 29 representations contained on the ~~ere~~re~~mat~~ion reduction authorization form,
- 30 except as set forth in subsection (b) of this section.
- 31 (13) If a ~~ere~~re~~mat~~ion reduction authorization form is ~~being~~ executed on a preneed
- 32 basis, ~~the cremation authorization form shall contain the disclosure required~~
- 33 ~~by G.S. 90-210.126. The authorizing agent may specify in writing religious~~
- 34 ~~practices that conflict with Article 13A, 13D, or 13F this Article or Article~~
- 35 ~~13A or 13D of this Chapter. The crematory reduction licensee and funeral~~
- 36 ~~director or funeral service licensee shall observe those religious practices~~
- 37 ~~except where to the extent they interfere with cremation in a licensed~~
- 38 ~~crematory reduction as specified under G.S. 90-210.123 or the required~~
- 39 ~~requirements of documentation and record keeping.~~
- 40 (14) ~~A~~ The signature of the licensed funeral director or funeral service licensee of
- 41 the funeral establishment or crematory reduction licensee that received the
- 42 ereremation reduction authorization form shall also sign the ~~ere~~re~~mat~~ion
- 43 ~~authorization form. Such form. Unless this individual has actual knowledge~~
- 44 ~~to the contrary, this individual shall not be~~ is not responsible for any of the
- 45 representations made by the authorizing agent, ~~unless such individual has~~
- 46 ~~actual knowledge to the contrary,~~ except for the information requested by
- 47 subdivisions (a)(1), (2), (3), (4), and (9) of this section, which shall be
- 48 considered to be representations of the individual. In addition, the funeral
- 49 director or funeral service licensee shall warrant to the ~~ere~~re~~mat~~ion reduction
- 50 licensee that the human remains delivered to the crematory reduction licensee
- 51 are the human remains identified on the ereremation reduction authorization

- 1 form with any other documentation required by this State, any county, or any
2 municipality.
- 3 (15) A disclosure of the limitations of liability set out in G.S. 90-210.131.
- 4 (b) An authorizing agent who signs a ~~cremation-reduction~~ authorization form ~~shall be~~ is
5 deemed to warrant the truthfulness of any facts set forth on the ~~cremation-reduction~~ authorization
6 form, including that person's authority to order the ~~cremation-reduction~~, except for the
7 information required by subdivisions (a)(4) and (9) of this section, unless the authorizing agent
8 has actual knowledge to the contrary. An authorizing agent signing a ~~cremation-reduction~~
9 authorization form ~~shall be~~ is personally and individually liable for all damages ~~occasioned~~
10 ~~thereby and resulting therefrom.~~ resulting from it.
- 11 (c) A ~~crematory-reduction~~ licensee ~~shall have~~ has the legal right to ~~cremate~~ reduce human
12 remains upon the receipt of a ~~cremation-reduction~~ authorization form signed by an authorizing
13 agent. ~~There shall be no liability for a crematory licensee that cremates human remains pursuant~~
14 ~~to such authorization, or that releases or disposes of the cremated remains pursuant to such~~
15 ~~authorization, except for such crematory licensee's gross negligence, provided that the crematory~~
16 ~~licensee performs such functions in compliance with the provisions of this Article. There shall~~
17 ~~be no liability for a funeral establishment or licensee thereof that causes a crematory licensee to~~
18 ~~cremate human remains pursuant to such authorization, except for gross negligence, provided~~
19 ~~that the funeral establishment and licensee thereof and crematory licensee perform their~~
20 ~~respective functions in compliance with the provisions of this section.~~
- 21 (d) After the authorizing agent has executed a ~~cremation-reduction~~ authorization form
22 and ~~prior to~~ before the commencement of the ~~cremation-reduction~~, the authorizing agent may
23 revoke the authorization and instruct the ~~crematory-reduction~~ licensee to cancel the ~~cremation~~
24 ~~reduction~~ and to release or deliver the human remains to another ~~crematory-reduction~~ licensee or
25 funeral establishment. ~~Such~~ These instructions shall be provided to the ~~crematory-reduction~~
26 licensee in writing. A ~~crematory-reduction~~ licensee shall honor any instructions given to it by an
27 authorizing agent under this section, ~~provided that so long as it receives such~~ these instructions
28 ~~prior to~~ before the commencement of the ~~cremation-reduction~~ of the human remains.
- 29 **"§ 90-210.126. Preneed ~~cremation-reduction~~ arrangements.**
- 30 (a) ~~Any~~ A person, on a preneed basis, may authorize the person's own ~~cremation~~
31 ~~reduction~~ and the final disposition of the person's ~~cremated-reduced~~ human remains by executing,
32 as the authorizing agent, a ~~cremation-reduction~~ authorization form on a preneed basis and having
33 the form signed by two witnesses in accordance with G.S. 130A-420. If the person executes a
34 ~~cremation-reduction~~ authorization form on a preneed basis, the person shall retain a copy of this
35 form, and a copy shall be sent to the funeral establishment or the ~~crematory-reduction~~ licensee,
36 or both. ~~Any~~ A person ~~shall have the right to~~ may transfer or cancel this authorization at any time
37 ~~prior to~~ before the person's death by destroying the executed ~~cremation-reduction~~ authorization
38 form and providing written notice to ~~the party or parties~~ each party that received the ~~cremation~~
39 ~~reduction~~ authorization form.
- 40 (b) ~~Any cremation~~ In the case of cremation, a reduction authorization form executed by
41 an individual as the individual's own authorizing agent on a preneed basis shall contain the
42 following ~~disclosure, which~~ disclosure that shall be completed by the authorizing agent:
- 43 / / I do not wish to allow any of my survivors the option of canceling my
44 cremation and selecting alternative arrangements, regardless of whether my
45 survivors deem ~~such a~~ this change to be appropriate.
- 46 / / I wish to allow only the survivors whom I have designated below the option
47 of canceling my cremation and selecting alternative arrangements or
48 continuing to honor my wishes for cremation and purchasing services and
49 merchandise if they deem ~~such a~~ this change to be appropriate.

1 (b1) In the case of alkaline hydrolysis, a reduction authorization form executed by an
2 individual as the individual's own authorizing agent on a preneed basis shall contain the following
3 disclosure that shall be completed by the authorizing agent:

4 / / I do not wish to allow any of my survivors the option of canceling my alkaline
5 hydrolysis and selecting alternative arrangements, regardless of whether my
6 survivors deem this change to be appropriate.

7 / / I wish to allow only the survivors whom I have designated below the option
8 of canceling my alkaline hydrolysis and selecting alternative arrangements or
9 continuing to honor my wishes for alkaline hydrolysis and purchasing services
10 and merchandise if they deem this change to be appropriate.

11 (c) Except as provided in ~~subsection (b)~~ subsections (b) and (b1) of this section, at the
12 time of the death of a person who has executed, as the authorizing agent, a ~~cremation-reduction~~
13 authorization form on a preneed basis, any person in possession of the executed form, and any
14 person charged with making arrangements for the disposition of the decedent's human remains
15 who has knowledge of the existence of the executed form, shall use the person's best efforts to
16 ensure that the decedent's human remains are ~~cremated-reduced~~ and that the final disposition of
17 the ~~cremated-reduced human~~ remains is in accordance with the instructions contained on the
18 ~~cremation-reduction~~ authorization form.

19 (d) If a ~~crematory-reduction~~ licensee is in possession of a completed ~~cremation-reduction~~
20 authorization form, executed on a preneed basis, and the ~~crematory-reduction~~ licensee is in
21 possession of the designated human remains, then the ~~crematory-reduction~~ licensee shall ~~be~~
22 ~~required to cremate-reduce~~ the human remains and dispose of the human remains according to
23 the instructions contained on the ~~cremation-reduction~~ authorization form. A ~~crematory-reduction~~
24 licensee that complies with the preneed ~~cremation-reduction~~ authorization form under these
25 circumstances may do so without any liability. A funeral ~~establishment or licensee thereof~~
26 ~~establishment, funeral director, or funeral service licensee~~ that causes a ~~crematory-reduction~~
27 licensee to act in accordance with the preneed ~~cremation-reduction~~ authorization form under these
28 circumstances may do so without any liability.

29 (e) ~~Any A~~ preneed contract sold by, or preneed arrangements made with, a funeral
30 establishment that includes a ~~cremation-reduction~~ shall specify the final disposition of the
31 ~~cremated-reduced human~~ remains, pursuant to G.S. 90-210.130. In the event that no different or
32 inconsistent instructions are provided to the ~~crematory-reduction~~ licensee by the authorizing
33 agent at the time of death, the ~~crematory-reduction~~ licensee ~~shall be is~~ authorized to release or
34 dispose of the ~~cremated-reduced human~~ remains as indicated in the preneed agreement. Upon
35 compliance with the terms of the preneed agreement, the ~~crematory-reduction~~ licensee, and any
36 funeral ~~establishment or licensee thereof who establishment, funeral director, or funeral service~~
37 ~~licensee that caused the crematory-reduction licensee to act in compliance with the terms of the~~
38 ~~preneed agreement, shall be is~~ discharged from any legal obligation concerning ~~such cremated~~
39 ~~remains-the reduced human remains.~~

40 (f) ~~The provisions of this section shall~~ This section does not apply to any a cremation
41 authorization form or preneed contract executed prior to the effective date of this act. Any before
42 October 1, 2003. A funeral establishment, however, with the written approval of the authorizing
43 agent or person who executed the preneed contract, may designate that such the cremation
44 authorization form or preneed contract shall be is subject to this act.section.

45 **"§ 90-210.127. Record keeping.**

46 (a) ~~The crematory A~~ reduction licensee shall furnish to the person who delivers ~~such the~~
47 human remains to ~~the crematory licensee it~~ a receipt, signed by both the ~~crematory-reduction~~
48 licensee and the person who delivers the human remains, showing the date and time of the
49 delivery; the type of casket or ~~cremation-reduction~~ container that was delivered; the name of the
50 person from whom the human remains were received and the name of the funeral establishment
51 or other entity with ~~whom such which~~ the person is affiliated; the name of the person who

1 received the human remains on behalf of the ~~crematory-reduction~~ licensee; and the name of the
2 decedent. The ~~crematory-reduction~~ licensee shall retain a copy of this receipt in its ~~permanent~~
3 records for three years.

