

21 NCAC 34A .0128 is adopted as published in 35:09 NCR 933-934 as follows:

21 NCAC 34A .0128 WAIVER

(a) The Board may waive any rule in this Chapter that is not statutorily required if a licensee, trainee, or continuing education course provider submits a written request. Factors the Board shall use in determining whether to grant the waiver are:

(1) degree of disruption to the Board;

(2) cost to the Board;

(3) degree of benefit to the public;

(4) whether the requesting party had control over the circumstances that required the requested waiver;

(5) notice to and opposition by the public;

(6) need for the waiver; and

(7) previous requests for waivers submitted from the requesting party.

(b) The Board may waive any rule in this Chapter that is not statutorily required upon its own initiative during a disaster declaration by the President of the United States or the Governor, a national emergency declaration by the President of the United States, or a state of emergency declaration issued under G.S. 166A-19.3(19), based on the factors set forth in Paragraph (a)(1), (2), (3), (5) and (6) of this Rule. If the Board wishes to waive a rule, it shall provide notice by posting a link on their website and sending out information to their interested persons mailing list.

(c) Any waiver granted by the Board in accordance with this Rule based upon a declared state of emergency shall include a date certain upon which the waiver will expire, not to exceed 12 months from the date that the waiver is granted.

*History Note: Authority G.S. 90-210.23(a); 150B-19(6);
Emergency Adoption Eff. April 14, 2020;
Temporary Adoption Eff. July 24, 2020- 2020;
Eff. March 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0308

DEADLINE FOR RECEIPT: Wednesday, February 10, 2021

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 that the following technical changes be made:

On line 6 and 7, please consider changing "said" to "the."

On line 6, what is meant by "as provided by law"? Is there a cross-reference available?

On line 7, how are licensees, permittees, or certificate holders to renew? Is additional information provided elsewhere in rule or statute? If not, please provide additional information as to how this will occur in rule (as opposed to saying in rule that you'll provide the information in the notice.)

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

Amber May
Commission Counsel
Date submitted to agency: Wednesday, January 27, 2021

21 NCAC 34B .0308 is amended as published in 35:09 NCR 933-934 as follows:

21 NCAC 34B .0308 RENEWALS: NOTICES

The Executive Director of the Board shall, on or about December 1 of each year, send by electronic mail to each licensee, to each holder of a funeral establishment permit and to each holder of a courtesy card licensee or permit holder a written notice that said license, ~~permit~~ permit, or courtesy card shall expire as provided by law unless renewed. The notice shall contain instructions on how to renew said license, permit, or courtesy card online.

History Note: Authority G.S. 90-210.23(a);

Eff. February 1, 1976;

Readopted Eff. September 27, 1977;

Amended Eff. November 1, 1994;

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

Amended Eff. March 1, 2021.