

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0801

**DEADLINE FOR RECEIPT: January 14, 2024**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Page 1, Lines 12-15 and 23-24: What is the difference between a "licensee" and a "permit holder"?*

*Page 1, Line 18: Consider adding "pursuant to G.S. 130A-382.*

*Page 1, Lines 31-32: Add a citation to the rule which establishes the permit process.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel  
Date submitted to agency: December 30, 2024

21 NCAC 34b .0801 is adopted as published in 39:02 NCR 80-84

## **SECTION .0800 – TRANSPORTATION OF DEAD HUMAN BODIES**

### **21 NCAC 34B .0801 DEFINITIONS**

For purposes of Section .0800, the following definitions shall apply:

- (1) “Decedent” shall mean any dead human body or remains believed to be human.
- (2) “Disinfect” shall mean a process that eliminates pathogenic microorganisms on inanimate objects using liquid chemicals or wet pasteurization.
- (3) “Impervious” shall mean constructed from material that does not allow another substance to pass through or to penetrate the material.
- (4) “Licensee” shall mean an individual or entity holding any type of licensure from the Board that allows the individual or entity to engage in the removal or transportation of a dead human body. As used in this section, “licensee” shall include employees or authorized representatives of any person or entity exempt from obtaining a transporter permit pursuant to G.S. 90-210.25(c)(5).
- (5) “Location of origin” shall mean the location from which the licensee is authorized to transport or remove a dead human body.
- (6) “ME” shall mean a local Medical Examiner appointed by the Office of the Chief Medical Examiner.
- (7) “NC OSH” shall mean the North Carolina Occupational Safety and Health Division, North Carolina Department of Labor.
- (8) “OCME” shall mean the Office of the Chief Medical Examiner.
- (9) “OSHA” shall mean the federal Occupational Safety and Health Administration.
- (10) “Permit holder” shall mean an individual who holds a permit issued by the Board to engage in the removal or transportation of a dead human body, as defined in G.S. 90-210.25(c)(3).
- (11) “Removal vehicle” shall mean a vehicle of a size, dimensions, and specifications capable of removing and transporting, in accordance with G.S. 90-210.25(c)(9), at least one adult human body measuring up to seven feet in length and three hundred pounds in weight.
- (12) “State” shall mean the State of North Carolina.
- (13) “Removal or Transportation” shall mean the removal or transportation of a dead human body, or part thereof.
- (14) “Transporter Permit” shall mean a permit issued by the Board to engage in the removal or transportation of a dead human body, as defined in G.S. 90-210.25(c)(3).
- (15) “Transportation Service” shall mean any business that employs or contracts with individuals to engage in the removal or transportation of a dead human body unless otherwise exempt pursuant to G.S. 90-210.25(c)(5) and (6).

*History Note: Authority G.S. 90-210.25(c)(10)*



REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0802

**DEADLINE FOR RECEIPT: January 14, 2024**

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In reviewing this Rule, the staff recommends the following changes be made:

*Page 1, Lines 31: What is an "adverse action"?*

*Page 1, Line 34: It is unclear what "misclassification" the Board is referring to? Workers' comp?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: December 30, 2024

21 NCAC 34B .0802 is adopted with changes as published in 39:02 NCR 80-84 as follows:

**21 NCAC 34B .0802 INITIAL PERMIT APPLICATION FORM**

(a) Pursuant to G.S. 90-210.25(c)(7), any person desiring to obtain a Transporter Permit from the Board shall make application to the Board. Applications not completed within ninety (90) days of submission to the Board shall be denied. Application forms and instructions may be found on the Board's website at <https://ncbfs.org>.

