

Burgos, Alexander N

Subject: FW: [External] RE: Temporary Rules-RRC October 2025

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, October 21, 2025 9:04 AM
To: Catherine E. Lee <clee@hedrickgardner.com>; AAcord@ncbfs.org
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Temporary Rules-RRC October 2025

All of the final temporary rules.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Catherine E. Lee <clee@hedrickgardner.com>
Sent: Monday, October 20, 2025 5:19 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; AAcord@ncbfs.org
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Temporary Rules-RRC October 2025

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Certainly – would you like me to re-submit all of the finalized temporary rules, or only the rules with changes made following publication?

Catherine E. Lee | Partner
Hedrick Gardner Kincheloe & Garofalo LLP.
2710 Wycliff Road, Suite 220 | Raleigh, NC 27607
Phone: 919-341-2639 | Fax: 919-832-9425
clee@hedrickgardner.com | www.hedrickgardner.com



HEDRICK GARDNER
KINCHELOE GAROFALO

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Monday, October 20, 2025 4:58 PM
To: Catherine E. Lee <clee@hedrickgardner.com>; AAcord@ncbfs.org
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Temporary Rules-RRC October 2025

Caution! This message was sent from outside your organization.

No need to highlight the changes. Thank you for bringing this to my attention.

I'm satisfied with the changes to these rules. Please email all rules, with revisions, to oah.rules@oah.nc.gov by October 22, 2025 at 5pm for RRC review. Please copy me and alexander.burgos@oah.nc.gov to the email.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Catherine E. Lee <clee@hedrickgardner.com>
Sent: Monday, October 20, 2025 4:42 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; AAcord@ncbfs.org
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Temporary Rules-RRC October 2025

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Mr. Wiggs – I'm glad to do so – but just to confirm, is highlighting requested for rules by temporary adoption with changes from publication? The examples on the RRC website available here seemed to suggest that highlighting is not made under such circumstances: <https://www.oah.nc.gov/rule-format-examples#RuleFormatExamplesforPublicationintheNCAdministrativeCode-6054>

Again, I'm glad to do so, if that is the preference.

Catherine E. Lee | Partner
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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Monday, October 20, 2025 4:34 PM
To: Catherine E. Lee <clee@hedrickgardner.com>; AAcord@ncbfs.org
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Temporary Rules-RRC October 2025

Caution! This message was sent from outside your organization.

Ms. Lee,

Thank you for the edits. Please highlight all the changes made to rules .0807 and .0808. Once done, please send me all the rules submitted for one final review.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Catherine E. Lee <clee@hedrickgardner.com>
Sent: Monday, October 20, 2025 2:46 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; AAcord@ncbfs.org
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Temporary Rules-RRC October 2025

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Mr. Wiggs –

Thank you for the opportunity to provide the following technical corrections to the temporary rules submitted by the NC Board of Funeral Service. We appreciate your helpful feedback on the content.

Please see the attached response and revised rules. If you have any questions, please don't hesitate to contact me directly.

Thank you.

WE HAVE MOVED – PLEASE TAKE NOTE OF OUR NEW ADDRESS!

Catherine E. Lee | Partner
Hedrick Gardner Kincheloe & Garofalo LLP.
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Burgos, Alexander N

Subject: FW: [External] RE: Temporary Rules-RRC October 2025
Attachments: Response to Request for Technical Changes-Board of Funeral Service-Temporary Rules.pdf; 21 NCAC 34A .0201(FINAL).docx; 21 NCAC 34B .0103 (FINAL).docx; 21 NCAC 34B .0106 (FINAL).docx; 21 NCAC 34B .0120 (FINAL).docx; 21 NCAC 34B .0310 (FINAL).docx; 21 NCAC 34B .0313 (FINAL).docx; 21 NCAC 34B .0502 (FINAL).docx; 21 NCAC 34B .0608 (FINAL).docx; 21 NCAC 34B .0610 (FINAL).docx; 21 NCAC 34B .0616 (FINAL).docx; 21 NCAC 34B .0801 (FINAL).docx; 21 NCAC 34B .0802 (FINAL).docx; 21 NCAC 34B .0803 (FINAL).docx; 21 NCAC 34B .0807 (FINAL).docx; 21 NCAC 34B .0808 (FINAL).docx; 21 NCAC 34D .0305 (FINAL).docx

