

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.
For questions, you may contact the Office of Administrative Hearings at 984-236-1850 or email oah.postmaster@oah.nc.gov.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 34 - FUNERAL SERVICE

Notice is hereby given in accordance with G.S. 150B-21.1(a3) that the Board of Funeral Service intends to adopt the rules cited as 21 NCAC 34B .0807, .0808; 34D .0305, amend the rules cited as 21 NCAC 34A .0201; 34B .0103, .0105- .0107, .0120, .0211, .0310, .0313, .0408, .0502, .0608, .0610, .0616, .0617, .0801-.0803, and repeal the rules cited as 21 NCAC 34A .0122; 34B .0618; and 34C .0101.

Codifier of Rules received for publication the following notice and proposed temporary rule(s) on: August 14, 2025.

Public Hearing:

Date: August 29, 2025

Time: 10:00 a.m.

Location: 1033 Wade Ave, Ste 108, Raleigh, NC 27605

Reason for Proposed Temporary Action: The effective date of a recent act of the General Assembly or of the U.S. Congress, cite: SL 2025-76 and SL 2025-61, effective date: July 9, 2025.

S.L. 2025-76 substantially revised the Practice Act for the North Carolina Board of Funeral Service, and certain changes to rules promulgated by the Board are necessary to interpret and implement these revised statutes. S.L. 2025-61 provides for an alternative pathway to licensure for certain applicants holding credentials in states neighboring North Carolina and this new statute requires amendment to existing Board rule 21 NCAC 34B .0502, governing the application process for individuals seeking reciprocal licensure.

Comment Procedures: Comments from the public shall be directed to: Amy Acord, 1033 Wade Ave, Ste 108, Raleigh, NC 27605; phone (919) 733-9380; email aacord@ncbfs.org. The comment period begins August 14, 2025 and ends September 12, 2025.

SUBCHAPTER 34A - BOARD FUNCTIONS

SECTION .0100 - GENERAL PROVISIONS

21 NCAC 34A .0122 CHARACTER AFFIDAVIT FORM

Authority G.S. 90-210.23(a); 90-210.26.

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
<u>Courtesy card</u>	
Application	\$ 75.00
Annual renewal	\$ 50.00
<u>Out-of-state licensee</u>	
Application	\$200.00
<u>Embalmer, funeral director, funeral service</u>	
Application, North Carolina resident	\$150.00
Application, non-resident	\$200.00
<u>Annual renewal</u>	
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
<u>Resident trainee permit</u>	
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:	
License	
Application	\$400.00
Annual renewal	\$150.00
Late renewal fee	\$ 75.00
Crematory or hydrolysis reinspection fee	\$100.00
Per-cremation or hydrolysis fee	\$ 10.00
Late filing or payment fee for each cremation or hydrolysis	\$ 10.00
Late filing fee for cremation or hydrolysis report, per month	\$ 75.00
Crematory or Hydrolysis Manager Permit	
Application	\$150.00
Annual renewal	\$ 40.00
(c) Fees for preneed funeral contract regulation shall be as follows:	
Preneed funeral establishment license	
Application	\$150.00
Annual renewal	\$150.00
Late renewal fee	\$100.00
Reinspection fee	\$100.00
Preneed sales license	
Application	\$ 20.00
Annual renewal	\$ 20.00
Late renewal fee	\$ 25.00
Preneed contract filings	
Filing fee for each contract	\$ 20.00
Late filing or payment fee for each contract	\$ 25.00
Late filing fee for each certificate of performance	\$ 25.00
Late filing fee for annual report	\$150.00
(d) Fees for <u>Removal and</u> Transportation Permits shall be as follows:	
<u>Individual Transporter Permit Application</u>	\$125.00
Annual renewal	\$ 75.00
Late fee	\$ 50.00
<u>Transportation Service Permit Application</u>	<u>\$200.00</u>
<u>Annual renewal for Individual Transporter or Transportation Service Permit</u>	<u>\$ 75.00</u>
<u>Late fee</u>	<u>\$ 50.00</u>
(e) All fees remitted to the Board are non-refundable. Registration fee for Board-sponsored continuing education shall be \$50.00.	
(f) <u>All fees remitted to the Board are non-refundable.</u>	

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); 90-210.132.