(b) All applications for a Transporter Permit shall contain the following:

- (1) The applicant's full name;
- (2) The applicant's physical and mailing address of residence;
- (3) The name and address of the Transportation Service, if any, for which the applicant will work;
- (4) The applicant's work phone number, home phone number, and cell phone number;
- (5) The applicant's social security number and sex;
- (6) The applicant's date and place of birth;
- (7) The applicant's email address;
- (8) A copy of the applicant's valid driver's license issued by the State;
- (9) The make, model, year, and license plate number of the removal vehicle to be used by the applicant;
- (10) A copy of all liability insurance required for the registration of the removal vehicle to be used by the applicant;
- (11) A copy of professional liability insurance covering the applicant's acts and omissions while engaging in the removal or transportation, with liability limits not less than required by GS 90-210.25(c)(7);
- (12) Whether the applicant has been convicted of any felony or misdemeanor crimes and, if so, a statement providing the jurisdiction, charge, and disposition of each conviction;
- (13) Whether the applicant has had an occupational or business license denied, suspended, or revoked by any local, state, or federal agency and, if so, a statement providing the reason for the denial and the date, location, and circumstances of any violation that led to action against the applicant, the terms of any discipline imposed by the licensing authority, and whether said terms have been satisfied;
- (14) Whether OCME ever has terminated the applicant's ability to provide removal or transportation services on behalf of OCME and, if so, the reasons for said termination, if known;
- (15) Whether the applicant has been the subject of adverse action by any local, state, or federal agency and, if so, a statement giving details as the location, date, type of adverse action initiated, and the disposition of the adverse action;
- (16) Whether the applicant has been subject to any investigation for employee misclassification in the preceding two (2) years;

1       ~~(18)~~ (17) The applicant's signature to certify under oath that he or she has prepared the application and has  
2       read the answers; that the information provided in the application is true; and that he or she has read  
3       the NC Industrial Commission Public Notice Statement;

4       ~~(19)~~ (18) The applicant's signature to certify under oath that he or she has read and understands the statutes  
5       and rules relating to the removal or transportation, as well as the standards of OSHA for universal  
6       precautions and blood-borne pathogens, 29 C.F.R. 1910.1030; and

7       ~~(20)~~ (19) The application fee, as prescribed by G.S. ~~90-210.25(e)(7)~~ 90-210.25(c)(8) and 21 NCAC 34A  
8       .0201.

9       (c)     Upon receipt of an applicant's application for a Transporter Permit, the Board shall provide to the applicant  
10      instructions on how to submit his or her fingerprints for a criminal background check, in accordance with GS 90-  
11      210.25(a)(5)(h). The applicant shall sign and return to the Board a form provided by the Board, consenting to the  
12      check of the criminal records and to the use of his or her fingerprints and other identifying information required by  
13      the State or national repositories. The applicant shall remit payment to the Board in the form of an official check,  
14      money order, or cashier's check, made payable to the State Bureau of Investigation, the actual costs charged by the  
15      Department of Public Safety for performing the criminal background check.

16  
17      *History Note:*     *Authority G.S. 90-210.25(c)(7) and (10); G.S. 90-210.25(a)(5)(h*  
18                           *Eff.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0803

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*Page 1, Lines 31: What is an "adverse action"?*

*Page 1, Line 34: It is unclear what "misclassification" the Board is referring to? Workers' comp?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: December 30, 2024

21 NCAC 34B .0803 is adopted with changes as published in 39:02 NCR 80-84 as follows:

**21 NCAC 34B .0803 PERMIT RENEWAL APPLICATION FORM**

(a) To renew a Transporter Permit, the permit holder shall complete and submit to the Board a renewal application on or before February 1 of each calendar year.

(b) The renewal application shall contain the following:

- (1) The permit holder's full name;
- (2) The permit holder's physical and mailing address of residence;
- (3) The name and address of the Transportation Service, if any, for which the permit holder works;
- (4) The permit holder's work phone number, home phone number, and cell phone number;
- (5) The permit holder's email address;
- (6) A copy of the permit holder's valid driver's license issued by the State;
- (7) A copy of all liability insurance required for the registration of the removal vehicle to be used by the permit holder;
- (8) A copy of professional liability insurance covering the permit holder's acts and omissions while engaging in the removal or transportation, with liability limits not less than required by GS 90-210.25(c)(7);
- (9) Whether the make, model, year, and license plate number of the permit holder's removal vehicle has changed since the previous renewal year and, if so, the make, model, year, and license plate number of the removal vehicle currently used by the applicant;
- (10) Whether the permit holder has been convicted of any felony or misdemeanor crimes since the previous renewal application was submitted and, if so, a statement providing the jurisdiction, charge, and disposition of each conviction;
- (11) Whether the permit holder has had an occupational or business license denied, suspended, or revoked by any local, state, or federal agency since the previous renewal application was submitted and, if so, a statement providing the reason for the denial and the date, location, and circumstances of any violation that led to action against the permit holder, the terms of any discipline imposed by the licensing authority, and whether said terms have been satisfied;
- (12) Whether OCME ever has terminated the permit holder's ability to provide removal or transportation services on behalf of OCME and, if so, the reasons for said termination, if known;
- (13) Whether the permit holder has been the subject of adverse action by any local, state, or federal agency since the previous renewal application was submitted and, if so, a statement giving details as the location, date, type of adverse action initiated, and the disposition of the adverse action;
- (14) Whether the permit holder has been subject to any investigation for employee misclassification since the previous renewal application was submitted;