From: Catherine E. Lee <clee@hedrickgardner.com>
Sent: Monday, October 20, 2025 2:46 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; AAcord@ncbfs.org
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Temporary Rules-RRC October 2025

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Mr. Wiggs –

Thank you for the opportunity to provide the following technical corrections to the temporary rules submitted by the NC Board of Funeral Service. We appreciate your helpful feedback on the content.

Please see the attached response and revised rules. If you have any questions, please don't hesitate to contact me directly.

Thank you.

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HEDRICK GARDNER
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Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

Questions contained herein suggest that the rule as written is unclear or there is some ambiguity. If this document includes questions and you do not understand the question, please contact the reviewing attorney to discuss. Failure to respond may result in a staff opinion recommending objection.

Staff may suggest the agency "consider" an idea or language in this document. This is in no way a formal request that the agency adopt the idea or language but rather is offered merely for the agency's consideration which the agency may find preferable and clarifying.

To properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov and copy RRC Counsel. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: "aAssociation"
 - Right: "~~association~~ Association"
6. Treat punctuation as part of a word. For example:
 - Wrong: "day;;and"
 - Right: "~~day,~~ day; and"
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

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

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

AGENCY: Board of Funeral Service

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

DEADLINE FOR RECEIPT: Friday, October 24, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

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

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

Pursuant to GS 12-3.1, the Board submitted a request for consultation to the Joint Legislative Commission on Governmental Operations, the Commission Assistant, and the Fiscal Research Division of the General Assembly on August 13, 2025. To date, the Commission has not held a meeting to provide the consultation. We understand that, pursuant to GS 12-3.1(a1), the consultation requirement will be satisfied in the absence of said meeting upon the 90 day following the publication of the notice of text. The publication date for proposed amendments to 21 NCAC 34A .0201 was August 19, 2025. The 90th day following August 19, 2025 is November 17, 2025.

We have revised the proposed effective date of the rule to November 17, 2025.

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

S.L. 2025-76 amended GS 90-210.25(a)(5)(f) to provide as follows: “The Board shall cause to be established and offered to the licensees, each calendar year, at least eight hours of Board-sponsored continuing education courses. Board may charge licensees attending these courses a reasonable registration fee not to exceed fifty dollars (\$50.00) in order to meet the expenses thereof . . . “

We have revised the history note to include this citation

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

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

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

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

AGENCY: Board of Funeral Service

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

DEADLINE FOR RECEIPT: Friday, October 24, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

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

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

Revised to remove the term “duly certified” and to include statutory definition of “resident trainee”

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

Revised accordingly and the term “learning experiences” has been removed

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

Revised accordingly

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

Revised accordingly

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

Revised accordingly

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

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

Revised accordingly

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

Revised accordingly

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

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

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

AGENCY: Board of Funeral Service

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

DEADLINE FOR RECEIPT: Friday, October 24, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

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

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

Revised accordingly

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

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

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

AGENCY: Board of Funeral Service

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

DEADLINE FOR RECEIPT: Friday, October 24, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

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

Line 5, add "or her"; or delete "him" and add "the supervisor".

Revised accordingly

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

Revised accordingly

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

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

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

AGENCY: Board of Funeral Service

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

DEADLINE FOR RECEIPT: Friday, October 24, 2025

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

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

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

90-210.25(a2)(2)a requires an unaffiliated practitioner to maintain all of the licensee's business records at a location made known to the Board and that is available for inspection by the Board under the same terms and conditions as the business records of a licensed funeral establishment. 21 NCAC 34B .0310(a), as promulgated, prohibits funeral services to be conducted at that office.

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

Revised to clarify that the form referenced in Paragraph (b) is the same form referenced in Paragraph (c), which already provides that the form is available on the Board's website.

