

21 NCAC 34B .0408 is amended with changes as published in 37:04 NCR 340-342 as follows:

21 NCAC 34B .0408 CONTINUING EDUCATION PROGRAM

(a) For licensees required to complete ~~CE~~ continuing education (“CE”) as a prerequisite to annual license renewal, the five hours of approved CE shall meet the following requirements:

- (1) ~~Up to two hours may be in courses required by the Board.~~ CE courses taken at the direction of the Board as memorialized in a [letter of caution, consent [order, or] order, final agency [decision] decision, or taken voluntarily by the licensee to resolve a pending disciplinary matter, shall not be credited toward CE hours needed for annual licensure renewal. If the Board requires licensees to take a particular required course or courses, the Board shall notify licensees no later than October 1 of the year preceding the calendar year in which the course(s) will be required.
- (2) ~~Licensees may take up to two hours of continuing education each year by computer based CE approved by the Board as set forth in 21 NCAC 34B .0414.~~
- (3) ~~Licensees may not receive more than two hours of credit for continuing education courses in preneed each year.~~
- (4)(2) Licensees ~~may~~ shall not receive credit toward completed CE hours for taking the same CE course within two years.

(b) ~~A newly admitted active licensee may include as credit hours, [submit to the Board for credit toward completed CE hours needed for annual licensure renewal] which may be carried over to the next succeeding [calendar] year, any approved continuing education [CE] hours earned after that licensee's graduation from mortuary science college. A person who has received his or her license within the past twelve months and who currently holds an active license shall receive CE credit toward annual licensure renewal for any CE hours earned after that licensee's mortuary science college graduation provided that the CE hours were earned within the preceding twelve months.~~

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5); 150B-41(c)
Eff. July 1, 2005;
Amended Eff. January 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017. 2017.
Amended Eff. January 1, 2023.*

1 21 NCAC 34D .0202 is amended with changes as published in 37:04 NCR 340-342 as follows:

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3 **21 NCAC 34D .0202 PRENEED SALES LICENSE**

4 (a) ~~Subject to G.S. 90-210.69(e), holding a~~ Individuals who hold either an active funeral director's license, issued by
5 the Board, or a license or an active funeral service license, issued by the Board, is the qualification to be license issued
6 by the Board and who have taken three or more hours of continuing education on preneed statutes and rules taught by
7 Board staff within the preceding three calendar years are eligible for initial licensure as a preneed sales license. license
8 upon application by a funeral establishment holding an active preneed establishment permit, as set forth in Paragraph
9 (d) of this Rule.

10 (b) ~~The preneed sales licensee may engage, under the preneed sales license, Only individuals who hold an active~~
11 preneed sales license issued by the Board [and] or resident trainees in funeral service or funeral directing registered
12 with the Board [pursuant to] as allowed by 21 NCAC 34B [.0103(b)] .0103 are permitted to engage in the following
13 preneed funeral planning activities: activities, pursuant to the definition of "preneed funeral planning" in G.S. 90-
14 210.60(8):

- 15 (1) ~~show and explain~~ discuss with consumers written materials, including price lists and photographs,
16 descriptive of the funeral ~~services and merchandise and~~ services, funeral merchandise, the preneed
17 funeral ~~plan plan,~~ or funeral contract being offered;
- 18 (2) explain the various types of funeral ceremonies and services and the qualities and characteristics of
19 various kinds of funeral merchandise;
- 20 (3) sell, on a preneed basis, funeral services and merchandise;
- 21 (4) record, on any form or otherwise, specific items of funeral services and merchandise selected on a
22 preneed basis;
- 23 (5) make funeral arrangements on a preneed basis; and
- 24 (6) sign preneed contracts; provided, however, that the resident trainee and his or her licensed
25 supervisor comply with 21 NCAC 34B .0103(e) when doing so. contracts. No preneed funeral
26 planning activities shall be engaged in by anyone other than a preneed sales licensee or a registered
27 resident trainee in funeral service or funeral directing pursuant to 21 NCAC 34B .0103(b); provided,
28 however, no preneed sales license is required solely for the sale of an insurance policy, and in
29 connection with such a sale, the salesperson shall not be deemed to have engaged in preneed funeral
30 planning if, for the sole purpose of permitting a prospective purchaser to make an informed decision
31 as to the amount of insurance desired, the salesperson shows only price lists of funeral services and
32 merchandise.

33 (c) No preneed sales license is required for the sale of an insurance policy for which no funeral establishment or its
34 representative is listed as the beneficiary or assignee of said policy. In connection with such a sale, the salesperson
35 shall not be deemed to have engaged in preneed funeral planning if the salesperson shows only price lists of funeral
36 services and merchandise to permit a prospective purchaser to make an informed decision as to the amount of
37 insurance desired.