- 1 (15) The permit holder's signature to certify that he or she has prepared the application and has read the  
2 answers; that the information provided in the application is true; and that he or she has read the NC  
3 Industrial Commission Public Notice Statement;
- 4 (16) The permit holder's signature to certify under oath that he or she has read and understands the  
5 statutes and rules relating to the removal or transportation, as well as the standards of OSHA for  
6 universal precautions and blood-borne pathogens, 29 C.F.R. 1910.1030;
- 7 (17) The permit holder's consent to a check of the permit holder's criminal background by the Board;  
8 and
- 9 (18) The application fee, as prescribed by G.S. ~~90-210.25(c)(7)~~ 90-210.25(c)(8) and 21 NCAC 34A  
10 .0201. If the application fee is dishonored by the drawee bank for any reason, the Board shall  
11 suspend the Transporter Permit until the renewal fees and non-sufficient fund charges are paid.  
12

13 *History Note:* Authority G.S. 90-210.25(c)(8) and (10); G.S. 90-210.25(a)(5)(h).  
14 *Eff.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0804

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In reviewing this Rule, the staff recommends the following changes be made:

*Line 5: Change “must” to “shall.”*

*Line 7: Who is attesting? The applicant? The training course provider? Consider: “*

*Line 10: Define or strike “prominently.”*

*Line 14: Who makes the designation whether a contained is “designed for common carrier transportation” and by what process?*

*Lines 16-18: Explain the Board’s authority to permit the taking of personal property with the leave of the named officials other than the decedent’s family.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: December 30, 2024

21 NCAC 34B .0804 is adopted as published in 39:02 NCR 80-84 as follows:

**21 NCAC 34B .0804     STANDARDS FOR REMOVAL AND TRANSPORTATION OF DEAD HUMAN BODIES**

(a) Removal and transportation must be conducted in accordance with the standards of OSHA for universal precautions and blood-borne pathogens set forth at 29 C.F.R. 1910.1030. Before engaging in removal or transportation, a permit holder shall provide an attestation to the Board that he or she has taken a training course on universal precautions and blood-borne pathogens offered by OSHA or NC OSH.

(b) Upon arrival at a location to engage in removal or transportation, a permit holder shall:

(1) Prominently display in the removal vehicle the permit issued by the Board allowing the removal or transportation service;

(2) Verbally identify himself or herself as a permit holder;

(3) Identify the entity for whom he or she is engaged in removal or transportation.

(c) Decedents shall be placed face up when secured in the removal vehicle or into a casket or container designated for common carrier transportation.

(d) Belongings found at the location of origin (such as tools, bedding, or towels that are not supplied by the licensee) shall not be used to assist with a decedent's removal or transportation, unless permission for such use is granted by the decedent's family members, OCME, an ME, or a law enforcement official.

*History Note: Authority G.S. 90-210.25(c)(9), (10) and (14)*

*Eff.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0805

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In reviewing this Rule, the staff recommends the following changes be made:

*Line 8: How does one tell if a removal vehicle was so “designed.”*

*Line 12: Who makes the designation whether a contained is “designed for common carrier transportation” and by what process?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: December 30, 2024

21 NCAC 34B .0805 is adopted with changes as published in 39:02 NCR 80-84 as follows:

**21 NCAC 34B .0805      ~~REQUIREMENTS~~ REQUIREMENTS FOR REMOVAL VEHICLES**

(a) Licensees shall conduct removal or transportation in a removal vehicle. The removal vehicle shall have a cargo bay that:

- (1) Has curtains or tinting on any windows displaying the cargo bay, to obscure the decedent from public view;
- (2) Is designed to prevent co-mingling or shifting of the decedent while in transit; and
- (3) Has flooring that is impervious.

