

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34A .0201 (Temporary)

**DEADLINE FOR RECEIPT: Friday, October 24, 2025**

***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 call our office to inquire concerning the staff recommendation.

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

*On Form 0500, Box 8, I see that your agency submitted a request for consultation on August 13, 2025. Has a consultation occurred for this Rule? G.S. 12-3.1 requires that any establishment of a fee in rule be subject to the consultation, notwithstanding any other law. In addition, if you are changing other fees, then a consultation is required for those rules, as well. Please note, the RRC can approve this Rule, but the rule will not become effective until the consultation requirement has been fulfilled. (See G.S. 150B-21.3(c1))*

*In (e), lines 34-35, what authority are you relying upon for this?*

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

Travis C. Wiggs  
Commission Counsel  
Submitted to Agency: October 16, 2025

21 NCAC 34A .0201 is proposed for amendment under temporary procedures as follows:

**SECTION .0200 - FEES AND OTHER PAYMENTS**

**21 NCAC 34A .0201 FEES AND OTHER PAYMENTS**

(a) Fees for funeral service shall be as follows:

|                                                                             |  |           |
|-----------------------------------------------------------------------------|--|-----------|
| <u>Funeral Establishment and Branch Funeral Establishment permit</u>        |  |           |
| Application                                                                 |  | \$250.00  |
| Annual renewal                                                              |  | \$200.00  |
| Late renewal fee                                                            |  | \$100.00  |
| Establishment and embalming facility reinspection fee                       |  | \$100.00  |
| Courtesy card                                                               |  |           |
| Application                                                                 |  | \$ 75.00  |
| Annual renewal                                                              |  | \$ 50.00  |
| Out-of-state licensee                                                       |  |           |
| Application                                                                 |  | \$200.00  |
| Embalmer, funeral director, funeral service                                 |  |           |
| Application, North Carolina resident                                        |  | \$150.00  |
| Application, non-resident                                                   |  | \$200.00  |
| Annual renewal                                                              |  |           |
| Embalmer                                                                    |  | \$ 75.00  |
| Funeral Director                                                            |  | \$ 75.00  |
| Total fee, embalmer and funeral director, when both are held by same person |  | \$ 100.00 |
| Funeral service                                                             |  | \$ 100.00 |
| Inactive status                                                             |  | \$ 30.00  |
| Reinstatement fee                                                           |  | \$ 50.00  |
| Resident trainee permit                                                     |  |           |
| Application                                                                 |  | \$ 50.00  |
| Voluntary change in supervisor                                              |  | \$ 50.00  |
| Annual renewal                                                              |  | \$ 35.00  |
| Late renewal                                                                |  | \$ 25.00  |
| Duplicate License certificate                                               |  | \$ 25.00  |
| Chapel registration                                                         |  |           |
| Application                                                                 |  | \$150.00  |
| Annual renewal                                                              |  | \$100.00  |
| Late renewal                                                                |  | \$ 75.00  |

(b) Fees for crematory and hydrolysis licensees shall be as follows:

|    |                                                               |          |
|----|---------------------------------------------------------------|----------|
| 1  | License                                                       |          |
| 2  | Application                                                   | \$400.00 |
| 3  | Annual renewal                                                | \$150.00 |
| 4  | Late renewal fee                                              | \$ 75.00 |
| 5  | Crematory or hydrolysis reinspection fee                      | \$100.00 |
| 6  | Per-cremation or hydrolysis fee                               | \$ 10.00 |
| 7  | Late filing or payment fee for each cremation or hydrolysis   | \$ 10.00 |
| 8  | Late filing fee for cremation or hydrolysis report, per month | \$ 75.00 |
| 9  | Crematory or Hydrolysis Manager Permit                        |          |
| 10 | Application                                                   | \$150.00 |
| 11 | Annual renewal                                                | \$ 40.00 |

12 (c) Fees for preneed funeral contract regulation shall be as follows:

|    |                                                     |          |
|----|-----------------------------------------------------|----------|
| 13 | Preneed funeral establishment license               |          |
| 14 | Application                                         | \$150.00 |
| 15 | Annual renewal                                      | \$150.00 |
| 16 | Late renewal fee                                    | \$100.00 |
| 17 | Reinspection fee                                    | \$100.00 |
| 18 | Preneed sales license                               |          |
| 19 | Application                                         | \$ 20.00 |
| 20 | Annual renewal                                      | \$ 20.00 |
| 21 | Late renewal fee                                    | \$ 25.00 |
| 22 | Preneed contract filings                            |          |
| 23 | Filing fee for each contract                        | \$ 20.00 |
| 24 | Late filing or payment fee for each contract        | \$ 25.00 |
| 25 | Late filing fee for each certificate of performance | \$ 25.00 |
| 26 | Late filing fee for annual report                   | \$150.00 |

27 (d) Fees for Removal and Transportation Permits shall be as follows:

|    |                                                                                   |          |
|----|-----------------------------------------------------------------------------------|----------|
| 28 | <u>Individual Transporter Permit Application</u>                                  | \$125.00 |
| 29 | <u>Annual renewal</u>                                                             | \$ 75.00 |
| 30 | <u>Late fee</u>                                                                   | \$ 50.00 |
| 31 | <u>Transportation Service Permit Application</u>                                  | \$200.00 |
| 32 | <u>Annual renewal for Individual Transporter or Transportation Service Permit</u> | \$ 75.00 |
| 33 | <u>Late fee</u>                                                                   | \$ 50.00 |

34 (e) ~~All fees remitted to the Board are non-refundable.~~ Registration fee for Board-sponsored continuing education shall  
35 be \$50.00.

36 (f) All fees remitted to the Board are non-refundable.

1    *History Note:*    *Authority G.S. 90-210.23(a); 90-210.25(c); 90-210.28; 90-210.67(b),(c),(d),(d1); 90-210.68(a); 90-*  
2                        *210.132;*  
3                        *Eff. September 1, 1979;*  
4                        *Amended Eff. January 1, 1991; July 1, 1988; January 1, 1988; October 1, 1983;*  
5                        *Recodified from 21 NCAC 34 .0123 Eff. February 7, 1991;*  
6                        *Amended Eff. December 1, 1993; August 2, 1993; May 1, 1993, July 1, 1991;*  
7                        *Temporary Amendment Eff. October 1, 1997;*  
8                        *Amended Eff. August 20, 2014; March 1, 2004; August 1, 1998;*  
9                        *Readopted Eff. January 8, ~~2020~~ 2020;*  
10                      *Temporary Amendment Eff. November 7, 2025.*

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0103 (Temporary)

**DEADLINE FOR RECEIPT: Friday, October 24, 2025**

***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:

*In (a) and elsewhere, is “duly certified resident trainee” defined in a rule or law? If so, please incorporate or cross-reference the definition. If not, please define it or cite the Rule describing the requirements for how an individual obtains that certification.*

*Line 5, add a comma after “directing”. Also, is “learning experience” defined? If so, please incorporate or cross-reference the definition. If not, please define it.*

*Lines 6-7, add a comma after “director” and after “directing”. Also, delete “respectively” on both lines.*

*In (b)(1) and (2), lines 10 and 13, please delete “The licensee shall”.*

*Lines 13-14, add a comma after “Board” and after “jurisdiction”.*

*Lines 23 and 27, add a comma after both uses of “embalming”.*

*Line 32, what is a “resident trainee pocket certificate”? Also, please capitalize the phrase if you’re referring to a specific title.*

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

Travis C. Wiggs  
Commission Counsel  
Submitted to Agency: October 16, 2025

21 NCAC 34B .0103 is proposed for amendment under temporary procedures as follows:

**21 NCAC 34B .0103 AUTHORIZED PRACTICE: SUPERVISION**

(a) Duly certified resident trainees in training for funeral service, duly certified resident trainees in training for funeral directing and duly certified resident trainees in training for embalming, while participating in learning experiences and while supervised by a person licensed by the Board as a funeral service licensee, funeral director or embalmer, respectively, may assist in the practice of funeral service, funeral directing or embalming respectively, as limited by this Rule.