SUBCHAPTER 34B - FUNERAL SERVICE

SECTION .0100 - RESIDENT TRAINEES

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.

Authority G.S. 90-210.23(a),(f); 90-210.25(a)(4),(5)d.; 90-210.67(a); 90-210.69(a).

21 NCAC 34B .0105 FUNERAL DIRECTOR TRAINEE APPLICATION FORM

~~Applications for a funeral director 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. available on the Board's website at ncbs.org. Applications not completed within 30 days following submission to the Board shall be denied. All applications for registration as a funeral director 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 funeral director program at 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 ever has 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;
- (13) Whether the applicant has had an occupational or business license suspended or revoked by any local, state, or federal agency and, if so, a statement providing the reason for the action and the date, location, and circumstances of any violation that led to action against the license;
- (14) Whether any court, board, agency, or professional organization has found applicant guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal and the date of the finding;
- (15) Whether the applicant has any charges pending before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal in which the charge is pending;
- (16) The applicant'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) he or she understands that the Board may make inquiries about the applicant, including criminal record checks, and any of the information given in support of the application; and
 - (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.
- (17) The proposed supervisor's attestation that:
 - (a) he or she is a duly licensed funeral director or funeral service licensee in North Carolina;

- (b) he or she is employed by the establishment at which the traineeship will occur;
- (c) he or she has been licensed for at least one year and has not had any disciplinary action taken against his or her credential to practice funeral service within the previous five years; and
- (d) he or she will notify the Board when the applicant ceases training under the proposed supervisor;
- (18) 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; and
- (19) a photograph of the applicant that is two inches by two inches in size, depicting the applicant facing the camera and without digital alteration.

Authority G.S. 90-210.23(a); 90-210.25(a)(4).

21 NCAC 34B .0106 EMBALMER TRAINEE APPLICATION FORM

Applications for registration as an embalmer resident trainee shall be made on forms available on the Board's website at ncbfs.org, 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 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;
- (13) Whether the applicant has had an occupational or business license suspended or revoked by any local, state, or federal agency and, if so, a statement providing the reason for the action and the date, location, and circumstances of any violation that led to action against the license;
- (14) Whether any court, board, agency, or professional organization has found applicant guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal and the date of the finding;
- (15) Whether the applicant has any charges pending before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal in which the charge is pending;
- (16) The applicant'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) he or she understands that the Board may make inquiries about the applicant, including criminal record checks, and any of the information given in support of the application; and
 - (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.
- (17) The proposed supervisor's attestation that:
 - (a) he or she is a duly licensed funeral service licensee in North Carolina;
 - (b) he or she is employed by the establishment at which the traineeship will occur;
 - (c) he or she has been licensed for at least one year and has not had any disciplinary action taken against his or her credential to practice funeral service within the previous five years; and
 - (d) he or she will notify the Board when the applicant ceases training under the proposed supervisor;

- (18) 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; and
- (19) a photograph of the applicant that is two inches by two inches in size, depicting the applicant facing the camera and without digital alteration.

Authority G.S. 90-210.23(a); 90-210.25(a)(4).

21 NCAC 34B .0107 FUNERAL SERVICE TRAINEE APPLICATION FORM

Applications for registration as a funeral service resident trainee shall be made on forms applications provided by the Board. ~~The form shall require the applicant to 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.~~ available on the Board's website at ncbfs.org. Applications not completed within 30 days following submission to the Board shall be denied. All applications for registration as an 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;
- (13) Whether the applicant has had an occupational or business license suspended or revoked by any local, state, or federal agency and, if so, a statement providing the reason for the action and the date, location, and circumstances of any violation that led to action against the license;
- (14) Whether any court, board, agency, or professional organization has found applicant guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal and the date of the finding;
- (15) Whether the applicant has any charges pending before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal in which the charge is pending;
- (16) The applicant'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) he or she understands that the Board may make inquiries about the applicant, including criminal record checks, and any of the information given in support of the application; and
 - (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.
- (17) The proposed supervisor's attestation that:
 - (a) he or she is a duly licensed funeral service licensee in North Carolina;
 - (b) he or she is employed by the establishment at which the traineeship will occur;
 - (c) he or she has been licensed for at least one year and has not had any disciplinary action taken against his or her credential to practice funeral service within the previous five years; and
 - (d) he or she will notify the Board when the applicant ceases training under the proposed supervisor;
- (18) 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; and
- (19) a photograph of the applicant that is two inches by two inches in size, depicting the applicant facing the camera and without digital alteration.