4 (b) Upon its release of reduced human remains, the ~~crematory-reduction~~ licensee shall
5 furnish to the person who receives those reduced human remains from the ~~crematory-reduction~~
6 licensee a receipt, signed by both the ~~crematory-reduction~~ licensee and the person who receives
7 the reduced human remains, showing the date and time of the release; the name of the person to
8 whom the reduced human remains were released and the name of the funeral establishment,
9 cemetery, or other entity with ~~whom such~~ which the person is affiliated; the name of the person
10 who released the reduced human remains on behalf of the ~~crematory-reduction~~ licensee; and the
11 name of the decedent. The ~~crematory-reduction~~ licensee shall retain a copy of this receipt in its
12 ~~permanent~~ records for three years.

13 (c) A ~~crematory-reduction~~ licensee shall maintain at its place of business a record of all
14 forms required by the Board of each ~~cremation-reduction~~ that took place at its facility for three
15 years. A funeral establishment shall maintain at its place of business a record of all forms
16 generated by or provided to it under this Article for a period of three years.

17 (d) ~~The crematory licensee~~ A reduction licensee shall maintain a record for three years
18 of all reduced human remains disposed of by the ~~crematory-reduction~~ licensee in accordance with
19 G.S. 90-210.126(d).

20 (e) Upon completion of the ~~cremation, the crematory-reduction, the reduction~~ licensee
21 shall issue a certificate of ~~cremation-reduction~~.

22 (f) All records that are required to be maintained under this Article ~~shall be~~ are subject
23 to inspection by the Board or its agents upon request.

24 **"§ 90-210.128. ~~Cremation containers.~~ Reduction containers.**

25 (a) No ~~crematory-reduction~~ licensee shall make or enforce any rules requiring that ~~any~~
26 human remains be placed in a casket before ~~cremation-reduction~~ or that human remains be
27 ~~cremated-reduced~~ in a casket, ~~nor shall any crematory licensee casket.~~ A reduction licensee also
28 shall not refuse to accept human remains for ~~cremation-reduction~~ for the reason that they are not
29 in a casket.

30 (b) No ~~crematory-reduction~~ licensee shall make or enforce any rules requiring that ~~any~~
31 ~~cremated-reduced~~ human remains be placed in an urn or receptacle designed to permanently
32 encase the reduced human remains after the ~~cremation-reduction~~ process has been performed.

33 (c) A reduction container shall comply with all of the following requirements:

- 34 (1) Be able to be closed in order to provide a complete covering for the human
35 remains.
- 36 (2) Be rigid enough for handling with ease.
- 37 (3) Be able to provide protection for the health and safety of reduction facility
38 personnel.
- 39 (4) Be easily identifiable. The covering of the reduction container shall contain
40 all of the following information:
 - 41 a. The name of the decedent.
 - 42 b. The date of death.
 - 43 c. The sex of the decedent.
 - 44 d. The age of the decedent at death.

45 **"§ 90-210.129. ~~Cremation~~ Reduction procedures.**

46 (a) For any death occurring in North Carolina certified by the attending physician or other
47 person authorized by law to sign a death certificate under the supervision of a physician, ~~the body~~
48 human remains shall not be ~~cremated-reduced~~ before the ~~crematory-reduction~~ licensee receives a
49 death certificate signed by the person authorized to sign the death certificate, which shall contain,
50 at a minimum, all of the following information:

- 51 (1) Decedent's name.

- 1 (2) Date of death.
- 2 (3) Date of birth.
- 3 (4) Sex.
- 4 (5) Place of death.
- 5 (6) Facility name (if not institution, give street and number).
- 6 (7) County of death.
- 7 (8) City of death.
- 8 (9) Time of death (if known).

9 (b) When required by G.S. 130A-388 and the rules adopted pursuant to ~~that section or by~~
10 ~~successor statute and the rules pursuant to it~~, a cremation-reduction authorization form signed by
11 a medical examiner shall be received by the crematory ~~prior to cremation-reduction licensee~~
12 before the reduction.

13 (c) ~~In deaths coming under full investigation by~~ For deaths under the jurisdiction of the
14 Office of the Chief Medical Examiner, a burial-transit permit/cremation authorization form must
15 a death certificate signed by a medical examiner and containing all of the information required
16 by subsection (a) of this section shall be received by the crematory ~~before cremation-reduction~~
17 licensee before the reduction.

18 (c1) For any death occurring outside North Carolina, a crematory-reduction licensee shall
19 not ~~cremate a dead human body~~ reduce human remains without first obtaining a copy of the
20 burial-transit or disposal permit issued under the law of the ~~state, province, state~~ or foreign
21 government in which death or disinterment occurred.

22 ~~The provisions of this~~ This subsection shall not be construed to does not waive the jurisdiction
23 of the medical examiner or subsection (b) of this section.

24 (d) No ~~body~~ human remains shall knowingly be cremated with a pacemaker or
25 defibrillator not approved for cremation by the pacemaker's manufacturer or ~~proper~~ regulating
26 agency or other potentially hazardous implant or condition in place. The authorizing agent for
27 the cremation of the human remains ~~shall be~~ is responsible for taking all necessary steps to ensure
28 that any pacemaker or defibrillator not approved for cremation by the pacemaker's manufacturer
29 or ~~proper~~ regulating agency or other potentially hazardous implant or condition is removed or
30 corrected ~~prior to~~ before the cremation. If an authorizing agent informs the funeral director,
31 funeral service licensee, or the crematory licensee, whichever is applicable, on the cremation
32 reduction authorization form of the presence of a pacemaker or defibrillator or other potentially
33 hazardous implant or condition in the human remains, then the funeral director, funeral service
34 licensee, or the crematory licensee, whichever is applicable or responsible for obtaining the
35 information required to complete the decedent's death certificate, ~~shall also be~~ is also responsible
36 for ensuring that all necessary steps have been taken to remove the pacemaker or defibrillator or
37 other potentially hazardous implant or to correct the hazardous condition before delivering the
38 human remains to the crematory. Anyone removing a hazardous implanted device or material
39 under this subsection shall comply with the laws ~~and rules~~ governing the handling of ~~such~~
40 ~~material and with any other regulations enforced by the proper regulating authority~~ this material.

41 (d1) Unless specified otherwise by the manufacturer of the equipment used for hydrolysis,
42 human remains may be hydrolyzed without first removing a pacemaker or defibrillator. Any other
43 potentially hazardous implanted device or material shall be handled in accordance with
44 ~~G.S. 90-210.129(d)~~ subsection (d) of this section.

45 (e) Human remains shall not be cremated-reduced within 24 hours after the time of death,
46 unless ~~such~~ the death was a result of an infectious, contagious, or communicable and dangerous
47 disease as listed by the Commission for Public Health, pursuant to G.S. 130A-134, and unless
48 ~~such~~ this time requirement is waived in writing by the medical examiner, county health director,
49 or attending physician where the death occurred.

50 (f) No unauthorized person shall be permitted-allowed in view of the cremation-reduction
51 chamber or in the holding and processing facility while any human remains are being removed

1 from the ~~cremation-reduction~~ container, processed, or pulverized. Relatives of the deceased and
2 their invitees, the authorizing agent and the agent's invitees, medical examiners, ~~Inspectors~~
3 ~~inspectors~~ of the ~~North Carolina Board of Funeral Service, Board,~~ and law enforcement officers
4 in the execution of their duties ~~shall be~~ are authorized to have access to the ~~crematory-reduction~~
5 area, subject to the rules adopted by the ~~crematory-reduction~~ licensee governing the safety of
6 ~~such these~~ individuals.

7 (g) Human remains shall be cremated only while enclosed in a cremation ~~container-~~
8 ~~container,~~ and human remains shall be hydrolyzed only while enclosed in a hydrolysis container.
9 A reduction chamber shall be used exclusively for the reduction of human remains. Upon
10 completion of the ~~cremation-reduction,~~ and ~~insofar as is to the extent possible,~~ all of the
11 recoverable residue of the ~~cremation-reduction~~ process shall be removed from the ~~cremation~~
12 ~~reduction~~ chamber. ~~Insofar as is-~~ To the extent possible, all residue of the ~~cremation-reduction~~
13 process shall then be separated from any foreign residue or anything else other than bone
14 fragments and shall then be processed by pulverization so as to reduce the ~~cremated-reduced~~
15 human remains to unidentifiable particles. Any foreign residue and anything other than the
16 particles of the ~~cremated remains-reduced human remains,~~ including any liquid waste, shall be
17 removed from the reduced human remains as far as possible and shall be disposed of by the
18 ~~crematory-reduction~~ licensee. This section does not apply ~~where law otherwise-~~ when other law
19 provides for the commingling of human remains. The fact that there is incidental and unavoidable
20 residue in the ~~cremation-reduction~~ chamber used in a prior ~~cremation-reduction~~ is not a violation
21 of this subsection.

22 (g1) A reduction licensee shall comply with all applicable public health and environmental
23 laws in every operation of its business, including the disposal of liquid waste. A reduction
24 licensee shall maintain its equipment in accordance with, and meet all standards established by,
25 rules adopted by the Board.

26 (h) The simultaneous ~~cremation-reduction~~ of the human remains of more than one person
27 within the same ~~cremation-reduction~~ chamber is ~~forbidden,~~ provided that- prohibited, except that
28 the following human remains may be ~~cremated-reduced~~ simultaneously upon the express written
29 direction of the authorized agent:

30 (1) The human remains of multiple fetuses from the same mother and the same
31 birth.

32 (2) The human remains of multiple persons up to the age of one year old from the
33 same mother and the same birth.

34 (i) ~~Every crematory-~~ A reduction licensee shall have a holding and processing facility,
35 within the ~~crematory-reduction facility,~~ designated for the retention of human remains ~~prior to~~
36 ~~cremation.~~ The holding and processing facility must comply with any applicable public health
37 laws and rules and must meet all of the standards established pursuant to rules adopted by the
38 Board before the reduction.

39 (j) ~~Crematory licensees-~~ A reduction licensee shall comply with ~~standards-~~ rules
40 established by the Board for the processing and pulverization of human remains by
41 ~~cremation-reduction.~~

42 (k) Nothing in this Article ~~shall require-~~ requires a ~~crematory-reduction~~ licensee to
43 perform a ~~cremation-reduction~~ that is impossible or impractical to perform.