(b) A licensee wishing to supervise a trainee shall meet the following requirements:

(1) The licensee shall have either practiced continuously in North Carolina for a minimum of ~~five years~~ one year before the date of the ~~application, or shall have taken a trainee supervisor certification course provided by the Board;~~ application; and

(2) The licensee shall not have any disciplinary action taken by the Board or the licensing board of any other jurisdiction to suspend or revoke his or her license during the five years preceding the application.

(c) Duly certified resident trainees in training for funeral service or for funeral directing, while participating in learning experiences and while supervised by a person licensed by the Board as a preneed sales licensee, may also assist in the preneed funeral planning activities described in 21 NCAC 34D .0202(b)(1), (2), (4), and (5).

(d) No credit shall be given for the resident trainee's work that is unsupervised or performed under the supervision of a person not registered with the Board as the resident trainee's supervisor. If the registered supervisor does not supervise the resident trainee for a continuous period of more than two weeks, the traineeship under that supervisor shall terminate, requiring a new traineeship application. When a resident trainee assists in funeral service, funeral directing, embalming or preneed funeral planning on the funeral home premises, a licensed supervisor shall be on the funeral home premises where and while such activities are performed; provided that a licensed supervisor shall be present in the same room whenever a resident trainee accepts any initial payment or negotiates any contract for funeral services either at-need or pre-need with the public. When a resident trainee assists in funeral service, funeral directing, embalming or any funeral planning off the funeral home premises, such activities shall be performed only in the presence of a licensed supervisor employed with the establishment with which the resident trainee is registered.

(e) A licensed supervisor shall review with the purchaser any contract negotiated by a resident trainee, and then the licensed supervisor shall obtain the purchaser's signature on the contract in the licensed supervisor's presence.

(f) The resident trainee's license certificate for indicating the trainee's authority to assist in the activities described and authorized in this Rule and in 21 NCAC 34D .0202(b) is the resident trainee pocket certificate.

*History Note: Authority G.S. 90-210.23(a),(f); 90-210.25(a)(4),(5)d.; 90-210.67(a); 90-210.69(a);  
Eff. February 1, 1976;  
Readopted Eff. September 27, 1977;  
Amended Eff. January 1, 2009; November 1, 2004; August 1, 1998; June 1, 1994;*

1                   *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*  
2                   ~~*2017.*~~ *2017;*  
3                   *Temporary Amendment Eff. November 7, 2025.*  
4  
5

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0106 (Temporary)

**DEADLINE FOR RECEIPT: Friday, October 24, 2025**

***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:

*Line 4, add "available on the Board's website at [ncbfs.org](http://ncbfs.org)" after "forms".*

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

Travis C. Wiggs  
Commission Counsel  
Submitted to Agency: October 16, 2025

21 NCAC 34B .0106 is proposed for amendment under temporary procedures as follows:

**21 NCAC 34B .0106      EMBALMER TRAINEE APPLICATION FORM**

Applications for registration as an embalmer resident trainee shall be made on forms provided by the Board. The applicant shall furnish the applicant's photograph, name, address and biographical data; education; employment history; criminal convictions; verification by the applicant; an affidavit of a licensee that the trainee is serving under him or her; and any other information the Board deems necessary as required by law. A transcript of the applicant's high school record must accompany the application. Applications not completed within thirty (30) days following submission to the Board shall be denied. All applications for registration as a funeral service resident trainee shall contain the following:

- (1) The applicant's full name, date of birth, place of birth, and social security number;
- (2) The applicant's email address, residential address, and phone number(s);
- (3) The high school from which the applicant graduated and the date of graduation and a copy of an original certified transcript attesting to the applicant's graduation from high school;
- (4) Whether the applicant attended a mortuary science college and, if so, the name of the mortuary science college, dates of attendance, date of graduation if any, and how many semester hours the applicant completed;
- (5) Whether the applicant has taken the National Board Examination – Arts and, if so, the date on which the examination was taken and whether the applicant passed the examination;
- (6) Whether the applicant has taken the National Board Examination – Sciences and, if so, the date on which the examination was taken and whether the applicant passed the examination;
- (7) The name, address, licensed manager, mailing address, email address, telephone number, and facsimile number of the funeral establishment at which the applicant's traineeship will be performed;
- (8) The applicant's employment history over the preceding five years, to include the name and address of the employer, the dates of employment, and the nature of the work performed;
- (9) Whether the applicant has ever been certified, licensed, or registered to practice funeral service by the Board or by another occupational licensing board and, if so, the type of credential, the jurisdiction of issuance, the issuance date, the expiration date, and any examinations taken to obtain the credential;
- (10) Whether the applicant ever has been denied a credential in another state and, if so, the jurisdiction and the reason for the denial of the credential;
- (11) Whether the applicant has been convicted of a felony or misdemeanor crime and, if so, a statement providing the jurisdiction, charge, date of disposition, and sentence imposed of each conviction;
- (12) Whether the applicant has any criminal charges currently pending and, if so, the nature of the charge and the jurisdiction in which the charge is pending;

- 1       (13)   Whether the applicant has had an occupational or business license suspended or revoked by any  
2       local, state, or federal agency and, if so, a statement providing the reason for the action and the date,  
3       location, and circumstances of any violation that led to action against the license;  
4       (14)   Whether any court, board, agency, or professional organization has found applicant guilty of  
5       misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and,  
6       if so, the tribunal and the date of the finding;  
7       (15)   Whether the applicant has any charges pending before any court, board, agency, or professional  
8       organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice  
9       and, if so, the tribunal in which the charge is pending;  
10      (16)   The applicant's notarized signature to certify that:  
11            (A)    he or she has prepared the application and has read the answers;  
12            (B)    the information provided in the application is true;  
13            (C)    he or she understands that the Board may make inquiries about the applicant, including  
14            criminal record checks, and any of the information given in support of the application; and  
15            (D)    he or she understands that any credential issued shall be governed by the provisions of  
16            Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated  
17            by the Board.  
18      (17)   The proposed supervisor's attestation that:  
19            (A)    he or she is a duly licensed funeral service licensee in North Carolina;  
20            (B)    he or she is employed by the establishment at which the traineeship will occur;  
21            (C)    he or she has been licensed for at least one (1) year and has not had any disciplinary action  
22            taken against his or her credential to practice funeral service within the previous five (5)  
23            years; and  
24            (D)    he or she will notify the Board when the applicant ceases training under the proposed  
25            supervisor;  
26      (18)   The application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application  
27       fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license  
28       until the renewal fees and non-sufficient fund charges are paid; and  
29      (19)   a photograph of the applicant that is two inches by two inches in size, depicting the applicant facing  
30       the camera and without digital alteration.