Authority G.S. 90-210.23(a); 90-210.25(a)(4).

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 of this Subchapter.

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

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

SECTION .0200 - EXAMINATIONS

21 NCAC 34B .0211 NATIONAL BOARD CERTIFICATE

(a) Pursuant to G.S. 90-210.25(a)(5), a National Board Certificate for Arts, certifying the successful completion of the National Board Examination for Arts of the International Conference of Funeral Service Examining Boards Inc., is the equivalent of the Board's entry-level examination in funeral ~~directing~~ directing, as defined by G.S. 90-210.20(11).

(b) Pursuant to G.S. 90-210.25(a)(5), a National Board Certificate for Sciences, certifying the successful completion of the National Board Examination for Sciences of the International Conference of Funeral Service Examining Boards Inc., is the equivalent of that portion of the Board's examination on the topics of embalming, restorative arts, chemistry, pathology, microbiology, and anatomy.

(c) National Board Certificates shall be accepted for ~~three~~ five years from the date of issue for eligibility toward licenses issued under G.S. 90-210.25(a)(1), (2), or (3).

Authority G.S. 90-210.20(11); 90-210.23(a); 90-210.25(a)(5).

SECTION .0300 – LICENSING

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 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 ncbsf.org. Applications not completed within 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 one million dollars (\$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 two 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.

Authority G.S. 90-210.20(h); 90-210.23(a); 90-210.25(a2)(2)a., b.; 90-210.27A(a), (i).

21 NCAC 34B .0313 PROCEDURES FOR PROVISIONAL LICENSURE

(a) Definitions. As used in this Rule:

- (1) "Applicant" shall mean the person submitting an Application for Provisional License on a form made available by the Board on its website at ncbfs.org and providing: his or her contact information; social security number; date and place of birth; sex; education and employment experience; the location where provisional work will be done; whether the applicant currently or has ever been licensed to practice funeral service, funeral directing, or embalming in another jurisdiction; 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 of any investigation for employee misclassification in the preceding two years; and payment of a non-refundable fee pursuant to G.S. 90-210.25(a)(3a) at ncbfs.org. Applicants shall provide the following information on the Application for Provisional License:
 - (A) The applicant's full name, date of birth, place of birth, sex, and social security number;
 - (B) The applicant's email address, residential address, mailing address, and phone number(s);
 - (C) The name and address of the applicant's current employer and past employers over the five years preceding the application, to include the dates of employment and nature of the work performed by the applicant;
 - (D) The name, address, phone number and email address of the funeral establishment at which the applicant's provisional funeral directing will be performed, as well as the establishment's licensed manager;
 - (E) name of each college or university attended by the application, the dates of attendance, and the graduation date and degree(s) obtained, if any;
 - (F) 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);
 - (G) Whether the applicant has completed an unexpired certified resident traineeship with the Board or is eligible for certification of a resident traineeship with the Board;
 - (H) 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;

- (I) 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;
- (J) 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;
- (K) 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;
- (L) Whether the applicant has had an occupational or business license suspended or revoked by any local, state, or federal agency and, if so, a statement providing the reason for the action and the date, location, and circumstances of any violation that led to action against the license;
- (M) Whether any court, board, agency, or professional organization has found applicant guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal and the date of the finding;
- (N) Whether the applicant has any charges pending before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal in which the charge is pending;
- (O) Whether, within the preceding two years, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;
- (P) The applicant's notarized signature to certify that he or she has prepared the application and has read the answers, the information provided in the application is true. 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, and 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
- (Q) The application fee, as prescribed by G.S. 90-210.25(a)(3a). 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.