44 (l) ~~The reduced-~~ Reduced human remains with proper identification shall be placed in an
45 initial container or the urn selected or provided by the authorizing agent. The initial container or
46 urn contents shall not be contaminated with any other object, unless specific authorization has
47 been received from the authorizing agent or as provided in subsection (g) of this section.

48 (m) If the reduced human remains are greater than the dimensions of an initial container
49 or urn, the excess reduced human remains shall be returned to the authorizing agent or its
50 representative in a separate container or urn.

1 (n) If the reduced human remains are to be shipped, the initial container or urn shall be
2 packed securely in a suitable shipping container that complies with the requirements of the
3 shipper. Reduced human remains shall be shipped only by a method ~~which~~ that has an internal
4 tracing system available and ~~which~~ that provides a receipt signed by the person accepting
5 delivery, unless otherwise authorized in writing by the authorizing agent. Reduced human
6 remains shall be shipped to the proper address as stated on the ~~cremation~~ reduction authorization
7 form signed by the authorizing agent.

8 (o) ~~Unless the provisions of G.S. 130A-114 apply, applies, before cremation~~ the
9 reduction of fetal remains, the crematory-reduction licensee shall receive a written statement, on a
10 form prescribed by the Board and signed by the attending physician, acknowledging the
11 circumstances, date, and time of the delivery of the fetal remains from the mother. If after
12 reasonable efforts no physician can be identified with knowledge and information sufficient to
13 complete the written statement required by this subsection, the crematory-reduction licensee shall
14 obtain documentation of the circumstances, date, and time of delivery of the fetal remains
15 prepared by a hospital, medical facility, law enforcement agency, or other entity.
16 Notwithstanding any other provision of law, a health care providers-provider may release to a
17 licensee, in accordance with the federal Standards for Privacy of Individually Identifiable Health
18 Information under the Health Insurance Portability and Accountability Act of 1996 (HIPAA),
19 medical records that document the circumstances, date, and time of delivery of fetal remains. If
20 the crematory-reduction licensee cannot identify documents sufficient to meet the requirements
21 of this subsection, the licensee shall report to the local medical examiner pursuant to
22 G.S. 130A-383(a).

23 (p) ~~If the provisions of Article 4 of Chapter 130A of the General Statutes apply, applies,~~
24 the crematory-reduction licensee shall receive a fetal report of death as prescribed in
25 G.S. 130A-114.

26 (q) ~~Before the cremation-reduction of amputated body parts, the crematory~~ a reduction
27 licensee shall receive a written statement, on a form prescribed by the Board and signed by the
28 attending physician, acknowledging the circumstances of the amputation. If after reasonable
29 efforts no physician can be identified with knowledge and information sufficient to complete the
30 written statement required by this subsection, the crematory-reduction licensee shall notify the
31 local medical examiner pursuant to G.S. 130A-383(b). This section does not apply to the
32 disposition of body parts cremated pursuant to Part 3A of Article 16 of Chapter 130A of the
33 General Statutes.

34 (r) ~~A crematory~~ As provided in G.S. 90-210.27A(I), a reduction facility shall refrigerate
35 unembalmed human remains at a temperature not greater than 40 degrees Fahrenheit, unless the
36 cremation-reduction will begin within 24 hours of the time in which the crematory licensee that
37 the reduction facility takes custody of the human remains.

38 **"§ 90-210.130. Final disposition of reduced human remains.**

39 (a) The authorizing agent shall provide the person with ~~whom cremation~~ which reduction
40 arrangements are made with a signed statement specifying the ultimate disposition of the reduced
41 human remains, if known. The crematory-reduction licensee may store or retain reduced human
42 remains as directed by the authorizing agent. Records of retention and disposition of reduced
43 human remains shall be kept by the crematory-reduction licensee pursuant to G.S. 90-210.127.

44 (b) The authorizing agent is responsible for the disposition of the reduced human remains.
45 If the authorizing agent or the agent's representative has not specified the final disposition or
46 claimed the reduced human remains within 30 days after the ~~crematory~~ reduction licensee or
47 person in possession of the reduced human remains provides written notice delivered by certified
48 mail to the authorizing agent's last known address that the reduced human remains are available
49 for retrieval, the crematory-reduction licensee or the person in possession of the reduced human
50 remains may release the reduced human remains to another family member or dispose of the
51 reduced human remains only in a manner permitted-allowed in this Article. The authorizing agent

1 ~~shall be is~~ responsible for reimbursing the ~~erematory-reduction~~ licensee or person in possession
2 ~~of the reduced human remains~~ for all reasonable expenses incurred in disposing of the reduced
3 human remains pursuant to this section. A record of ~~such-the~~ disposition shall be made and kept
4 by the person making the disposition. Upon disposing of reduced human remains in accordance
5 with this Article, the ~~erematory-reduction~~ licensee or person in possession of the reduced human
6 remains shall be discharged from any legal obligation or liability concerning those reduced
7 human remains.

8 (c) In addition to the disposal of reduced human remains in a crypt, niche, grave, or
9 scattering garden located in a dedicated cemetery, or by scattering over uninhabited public land,
10 the sea, or other public waterways pursuant to subsection (f) of this section, reduced human
11 remains may be disposed of in any manner on the private property of a consenting owner, upon
12 direction of the authorizing agent. If reduced human remains are to be disposed of by the
13 ~~erematory-reduction~~ licensee on private property, other than dedicated cemetery property, the
14 authorizing agent shall provide the ~~erematory-reduction~~ licensee with the written consent of the
15 property owner.

16 (d) Except with the express written permission of the authorizing agent, no person shall
17 do any of the following:

18 (1) Dispose of or scatter reduced human remains in such a manner or in such a
19 location that the reduced human remains are commingled with those of
20 another person. This subdivision ~~shall~~ does not apply to the scattering of
21 reduced human remains at sea or by air from individual closed containers or
22 to the scattering of ~~eremated-reduced human~~ remains in an area located in a
23 dedicated cemetery and used exclusively for those purposes.

24 (2) Place reduced human remains of more than one person in the same closed
25 container. This subdivision ~~shall~~ does not apply to placing the reduced human
26 remains of members of the same family in a common closed container
27 designed for the reduced human remains of more than one person with the
28 written consent of the family.

29 (e) Reduced human remains shall be released by the ~~erematory-reduction~~ licensee to the
30 individual specified by the authorizing agent on the ~~eremation-reduction~~ authorization form. The
31 representative of the ~~erematory-reduction~~ licensee and the individual receiving the reduced
32 human remains shall sign a receipt indicating the name of the ~~deceased,~~ deceased and the date,
33 time, and place of the ~~receipt,~~ receipt and ~~contain~~ containing a representation that the handling
34 of the final disposition will be in a ~~proper manner,~~ accordance with this Article. After this
35 delivery, the ~~eremated-reduced human~~ remains may be transported in any manner in this State,
36 without a permit, and disposed of in accordance with ~~the provisions of~~ this Article.

37 (f) Reduced human remains may be scattered over uninhabited public land, over a public
38 waterway or sea, subject to health and environmental standards, or on the private property of a
39 consenting owner pursuant to subsection (c) of this section. A person may utilize a boat or
40 airplane to perform scattering under this subsection. Reduced human remains shall be removed
41 from their closed container before they are scattered.

42 **"§ 90-210.131. Limitation of liability.**

43 (a) ~~Any A~~ person signing a ~~eremation-reduction~~ authorization form as authorizing agent
44 ~~shall be is~~ deemed to warrant the truthfulness of any facts set forth in the ~~eremation-reduction~~
45 authorization form, including the identity of the deceased whose remains are sought to be
46 ~~eremated-reduced~~ and that person's authority to order ~~such-eremation-the~~ reduction.

47 (b) A ~~erematory~~ licensee ~~shall have authority to~~ ~~eremate~~ reduction licensee may reduce
48 human remains only upon the receipt of a ~~eremation-reduction~~ authorization form signed by an
49 authorizing agent. There ~~shall be is~~ no liability of a ~~erematory-reduction~~ licensee that ~~eremates~~
50 reduces human remains pursuant to ~~such-this~~ such this authorization or that releases or disposes of the
51 ~~eremated-reduced human~~ remains pursuant to ~~such-this~~ such this authorization. A ~~erematory-reduction~~

1 licensee and funeral establishment or licensee thereof who establishment, funeral director, or
2 funeral service licensee that causes the crematory-reduction licensee to act shall have has no
3 liability for the final disposition or manner in which the cremated-reduced human remains are
4 handled after the cremated-reduced human remains are released in accordance with the directions
5 of the authorizing agent.

6 (c) A crematory-reduction licensee shall not be responsible or is not liable for any
7 valuables delivered to the crematory licensee it with human remains.

8 (d) A crematory-reduction licensee shall not be is not liable for refusing to accept a body
9 human remains or to perform a cremation-reduction until it receives a court order or other suitable
10 confirmation that a dispute has been settled if any of the following are satisfied: following apply:

- 11 (1) It is aware of any dispute concerning the cremation-reduction of human
12 remains.
- 13 (2) It has a reasonable basis for questioning any of the representations made by
14 the authorizing agent.
- 15 (3) For any other lawful reason.

16 (e) If a crematory-reduction licensee or a licensee under Article 13A of this Chapter is
17 aware of any dispute concerning the release or disposition of the reduced human remains, the
18 crematory licensee may refuse to release the reduced human remains until the dispute has been
19 resolved or the crematory licensee has been provided with a court order authorizing the release
20 or disposition of the reduced human remains. A crematory The licensee shall not be is not liable
21 for refusing to release or dispose of reduced human remains in accordance with this subsection.
22 A crematory The licensee may charge a reasonable storage fee if the dispute is not resolved within
23 30 days after it is received by the crematory licensee.

24 "§ 90-210.132. Fees.

25 (a) By rule, the Board may set and collect fees from crematory and hydrolysis-reduction
26 licensees, crematory and hydrolysis-reduction facility manager permit holders, and applicants not
27 to exceed the following amounts:

- 28 (1) Licensee application fee..... \$400.00
- 29 (2) Annual renewal fee..... 150.00
- 30 (3) Late renewal fee..... 75.00
- 31 (4) Reinspection fee..... 150.00
- 32 (5) Per cremation or-reduction fee..... 10.00
- 33 (6) Late fee, per cremation or-reduction..... 10.00
- 34 (7) Late fee, cremation or-reduction report..... 75.00 per month
- 35 (8) Crematory or hydrolysis-Reduction facility manager permit application fee.
36 150.00
- 37 (9) Annual crematory or hydrolysis-reduction facility manager permit renewal
38 fee..... 40.00.