31  
32   *History Note:*    *Authority G.S. 90-210.23(a); 90-210.25(a)(4);*  
33                    *Eff. February 1, 1976;*  
34                    *Readopted Eff. September 27, 1977;*  
35                    *Amended Eff. November 1, 2004;*  
36                    *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*  
37                    *2017. 2017;*

1  
2

Temporary Amendment Eff. November 7, 2025.

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0120 (Temporary)

**DEADLINE FOR RECEIPT: Friday, October 24, 2025**

***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:

*Line 5, add “or her”; or delete “him” and add “the supervisor”.*

*Line 21, add a space after “Rule”; also, add “of the Subchapter” to the end.*

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

Travis C. Wiggs  
Commission Counsel  
Submitted to Agency: October 16, 2025

21 NCAC 34B .0120 is proposed for amendment under temporary procedures as follows:

**21 NCAC 34B .0120      TRAINEE FINAL ~~AFFIDAVIT FORM~~ AFFIDAVITS**

~~Upon (a) Within 30 days following the conclusion of a resident traineeship with a licensed supervisor, the supervisor shall submit to the Board an affidavit to certify that the trainee has served and performed certain work under him as required by G.S. 90-210.25(a)(4). The affidavit shall be submitted within 30 days on forms provided by the Board and require the affiant to furnish the names of the licensee and the trainee; dates and place of service; the number of funerals, preneed funeral contracts and embalmings that the trainee has assisted in during traineeship; and any other information the Board deems necessary as required by law. shall provide the supervisor's license number and notarized attestation to the following information:~~

~~(1) the name of the trainee and the dates during which the trainee worked under the supervisor's supervision;~~

~~(2) whether the trainee has completed the minimum number of funeral service activities during his or her traineeship required by G.S. 90-210.25(a)(4)(f) and, if not, the number of funeral service activities that the trainee completed; and~~

~~(3) whether the trainee has completed the minimum number of hours as a resident trainee in the practice of funeral service required by 21 NCAC 34B .0102 and, if not, the number of hours completed during the resident traineeship.~~

~~(b) Within 30 days following the conclusion of a resident traineeship with a licensed supervisor, the supervisor shall submit to the Board an affidavit on a form prescribed by the Board, attesting to his or her opinion regarding the trainee's ability to competently perform the tasks related to the practice of funeral service set forth in Rule.0126.~~

~~(c) The supervisor shall provide the trainee with a copy of the affidavits set forth in Paragraphs (a) and (b) of this Rule within 5 days of their submission to the Board.~~

*History Note: Authority G.S. 90-210.23(a),(d),(f); 90-210.25(a)(4)f.; 90-210.67(a); 90-210.69(a);*

*Eff. February 1, 1976;*

*Readopted Eff. September 27, 1977;*

*Amended Eff. January 1, 2009; November 1, 2004; June 1, 1994; August 1, 1988; September 1, 1979;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017, 2017;*

*Temporary Amendment Eff. November 7, 2025.*

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0310 (Temporary)

**DEADLINE FOR RECEIPT: Friday, October 24, 2025**

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 call our office to inquire concerning the staff recommendation.

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

*Line 7, please double-check G.S. 90-210.25(a2)(2)a speaks to "business office" use.*

*Line 11, is the "form provided by the Board" on the website? If so, please cite it.*

*Page 2, (15), lines 7-8, please cite the specific C.F.R. intended.*

*Line 19, it appears a period was not intended after "true". Please consider breaking (P) into two sentences.*

*Line 36, shouldn't "funeral practice" be capitalized? Should "Services" be added?*

*In (3), please specify what laws, regulations, and rules are being referenced through Page 3, line 3.*

*Page 3, lines 6-7, beginning with "work" through "judgment" is unclear and ambiguous. Please delete that language or rephrase it.*

*In the History Note, do not cite to G.S. 90-210.20, as that is not rulemaking authority. Please note the same question for G.S. 90-210.27A(g). And why are you citing to G.S. 90-210.25(e)(1)?*

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

Travis C. Wiggs  
Commission Counsel  
Submitted to Agency: October 16, 2025

21 NCAC 34B .0310 is proposed for amendment under temporary procedures as follows:

**21 NCAC 34B .0310 PRACTICE OF FUNERAL SERVICE OR FUNERAL DIRECTING NOT AS AN OWNER, EMPLOYEE OR AGENT OF A LICENSED FUNERAL ESTABLISHMENT**

(a) A funeral director or funeral service licensee registered to practice under G.S. 90-210.25(a2) shall not use its business office required by G.S. 90-210.25(a2)(2)a. to conduct the practice of funeral service or funeral directing. A funeral director or funeral service licensee shall not hold out to the public that its business office is a funeral establishment and shall not use a business name that misleads the public to believe that its business office is a funeral establishment or operates or maintains a facility that is a funeral establishment.

(b) An applicant to practice under the provisions of G.S. 90-210.25(a2) shall submit a form provided by the Board with an application fee. fee of two hundred fifty dollars (\$250.00). ~~The applicant shall furnish the name, address, telephone number, and county of location for the applicant and any business organization operating under the laws of North Carolina, the license number of the applicant, the location where the applicant shall shelter remains, the location where the applicant uses as an embalming facility, the name and license numbers of any other embalmers retained by a funeral director to embalm, and any other information the Board deems necessary as required by law. The applicant shall complete a verification before a notary public.~~ Applications that are not completed within ninety (90) days following submission to the Board shall be denied.

(c) Applications for an unaffiliated practice permit shall be made on applications available on the Board's website at ncbfs.org. Applications not completed within ninety (90) days following submission to the Board shall be denied. All applications for an unaffiliated practice permit shall contain the following:

- (1) The applicant's full name and license number;
- (2) The applicant's email address, residential address, mailing address, and phone number(s);
- (3) The name of the individual or entity that owns the unaffiliated practice;
- (4) Whether the entity or individual owning the unaffiliated practice is a sole proprietorship, partnership, corporation, or limited liability company;
- (5) If owned by a sole proprietor, the legal name of the sole proprietor;
- (6) If owned by a partnership, a copy of the applicant's partnership agreement;
- (7) If owned by a corporation, a copy of the applicant's Articles of Incorporation;
- (8) If owned by a limited liability company, a copy of the applicant's Articles of Organization;
- (9) If the applicant will conduct business in a different name than that of its owning entity, a copy of the applicant's Certificate of Assumed Name;
- (10) The names and respective ownership interest percentages of each sole proprietor, partner, LLC members, or corporate officers;
- (11) The name and address of the funeral establishment or embalming facility where embalming will occur;
- (12) The address of the location at which unaffiliated practice records will be held;

- (13) The name and address of the location where sheltering of remains will occur prior to moving remains to the location at which funeral services will be held;
- (14) The names, license type and license number of each funeral director, funeral service licensee, and embalmer working for the unaffiliated practice and whether said licensee is working on a full-time, part-time, or per case basis;
- (15) A copy of the General Price List, Casket Price List, Outer Burial Container Price List, and Statement of Funeral Goods and Services Selected intended for use by the applicant, as required by the FTC Funeral Rule, 16 C.F.R. Part 453;
- (16) Proof of the applicant's professional liability insurance with a minimum coverage amount of \$1,000,000.00;
- (17) Whether the applicant currently is in good standing with the North Carolina Secretary of State and, if so, documentation to establish proof of the same;
- (18) Whether, within the preceding 2 years, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;
- (19) The licensed manager's notarized signature to certify that:
- (A) he or she has prepared the application and has read the answers;
- (B) the information provided in the application is true;
- (C) the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789;
- (D) he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board; and
- (E) the applicant owns, or was employed by, a funeral establishment directly damaged or destroyed by Hurricane Helene, to include the name of said funeral establishment and the type of damage or destruction that said funeral establishment suffered.
- (20) The application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license until the renewal fees and non-sufficient fund charges are paid.
- (d) Renewal applications for an unaffiliated practice permit shall be made on applications available on the Board's website at ncbfs.org. All renewal applications for an unaffiliated practice permit shall contain all information required by Paragraph (c)(1)-(4), (c)(9)-(20) of this Rule.