1 (d) An applicant shall apply for, renew, or surrender a preneed sales license in accordance with the following
2 provisions:

3 (1) A funeral establishment holding an active preneed establishment permit shall apply for, or renew, a
4 preneed sales license by submitting the following to the Board on behalf of the applicant for a
5 preneed sales license:

6 (A) the applicant's name, address, email address, and telephone number;

7 (B) the applicant's funeral director's or funeral service license number;

8 (C) the name, address, and preneed establishment permit number of the preneed funeral
9 establishment licensee or licensees on whose behalf the applicant will sell preneed funeral
10 contracts;

11 (D) the applicant's employment or agency relationship with the preneed establishment licensee
12 or licensees;

13 (E) the initial or renewal application fee required by 21 NCAC 34A .0201(c) for each preneed
14 sales licensee;

15 (F) proof that the date on which the applicant has taken the continuing education course
16 required by Paragraph (a) of this Rule; and

17 (G) the applicant's signature [to attest] and attestation that he or she has read and will comply
18 with the statutes and rules governing the practice of preneed funeral service.

19 (2) Either the preneed sales licensee or the preneed funeral establishment on whose behalf the preneed
20 sales licensee is engaged in preneed funeral planning activities may surrender a preneed sales license
21 by submitting notification of such surrender in writing to the Board.

22 (e) If a preneed sales licensee proposes to engage in preneed funeral planning activities on behalf of multiple preneed
23 funeral establishment licensees that are not wholly owned by or affiliated with common ownership, the preneed sales
24 licensee shall submit the following to the Board:

25 (1) the date on which the preneed sales licensee will begin engaging in preneed funeral planning
26 activities for multiple preneed funeral establishment licensees;

27 (2) the date on which the preneed sales licensee will stop engaging in preneed funeral planning activities
28 for multiple preneed funeral establishment licensees, if known;

29 (3) the name, license number, and signature of the preneed sales licensee;

30 (4) the name and signature of the licensed manager of each preneed funeral establishment licensee for
31 whom the preneed sales licensee will engage in preneed funeral planning activities.

32 (5) an attestation from each of the individuals identified in SubParagraphs (3)-(6) of this Paragraph that:

33 (A) he or she consents to the preneed sales licensee engaging in preneed funeral planning
34 activities on behalf of the identified preneed funeral establishment licensees; and

35 (B) the preneed sales licensee and the preneed funeral establishment licensee on whose behalf
36 the preneed funeral planning activities are to be conducted shall comply with the statutes
37 and rules governing preneed funeral planning activities.

1 ~~(e)~~ A licensed funeral director or funeral service licensee wishing to apply for a preneed sales license shall submit to
2 the Board the applicant's name, address, telephone number, funeral director's or funeral service license number, name
3 and address of the preneed funeral establishment licensee or licensees on whose behalf the applicant will sell preneed
4 funeral contracts, and the applicant's employment or agency relationship with the licensee or licensees. If the applicant
5 proposes to sell on behalf of more than one preneed funeral establishment licensee, the applicant shall disclose
6 information to satisfy the requirement of G.S. 90-210.67(a) that the preneed funeral establishment licensees be related
7 by ownership or contract.

8 ~~(f)~~ The Board shall issue to each preneed sales licensee a pocket card as certification of the preneed sales license.
9 The preneed sales licensee shall carry the card while engaging in preneed funeral planning. ~~Upon making application~~
10 ~~for a license the applicant shall indicate the names of the preneed funeral establishment licensees on whose behalf the~~
11 ~~preneed sales licensee is authorized to sell preneed funeral contracts. The applicant shall pay an application fee and~~
12 ~~an annual renewal fee determined, respectively, by multiplying the application fee and renewal fee in 21 NCAC 34A~~
13 ~~.0201(c) times the number of preneed funeral establishment licensees on whose behalf the preneed sales licensee is~~
14 ~~authorized to sell. When there is any change in the list of establishments on whose behalf the preneed sales licensee~~
15 ~~is authorized to sell, the preneed sales licensee shall, within 10 days, file an amended list with the Board and shall pay~~
16 ~~the application fee for each new funeral establishment licensee named on the list, regardless of whether one or more~~
17 ~~names have been deleted. The total preneed sales license application fee and total renewal fee paid pursuant to this~~
18 ~~Paragraph shall not exceed the maximums, respectively, set by statute.~~

19 ~~(g)~~ The preneed sales licensee shall sign and affix his or her preneed sales license number to each preneed funeral
20 contract, which he or she sells, in the presence of the purchaser of the contract at the time of sale.

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22 *History Note: Authority G.S. 90-210.25(a)(4); 90-210.60(8); 90-210.67(a),(c); ~~90-210.69(a)~~; 90-210.69(a), (c);*
23 *Eff. July 1, 1993;*
24 *Amended Eff. January 1, 1996; June 1, 1994;*
25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
26 *~~2017~~ 2017;*
27 *Amended Eff. January 1, 2023.*