39 (b) The funds collected pursuant to this Article shall become part of the general fund of
40 the Board.

41 (c) No later than the tenth day of each month, every crematory licensee and hydrolysis
42 licensee under this Article a reduction licensee shall remit to the Board the per cremation or
43 reduction fees for the cremations or reductions which the crematory that the reduction licensee
44 performed during the immediately preceding calendar month. Each remittance shall be
45 accompanied by a statement signed by an authorized representative of the reduction licensee
46 containing all of the following information:

- 47 (1) The name of the crematory-reduction licensee.
- 48 (2) Each decedent's name.
- 49 (3) Date of each cremation or-reduction.
- 50 (4) The person or entity from whom each cremation or reduction was
51 performed. from which each decedent's human remains were received.

1 (5) The number of ~~eremations~~ or reductions contained in the statement.

2 (6) The total amount of fees remitted with the statement.

3 **"§ 90-210.133. Crematory licensee ~~Reduction licensee~~ rights.**

4 (a) A ~~erematory~~ reduction licensee may adopt reasonable rules consistent with this
5 Article for the management and operation of a ~~erematory~~ reduction facility. Nothing in this
6 subsection ~~may be construed to prevent a crematory~~ prevents a reduction licensee from adopting
7 rules ~~which that~~ are more stringent than ~~the provisions of this Article~~.

8 (b) Nothing in this Article ~~may be construed to relieve the crematory~~ relieves a reduction
9 licensee from obtaining any other licenses or permits required by law.

10 (c) Nothing in this Article ~~shall prohibit or require~~ prohibits or requires the performance
11 of ~~eremations~~ reductions by ~~erematory~~ reduction licensees or ~~erematory~~ reduction facility
12 managers for or directly with the public or exclusively for or through licensed funeral directors.

13 **"§ 90-210.134. Rulemaking, applicability, violations, and prohibitions of Article.**

14 (a) The Board ~~is authorized to may~~ adopt and promulgate such rules for the carrying out
15 and enforcement of ~~the provisions of this Article as may be necessary and as are consistent with~~
16 ~~the laws of this State and of the United States.~~ this Article. The Board may develop a ~~Standard~~
17 ~~Cremation Authorization Form~~ reduction authorization form and procedures for its execution that
18 shall be used by ~~the crematory licensee~~ subject to this Article, a reduction licensee, unless a
19 ~~erematory~~ the licensee has its own form approved by the Board. A ~~erematory~~ reduction licensee
20 that uses its own approved ~~eremation~~ reduction authorization form ~~must have the cremation~~
21 ~~authorization form reapproved~~ shall seek reapproval of its form if changed or after amendments
22 are made to this Article or the rules adopted by the Board related to ~~eremation~~ reduction
23 authorization forms. The Board may perform ~~such~~ other acts and exercise ~~such~~ other powers and
24 duties as may be provided in this Article, in Article 13A of this Chapter, and otherwise by law
25 ~~and as may be that are necessary to carry out the powers herein conferred.~~ and enforce this Article.

26 (b) ~~The provisions of this Article shall~~ This Article does not apply to the ~~eremation~~
27 reduction of medical waste performed by the North Carolina Anatomical Commission, licensed
28 hospitals and medical schools, and the office of the Chief Medical Examiner when the disposition
29 of ~~such the~~ the medical waste is the ~~legal~~ responsibility of the institutions.

30 (c) A violation of any of the provisions of this Article is a Class 2 misdemeanor.

31 (d) No person, firm, or corporation may request or authorize ~~eremation~~ reduction or
32 ~~eremate~~ reduce human remains ~~when if~~ the person, firm, or corporation has information
33 indicating a crime or violence of any sort in connection with the cause of death unless ~~such the~~
34 information has been conveyed to the State or county medical examiner and permission from the
35 State or county medical examiner to ~~eremate~~ reduce the human remains has thereafter been
36 obtained.

37 **"§ 90-210.135. Cremation societies.**

38 No person, firm, or corporation licensed as a crematory licensee under ~~the provisions of this~~
39 Article may operate a cremation society without first registering the name of the cremation
40 society with the Board.

41 **"§ 90-210.136. ~~Hydrolysis of human remains.~~**

42 (a) ~~Repealed by Session Laws 2025-76, s. 1.15, effective October 1, 2025.~~

43 (b) ~~No person, cemetery, funeral establishment, corporation, partnership, joint venture,~~
44 ~~voluntary organization, or other entity shall hydrolyze human remains without first obtaining a~~
45 ~~license from the Board. Only funeral establishments holding a valid establishment permit~~
46 ~~pursuant to G.S. 90-210.25(d) shall be eligible to be a hydrolysis licensee. An application for a~~
47 ~~license under this subsection shall be made on forms furnished and prescribed by the Board.~~

48 (c) ~~Except as otherwise provided by this section, a license for the hydrolysis of human~~
49 ~~remains shall comply with all provisions of this Article, including G.S. 90-210.127 and~~
50 ~~G.S. 90-210.130, and be subject to the same fees as for the licensing of crematories under this~~
51 ~~Article. The hydrolysis of human remains shall be conducted in compliance with all requirements~~

1 for cremation, and the licensee shall pay the same fees for monthly reports for each hydrolysis
 2 as crematories under this Article.

3 (c1) ~~Alkaline hydrolysis shall not be performed except on the physical premises of a~~
 4 ~~funeral establishment holding a valid establishment permit pursuant to G.S. 90-210.25(d).~~

5 (d) ~~The Board shall have the same powers to regulate, enforce, discipline, and inspect~~
 6 ~~hydrolysis licensees and the practice of hydrolysis that have been granted under this Article for~~
 7 ~~the regulation, enforcement, discipline, and inspection of crematories and the practice of~~
 8 ~~cremation.~~

9 (e) ~~Any solid remains or residue remaining after hydrolysis shall be treated and disposed~~
 10 ~~of as cremated remains under this Article. Disposal of liquid waste shall be subject to all~~
 11 ~~applicable health and environmental laws and regulations.~~

12 (f) ~~Human remains shall be hydrolyzed in a hydrolysis container and shall not be required~~
 13 ~~to be hydrolyzed in a casket.~~

14 (g) ~~Recodified.~~

15 (h) ~~The Board shall promulgate rules necessary to effectuate the licensing of alkaline~~
 16 ~~hydrolysis."~~

17
 18 **PART II. CONFORMING CHANGES**

19 **SECTION 52.** G.S. 15B-2(1) and (3) read as rewritten:

20 "(1) Allowable expense. – Reasonable charges incurred for reasonably needed
 21 products, services, and accommodations, including those for medical care,
 22 rehabilitation, medically-related property, and other remedial treatment and
 23 care. Reasonably needed services include (i) counseling for immediate family
 24 members of children under the age of 18 who are victims of rape, sexual
 25 assault, or domestic violence and (ii) family counseling and grief counseling
 26 for immediate family members of homicide victims. The cumulative total for
 27 counseling services provided to immediate family members shall not exceed
 28 three thousand dollars (\$3,000) per family.

29 Allowable expense includes a total charge not in excess of ten thousand
 30 dollars (\$10,000) for expenses related to funeral, ~~cremation, cremation or~~
 31 hydrolysis, and burial, including transportation of a body, but excluding
 32 expenses for flowers, gravestone, and other items not directly related to the
 33 funeral service.

34 Allowable expense for medical care, counseling, rehabilitation,
 35 medically-related property, and other remedial treatment and care of a victim
 36 shall be limited to sixty-six and two-thirds percent (66 2/3%) of the amount
 37 usually charged by the provider for the treatment or care. By accepting the
 38 compensation paid as allowable expense pursuant to this subdivision, the
 39 provider agrees that the compensation is payment in full for the treatment or
 40 care and shall not charge or otherwise hold a claimant financially responsible
 41 for the cost of services in addition to the amount of allowable expense.

42 ...
 43 (3) Collateral source. – A source of benefits or advantages for economic loss
 44 otherwise compensable that the victim or claimant has received or that is
 45 readily available to the victim or the claimant from any of the following
 46 sources:

47 ...
 48 i. A contract of insurance that will pay for expenses directly related to a
 49 funeral, ~~cremation, cremation or hydrolysis~~, and burial, including
 50 transportation of a body.

51"

1 SECTION 53. G.S. 15B-11(g) reads as rewritten:
2 "(g) Compensation payable to a victim and to all other claimants sustaining economic loss
3 because of injury to, or the death of, that victim may not exceed forty-five thousand dollars
4 (\$45,000) in the aggregate in addition to allowable funeral, ~~ereation,~~ cremation or hydrolysis,
5 and burial expenses."

6 SECTION 54. G.S. 32A-16(1) reads as rewritten:
7 "(1) Disposition of remains. – The decision to bury or ~~eremate~~ reduce human
8 remains, as ~~human remains are~~ defined in ~~G.S. 90-210.121,~~ G.S. 90-210.20,
9 and, subject to G.S. 32A-19(b), arrangements relating to ~~burial or~~
10 ~~eremation~~ burial, cremation, or hydrolysis."

11 SECTION 55. G.S. 32A-25.1 reads as rewritten:
12 "§ 32A-25.1. Statutory form health care power of attorney.

13 (a) The use of the following form in the creation of a health care power of attorney is
14 lawful and, when used, it shall meet the requirements of and be construed in accordance with the
15 provisions of this Article:

16 ...
17 _____ E. Autopsy and Disposition of Remains. In exercising the
18 *(Initial)* authority to make decisions regarding autopsy and disposition
19 of remains on my behalf, the authority of my health care agent
20 is subject to the following special provisions and limitations.
21 (Here you may include any specific limitations you deem
22 appropriate such as: limiting the grant of authority and the
23 scope of authority, or instructions regarding ~~burial or~~
24 ~~eremation~~ burial, cremation, or hydrolysis):
25 _____
26 _____

27 **NOTE: DO NOT initial unless you insert a limitation.**

28"

29 SECTION 56. G.S. 58-58-97(d) reads as rewritten:
30 "(d) Any licensee or employee of a funeral establishment ~~licensed~~ having a permit issued
31 under Article 13A of Chapter 90 of the General Statutes who makes a false request for
32 information under this section or fails to do that required by subsection (c) of this section ~~shall~~
33 ~~be deemed guilty of commits~~ fraud or misrepresentation in the practice of funeral service as
34 defined in G.S. 90-210.25(e)(1)b. service, which is grounds for discipline under
35 G.S. 90-210.28A, and is unfit to practice funeral service."