- (2) ~~"Entry-Level Examination" shall mean an examination that is equivalent to the State Board Examination Arts in Funeral Directing to assess competency in funeral arranging and directing; funeral service marketing and merchandising; funeral service counseling; legal and regulatory compliance; and cemetery and crematory operations pursuant to G.S. 90-210.25(a)(1)(e)(1). The National Board Examination Arts that is administered by the International Conference of Funeral Service Examining Boards is equivalent to the State Board Examination Arts in Funeral Directing, as defined by G.S. 90-210.20(11) and as recognized by the Board in 21 NCAC 34B .0211.~~
- (3) "Laws and Rules Examination" shall mean an examination prepared by the Board of funeral practice and related laws of North Carolina, the federal Funeral Rule as expressed in the standards set forth in Funeral Industry Practices, 16 C.F. R. 453 (1984), pursuant to its most recent version, and the administrative rules governing the practice or professional funeral service as expressed in the NC Administrative Code.
- (4) "Professional Experience" shall mean work providing knowledge, skill, and proficiency resulting from the performance of funeral-related duties and responsibilities; work requiring knowledge attained through academic education beyond high school; work that is intellectual in nature; and work requiring the exercise of independent discretion and judgment.
- (5) "Provisional Licensee" shall mean any individual satisfying the provisional licensure requirements pursuant to ~~G.S. 90-210.25(a)(3a) and who engages in the practice of professional funeral service under the supervision of a funeral director or funeral service licensee in good standing with the Board for a period not to exceed three years. G.S. 90-210.25(a)(3a).~~
- (6) ~~"Supervision" shall mean oversight and direction from a licensee in funeral directing or funeral service, who is in good standing with the Board, and who has practiced professional funeral service as his or her primary occupation more than 30 hours per week for at least five years.~~

(b) The following provisions shall apply to provisional license applicants and licensees only:

- (1) Applicants shall submit with their application for provisional licensure proof of satisfying the education requirements pursuant to G.S. 90-210.25(a)(3a)(d). Such proof shall include certified transcripts from an accredited post-secondary institution, or, if applicable, a certified transcript from a funeral director program accredited by the American Board of Funeral Service Education (ABFSE) or a funeral director program offered at a post-secondary institution that is accredited by ABFSE. Certified transcripts shall come from the educational institution directly to the Board.
- (2) Applicants not otherwise qualified as a certified trainee or eligible for a certified traineeship shall submit with their application for provisional licensure an employment history on a form provided by the Board on its website at ncbfs.org, which shall supplement the provisional license application and requires a listing of funeral-related work including name and contact information of employer, dates of employment, and duties and responsibilities performed.
- (3) Prior to licensure as a Funeral Director, provisional licensees shall have attained a passing score of 75 percent on the Entry-Level Examination. Applicants shall have attained a passing score of 75 percent on the Laws and Rules Examination.
- (4) Applicants shall be subject to a criminal history background check pursuant to the requirements of ~~the North Carolina State Bureau of Investigation G.S. 90-210.25(a)(5)(h) and may be approved for licensure in the absence of any disqualifying conditions pursuant to G.S. 90-210.25(e)(1)(a) and G.S. 93B-8.1. Applicants shall complete forms provided by the Board on its website at ncbfs.org for the electronic submission of fingerprints if North Carolina~~

~~residents; non-residents shall complete a fingerprint card and application information through a local law enforcement agency.~~

- (5) Provisional licensees shall be subject to the same license renewal requirements as licensees in funeral directing, including completion of a renewal application as set forth in Rule .0309 of this Section by December 31st of each year but not later than February 1st of the year immediately following the expiration of the license and submission of a non-refundable renewal fee of two hundred fifty dollars (\$250.00).
- (6) Provisional licensees shall be subject to the same requirements for continuing education as for licensees in funeral directing including a minimum of five continuing education credits ~~annually and not exceeding two hours annually through online instruction.~~ annually. All continuing education credits shall be awarded only for Board-approved courses of instruction provided through an accredited sponsor or other approved provider, as set forth in Section .0400 of this Subchapter.

Authority G.S. 90-210.25(a)(3a).

SECTION .0400 – CONTINUING EDUCATION

21 NCAC 34B .0408 CONTINUING EDUCATION PROGRAM

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

- (1) CE courses taken at the direction of the Board as memorialized in a consent order, final agency 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 shall not receive credit toward completed CE hours for taking the same CE course within two years.

(b) A person who has received his or her license within the past 12 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 12 months.