*History Note: Authority G.S. 90-210.20(h); 90-210.23(a); 90-210.25(a2)(2)a., b.; 90-210.27A(a), (i); Eff. February 1, 2009; 2009; Temporary Amendment Eff. November 7, 2025.*

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

AGENCY: North Carolina Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0502 (Temporary)

**DEADLINE FOR RECEIPT: Friday, October 24, 2025**

***PLEASE NOTE: This request when viewed on computer extends 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 call this office to inquire concerning the staff recommendation.

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

*Page 2, line 18, spell "2".*

*Page 3, in the History Note, is "93B-15.3" in S.L.2025-76?*

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

Travis C. Wiggs  
Commission Counsel  
Submitted to Agency: October 16, 2025

21 NCAC 34B .0502 is proposed for amendment under temporary procedures as follows:

**21 NCAC 34B .0502 APPLICATION FORM AND EQUIVALENT EXAMINATIONS FOR  
RECIPROCAL LICENSE**

(a) Applications by an out-of-state licensee for a North Carolina license pursuant to G.S. 90-210.25(b)(1) shall be made on forms provided by the Board on its website at ncbfs.org. ~~The form shall require the applicant to furnish the applicant's name, address, phone number, email address, social security number, date and place of birth, and sex; name and address of present employer; whether the applicant has military training or experience in the practice of funeral service; whether the applicant is a military spouse; whether the applicant has had recent experience in the practice of the type of reciprocal license sought for at least two of the five years preceding the date of the application; whether the applicant has any pending complaints against his or her license in any jurisdiction in which he or she is licensed to practice funeral service; educational history; license applied for; name of the jurisdiction where licensed and the kinds of licenses held; whether the applicant ever has had any occupational or business license denied, suspended or revoked; whether the applicant ever has been convicted of any felony or misdemeanor crime other than traffic infractions; whether the applicant has been subject to any investigation for employee misclassification in the preceding two years; and the notarized signature of the applicant.~~ Applications for licensure as a funeral service licensee, embalmer, or funeral director by individuals licensed in other jurisdictions shall be made on applications available on the Board's website at ncbfs.org. Applications not completed within ninety (90) days following submission to the Board shall be denied. All applications for such licensure shall contain the following:

- (1) The applicant's full name, date of birth, place of birth, sex, and social security number;
- (2) The applicant's email address, residential address, mailing address, and phone number(s);
- (3) The name and address of the applicant's current employer and past employers over the three years preceding the application, to include the dates of employment and nature of the work performed by the applicant;
- (4) Whether the applicant is applying for a funeral service license, a funeral director license, or embalmer license;
- (5) The name of each college or university attended by the application, the dates of attendance, and the graduation date and degree(s) obtained, if any;
- (6) A certified transcript from each college or university at which the applicant attended courses toward his or her attainment of the educational degree required by G.S. 90-210.25(a)(1), (2), (3);
- (7) Whether the applicant currently holds a funeral service license, funeral director license, or embalmer license in any jurisdiction outside of North Carolina and if so, the name of the jurisdiction, the date that the license was issued, the license number, and the expiration date of the license;
- (8) Whether the applicant has any military training or military experience in the practice of funeral service and, if so, for how many years the applicant has practiced funeral service in the 5 years preceding the application;

- 1       (9)     Whether the applicant is a spouse of a military servicemember and, if so, for how many years the  
2       applicant has practiced funeral service in the 5 years preceding the application;
- 3       (10)    Whether the applicant ever has been denied a credential in another state and, if so, the jurisdiction  
4       and the reason for the denial of the credential;
- 5       (11)    Whether the applicant has been convicted of a felony or misdemeanor crime and, if so, a statement  
6       providing the jurisdiction, charge, date of disposition, and sentence imposed of each conviction;
- 7       (12)    Whether the applicant has any criminal charges currently pending and, if so, the nature of the charge  
8       and the jurisdiction in which the charge is pending;
- 9       (13)    Whether the applicant has had an occupational or business license suspended or revoked by any  
10      local, state, or federal agency and, if so, a statement providing the reason for the action and the date,  
11      location, and circumstances of any violation that led to action against the license;
- 12      (14)    Whether any court, board, agency, or professional organization has found applicant guilty of  
13      misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and,  
14      if so, the tribunal and the date of the finding;
- 15      (15)    Whether the applicant has any charges pending before any court, board, agency, or professional  
16      organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice  
17      and, if so, the tribunal in which the charge is pending;
- 18      (16)    Whether, within the preceding 2 years, the applicant has been the subject of any investigation for  
19      employee misclassification and, if so, the results of the investigation;
- 20      (17)    The applicant's notarized signature to certify that:
- 21            (A)     he or she has prepared the application and has read the answers;
- 22            (B)     the information provided in the application is true;
- 23            (C)     the applicant has read and understands the public notice statement on employee  
24            misclassification that is set forth in the application and has disclosed any investigations for  
25            employee misclassification, and its results, over the preceding two year period, as  
26            prescribed by G.S. 143-789; and
- 27            (D)     he or she understands that any credential issued shall be governed by the provisions of  
28            Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated  
29            by the Board.
- 30      (18)    The application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application  
31      fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license  
32      until the renewal fees and non-sufficient fund charges are paid.
- 33   (b) The form shall require the licensing board of the other jurisdiction(s) to certify that the applicant is licensed and  
34   in good standing in that jurisdiction and to furnish the Board with the name of the applicant, licenses held and dates  
35   granted, and the name and address of the Board in such other jurisdiction.
- 36   (c) The applicant shall provide an employment history to show at least three consecutive years of professional practice  
37   performed in the other jurisdiction(s). jurisdictions to demonstrate professional competency.

1 (d) ~~Funeral director applicants~~ Applicants for reciprocal licensure pursuant to G.S. 90-210.25(b)(1) or G.S. 93B-15.3  
2 shall be deemed to have satisfied the examination requirements for reciprocal licensure if they have completed with  
3 passing scores ~~the Entry Level Examination defined in 21 NCAC 34B .0313(a)(2) as a requirement for licensure in~~  
4 ~~the other jurisdiction and the Laws and Rules Examination defined in 21 NCAC 34B .0313(a)(3).~~

5 (e) ~~Funeral service applicants shall be deemed to have satisfied the examination requirements for reciprocal licensure~~  
6 ~~if they have completed the National Board Examinations as administered through The International Conference of~~  
7 ~~Funeral Service Examining Boards, or equivalent examinations, as a requirement for licensure in the other jurisdiction~~  
8 ~~and the Laws and Rules Examination defined in 21 NCAC 34B .0313(a)(3).~~

9  
10 *History Note:* Authority G.S. 90-210.23(a); 90-210.25(b)(1); 93B-15.1; 93B-15.3;

11 *Eff. February 1, 1976;*

12 *Readopted Eff. September 27, 1977;*

13 *Amended Eff. November 1, 2004; September 1, 1979;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*  
15 *2017;*

16 *Amended Eff. March 17, ~~2021-2021~~;*

17 *Temporary Amendment Eff. November 7, 2025.*  
18

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

AGENCY: North Carolina Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0608 (Temporary)

**DEADLINE FOR RECEIPT: Friday, October 24, 2025**

***PLEASE NOTE: This request when viewed on computer extends 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 call this office to inquire concerning the staff recommendation.