36 SECTION 57. G.S. 65-48(4) and (7) read as rewritten:
37 "(4) "Cemetery broker" means a legal entity engaged in the business of arranging
38 sales of cemetery products between legal entities and which sale does not
39 involve a cemetery company, but does not mean funeral establishments or
40 funeral directors operating under ~~G.S. 90-210.25,~~ Article 13A of Chapter 90
41 of the General Statutes when dealing between legal entities wherein one such
42 entity shall be members of the family of a deceased person or other persons
43 authorized by law to arrange for the burial and funeral of such deceased human
44 being. The North Carolina Cemetery Act shall not apply to any cemetery
45 broker selling less than five grave spaces per year.

46 ...
47 (7) "Cemetery sales organization" means any legal entity contracting with a
48 cemetery which is exempt or not exempt under this Article to conduct sales of
49 cemetery products, but does not mean individual salesmen or sales managers
50 employed by and contracting directly with cemetery companies operating
51 under this Article, nor does it mean funeral establishments or funeral directors

operating under licenses authorized by ~~G.S. 90-210.25~~ Article 13A of Chapter 90 of the General Statutes when dealing directly with a cemetery company and with members of the family of a deceased person or other persons authorized by law to arrange for the burial and funeral of such deceased human being."

SECTION 58. G.S. 88B-25 reads as rewritten:

"§ 88B-25. Exemptions.

The following persons are exempt from ~~the provisions of this Chapter~~ while engaged in the proper discharge of their professional duties:

- (1) ~~Undertakers and funeral establishments licensed under G.S. 90-210.25.~~ Funeral establishments and funeral directors and other individuals holding a permit or license issued under Article 13A of Chapter 90 of the General Statutes.
- (2) Persons authorized to practice medicine or surgery under Article 1 of Chapter 90 of the General Statutes.
- (3) Nurses licensed under Article 9A of Chapter 90 of the General Statutes.
- (4) Commissioned medical or surgical officers of the United States Army, Air Force, Navy, Marine Corps, Space Force, or Coast Guard.
- (5) A person employed in a cosmetic art shop whose duties are expressly confined to the shampooing or blow drying of hair, ~~provided that so long as~~ the person ~~shall comply~~ complies with rules adopted by the Board relating to sanitary management of cosmetic art shops."

SECTION 59. G.S. 90-210.25B(d) reads as rewritten:

"(d) If a person or entity holding a license, permit, or registration in another jurisdiction has the license revoked, suspended, or placed on probation because of conduct ~~related to fitness to practice as described in G.S. 90-210.25(e), the board that is grounds for discipline under G.S. 90-210.28A,~~ the Board shall impose a sanction equal to or greater than the sanction imposed by the other jurisdiction."

SECTION 60. G.S. 90-210.69 reads as rewritten:

"§ 90-210.69. Rulemaking; enforcement of Article; judicial review; determination of penalty amount.

...
(c) ...

Revocation of a funeral establishment permit ~~granted pursuant to G.S. 90-210.25(d)(2)~~ shall ~~result~~ issued by the Board results in the automatic revocation of the firm's preneed funeral establishment permit by operation of law. Active suspension of a funeral establishment permit ~~granted pursuant to G.S. 90-210.25(d)(2)~~ shall ~~result~~ issued by the Board results in the automatic active suspension of the firm's preneed funeral establishment permit for the same length of time by operation of law. In any case in which the Board is authorized to take any of the actions ~~permitted~~ authorized under this subsection, the Board may instead accept an offer in compromise of the charges whereby the accused shall pay to the Board a penalty of not more than five thousand dollars (\$5,000). In any case in which the Board is entitled to place a licensee on a term of probation, the Board may also impose a penalty of not more than five thousand dollars (\$5,000) in conjunction with ~~such~~ the probation. The Board may determine the length and conditions of any period of probation, revocation, suspension, or refusal to issue or renew a license.

(d) Any proceedings under this Article pertaining to or actions against a funeral establishment ~~under this Article~~ may be in addition to any proceedings or actions ~~permitted by G.S. 90-210.25(d)(4).~~ Any proceedings pertaining to or actions against or a person licensed ~~for as a funeral directing director or funeral service~~ may be licensee are in addition to any proceedings or actions ~~permitted by G.S. 90-210.25 (e)(1) and (2).~~ authorized by Article 13A of this Chapter.

1"

2 SECTION 61. G.S. 90-210.80 reads as rewritten:

3 "§ 90-210.80. Duties of Board; meetings.

4 ...

5 The North Carolina Board of Funeral Service, ~~after a public hearing, may promulgate~~
6 ~~reasonable rules and regulations for the enforcement of this Article and in order to carry out the~~
7 ~~intent thereof. Service may adopt rules to enforce this Article. The Board is authorized and~~
8 ~~directed to must adopt specific rules to provide for the orderly transfer of a member's benefits in~~
9 cash or merchandise and services from the funeral director sponsoring the member's association
10 to the funeral establishment ~~which that~~ furnishes a funeral service, or merchandise, or both, for
11 the burial of the ~~member, provided that any member. A funeral establishment to which the~~
12 member's benefits are transferred ~~in accordance with such rules shall, must, if located in North~~
13 Carolina, ~~be have~~ a funeral establishment ~~registered and permitted under the provisions of G.S.~~
14 ~~90-210.25 or shall, if permit issued by the Board. If the funeral establishment to which the~~
15 ~~member's benefits are transferred is located in any other state, territory-territory, or foreign~~
16 country, ~~be a funeral establishment-it must be recognized by and operating-operate~~ in conformity
17 with the laws of ~~such the other state, territory-territory, or foreign country. One or more burial~~
18 associations operating in North Carolina may merge into another burial association operating in
19 North Carolina and two or more burial associations operating in North Carolina may consolidate
20 into a new burial association ~~provided that any such association. A plan of merger or a plan of~~
21 consolidation shall be adopted and carried out in accordance with rules adopted by the ~~Board~~
22 ~~pursuant to this Article.~~ Board.

23"

24 SECTION 62. G.S. 90-210.81 reads as rewritten:

25 "§ 90-210.81. Requirements as to rules and bylaws.

26 ...

27 Article 10. It is understood and stipulated that the benefits provided for shall be payable only
28 to a funeral establishment which provides a funeral service for a deceased member and which, if
29 located in North Carolina, is a funeral establishment ~~registered under the provisions of G.S.~~
30 ~~90-210.25 that has an establishment permit issued by the Board of Funeral Service or which, if~~
31 located in any other state, territory or foreign country, is a funeral establishment recognized by
32 and operating in conformity with the laws of such other state, territory or foreign country. Upon
33 the death of any member, it shall be the duty of the person or persons making the funeral
34 arrangements for such deceased member to notify the secretary of the member's burial association
35 of the death of such member. The person or persons making the funeral arrangements for such
36 deceased member shall have 30 days from the date of the death of such member in which to make
37 demand upon the burial association for the funeral benefits to which such member is entitled.

38 The benefits provided for are to be paid by the burial association to the funeral director
39 providing such funeral and burial service either in cash or in merchandise and service as elected
40 by the person or persons making the funeral arrangements for such deceased member. If the
41 burial association shall fail, on demand, to provide the benefits to which the deceased member
42 was entitled to the funeral establishment which provided the funeral service for the deceased
43 member, then the benefits shall be paid in cash to the representative of the deceased member
44 qualified under law to receive such benefits.

45"

46 SECTION 63. G.S. 130A-412.16(h) reads as rewritten:

47 "(h) Subject to G.S. 130A-412.13(i) and G.S. 130A-412.25, the rights of the person to
48 ~~which whom~~ a body part passes under G.S. 130A-412.13 are superior to the rights of all others
49 with respect to the body part. The person may accept or reject an anatomical gift in whole or in
50 part. Subject to the terms of the document of gift and this Part, a person that accepts an anatomical
51 gift of an entire body may allow embalming, burial, or cremation, and use of remains in a funeral

1 service. If the gift is of a body part, the person to which the body part passes under
 2 G.S. 130A-412.13, upon the death of the donor and before embalming, burial, ~~or cremation,~~
 3 cremation, or hydrolysis shall cause the body part to be removed without unnecessary
 4 mutilation."

5 **SECTION 64.** G.S. 130A-420(a) reads as rewritten:

6 "(a) An individual at least 18 years of age may authorize the type, place, and method of
 7 disposition of the individual's own dead body by methods in the following order:

- 8 (1) Pursuant to a preneed funeral contract executed pursuant to Article 13D of
 9 Chapter 90 of the General Statutes or pursuant to a ~~cremation-reduction~~
 10 authorization form executed pursuant to Article ~~13C-13F~~ of Chapter 90 of the
 11 General Statutes.

12"

13 **SECTION 65.** G.S. 160A-341 reads as rewritten:

14 "**§ 160A-341. Authority to establish and operate cemeteries.**

15 A city ~~shall have authority to~~ may establish, operate, and maintain cemeteries either inside or
 16 outside its corporate limits, may acquire and hold real and personal property for cemetery
 17 purposes by gift, purchase, or (for real property) by exercise of the power of eminent domain,
 18 may devote any property owned by the city to use as a cemetery, may prohibit burials at any
 19 place within the city other than city cemeteries, and may regulate the manner of burial in city
 20 cemeteries. Nothing in this section ~~shall confer~~ confers upon any city authority to prohibit or
 21 regulate burials in cemeteries licensed by the ~~State Burial Association Commissioner, Cemetery~~
 22 Commission, or in church cemeteries.

23 As used in this Article "cemetery" includes columbariums and facilities for
 24 ~~cremation~~ cremation or hydrolysis."