(c) Licensees desiring to attend a Board-sponsored CE course taught by a member of Board staff shall pay to the Board a non-refundable registration fee of fifty dollars (\$50.00) in advance of the CE course.

Authority G.S. 90-210.23(a); 90-210.25(a)(5); 150B-41(c).

SECTION .0500 - OUT-OF-STATE LICENSEES

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 ncbsf.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 ncbsf.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 five years preceding the application;
- (9) Whether the applicant is a spouse of a military servicemember and, if so, for how many years the applicant has practiced funeral service in the five years preceding the application;

- (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;
- (13) Whether the applicant has had an occupational or business license suspended or revoked by any local, state, or federal agency and, if so, a statement providing the reason for the action and the date, location, and circumstances of any violation that led to action against the license;
- (14) Whether any court, board, agency, or professional organization has found applicant guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal and the date of the finding;
- (15) Whether the applicant has any charges pending before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal in which the charge is pending;
- (16) Whether, within the preceding two years, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;
- (17) The applicant'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; and
 - (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.
- (18) 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.

(b) The form shall require the licensing board of the other jurisdiction(s) to certify that the applicant is licensed and in good standing in that jurisdiction and to furnish the Board with the name of the applicant, licenses held and dates granted, and the name and address of the Board in such other jurisdiction.

(c) The applicant shall provide an employment history to show at least three consecutive years of professional practice performed in the other ~~jurisdiction(s)~~ jurisdictions to demonstrate professional competency.

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

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

Authority G.S. 90-210.23(a); 90-210.25(b)(1); 93B-15.1; 93B-15.3.

SECTION .0600 - FUNERAL ESTABLISHMENTS

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 reposing 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 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);
- (14) 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;
- (15) The names, license type and license number of each funeral director, funeral service licensee, and embalmer working for the establishment and whether said licensee is working on a full-time, part-time, or per case basis;
- (16) 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;
- (17) Proof of the applicant's right of occupancy for the premises at which the funeral establishment will be located;
- (18) 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;
- (19) Whether, within the preceding two years, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;
- (20) 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; and
 - (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;
- (21) The signature of each owner, partner, manager, member, operator, and officer of the business entity applying for licensure, consenting to the Board's ability to conduct a background check on his or her criminal history; and
- (22) 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.

(b) Upon receipt of an application as set forth in this Rule, the Board shall provide to the individuals identified in Paragraph (a)(19) of this Rule 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 individuals 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. If the background check is performed by the State Bureau of Investigation, the individuals 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. If the background check is performed by another vendor, the individuals shall remit payment to the Board payment of actual costs charged by the vendor for performing the criminal background check.

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

Authority G.S. 90-210.23(a),(d),(e); 90-210.25(d); 90-210.27A.

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, ncbsf.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;
- (9) Whether the establishment has continuously held a funeral establishment permit since January 1, 1988;
- (10) 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);
- (14) 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;
- (15) The names, license type and license number of each funeral director, funeral service licensee, and embalmer working for the establishment and whether said licensee is working on a full-time, part-time, or per case basis;
- (18) 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;
- (19) Whether, since the previous renewal application, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;
- (20) 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, since the last renewal application, as prescribed by G.S. 143-789; and
 - (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.
- (21) If requested by the Board, the signature of each owner, partner, manager, member, operator, and officer of the business entity applying for renewal of licensure, consenting to the Board's ability to conduct a background check on his or her criminal history; and
- (22) 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.

Authority G.S. 90-210.23(a); 90-210.25(d)(3).

21 NCAC 34B .0616 BODY IDENTIFICATION TAGS

A funeral establishment immediately shall place a body identification tag as set forth in G.S. 90-210.29A 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.