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

Revised accordingly

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

It appears that this request for technical correction is in reference to Rule 21 NAC 34B .0313. We have revised said rule accordingly.

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

It appears that this request for technical correction is in reference to Rule 21 NAC 34B .0313. We have revised said rule for clarity.

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

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

It appears that this request for technical correction is in reference to Rule 21 NAC 34B .0313. We have revised said rule for clarity.

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

It appears that this request for technical correction is in reference to Rule 21 NCAC 34B .0313. We have revised said rule accordingly.

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

The citation to G.S. 90-210.20 has been removed from Rule 21 NCAC 34B .0310.

Neither G.S. 90-210.27A(g) nor 90-210.25(e)(1) are cited as authority for either 21 NCAC 34B .0310 or 21 NCAC 34B .0313.

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

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

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

AGENCY: North Carolina Board of Funeral Service

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

DEADLINE FOR RECEIPT: Friday, October 24, 2025

PLEASE NOTE: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

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

Page 2, line 18, spell "2".

Revised accordingly

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

No, G.S. 93B.15.3 is set forth in SL 2025-61, which was signed by the Governor on July 3, 2025 and became effective October 1, 2025

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

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

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

AGENCY: North Carolina Board of Funeral Service

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

DEADLINE FOR RECEIPT: Friday, October 24, 2025

PLEASE NOTE: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

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

Line 31, capitalize "whether".

Revised accordingly

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

SL 2025-76 revised GS 90-210.25(d)(1) to provide as follows:

(d) Funeral Establishment Permit. – (1) No person, firm or corporation shall conduct, maintain, manage or operate a funeral establishment unless a permit for that establishment has been issued by the Board and is conspicuously displayed in the establishment. Each funeral establishment at a specific location shall be deemed to be a separate entity and shall require a separate permit and compliance with the requirements of this Article. Each funeral establishment shall have in charge a person, known as a manager, licensed for the practice of funeral directing or funeral service, who shall be permitted to manage a principal funeral establishment and any branch funeral establishments and chapels registered to it within a 50-mile radius in a straight line. The manager shall be charged with overseeing the daily operation of the funeral establishment and any branch funeral establishments and chapels registered to the principal funeral establishment. If the manager leaves the employment of the funeral establishment and is the only licensee employed who is eligible to serve as manager, the funeral establishment may operate without a manager for a period not to exceed 30 days so long as: (i) the funeral establishment retains one or more licensees to perform all services requiring a license under this Article and (ii) the funeral establishment registers the name of the licensees with the Board.

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

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

Revised accordingly

Page 2, line 13, spell "2".

Revised accordingly

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

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

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

AGENCY: North Carolina Board of Funeral Service

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

DEADLINE FOR RECEIPT: Friday, October 24, 2025

PLEASE NOTE: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

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

Line 28, capitalize "whether".

Revised accordingly

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

SL 2025-76 revised GS 90-210.25(d)(1) to provide as follows:

(d) Funeral Establishment Permit. – (1) No person, firm or corporation shall conduct, maintain, manage or operate a funeral establishment unless a permit for that establishment has been issued by the Board and is conspicuously displayed in the establishment. Each funeral establishment at a specific location shall be deemed to be a separate entity and shall require a separate permit and compliance with the requirements of this Article. Each funeral establishment shall have in charge a person, known as a manager, licensed for the practice of funeral directing or funeral service, who shall be permitted to manage a principal funeral establishment and any branch funeral establishments and chapels registered to it within a 50-mile radius in a straight line. The manager shall be charged with overseeing the daily operation of the funeral establishment and any branch funeral establishments and chapels registered to the principal funeral establishment. If the manager leaves the employment of the funeral establishment and is the only licensee employed who is eligible to serve as manager, the funeral establishment may operate without a manager for a period not to exceed 30 days so long as: (i) the funeral establishment retains one or more licensees to perform all services requiring a license under this Article and (ii) the funeral establishment registers the name of the licensees with the Board.