25
 26 **PART III. DEPARTMENT OF INSURANCE LICENSING PROGRAMS**

27 **SECTION 66.(a)** Subdivisions (6), (7), (8), and (9) of G.S. 58-16-5 are recodified
 28 as sub-subdivisions e., f., g., and h. of subdivision (2) of that section.

29 **SECTION 66.(b)** G.S. 58-16-5, as amended by subsection (a) of this section, reads
 30 as rewritten:

31 "**§ 58-16-5. Conditions of licensure.**

32 A foreign or alien insurance company may be licensed to do business ~~when it:~~ if it meets all
 33 of the following requirements:

- 34 (1) Deposits with the Commissioner a certified copy of its charter or certificate of
 35 organization and a statement of its financial condition and business, in the
 36 form and detail that the Commissioner requires, signed and sworn to by its
 37 president and secretary or other proper officer, and pays ~~for the filing of this~~
 38 statement the sum licensure application fee required by law.

- 39 (2) Satisfies the Commissioner of all of the following:

40 a. ~~that it~~ It is fully and legally organized under the laws of its state or
 41 government to do the business it proposes to transact as direct
 42 insurance or assumed ~~reinsurance; reinsurance,~~ and it has been
 43 successful in the conduct of this business.

44 b. ~~that it~~ It has, if a stock company, a free surplus and a fully paid-up and
 45 unimpaired capital, exclusive of stockholders' obligations of any
 46 ~~description~~ description, of an amount not less than that required for the
 47 organization of a domestic company writing the same kinds of
 48 ~~business; and~~ business.

49 c. It has, if a mutual ~~company that its company,~~ a free surplus ~~is not~~ less
 50 than that required for the organization of a domestic company writing
 51 the same kind of ~~business, and~~ business.

- 1 (1) ~~"Applicant" means a Applicant.~~ – A person applying for a license or a group
2 license under this Article.
- 3 (2) ~~"Assigned employee" means an Assigned employee.~~ – An employee who is
4 performing services for a client company under a contract between a licensee
5 and a client company in which employment responsibilities are shared or
6 allocated. ~~"Assigned employee" This term~~ does not include a temporary
7 employee. ~~Individuals This term includes individuals~~ who are directors,
8 shareholders, partners, and managers of a client company ~~are assigned~~
9 ~~employees~~ to the extent the licensee and the client have agreed that those
10 individuals are assigned employees and provided that those individuals meet
11 the criteria of this subdivision and act as operational managers or perform
12 reviews for the client company.
- 13 (3) ~~"Audited financial statement" means a Audited financial statement.~~ – A
14 financial statement that is audited by an independent certified public
15 accountant and presented in accordance with generally accepted accounting
16 principles.
- 17 (4) ~~"Client company" or "client" means a Client company or client.~~ – A person
18 that contracts with a licensee and is assigned employees by the licensee under
19 that contract.
- 20 (5) ~~"Control", including the terms "controlling", "controlled by", and "under~~
21 ~~common control with" means the Control.~~ – The direct or indirect possession
22 of the power to direct or cause the direction of the management and policies
23 of a person, whether through the ownership of voting securities, by contract
24 other than a commercial contract for goods or nonmanagement services, or
25 otherwise. Control is presumed to exist if ~~any natural person an individual~~
26 directly or indirectly owns, controls, holds with the power to vote, or holds
27 proxies representing ten percent (10%) or more of the voting securities of ~~any~~
28 ~~other another~~ person. This presumption may be rebutted ~~by a showing made~~
29 in the manner provided by rule of the Commissioner. The Commissioner may
30 determine, after furnishing all persons in interest notice and opportunity to be
31 heard and making specific findings of fact to support ~~such the~~ determination,
32 that control exists in fact, notwithstanding the absence of a presumption to
33 that effect.
- 34 (6) ~~"Financial responsibility" means the Financial responsibility.~~ – The current
35 and expected future condition of financial solvency sufficient to support a
36 reasonable expectation that an applicant or licensee can successfully conduct
37 its business without jeopardizing the interests of its assigned employees, client
38 companies, or the public.
- 39 (7) ~~"Good moral character" means a Good moral character.~~ – A personal history
40 of honesty, trustworthiness, fairness, a good reputation for fair dealings, and
41 respect for the rights of others and for ~~state State~~ and federal laws.
- 42 (8) Repealed by Session Laws 2013-413, s. 11.1(a), effective October 1, 2013.
- 43 (9) ~~"Licensee" means a Licensee.~~ – A person licensed under this Article to
44 provide professional employer services. The term includes a professional
45 employer organization group licensed under G.S. 58-89A-35(b). Unless
46 specifically stated otherwise in this Article, ~~"licensee" this term~~ includes
47 persons ~~who that~~ are licensed under this Article pursuant to alternative
48 licensing procedures as set forth in G.S. 58-89A-76.
- 49 (10) ~~"Managed services" means services Managed services.~~ – Services provided
50 by an organization that is the sole employer of employees whom it supplies to
51 staff and manage a specific portion of a company's workforce or a specific

1 facility within a company on an ongoing basis. ~~The managed services~~ This
2 organization has responsibility for ensuring the capabilities and skills of the
3 employees it supplies or provides, for all employer functions, for supervisory
4 responsibility over the employees, and for management accountability of the
5 facility or function.

6 (11) ~~"PEO agreement" means a PEO agreement. – A written contract by and~~
7 ~~between a client company and a professional employer organization that~~
8 ~~provides; provides both of the following:~~

9 a. ~~For the~~ The allocation and sharing between the client company and the
10 licensee of the responsibilities of employers with respect to the
11 assigned employees, including hiring, firing, and disciplining of
12 ~~employees; and employees.~~

13 b. That the licensee and the client company assume the responsibilities
14 required by this Article.

15 (12) ~~"Person" has the same meaning as in G.S. 58-1-5(9).~~

16 (13) ~~"Personnel placement service" means a Personnel placement service. – A job~~
17 ~~placement service offered through an organization that assists persons~~
18 ~~individuals seeking employment to find a job with companies that are seeking~~
19 ~~employees. Companies that hire persons through a personnel placement~~
20 ~~service are the sole employers of the persons hired, and the personnel~~
21 ~~placement service does not have any responsibility as an employer. a company~~
22 ~~that seeks to hire them and to be their sole employer.~~

23 (14) ~~"Professional employer organization" or "PEO" means a Professional~~
24 ~~employer organization or PEO. – A person that offers professional employer~~
25 ~~services and services. This term includes "staff leasing services companies",~~
26 ~~"employee leasing companies", "staff leasing companies", and "administrative~~
27 ~~employers" staff leasing services companies, employee leasing companies,~~
28 ~~staff leasing companies, and administrative employers who offer or propose~~
29 ~~to offer professional employer services in this State.~~

30 (15) ~~"Professional employer organization group" or "PEO group" means a~~
31 ~~Professional employer organization group or PEO group. – A combination of~~
32 ~~professional employer organizations that operates under a group license issued~~
33 ~~under this Article or is otherwise subject to group licensure requirements~~
34 ~~under G.S. 58-89A-35(b).~~

35 (16) ~~"Professional employer services" means an Professional employer services. –~~
36 ~~An arrangement by which employees of a licensee are assigned to work at a~~
37 ~~client company and in which employment responsibilities are in fact shared~~
38 ~~by the licensee and the client company in accordance with G.S. 58-89A-100,~~
39 ~~and the employee's assignment is intended to be of a long-term or continuing~~
40 ~~nature, rather than temporary or seasonal in nature. "Professional employer~~
41 ~~services" This term does not include services that provide temporary~~
42 ~~employees or independent contractors, a personnel placement service,~~
43 ~~managed services, payroll services that do not involve employee staffing or~~
44 ~~leasing, the sharing of employees by commonly owned companies within the~~
45 ~~meaning of section 414(b) and (c) of the Internal Revenue Code of 1986, as~~
46 ~~amended, Code, or similar groups that do not meet the requirements of this~~
47 ~~subdivision.~~

48 (16d) ~~"Tangible net worth" means the difference between total tangible assets and~~
49 ~~total liabilities. For purposes of this definition, tangible assets are physical~~
50 ~~assets and do not include Tangible net worth. – The excess of total assets over~~
51 ~~total liabilities as reflected in financial statements prepared in accordance with~~

generally accepted accounting principles, after excluding assets that are intangible, contingent, restricted, pledged, or otherwise unavailable to satisfy the general obligations of the applicant or licensee, as determined by the Commissioner. Excluded assets include goodwill, patents, copyrights, intellectual property, trademarks, and any other non-physical asset, deferred tax assets, right-of-use lease assets, prepaid expenses, assets held in trust or otherwise restricted for the benefit of employees or third parties, and related-party receivables that are not supported by satisfactory evidence of collectability.

(17) ~~"Temporary employees" means persons~~ Temporary employees. – Persons employed under an arrangement by which an organization hires its own employees and assigns them to a client company to support or supplement the client's workforce in a special work situation, ~~including~~ including any of the following:

- a. An employee ~~absence~~; absence.
- b. A temporary skill ~~shortage~~; shortage.
- c. A seasonal ~~workload~~; or workload.
- d. A special assignment or project.

(18) ~~"Working capital" means the~~ Working capital. – The difference between current assets and current liabilities."

SECTION 68.(b) G.S. 58-89A-50 reads as rewritten:

"§ 58-89A-50. Surety bond; letter of credit; other deposits.

(a) An applicant for licensure shall file with the Commissioner a surety bond, or other items as set forth in subsection (f) of this section, in the amount of one hundred thousand dollars (\$100,000) for the benefit of the Commissioner. An applicant or licensee who does not have a tangible net worth of at least fifty thousand dollars (\$50,000) and positive working capital pursuant to G.S. 58-89A-60(b) shall file an additional surety ~~bond~~ bond, or other items set forth in subsection (f) of this ~~section~~ section, equal to or in excess of the applicant's or licensee's ~~negative working capital deficiency in tangible net worth, working capital, or both.~~

(b) The surety bond required by this section shall be in a form acceptable to the Commissioner, issued by an insurer authorized by the Commissioner to write surety business in this State, and maintained in force while the license remains in effect or any obligations or liabilities of the applicant, ~~licensee~~ licensee, or PEO previously licensed ~~by~~ in this State remain outstanding.