(b) The removal vehicle used by a licensee shall contain the following when removal or transportation is performed:

(1) Mortuary cot, ambulance cot, casket, or container designed for common carrier transportation;

(2) Pillow or head block;

(3) Sheets and cot cover;

~~(5)~~ (4) Rubber or plastic sheeting;

~~(6)~~ (5) Towels;

~~(7)~~ (6) Zippered mortuary body bag or disaster pouch;

~~(8)~~ (7) Straps;

~~(9)~~ (8) Impervious tags;

~~(10)~~ (9) Pen or marker with indelible ink;

~~(11)~~ (10) A universal precaution kit, which shall contain the following:

(A) A bio-waste bag;

(B) A heavy-duty disaster pouch;

(C) Goggles;

(D) ~~Booties;~~ Impervious foot coverings;

(E) Masks;

(D) Disposable gloves;

(F) ~~A clean or disposable apron;~~ Impervious apron or gown;

(G) Antiseptic hand cleaner;

(H) Disinfectant spray; and

(I) A first-aid kit.

(c) A licensee shall disinfect the entire interior of the removal vehicle, including the driver's cabin, as soon as reasonably possible after each removal or transportation of a decedent.

(d) A licensee shall not eat, drink, or smoke in the removal vehicle while engaged in removal or transportation.

(e) A licensee shall not stack decedents inside a removal vehicle unless using shelves designed for such purpose and capable of transporting decedents in a manner consistent with Subparagraph (a)(2) of this Rule.

1     *History Note:*     *Authority G.S. 90-210.25(c)(9) and (10)*  
2                         *Eff.*  
3  
4  
5

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0806

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In reviewing this Rule, the staff recommends the following changes be made:

*Line 16: Suspected by whom?*

*Line 28: Define "records."*

*Line 29: What does the Board mean by "secured"?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: December 30, 2024

21 NCAC 34B .0806 is adopted with changes as published in 39:02 NCR 80-84 as follows:

**21 NCAC 34B .0806 CHAIN OF CUSTODY AND CONTROL**

(a) When removing or transporting a decedent from ~~the place of the decedent's death,~~ the location of origin, unless otherwise instructed by a law enforcement official, a licensee shall place an impervious tag on the decedent or the decedent's body bag or disaster pouch, if the decedent is so sealed therein by a law enforcement official prior to the licensee's arrival. The impervious tag shall contain the following:

- (1) The decedent name, if known. Otherwise, the word "unidentified;"
- (2) The name of the county in which the death occurred, if known;
- (3) The date on which the death occurred, if known; and
- (4) The date on which decedent was discovered.

(b) If the licensee places the decedent in a body bag or disaster pouch, the licensee shall place on the bag or pouch an impervious tag, or otherwise indelibly mark the bag or pouch, with the licensee's name and the information set forth in Paragraph (a)(1-4) of this Rule.

(c) When conducting removal or transportation at the authorization of OCME or an ME, the licensee shall not transport or remove a decedent for which homicide is suspected as the cause of death unless the decedent has been sealed in a body bag or disaster pouch by a law enforcement official, OCME, or an ME.

(d) A licensee shall transport directly, with no intervening stops unrelated to the transportation, the decedent from the location of origin to the location requested by the individual or entity for whom the licensee has engaged in the removal or transportation. If the licensee is engaged in the removal or transportation of multiple decedents simultaneously, the licensee shall transport each decedent to its respective destination consecutively, without any intervening stops unrelated to the transportation.

(e) For each removal or transportation performed, a licensee shall give to each individual or entity for whom the removal or transportation is authorized an inventory of all personal belongings found on the decedent, if such an inventory is provided to the licensee upon removal of the decedent from the location of origin, which shall be signed by the licensee. A licensee shall not touch or take possession of any weapon, or controlled substances or paraphernalia that is found among the decedent's personal belongings.

(f) A licensee shall place records related to the decedent for which the licensee is entrusted with custody during transportation and removal in an impervious container, if said records are secured to the decedent.

*History Note: Authority G.S. 90-210.25(c)(9) and (10)*

*Eff.*