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

*Line 31, capitalize "whether".*

*Lines 36-37, where in G.S. 90-210.25(d)(1) does it speak to the "licensed location manager" for the funeral establishment?*

*Page 2, (14), lines 7-8, please cite the specific C.F.R. intended.*

*Page 2, line 13, spell "2".*

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

Travis C. Wiggs  
Commission Counsel  
Submitted to Agency: October 16, 2025

21 NCAC 34B .0608 is proposed for amendment under temporary procedures as follows:

**21 NCAC 34B .0608      APPLICATION FORM FOR FUNERAL ESTABLISHMENT PERMIT AND  
BRANCH ESTABLISHMENT PERMIT**

(a) Applications for a new funeral establishment permit shall be made on forms provided by the Board. The applicant shall furnish the name and address of the establishment; the name or names of the owner or owners; the ownership of the stock if it is owned by a corporation; a description of the preparation room; size of the repose room; names and license numbers of all part time and full time licensees employed by the establishment; the name and license number of the manager; verification by the manager; and any other information the Board deems necessary as required by law. Board that are made available on the Board's website, ncbfs.org. Applications for a new funeral establishment permit not completed within ninety (90) days following submission to the Board shall be denied. All applications for a new funeral establishment permit shall contain the following:

- (1) The legal name of the individual or entity that owns the funeral establishment;
- (2) The email address, physical address, mailing address, phone number(s), and facsimile number of the funeral establishment;
- (3) Other names under which the funeral establishment conducts business;
- (4) Whether the entity or individual owning the unaffiliated practice is a sole proprietorship, partnership, corporation, or limited liability company;
- (5) If owned by a sole proprietor, the legal name of the sole proprietor;
- (6) If owned by a partnership, a copy of the applicant's partnership agreement, the name of each partner and his or her respective ownership interests;
- (7) If owned by a corporation, a copy of the applicant's Articles of Incorporation, the name of each corporate officer, his or her position, and the respective ownership interests of each person or entity holding an ownership interest in the corporation;
- (8) If owned by a limited liability company, a copy of the applicant's Articles of Organization and the name of each member and his or her respective percentage of ownership;
- (9) If the applicant will conduct business in a different name than that of its owning entity, a copy of the applicant's Certificate of Assumed Name;
- (10) The name and address of any funeral establishment, crematory, cemetery, mutual burial association, or embalming facility under common ownership of the funeral establishment;
- (11) whether the preparation room within the funeral establishment complies with the requirements of G.S. 90-210.27A(a);
- (12) Whether embalming will be performed in an embalming facility located outside of the funeral establishment and, if so, the name and address of the location at which embalming will be performed;
- (13) The name and license number of the individual who will serve as the licensed location manager for the funeral establishment in accordance with G.S. 90-210.25(d)(1);

- 1       (13) The facility at which refrigeration of unembalmed human remains on behalf of the funeral  
2       establishment will occur, if refrigeration will be performed in an off-site facility;
- 3       (13) The names, license type and license number of each funeral director, funeral service licensee, and  
4       embalmer working for the establishment and whether said licensee is working on a full-time, part-  
5       time, or per case basis;
- 6       (14) A copy of the General Price List, Casket Price List, Outer Burial Container Price List, and Statement  
7       of Funeral Goods and Services Selected intended for use by the applicant, as required by the FTC  
8       Funeral Rule, 16 C.F.R. Part 453;
- 9       (15) Proof of the applicant's right of occupancy for the premises at which the funeral establishment will  
10       be located;
- 11       (16) Whether the applicant currently is in good standing with the North Carolina Secretary of State and,  
12       if so, documentation to establish proof of the same;
- 13       (17) Whether, within the preceding 2 years, the applicant has been the subject of any investigation for  
14       employee misclassification and, if so, the results of the investigation;
- 15       (18) The licensed manager's notarized signature to certify that:  
16       (A) he or she has prepared the application and has read the answers;  
17       (B) the information provided in the application is true;  
18       (C) the applicant has read and understands the public notice statement on employee  
19       misclassification that is set forth in the application and has disclosed any investigations for  
20       employee misclassification, and its results, over the preceding two year period, as  
21       prescribed by G.S. 143-789; and  
22       (D) he or she understands that any credential issued shall be governed by the provisions of  
23       Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated  
24       by the Board;
- 25       (19) The signature of each owner, partner, manager, member, operator, and officer of the business entity  
26       applying for licensure, consenting to the Board's ability to conduct a background check on his or  
27       her criminal history; and
- 28       (20) The application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application  
29       fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license  
30       until the renewal fees and non-sufficient fund charges are paid.
- 31       (b) Upon receipt of an application as set forth in this Rule, the Board shall provide to the individuals identified  
32       in Paragraph (a)(19) of this Rule instructions on how to submit his or her fingerprints for a criminal background check,  
33       in accordance with G.S. 90-210.25(a)(5)(h). The individuals shall sign and return to the Board a form provided by the  
34       Board, consenting to the check of the criminal records and to the use of his or her fingerprints and other identifying  
35       information required by the State or national repositories. If the background check is performed by the State Bureau  
36       of Investigation, the individuals shall remit payment to the Board in the form of an official check, money order, or  
37       cashier's check, made payable to the State Bureau of Investigation, the actual costs charged by the Department of

1 Public Safety for performing the criminal background check. If the background check is performed by another vendor,  
2 the individuals shall remit payment to the Board payment of actual costs charged by the vendor for performing the  
3 criminal background check.

4 (c) Applications for a new funeral branch establishment permit shall be made on forms provided by the Board that  
5 are made available on the Board's website, ncbfs.org. Applications for a new funeral branch establishment permit not  
6 completed within ninety (90) days following submission to the Board shall be denied. All applications for a new  
7 funeral branch establishment permit shall contain the same information required in Paragraph (a) of this Rule. No  
8 branch establishment to which a permit is issued by the Board shall engage in the practice of embalming unless the  
9 branch establishment contains a preparation room that is compliant with G.S. 90-210.27A(a).

10  
11 *History Note: Authority G.S. 90-210.23(a),(d),(e); 90-210.25(d); 90-210.27A;*

12 *Eff. February 1, 1976;*

13 *Readopted Eff. September 27, 1977;*

14 *Amended Eff. December 1, 2004; August 1, 1988; September 1, 1979;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*  
16 *~~2017.~~ 2017;*

17 *Temporary Amendment Eff. November 7, 2025.*  
18

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

AGENCY: North Carolina Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0610 (Temporary)

**DEADLINE FOR RECEIPT: Friday, October 24, 2025**

***PLEASE NOTE: This request when viewed on computer extends 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 call this office to inquire concerning the staff recommendation.