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

21 NCAC 34B .0617 PRACTICING DURING DISASTERS

~~(a) Upon the declaration of a state of emergency, as provided in G.S. 166A-19.20, the Board may waive, for a period not to exceed 120 days following the rescission of the declaration of a state of emergency, any requirement of G.S. 90-210.27A and 21 NCAC 34B .0702-.0706. Only those funeral establishments impacted by and located in a county in which the state of emergency has been declared shall be eligible for a waiver. A funeral establishment that is destroyed by fire, weather event, or other natural disaster is eligible to request a waiver pursuant to G.S. 90-210.27A(a1) of the statutory requirements set forth in G.S. 90-210.27A(a) and (c).~~

(b) Any funeral establishment seeking a waiver pursuant to this Rule shall request the same on a form prescribed by the Board, ~~to include~~ which is available on the Board's website at ncbfs.org, and shall contain the following:

- (1) name and permit number of the funeral establishment making the waiver request;
- (2) a description of the circumstances giving rise to the request;
- (3) a plan for correcting any violations of G.S. 90-210.27A and 21 NCAC 34B .0702-.0706 caused by the emergency;
and
- (4) the location at which the licensee's business records shall be maintained and available for inspection by the Board;
and
- ~~(4)(5)~~ the anticipated time frame that the funeral establishment will return to full compliance with G.S. 90-210.27A and 21 NCAC 34B .0702-.0706.

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

- ~~(1) the degree of risk of harm, if any, that the continued non-compliance poses to the general public;~~
- ~~(2) the efforts undertaken by the funeral establishment towards compliance with the plan submitted to the Board at the time of its initial waiver request; and~~
- ~~(3) the circumstances surrounding the funeral establishment's request for additional time.~~

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

21 NCAC 34B .0618 PRACTICING DURING EMERGENCIES

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

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

Authority G.S. 90-210.23(a); 90-210.25(c)(10).

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.

Authority G.S. 90-210.23(a); 90-210.25(a)(5)(h); 90-210.25(c)(7) and (10).

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

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

Authority G.S. 90-210.23(a); 90-210.25(a)(5)(h); 90-210.25(c)(8) and (10).

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;
- (18) 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 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;
- (19) Whether OCME ever has terminated the ability of the Transportation Service or any of its owners, partners, managers, members, operators, or officers to provide removal or transportation services on behalf of OCME and, if so, the reasons for said termination, if known;
- (20) Whether, within the preceding two years, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;
- (21) The notarized signature of the majority owner of the Transportation Service 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) he or she 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) 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.
- (22) The signature of each owner, partner, manager, member, operator, and officer of the business entity applying for the Transportation Service Permit, consenting to the Board's ability to conduct a background check on his or her criminal history; and
- (23) The application fee, as prescribed by G.S. 90-210.25(c)(8) and 21 NCAC 34A .0201.

(c) Upon receipt of an application for a Transportation Service Permit, the Board shall provide to the individuals identified in Paragraph (b)(22) of this Rule 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 individuals 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. If the background check is performed by the State Bureau of Investigation, the individuals 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. If the background check is performed by another vendor, the individuals shall remit payment to the Board payment of actual costs charged by the vendor for performing the criminal background check.

Authority G.S. 90-210.23(a); 90-210.25(a)(5)(h); 90-210.25(c)(7) and (10).

21 NCAC 34B .0808 TRANSPORTION 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 applicant, the terms of any discipline imposed by the licensing authority, and whether said terms have been satisfied;
- (15) Whether OCME ever has terminated the ability of the Transportation Service or any of its owners, partners, managers, members, operators, or officers to provide removal or transportation services on behalf of OCME since the last year's renewal application and, if so, the reasons for said termination, if known;
- (16) Whether, within the last year's renewal application, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;
- (17) The notarized signature of the majority owner of the Transportation Service 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) he or she 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, since the last year's renewal application, 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) 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.
- (18) The signature of each owner, partner, manager, member, operator, and officer of the business entity applying to renew the Transportation Service Permit, consenting to the Board's ability to conduct a background check on his or her criminal history; and

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

Authority G.S. 90-210.23(a); 90-210.25(a)(5)(h); 90-210.25(c)(8) and (10);

SUBCHAPTER 34C - CREMATORIES

SECTION .0100 – GENERAL PROVISIONS

21 NCAC 34C .0101 ELECTION TO CREMATORY AUTHORITY

Authority G.S. 90-210.122(c); 90-210.134(a);

SUBCHAPTER 34D - PRENEED FUNERAL CONTRACTS

SECTION .0300 - OPERATIONS

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 mediate 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 10 days following withdrawal of the preneed funeral funds from trust.

Authority G.S. 90-210.69(a); 90-210.68(b).