(c) The surety bond required by this section may be exchanged or replaced with another surety bond if (i) the surety bond applies to obligations and liabilities that arose during the period of the original surety bond, (ii) the surety bond meets the requirements of this section, and (iii) 90 days' advance written notice is provided to the Commissioner.

(d) Repealed by Session Laws 2013-413, s. 11.2(b), effective October 1, 2013.

(e) Notice of cancellation or nonrenewal of the surety bond required by this section shall be provided to the Commissioner in writing at least 45 days before cancellation or nonrenewal.

(e1) A surety bond may be cancelled by the issuer of the bond with respect to future obligations or liabilities upon ~~proper~~ notice pursuant to this section and without regard to approval or acceptance of the Commissioner.

(f) ~~In lieu~~ Instead of the surety bond required by this section, an applicant may submit to the Commissioner an irrevocable letter of credit in a form acceptable to the Commissioner issued by a financial institution, the deposits of which are insured by the Federal Deposit Insurance Corporation, or may maintain on deposit with the Commissioner an amount equal to the amount required under subsection (a) of this section in cash or in value of securities of the kind specified in G.S. 58-5-20. An applicant that deposits securities under this subsection shall concurrently deliver to the Commissioner a power of attorney, on a form prescribed by the Commissioner,

1 executed by its president or another officer, authorizing the sale or transfer of the securities for
2 any purpose provided for in this Article, including the payment of licensee liabilities.

3 (g) This section does not apply to persons who are licensed pursuant to the alternative
4 licensing procedures set forth in G.S. 58-89A-76 or to persons who are de minimis registrants
5 pursuant to G.S. 58-89A-75.

6 (h) The license of ~~any~~ a licensee that fails to provide and maintain a surety bond, letter
7 of credit, cash, or securities pursuant to this section ~~shall be~~ is automatically and immediately
8 suspended, and the licensee shall tender its license to the Commissioner within three days of
9 failure to satisfy this requirement."

10 **SECTION 68.(c)** G.S. 58-89A-60 reads as rewritten:

11 **"§ 58-89A-60. License application.**

12 (a) ~~Every~~ An applicant for licensure shall file with the Commissioner, on a form
13 prescribed by the Commissioner, the following information:

14 (1) The name, organizational structure, and date of organization of the applicant,
15 the addresses of the principal office and of all offices in this State, the name
16 of the contact person, the type of operations ~~within~~ in this State, and the
17 taxpayer or employer identification number.

18 (2) A list by jurisdiction of each name under which the applicant has operated in
19 the preceding five years, including any alternative names, names of
20 predecessors, and, if known, names of successor business entities. The list
21 required by this subdivision ~~shall include~~ includes the parent company name
22 and any trade name, trademark, or service mark of the applicant.

23 (3) A list of all officers, directors, and other controlling persons of the applicant,
24 their biographical information, including their education, management and
25 business experience, and an affidavit from each attesting to his or her good
26 moral character and management competence.

27 (4) The location of the business records of the applicant.

28 (5) An attestation, executed by the chief financial officer and chief executive
29 officer of the applicant, that the applicant is current as of the date the
30 application is submitted with respect to all of its obligations for payroll,
31 payroll-related taxes, workers' compensation insurance, and employee
32 benefits. If any ~~such of these~~ obligations are in dispute with a client as of the
33 date the application is submitted and the disputed amount is material when
34 considered in the context of the applicant's most recent audited financial
35 statement, then the applicant shall disclose the nature of the dispute causing
36 the obligations to be unpaid and the amount of money in controversy.

37 (6) Any other reasonable information the Commissioner ~~deems~~ considers
38 necessary to establish that the ~~applicant and the officers~~ applicant, officers,
39 and controlling persons are of good moral ~~character,~~ character and have
40 business integrity, ~~have~~ have applicable educational and business experience, and
41 ~~have~~ financial responsibility.

42 (b) ~~Every~~ An applicant shall file with the Commissioner an audited financial statement,
43 prepared as of a date not more than 120 days before the date of ~~application~~ application, that
44 demonstrates that the applicant has a tangible net worth of not less than fifty thousand dollars
45 (\$50,000) and positive working capital. The applicant shall attach to the audited financial
46 statement a separate document signed by the applicant's chief executive and the chief financial
47 officer certifying that (i) each has reviewed the audited financial statement; (ii) based on each
48 signatory's knowledge, the audited financial statement does not contain any untrue or misleading
49 statement of material fact ~~or~~ and does not omit a fact with respect to the period covered by the
50 audited financial statement; and (iii) based on each signatory's knowledge, the audited financial

1 statement fairly presents in all material respects the financial condition of the applicant as of, and
2 for, the period presented in the audited financial statement.

3 ~~Notwithstanding the requirements of this subsection, However,~~ the Commissioner may, in
4 the Commissioner's discretion, accept an audited financial statement that has been prepared more
5 than 120 days before submission to the Commissioner if the Commissioner ~~deems such~~ considers
6 acceptance appropriate. The Commissioner may, in the Commissioner's discretion, impose
7 conditions upon ~~such~~ acceptance of audited financial statements prepared more than 120 days
8 ~~prior to~~ before submission.

9 The audited financial statement shall be prepared by an independent certified public
10 accountant licensed to practice in the jurisdiction in which ~~such~~ the accountant is located and
11 shall be without qualification as to the going concern status of the applicant. Persons applying
12 for a professional employer organization group license may submit combined or consolidated
13 audited financial statements to meet the requirements of this section, ~~provided that so long as the~~
14 combined or consolidated audited financial statement ~~include[s]~~ includes a combining or
15 consolidating balance sheet and statement of operations of each proposed member as
16 supplemental information to the ~~combined or consolidated audited financial~~ statement. An
17 applicant that does not have at least 12 months of operating history may meet the financial
18 requirements of this subsection by filing with the Commissioner financial statements that have
19 been reviewed by an independent certified public accountant and that have been prepared as of a
20 date not more than 90 days before the date of application.

21 (b1) The Commissioner may accept the audited financial statement of an applicant's parent
22 company, if the audited financial statement includes either a combining or consolidating balance
23 sheet, income statement, statement of changes in equity, and statement of cash flows as
24 supplemental information to the audited financial ~~statement, the contents of which will allow~~
25 statement and if these documents allow the Commissioner to determine the financial condition
26 and financial responsibility of the applicant.

27 (b2) The Commissioner may accept the audited financial statement of an applicant's parent
28 company and consider the financial condition and financial responsibility of the parent company
29 ~~in lieu instead of those of~~ the applicant, if all of the following requirements are satisfied:

- 30 (1) The parent executes a guaranty agreement, in a form prescribed by the
31 Commissioner, for the guaranty of all obligations related to the applicant's
32 current and future client companies, including its obligations for payroll,
33 payroll-related taxes, workers' compensation insurance, and employee
34 benefits.
- 35 (2) The applicant files with the Commissioner documentation acceptable to the
36 Commissioner evidencing the parent's control.
- 37 (3) The applicant submits an audited financial statement that meets the
38 requirements of subsection (b1) of this section that allows the Commissioner
39 to determine the financial condition and financial responsibility of the parent
40 and the applicant.

41 (c) ~~Every An~~ applicant shall submit to the Commissioner the application fee pursuant to
42 G.S. 58-89A-65.

43 (d) ~~Every An~~ applicant shall furnish the Commissioner a complete set of fingerprints of
44 each officer, director, and controlling person in a form prescribed by the Commissioner. Each set
45 of fingerprints shall be certified by an authorized law enforcement officer.

46 Upon request by the Department, the State Bureau of Investigation shall provide to the
47 Department from the State and National Repositories of Criminal Histories the criminal history
48 of ~~any an~~ applicant and the officer, director, and controlling person of ~~any an~~ applicant. Along
49 with the request, the Department shall provide to the ~~State Bureau of Investigation~~ the
50 fingerprints of the person that is the subject of the request, a form signed by the person that is the
51 subject of the request consenting to the criminal record check and use of fingerprints and other

1 identifying information required by the State and National Repositories, and any additional
 2 information required by the ~~State Bureau of Investigation~~. ~~Bureau~~. The person's fingerprints shall
 3 be used by the ~~State Bureau of Investigation~~ for a search of the State's criminal history record
 4 file, and the ~~State Bureau of Investigation~~ may forward a set of fingerprints to the Federal Bureau
 5 of Investigation for a national criminal history record check. The Department shall keep all
 6 information obtained pursuant to this subsection confidential. The State Bureau of Investigation
 7 may charge a fee to offset the cost incurred by it to conduct a criminal record check under this
 8 ~~section~~. ~~subsection~~. The fee shall not exceed the actual cost of locating, editing, researching, and
 9 retrieving the information.

10 ~~In the event that~~ If an applicant has secured a professional employer organization license in
 11 another state in which the professional employer organization's controlling persons have
 12 completed a criminal background investigation within 12 months of this application, a certified
 13 copy of the report from the appropriate authority of that state ~~may satisfy~~ satisfies the requirement
 14 of this subsection. This subsection also applies to a change in the officers, directors, and other
 15 controlling persons of professional employer organizations and professional employer
 16 organization groups licensed under this Article. For purposes of investigation under this
 17 subsection, the Commissioner ~~shall have~~ has all the power conferred by G.S. 58-2-50 and other
 18 applicable provisions of this Chapter.

19 (e) An application for licensure of a professional employer organization group shall
 20 contain the information and submissions required by this section for each member of the group.

21 (f) No application is complete until the Commissioner has received all information and
 22 submissions required under subsections (a) through (e) of this section. Subsections (a) through
 23 (e) of this section do not apply to persons who are licensed pursuant to the alternative licensing
 24 procedures set forth in G.S. 58-89A-76.

25 (g) Repealed by Session Laws 2025-45, s. 4(d), effective July 1, 2025.

26 (g1) The Commissioner may deny the license of an applicant under this Article if the
 27 Commissioner finds any of the following:

28 (1) ~~That an~~ An officer, director, or other controlling person ~~has~~ of the applicant
 29 has committed any of the following acts or omissions:

30 a. Not met the requirements of G.S. 58-89A-40.

31 b. Made any untrue material statement or omitted any material
 32 information regarding their background or experience.

33 c. Violated, or failed to comply with, any professional employer services
 34 law or any rule or order of the Commissioner or of any other State
 35 official or State agency responsible for the regulation of any aspect of
 36 the applicant's business.