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

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

There is no reference to a C.F.R citation in Rule 21 NCAC 34B .0610. It appears that this request for technical correction relates to Rule 21 NCAC 34B .0608, which was addressed above.

Page 2, line 13, spell "2".

It appears that this request for technical correction relates to Rule 21 NCAC 34B .0608, which was addressed above.

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

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

AGENCY: North Carolina Board of Funeral Service

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

DEADLINE FOR RECEIPT: Friday, October 24, 2025

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The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

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

Line 4, consider moving "shall" before "immediately".

Revised accordingly

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

Revised accordingly

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

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

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

AGENCY: Board of Funeral Service

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

DEADLINE FOR RECEIPT: Friday, October 24, 2025

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

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

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

Revised accordingly

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

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

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

AGENCY: Board of Funeral Service

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

DEADLINE FOR RECEIPT: Friday, October 24, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

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

Page 1, line 6, please delete "http:/", or add it to the other cited websites, for consistency.

Revised accordingly

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

Revised accordingly

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

The NC Industrial Commission Public Notice Statement is on the application

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

Revised accordingly

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

Revised accordingly

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

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

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

AGENCY: Board of Funeral Service

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

DEADLINE FOR RECEIPT: Friday, October 24, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

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

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

Revised accordingly

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

OCME is defined in Rule 21 NCAC 34B .0801

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

The NC Industrial Commission Public Notice Statement is on the application

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

Revised accordingly

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

Revised accordingly

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

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

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

AGENCY: Board of Funeral Service

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

DEADLINE FOR RECEIPT: Friday, October 24, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

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

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

Revised accordingly

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

Revised accordingly

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

OCME is defined in Rule 21 NCAC 34B .0801

Page 2, line 13, spell "2".

Revised accordingly

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

Revised accordingly

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

Revised accordingly

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

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

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

AGENCY: Board of Funeral Service

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

DEADLINE FOR RECEIPT: Friday, October 24, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

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

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

Revised accordingly

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

OCME is defined in Rule 21 NCAC 34B .0801

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

Revised accordingly

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

Revised accordingly

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

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

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

AGENCY: Board of Funeral Service

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

DEADLINE FOR RECEIPT: Friday, October 24, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

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

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

Revised to remove the term “mediately”

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

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

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

SECTION .0200 - FEES AND OTHER PAYMENTS

21 NCAC 34A .0201 FEES AND OTHER PAYMENTS

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

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

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

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

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

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

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

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

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

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

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5)(f); 90-210.25(c); 90-210.28; 90-210.67(b),(c),(d),(d1); 90-210.68(a); 90-210.132;
Eff. September 1, 1979;
Amended Eff. January 1, 1991; July 1, 1988; January 1, 1988; October 1, 1983;
Recodified from 21 NCAC 34 .0123 Eff. February 7, 1991;
Amended Eff. December 1, 1993; August 2, 1993; May 1, 1993, July 1, 1991;
Temporary Amendment Eff. October 1, 1997;
Amended Eff. August 20, 2014; March 1, 2004; August 1, 1998;
Readopted Eff. January 8, ~~2020~~ 2020;
Temporary Amendment Eff. November 7, 17, 2025.

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

21 NCAC 34B .0103 AUTHORIZED PRACTICE: SUPERVISION

(a) ~~Duly certified resident~~ Resident trainees in training for funeral service, ~~duly certified~~ resident trainees in training for funeral ~~directing directing~~, and ~~duly certified~~ resident trainees in training for embalming, as defined by G.S. 90-210.20(20), ~~while participating in learning experiences and~~ while supervised by a person licensed by the Board as a funeral service licensee, funeral ~~director director~~, or embalmer, ~~respectively~~, may assist in the practice of funeral service, funeral ~~directing directing~~, or ~~embalming 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~~ 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~~ Not have any disciplinary action taken by the ~~Board~~ Board, or the licensing board of any other ~~jurisdiction jurisdiction~~, to suspend or revoke his or her license during the five years preceding the application.