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

*Line 28, capitalize "whether".*

*Lines 34-35, where in G.S. 90-210.25(d)(1) does it speak to the "licensed location manager" for the funeral establishment?*

*Page 2, (14), lines 7-8, please cite the specific C.F.R. intended.*

*Page 2, line 13, spell "2".*

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

Travis C. Wiggs  
Commission Counsel  
Submitted to Agency: October 16, 2025

21 NCAC 34B .0610 is proposed for amendment under temporary procedures as follows:

**21 NCAC 34B .0610 FUNERAL ESTABLISHMENT PERMIT AND BRANCH ESTABLISHMENT  
RENEWAL FORM**

All funeral establishments and branch establishments ~~holding a funeral establishment permit~~ shall annually submit a renewal application on forms provided by the Board. ~~The applicant shall furnish the name and address of the establishment; ownership of the establishment; license numbers of any owner, partner, officers of the business entity owning establishment; licensees employed by the funeral establishment; name and license number of the manager of the funeral establishment; and any other information the Board deems necessary as required by law. The form must be filed no later than February 1 of each year.~~ Board that are available on the Board's website, [ncbfs.org](http://ncbfs.org). All renewal applications for a funeral establishment or a branch establishment permit shall contain the following:

- (1) The legal name of the individual or entity that owns the funeral establishment;
- (2) The email address, physical address, mailing address, phone number(s), and facsimile number of the funeral establishment;
- (3) Other names under which the funeral establishment conducts business;
- (4) Whether the entity or individual owning the unaffiliated practice is a sole proprietorship, partnership, corporation, or limited liability company;
- (5) If owned by a sole proprietor, the legal name of the sole proprietor;
- (6) If owned by a partnership, the name of each partner and his or her respective ownership interests;
- (7) If owned by a corporation, the name of each corporate officer and his or her position and his or her respective ownership interest;
- (8) If owned by a limited liability company, the name of each member and his or her respective percentage of ownership;
- (10) Whether the establishment has continuously held a funeral establishment permit since January 1, 1988;
- (11) Whether more than fifty percent (50%) of the ownership interest has changed at any time since last year's renewal;
- (11) whether the preparation room within the funeral establishment complies with the requirements of G.S. 90-210.27A(a) and whether any changes have been made to the preparation room since the previous renewal application;
- (12) Whether embalming will be performed in an embalming facility located outside of the funeral establishment and, if so, the name and address of the location at which embalming will be performed;
- (13) The name and license number of the individual who will serve as the licensed location manager for the funeral establishment in accordance with G.S. 90-210.25(d)(1);
- (13) The facility at which refrigeration of unembalmed human remains on behalf of the funeral establishment will occur, if refrigeration will be performed in an off-site facility;

- 1       (13) The names, license type and license number of each funeral director, funeral service licensee, and  
2       embalmer working for the establishment and whether said licensee is working on a full-time, part-  
3       time, or per case basis;
- 4       (16) Whether the applicant currently is in good standing with the North Carolina Secretary of State and,  
5       if so, documentation to establish proof of the same;
- 6       (17) Whether, since the previous renewal application, the applicant has been the subject of any  
7       investigation for employee misclassification and, if so, the results of the investigation;
- 8       (18) The licensed manager's notarized signature to certify that:
- 9           (A) he or she has prepared the application and has read the answers;  
10          (B) the information provided in the application is true;  
11          (C) the applicant has read and understands the public notice statement on employee  
12          misclassification that is set forth in the application and has disclosed any investigations for  
13          employee misclassification, and its results, since the last renewal application, as prescribed  
14          by G.S. 143-789; and
- 15          (D) he or she understands that any credential issued shall be governed by the provisions of  
16          Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated  
17          by the Board.
- 18       (19) If requested by the Board, the signature of each owner, partner, manager, member, operator, and  
19       officer of the business entity applying for renewal of licensure, consenting to the Board's ability to  
20       conduct a background check on his or her criminal history; and
- 21       (20) The application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application  
22       fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license  
23       until the renewal fees and non-sufficient fund charges are paid.

24

25   *History Note: Authority G.S. 90-210.23(a); 90-210.25(d)(3);*  
26       *Eff. February 1, 1976;*  
27       *Readopted Eff. September 27, 1977;*  
28       *Amended Eff. December 1, 2004; September 1, 1979;*  
29       *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*  
30       *~~2017.~~ 2017:*  
31       *Temporary Amendment Eff. November 7, 2025.*  
32  
33

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

AGENCY: North Carolina Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0616 (Temporary)

**DEADLINE FOR RECEIPT: Friday, October 24, 2025**

***PLEASE NOTE: This request when viewed on computer extends 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 call this office to inquire concerning the staff recommendation.

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

*Line 4, consider moving “shall” before “immediately”.*

*Line 4, it appears the statute should read “G.S. 90-210.29A”.*

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

Travis C. Wiggs  
Commission Counsel  
Submitted to Agency: October 16, 2025

21 NCAC 34B .0616 is proposed for amendment under temporary procedures as follows:

**21 NCAC 34B .0616 BODY IDENTIFICATION TAGS**

A funeral establishment immediately shall place a body identification tag as set forth in G.S. 9021-29A on a dead human body entering the funeral establishment's physical premises. Unused body identification tags shall be kept on the premises of each funeral establishment at all times and are subject to inspection by the Board and its authorized agents.

*History Note: Authority G.S. 90-210.23(a),(e); 90-210.27A(a)(10); 90-210.29A;*

*Eff. September 1, 2009;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, ~~2017~~. 2017;*

*Temporary Amendment Eff. November 7, 2025.*

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0801 (Temporary)

**DEADLINE FOR RECEIPT: Friday, October 24, 2025**

***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 2, line 3, add quotation marks around "Removal or Transportation" to indicate this phrase is defined.*

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

Travis C. Wiggs  
Commission Counsel  
Submitted to Agency: October 16, 2025

21 NCAC 34B .0801 is proposed for amendment under temporary procedures as follows:

## **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, pursuant to G.S. 130A-382.
- (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 to an individual by the Board pursuant to Rule .0802 of this Section 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).

1       (16)   “Transportation Service Permit” shall mean a permit issued to a Transportation Service pursuant to  
2       Rule .0807 of this Section that conducts, maintains, manages, or operates a business engaged in  
3       Removal or Transportation.

4  
5   *History Note:*    *Authority G.S. 90-210.23(a); 90-210.25(c)(10);*  
6                    *Eff. February 1, ~~2025~~; 2025;*  
7                    *Temporary Amendment Eff. November 7, 2025.*

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0802 (Temporary)

**DEADLINE FOR RECEIPT: Friday, October 24, 2025**

**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, line 6, please delete "http:/", or add it to the other cited websites, for consistency.*

*Line 22, add "f;" to the end.*

*Line 36, where is the "NC Industrial Commission Public Notice Statement" specifically located for accessibility of the regulated public.*

*Page 2, lines 1-2, please specify what statutes and rules are being referenced?*

*Line 3, add "found in" before the cited C.F.R..*

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

Travis C. Wiggs  
Commission Counsel  
Submitted to Agency: October 16, 2025

21 NCAC 34B .0802 is proposed for amendment under temporary procedures as follows:

**21 NCAC 34B .0802 INITIAL TRANSPORTER 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 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, address, and permit number ~~name and address~~ of the Transportation Service ~~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 G.S. 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 subject to any investigation for employee misclassification as defined by G.S. 143-786(a)(5) in the preceding two years;
- (16) The applicant's signature to certify under oath that he or she has prepared the application and has read the answers; that the information provided in the application is true; and that he or she has read the NC Industrial Commission Public Notice Statement;

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

(18) The application fee, as prescribed by G.S. 90-210.25(c)(8) and 21 NCAC 34A .0201.