37 d. Obtained or attempted to obtain the license through misrepresentation
 38 or fraud.

39 e. ~~Been~~ Subject to G.S. 93B-8.1, been convicted of a felony.

40 f. Been found in a final judgment or administrative proceeding to have
 41 committed fraud or an unfair trade practice.

42 g. Been an officer, director, or other controlling person in another
 43 professional employer organization that has had its license or
 44 registration suspended, terminated, or revoked by any state.

45 (2) ~~That the~~ The applicant is not current with respect to all of its obligations for
 46 payroll, payroll-related taxes, workers' compensation insurance, and
 47 employee benefits and the applicant has failed to satisfy the Commissioner as
 48 to the reasons why.

49 (3) ~~That the~~ applicant does not possess:

50 a. ~~A tangible net worth of not less than fifty thousand dollars (\$50,000).~~

b. ~~Positive working capital, or in lieu of positive working capital, substitute security as provided under G.S. 58-89A-50(a).~~

(4) ~~That the~~ The applicant has not provided evidence satisfactory to the Commissioner of financial responsibility.

(5) ~~That the~~ The applicant has failed to satisfy the requirements of ~~G.S. 58-89A-50.~~ G.S. 58-89A-50.

(6) ~~That a~~ A ground upon which the Commissioner could take disciplinary action against a licensee or other person subject to licensure requirements pursuant to G.S. 58-89A-155 applies to the applicant.

(h) If the Commissioner finds that the applicant has not fully met the requirements for licensure, the Commissioner shall refuse to issue the license and shall notify the applicant in writing of the denial, stating the grounds for the denial. To obtain a review to determine the reasonableness of the Commissioner's denial, the applicant shall make written demand upon the Commissioner within 30 days after notice is given under G.S. 150B-38(c). The review shall be completed without undue delay, and the applicant shall be notified promptly in writing as to the outcome of the review. If the applicant disagrees with the outcome of the review and seeks a hearing, under Article 3A of Chapter 150B of the General Statutes, on the outcome of the review, the applicant shall make a written demand upon the Commissioner for the hearing within 30 days after notice of the outcome of the review is given under G.S. 150B-38(c).

(i) Removal, demotion, or discharge of an officer, director, or other controlling person in response to an order of the Commissioner of the alleged unsuitability of that ~~person~~ individual is an affirmative defense to any claim by that individual based on the removal, demotion, or discharge.

(j) The Commissioner may, in the Commissioner's discretion, waive the required evaluation of an officer, ~~director~~ director, or controlling person if that officer, ~~director~~ director, or controlling person has been evaluated previously under this Article.

(k) After denial, suspension, or termination of a license, and before issuing a new license or reinstating a license, the Commissioner shall ~~review and consider~~ consider both of the following:

(1) The extent to which the applicant or licensee has adequately corrected any ~~problems; and~~ problems.

(2) Whether the applicant or licensee has demonstrated that the applicant or licensee ~~had~~ has exercised due diligence to avoid the ~~reason~~ reasons for the ~~denial~~ denial, suspension, or termination.

The applicant or licensee bears the burden of proof with respect to subdivisions (1) and (2) of this subsection."

SECTION 68.(d) This section is effective when it becomes law.

SECTION 69.(a) G.S. 93B-15.3 reads as rewritten:

"§ 93B-15.3. Licensure recognition for individuals licensed in neighboring states.

(a) Applicability. – This section applies to the licensure of individuals by all occupational licensing boards and State agency licensing boards ~~except as provided in this subsection. This section shall not apply to the following:~~

(1) ~~Licensure of any healthcare practitioner~~ Healthcare practitioners licensed under Chapter 90 of the General Statutes.

(2) Architects licensed under Chapter 83A of the General Statutes.

(3) Certified public accountants licensed under Chapter 93 of the General Statutes.

(4) Engineers licensed under Chapter 89C of the General Statutes.

(5) Veterinarians licensed, or veterinary technicians registered, under Article 11 of Chapter 90 of the General Statutes.

- 1 (6) ~~Admission to the practice of law or licensure as an attorney~~ Attorneys
2 admitted to practice law or licensed under Chapter 84 of the General Statutes.
- 3 (7) ~~Licensure of any practitioner~~ Practitioners licensed by the North Carolina
4 Pesticide Board under Article 52 of Chapter 143 of the General Statutes.
- 5 (8) ~~Licensure of any practitioner~~ Practitioners licensed by the North Carolina
6 Structural Pest Control Committee under Article 4C of Chapter 106 of the
7 General Statutes.
- 8 (9) Dealers, salesmen, issuers, investment ~~advisors,~~ advisers, investment ~~advisor~~
9 adviser representatives, and athlete agents under Chapters 78A, 78C, and 78D
10 of the General Statutes.
- 11 (10) ~~Certification of any practitioner~~ Practitioners certified by the North Carolina
12 On-Site Wastewater Contractors and Inspectors Certification Board under
13 Article 5 of Chapter 90A of the General Statutes.
- 14 (11) ~~Licensure of any new motor vehicle dealer, used motor vehicle dealer, motor~~
15 Motor vehicle sales representative, representatives, manufacturer, factory
16 branch, factory representative, representatives, distributor, distributor branch,
17 distributor representative, representatives, or wholesaler and other individuals
18 licensed under Article 12 of Chapter 20 of the General Statutes.
- 19 (12) Insurance producers, adjusters, appraisers, bail bondsmen, runners, and other
20 individuals licensed under Chapter 58 of the General Statutes.
- 21 (b) Licensure Recognition. – Notwithstanding any other provision of law, an
22 occupational licensing board or a State agency licensing board subject to this section shall issue
23 a license, certification, or registration to ~~any~~ an applicant who establishes residence in this State
24 and satisfies all of the following conditions:
 - 25 (1) The applicant is currently licensed, certified, or registered in Georgia, South
26 Carolina, Tennessee, Virginia, or West Virginia in the discipline applied for
27 in this State at the same or substantially equivalent practice level, as
28 determined by the ~~occupational licensing board or State agency licensing~~
29 board.
 - 30 (2) The applicant has been licensed, certified, or registered in one or more of the
31 states listed in subdivision (1) of this subsection for at least one year.
 - 32 (3) The applicant has passed an examination required for the license, certification,
33 or registration in the jurisdiction in which the applicant holds a current license,
34 certification, or registration, if an examination was required.
 - 35 (4) The applicant is in good standing in all jurisdictions within the United States
36 in which the applicant holds or has ever held a license, certification, or
37 registration in the profession for which the applicant is seeking licensure,
38 certification, or registration in this State.
 - 39 (5) The applicant has not voluntarily surrendered a license, certification, or
40 registration or had a license, certification, or registration revoked in any
41 jurisdiction ~~within~~ in the United States as a result of unprofessional conduct
42 related to the profession for which the applicant is seeking licensure,
43 certification, or registration in this State.
 - 44 (6) The applicant demonstrates competency in the profession through methods
45 determined by the ~~board, which~~ board. Demonstrating competency may
46 include having met the minimum education, clinical supervision, or work
47 experience requirements in effect in the originating state at the time the
48 applicant obtained the license, certification, or registration from that state.
 - 49 (7) The applicant does not have any active or pending disciplinary actions from
50 an occupational licensing board or agency in another jurisdiction ~~within~~ in the
51 United States and, if applicable, the occupational licensing board or State

- 1 agency licensing board has completed verification under subsection (c) of this
2 section.
- 3 (8) The applicant does not have a disqualifying criminal history record, as
4 determined by the ~~occupational licensing board or State agency licensing~~
5 board under G.S. 93B-8.1 and related provisions of law.
- 6 (9) The applicant has paid all applicable fees, including fees for application
7 processing, license issuance, verification of credentials, and background
8 checks.
- 9 (c) Prior Disciplinary Actions. – If the applicant has any prior resolved disciplinary
10 actions from an occupational licensing board or State agency licensing board at the time of
11 application, the occupational licensing board or State agency licensing board to which the
12 applicant is applying shall determine and verify that the disciplinary action is resolved and, if
13 applicable, corrective action has been taken. If a disciplinary action is pending in another
14 jurisdiction, ~~an~~ the occupational licensing board or State agency licensing board shall suspend
15 the application process for any license, certificate, or registration under this section until the
16 disciplinary action has been resolved.
- 17 (d) Required Information. – Each occupational licensing board or State agency licensing
18 board shall publish a document that lists the specific criteria or requirements for licensure,
19 certification, or registration by the board under this section and any necessary documentation
20 needed for satisfying the requirements. The information required by this subsection shall be
21 published on the ~~occupational licensing board's or State agency licensing board's~~ website.
- 22 (e) Effect on Other Agreements. – Nothing in this section ~~shall be construed to prevent~~
23 any prevents an occupational licensing board or State agency licensing board in this State from
24 entering into a reciprocity agreement with another jurisdiction or ~~to invalidate any~~ invalidates an
25 existing reciprocity agreement between ~~any an~~ occupational licensing board or State agency
26 licensing board in this State and another jurisdiction.
- 27 (f) Scope of License. – ~~Any A~~ license, certification, or registration granted by an
28 occupational licensing board or State agency licensing board to any applicant under this section
29 ~~shall be~~ is valid only in this State and does not extend validity to other jurisdictions, including
30 through an interstate compact, unless otherwise provided by law or interstate agreement.
- 31 (g) Rights and Obligations. – ~~Any An~~ individual who is licensed, certified, or registered
32 under this section ~~shall be~~ is entitled to the same rights and subject to the same obligations as
33 required of an individual who was licensed, certified, or registered by an occupational licensing
34 board or State agency licensing board in this State under any other provision of law.
- 35 (h) Alternative Pathway. – Nothing in this section ~~shall be construed to prohibit~~ prohibits
36 an individual from proceeding under the existing licensure, certification, or registration
37 requirements established by an occupational licensing board or State agency licensing board in
38 this State."

39 **SECTION 69.(b)** G.S. 93B-15.3(a)(12), as enacted by subsection (a) of this section,
40 is retroactively effective October 1, 2025, and applies to licensure applications submitted on or
41 after that date. The remainder of this section is effective when it becomes law.

42 43 **PART IV. EFFECTIVE DATE**

44 **SECTION 70.** Except as otherwise provided, this act becomes effective October 1,
45 2026.