(c) ~~Duly certified resident~~ 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 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 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~~, certificate, which is a wallet-sized card issued by the Board to the resident trainee that bears the following:

(1) The resident trainee's name;

(2) The resident trainee's registration number;

(3) The resident trainee's signature;

1 (4) The date on which resident trainee was registered with the Board;

2 (5) Whether the resident trainee is registered in a traineeship for funeral service, funeral directing or
3 embalming; and

4 (6) The name of the resident trainee's supervisor.

5
6 *History Note: Authority G.S. 90-210.23(a),(f); 90-210.25(a)(4),(5)d.; 90-210.67(a); 90-210.69(a);*
7 *Eff. February 1, 1976;*
8 *Readopted Eff. September 27, 1977;*
9 *Amended Eff. January 1, 2009; November 1, 2004; August 1, 1998; June 1, 1994;*
10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
11 *~~2017.~~ 2017;*
12 *Temporary Amendment Eff. November 7, 2025.*
13
14

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

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 thirty (30) days following submission to the Board shall be denied. All applications for registration as a funeral service resident trainee shall contain the following:~~

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

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

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

1 *Temporary Amendment Eff. November 7, 2025.*
2

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

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

~~Upon~~ (a) Within 30 days following the conclusion of a resident traineeship with a licensed supervisor, the supervisor shall submit to the Board an affidavit to certify that the trainee has served and performed certain work under the supervisor 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-** Rule .0126 of the 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 5 days of their submission to the Board.

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

Eff. February 1, 1976;

Readopted Eff. September 27, 1977;

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

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

Temporary Amendment Eff. November 7, 2025.

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

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

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

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

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

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

- (13) The name and address of the location where sheltering of remains will occur prior to moving remains to the location at which funeral services will be held;
- (14) The names, license type and license number of each funeral director, funeral service licensee, and embalmer working for the unaffiliated practice and whether said licensee is working on a full-time, part-time, or per case basis;
- (15) A copy of the General Price List, Casket Price List, Outer Burial Container Price List, and Statement of Funeral Goods and Services Selected intended for use by the applicant, as required by the FTC Funeral Rule, 16 C.F.R. ~~Part 453;~~ 453.2;
- (16) Proof of the applicant's professional liability insurance with a minimum coverage amount of \$1,000,000.00;
- (17) Whether the applicant currently is in good standing with the North Carolina Secretary of State and, if so, documentation to establish proof of the same;
- (18) Whether, within the preceding 2 years, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;
- (19) The licensed manager's notarized signature to certify that:
- (A) he or she has prepared the application and has read the answers;
- (B) the information provided in the application is true;
- (C) the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789;
- (D) he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board; and
- (E) the applicant owns, or was employed by, a funeral establishment directly damaged or destroyed by Hurricane Helene, to include the name of said funeral establishment and the type of damage or destruction that said funeral establishment suffered.
- (20) The application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license until the renewal fees and non-sufficient fund charges are paid.
- (d) Renewal applications for an unaffiliated practice permit shall be made on applications available on the Board's website at ncbfs.org. All renewal applications for an unaffiliated practice permit shall contain all information required by Paragraph (c)(1)-(4), (c)(9)-(20) of this Rule.

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

21 NCAC 34B .0313 is proposed for amendment under temporary procedures **with changes** as follows:

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 ~~nebfs.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)a.~~ 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;

1 (J) Whether the applicant has been convicted of a felony or misdemeanor crime and, if so, a
2 statement providing the jurisdiction, charge, date of disposition, and sentence imposed of
3 each conviction;

4 (K) Whether the applicant has any criminal charges currently pending and, if so, the nature of
5 the charge and the jurisdiction in which the charge is pending;

6 (L) Whether the applicant has had an occupational or business license suspended or revoked
7 by any local, state, or federal agency and, if so, a statement providing the reason for the
8 action and the date, location, and circumstances of any violation that led to action against
9 the license;

10 (M) Whether any court, board, agency, or professional organization has found applicant guilty
11 of misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent
12 practice and, if so, the tribunal and the date of the finding;