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

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5)(h); 90-210.25(c)(7) and (10); Eff. February 1, ~~2025~~, 2025;*  
*Temporary Amendment Eff. November 7, 2025.*

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0803 (Temporary)

**DEADLINE FOR RECEIPT: Friday, October 24, 2025**

**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:

*Line 4, add “available on the Board’s website at ncbfs.org” after “application”.*

*Line 30, spell out “OCME” the first time it’s used in a rule.*

*Lines 35-36, where is the “NC Industrial Commission Public Notice Statement” specifically located for accessibility of the regulated public.*

*Page 2, line 2, please specify what statutes and rules are being referenced.*

*Line 3, add “found in” before the cited C.F.R..*

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

Travis C. Wiggs  
Commission Counsel  
Submitted to Agency: October 16, 2025

21 NCAC 34B .0803 is proposed for amendment under temporary procedures as follows:

**21 NCAC 34B .0803      TRANSPORTER 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, address, and permit number~~ ~~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 G.S. 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 subject to any investigation for employee misclassification as defined by G.S. 143-786(a)(5) since the previous renewal application was submitted;
- (14) The permit holder's signature to certify that he or she has prepared the application and has read the answers; that the information provided in the application is true; and that he or she has read the NC Industrial Commission Public Notice Statement;

1 (15) The permit holder's signature to certify under oath that he or she has read and understands the  
2 statutes and rules relating to the removal or transportation, as well as the standards of OSHA for  
3 universal precautions and blood-borne pathogens, 29 C.F.R. 1910.1030;

4 (16) The permit holder's consent to a check of the permit holder's criminal background by the Board; and

5 (17) The application fee, as prescribed by G.S. 90-210.25(c)(8) and 21 NCAC 34A .0201. If the  
6 application fee is dishonored by the drawee bank for any reason, the Board shall suspend the  
7 Transporter Permit until the renewal fees and non-sufficient fund charges are paid.

8  
9 *History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5)(h); 90-210.25(c)(8) and (10);*

10 *Eff. February 1, ~~2025~~, 2025;*

11 *Temporary Amendment Eff. November 7, 2025.*

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0807 (Temporary)

**DEADLINE FOR RECEIPT: Friday, October 24, 2025**

**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:

*Line 6, please delete "http:/", or add it to the other cited websites, for consistency.*

*Lines 21, 28, and 30, make "Licensees" lowercase.*

*Page 2, line 6, spell out "OCME" the first time it's used in a rule.*

*Page 2, line 13, spell "2".*

*Page 2, line 21, please specify what statutes and rules are being referenced.*

*Line 23, add "found in" before the cited C.F.R..*

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

Travis C. Wiggs  
Commission Counsel  
Submitted to Agency: October 16, 2025

21 NCAC 34B .0807 is proposed for adoption under temporary procedures as follows:

**21 NCAC 34B .0807      INITIAL TRANSPORTATION SERVICE PERMIT APPLICATION FORM**

(a) Pursuant to G.S. 90-210.25(c)(7), any business desiring to obtain a Transportation Service Permit from the Board shall make application to the Board. Applications not completed within 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 Transportation Service Permit shall contain the following:

- (1) The applicant's full name and Transporter Permit number, if one exists;
- (2) The applicant's email address, physical address, mailing address, and phone number(s);
- (3) The name of the individual or entity that owns the Transportation Service;
- (4) Whether the entity or individual owning the unaffiliated practice is a sole proprietorship, partnership, corporation, or limited liability company;
- (5) If owned by a sole proprietor, the legal name of the sole proprietor;
- (6) If owned by a partnership, a copy of the applicant's partnership agreement;
- (7) If owned by a corporation, a copy of the applicant's Articles of Incorporation;
- (8) If owned by a limited liability company, a copy of the applicant's Articles of Organization;
- (9) If the applicant will conduct business in a different name than that of its owning entity, a copy of the applicant's Certificate of Assumed Name;
- (10) The names and respective ownership interest percentages of each sole proprietor, partner, LLC members, or corporate officers;
- (11) A copy of valid driver's licenses issued by the State for all Licensees who will be working for the Transportation Service;
- (12) The address of the location at which Transportation Service business records will be held;
- (13) The make, model, year, and license plate number of all removal vehicles to be used by the Transportation Service and a copy of all liability insurance required for the registration of the removal vehicles to be used by the Transportation Service;
- (14) The names, license or permit type, and license or permit number of each Licensee working for the Transportation Service and whether said Licensee is working on a full-time, part-time, or per case basis;
- (15) A copy of the professional liability insurance covering the acts and omissions of all Licensees engaged in Removal or Transportation on behalf of the Transportation Service, with liability limits not less than required by G.S. 90-210.25(c)(7);
- (16) Whether the applicant currently is in good standing with the North Carolina Secretary of State and, if so, documentation to establish proof of the same;
- (17) Whether the owner, partner, manager, member, operator, or officer of the Transportation Service has been convicted of any felony or misdemeanor crimes and, if so, a statement providing the jurisdiction, charge, and disposition of each conviction;

1       (18) Whether the Transportation Service or any of its owners, partners, managers, members, operators,  
2       or officers has had an occupational or business license denied, suspended, or revoked by any local,  
3       state, or federal agency and, if so, a statement providing the reason for the denial and the date,  
4       location, and circumstances of any violation that led to action against the applicant, the terms of any  
5       discipline imposed by the licensing authority, and whether said terms have been satisfied;  
6       (19) Whether OCME ever has terminated the ability of the Transportation Service or any of its owners,  
7       partners, managers, members, operators, or officers to provide removal or transportation services  
8       on behalf of OCME and, if so, the reasons for said termination, if known;  
9       (20) Whether, within the preceding 2 years, the applicant has been the subject of any investigation for  
10       employee misclassification and, if so, the results of the investigation;  
11       (21) The notarized signature of the majority owner of the Transportation Service to certify that:  
12       (A) he or she has prepared the application and has read the answers;  
13       (B) the information provided in the application is true;  
14       (C) he or she has read and understands the public notice statement on employee  
15       misclassification that is set forth in the application and has disclosed any investigations for  
16       employee misclassification, and its results, over the preceding two year period, as  
17       prescribed by G.S. 143-789;  
18       (D) he or she understands that any credential issued shall be governed by the provisions of  
19       Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated  
20       by the Board; and  
21       (E) he or she has read and understands the statutes and rules relating to the removal or  
22       transportation, as well as the standards of OSHA for universal precautions and blood-borne  
23       pathogens, 29 C.F.R. 1910.1030.  
24       (22) The signature of each owner, partner, manager, member, operator, and officer of the business entity  
25       applying for the Transportation Service Permit, consenting to the Board's ability to conduct a  
26       background check on his or her criminal history; and  
27       (22) The application fee, as prescribed by G.S. 90-210.25(c)(8) and 21 NCAC 34A .0201.  
28       (c) Upon receipt of an application for a Transportation Service Permit, the Board shall provide to the individuals  
29       identified in Paragraph (b)(22) of this Rule instructions on how to submit his or her fingerprints for a criminal  
30       background check, in accordance with G.S. 90-210.25(a)(5)(h). The individuals shall sign and return to the Board a  
31       form provided by the Board, consenting to the check of the criminal records and to the use of his or her fingerprints  
32       and other identifying information required by the State or national repositories. If the background check is performed  
33       by the State Bureau of Investigation, the individuals shall remit payment to the Board in the form of an official check,  
34       money order, or cashier's check, made payable to the State Bureau of Investigation, the actual costs charged by the  
35       Department of Public Safety for performing the criminal background check. If the background check is performed by  
36       another vendor, the individuals shall remit payment to the Board payment of actual costs charged by the vendor for  
37       performing the criminal background check.

