

1 21 NCAC 34B .0617 is adopted as published in 31:19 NCR 1874 as follows:
2

3 **21 NCAC 34B .0617 PRACTICING DURING DISASTERS**

4 (a) Upon the declaration of a state of emergency, as provided in G.S. 166A-19.20, the Board may waive, for a period
5 not to exceed 120 days following the rescission of the declaration of a state of emergency, any requirement of G.S.
6 90-210.27A and 21 NCAC 34B .0702-.0706. Only those funeral establishments impacted by and located in a county
7 in which the state of emergency has been declared shall be eligible for a waiver.

8 (b) Any funeral establishment seeking a waiver pursuant to this Rule shall request the same on a form prescribed by
9 the Board, to include the following:

10 (1) name and permit number of the funeral establishment making the waiver request;

11 (2) a description of the circumstances giving rise to the request;

12 (3) a plan for correcting any violations of G.S. 90-210.27A and 21 NCAC 34B .0702-.0706 caused by the
13 emergency; and

14 (4) the anticipated time frame that the funeral establishment will return to full compliance with G.S. 90-
15 210.27A and 21 NCAC 34B .0702-.0706.

16 (c) A funeral establishment seeking to extend a waiver in excess of 120 days shall provide a written request and
17 explanation to the Board for its consideration. It shall be within the discretion of the Board to grant or deny an
18 extension request, based on the following criteria:

19 (1) the degree of risk of harm, if any, that the continued non-compliance poses to the general public;

20 (2) the efforts undertaken by the funeral establishment towards compliance with the plan submitted to the
21 Board at the time of its initial waiver request; and

22 (3) the circumstances surrounding the funeral establishment's request for additional time.

23
24 History Note: Authority G.S. 90-210.23(d), (e); 90-210.25(d); 90-210.27A;

25 Eff. September 1, 2017.

1 21 NCAC 34B .0618 is adopted with changes as published in 31:19 NCR 1874 as follows:
2

3 **21 NCAC 34B .0618 PRACTICING DURING EMERGENCIES**

4 (a) When a funeral establishment experiences an emergency occurrence or imminent threat of damage, injury, or loss
5 of property resulting from a natural or man-made incident, the Board may waive, for a period not to exceed 120 days,
6 any requirement of G.S. 90-210.27A and 21 NCAC 34B .0702-.0706. The funeral establishment may continue to
7 operate if it has provided evidence that the emergency does not pose an immediate threat to human life, an immediate
8 threat of serious physical injury, or an immediate threat of serious adverse health effects.

9 (b) Any funeral establishment seeking a waiver pursuant to this Rule shall request the same on a form prescribed by
10 the Board, to include the following:

11 (1) name and permit number of the funeral establishment making the waiver request;

12 (2) a description of the circumstances giving rise to the request;

13 (3) a plan for correcting any violations of G.S. 90-210.27A and 21 NCAC 34B .0702-.0706 caused by the
14 emergency; and

15 (4) the anticipated time frame that the funeral establishment will return to full compliance with G.S. 90-
16 210.27A and 21 NCAC 34B .0702-.0706.

17 (c) A funeral establishment seeking to extend a waiver in excess of 120 days ~~must~~ shall provide a written request and
18 explanation to the Board for its consideration. It shall be within the discretion of the Board to grant or deny an
19 extension request, based on the following criteria:

20 (1) the degree of risk of harm, if any, that the continued non-compliance poses to the general public;

21 (2) the efforts undertaken by the funeral establishment towards compliance with the plan submitted to the
22 Board at the time of its initial waiver request; and

23 (3) the circumstances surrounding the funeral establishment's request for additional time.
24

25 History Note: Authority G.S. 90-210.23(d), (e); 90-210.25(d); 90-210.27A;:

26 Eff. September 1, 2017.