1  
2  
3  
4

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5)(h); 90-210.25(c)(7) and (10);  
Temporary Adoption Eff. November 7, 2025.*

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0808 (Temporary)

**DEADLINE FOR RECEIPT: Friday, October 24, 2025**

**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:

*Lines 16, 22, and 23, make "Licensees" lowercase.*

*Page 2, line 3, spell out "OCME" the first time it's used in a rule.*

*Line 19, please specify what statutes and rules are being referenced.*

*Line 21, add "found in" before the cited C.F.R..*

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

Travis C. Wiggs  
Commission Counsel  
Submitted to Agency: October 16, 2025

21 NCAC 34B .0808 is proposed for adoption under temporary procedures as follows:

**21 NCAC 34B .0808      TRANSPORTATION SERVICE PERMIT RENEWAL APPLICATION FORM**

(a) To renew a Transportation Service 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 applicant's full name and Transporter Permit number, if one exists;

(2) The applicant's email address, physical address, mailing address, and phone number(s);

(3) The name of the individual or entity that owns the Transportation Service;

(4) Whether the entity or individual owning the unaffiliated practice is a sole proprietorship, partnership, corporation, or limited liability company;

(5) If the applicant will conduct business in a different name than that of its owning entity, a copy of the applicant's Certificate of Assumed Name;

(6) The names and respective ownership interest percentages of each sole proprietor, partner, LLC members, or corporate officers;

(7) A copy of valid driver's licenses issued by the State for all Licensees who will be working for the Transportation Service and not previously provided to the Board by the Transportation Service;

(8) The address of the location at which Transportation Service business records will be held;

(9) The make, model, year, and license plate number of all removal vehicles to be used by the Transportation Service and a copy of all liability insurance required for the registration of the removal vehicles to be used by the Transportation Service;

(10) The names, license or permit type, and license or permit number of each Licensee working for the Transportation Service and whether said Licensee is working on a full-time, part-time, or per case basis;

(11) A copy of the professional liability insurance covering the acts and omissions of all Licensees engaged in Removal or Transportation on behalf of the Transportation Service, with liability limits not less than required by G.S. 90-210.25(c)(7);

(12) Whether the applicant currently is in good standing with the North Carolina Secretary of State and, if so, documentation to establish proof of the same;

(13) Whether the owner, partner, manager, member, operator, or officer of the Transportation Service has been convicted of any felony or misdemeanor crimes since the last year's renewal application and, if so, a statement providing the jurisdiction, charge, and disposition of each conviction;

(14) Whether the Transportation Service or any of its owners, partners, managers, members, operators, or officers has had an occupational or business license denied, suspended, or revoked by any local, state, or federal agency since the last year's renewal 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

1 applicant, the terms of any discipline imposed by the licensing authority, and whether said terms  
2 have been satisfied;

3 (15) Whether OCME ever has terminated the ability of the Transportation Service or any of its owners,  
4 partners, managers, members, operators, or officers to provide removal or transportation services  
5 on behalf of OCME since the last year's renewal application and, if so, the reasons for said  
6 termination, if known;

7 (16) Whether, within the last year's renewal application, the applicant has been the subject of any  
8 investigation for employee misclassification and, if so, the results of the investigation;

9 (17) The notarized signature of the majority owner of the Transportation Service to certify that:

10 (A) he or she has prepared the application and has read the answers;

11 (B) the information provided in the application is true;

12 (C) he or she has read and understands the public notice statement on employee  
13 misclassification that is set forth in the application and has disclosed any investigations for  
14 employee misclassification, and its results, since the last year's renewal application, as  
15 prescribed by G.S. 143-789;

16 (D) he or she understands that any credential issued shall be governed by the provisions of  
17 Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated  
18 by the Board; and

19 (E) he or she has read and understands the statutes and rules relating to the removal or  
20 transportation, as well as the standards of OSHA for universal precautions and blood-borne  
21 pathogens, 29 C.F.R. 1910.1030.

22 (18) The signature of each owner, partner, manager, member, operator, and officer of the business entity  
23 applying to renew the Transportation Service Permit, consenting to the Board's ability to conduct a  
24 background check on his or her criminal history; and

25 (19) The application fee, as prescribed by G.S. 90-210.25(c)(8) and 21 NCAC 34A .0201. If the  
26 application fee is dishonored by the drawee bank for any reason, the Board shall suspend the  
27 Transportation Service Permit until the renewal fees and non-sufficient fund charges are paid.

28  
29 History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5)(h); 90-210.25(c)(8) and (10);

30 Temporary Adoption Eff. November 7, 2025.  
31

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34D .0305 (Temporary)

**DEADLINE FOR RECEIPT: Friday, October 24, 2025**

***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:

*Line 7, considering replacing “mediately” with “indirectly” for clarity.*

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

Travis C. Wiggs  
Commission Counsel  
Submitted to Agency: October 16, 2025

21 NCAC 34D .0305 is proposed for adoption under temporary procedures as follows:

**21 NCAC 34D .0305      TRANSFER OF TRUST FUNDS TO INSURANCE FUNDED PRODUCT**

(a) When, pursuant to G.S. 90-210.61(d), a preneed licensee withdraws preneed funeral funds from an irrevocable preneed funeral trust to purchase an insurance funded product that is irrevocably assigned to the contracting preneed funeral establishment, the preneed licensee shall direct the financial institution that is a party to the preneed funeral contract to make the transfer directly and solely to the substitute insurance company and not mediately to the preneed licensee. The preneed licensee shall obtain the preneed contract purchaser's consent for the conversion on a form prescribed by the Board, which shall contain the following information:

- (1) The name, address, and license number of the preneed establishment serving as trustee for the preneed contract, along with the preneed contract identification number prescribed by the Board;
- (2) The name and address of the financial institution, along with the account number in which the preneed funds are held;
- (3) The name and address of the successor insurance company, to which the preneed funds will be transferred for the purchase of an irrevocably assigned insurance product;
- (4) The name of the preneed contract beneficiary and preneed contract purchaser;
- (5) The dated signature of the preneed contract purchaser or, if the purchaser, is deceased, the preneed contract beneficiary's legal representative, attesting to their consent for the conversion of the irrevocable preneed trust to an irrevocably assigned insurance product; and
- (6) The dated signature of the representative of the financial institution attesting to its payment of the preneed funds to the successor insurance company and the amount of preneed funds so transferred.

(b) The preneed licensee shall file said form with the Board within ten (10) days following withdrawal of the preneed funeral funds from trust.

*History Note: Authority G.S. 90-210.69(a); 90-210.68(b);*

*Temporary Adoption Eff. November 7, 2025.*