13 (N) Whether the applicant has any charges pending before any court, board, agency, or
14 professional organization for unprofessional conduct, dishonest or fraudulent practice, or
15 incompetent practice and, if so, the tribunal in which the charge is pending;

16 (O) Whether, within the preceding 2 years, the applicant has been the subject of any
17 investigation for employee misclassification and, if so, the results of the investigation;

18 (P) The applicant's notarized signature to certify that he or she has prepared the application
19 and has read the answers, the information provided in the application is [true.] true, the
20 applicant has read and understands the public notice statement on employee
21 misclassification that is set forth in the application and has disclosed any investigations for
22 employee misclassification, and its results, over the preceding two year period, as
23 prescribed by G.S. 143-789, and he or she understands that any credential issued shall be
24 governed by the provisions of Article 13A, Chapter 90 of the North Carolina General
25 Statutes and the rules promulgated by the Board; and

26 (Q) The application fee, as prescribed by G.S. 90-210.25(a)(3a). If the application fee is
27 dishonored by the licensee's drawee bank for any reason, the Board shall suspend the
28 license until the renewal fees and non-sufficient fund charges are paid.

29 (2) "Entry-Level Examination" shall mean an examination ~~that is equivalent to the State Board~~
30 Examination Arts in Funeral Directing to assess competency in funeral arranging and directing;
31 funeral service marketing and merchandising; funeral service counseling; legal and regulatory
32 compliance; and cemetery and crematory operations pursuant to G.S. 90-210.25(a)(1)(e)(1). The
33 National Board Examination Arts that is administered by the International Conference of Funeral
34 Service Examining Boards is equivalent to the State Board Examination Arts in Funeral Directing,
35 as defined by G.S. 90-210.20(11) and as recognized by the Board in 21 NCAC 34B .0211.

36 (3) "Laws and Rules Examination" shall mean an examination prepared by the Board to evaluate an
37 applicant's knowledge of Articles 13A, 13D, 13E, and 13F of Chapter 90 of the North Carolina

~~General Statutes, Chapter 34 of Title 21 of the North Carolina Administrative Code, and 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.
~~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, 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.~~

1 (5) Provisional licensees shall be subject to the same license renewal requirements as licensees in
2 funeral directing, including completion of a renewal application as set forth in Rule .0309 of this
3 Section by December 31st of each year but not later than February 1st of the year immediately
4 following the expiration of the license and submission of a non-refundable renewal fee of two
5 hundred fifty dollars (\$250.00).

6 (6) Provisional licensees shall be subject to the same requirements for continuing education as for
7 licensees in funeral directing including a minimum of five continuing education credits ~~annually~~
8 ~~and not exceeding two hours annually through online instruction. annually.~~ All continuing education
9 credits shall be awarded only for Board-approved courses of instruction provided through an
10 accredited sponsor or other approved provider, as set forth in Section .0400 of this Subchapter.

11
12 *History Note: Authority G.S. 90-210.25(a)(3a);*
13 *Eff. March 17, ~~2021~~. 2021;*
14 *Temporary Amendment Eff. November 7, 2025.*
15

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

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

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

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

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

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

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

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

11 *Eff. February 1, 1976;*

12 *Readopted Eff. September 27, 1977;*

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

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

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

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

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

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

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

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

- 1 (13) The facility at which refrigeration of unembalmed human remains on behalf of the funeral
2 establishment will occur, if refrigeration will be performed in an off-site facility;
- 3 (13) The names, license type and license number of each funeral director, funeral service licensee, and
4 embalmer working for the establishment and whether said licensee is working on a full-time, part-
5 time, or per case basis;
- 6 (14) A copy of the General Price List, Casket Price List, Outer Burial Container Price List, and Statement
7 of Funeral Goods and Services Selected intended for use by the applicant, as required by the FTC
8 Funeral Rule, 16 C.F.R. ~~Part 453;~~ 453.2;
- 9 (15) Proof of the applicant's right of occupancy for the premises at which the funeral establishment will
10 be located;
- 11 (16) Whether the applicant currently is in good standing with the North Carolina Secretary of State and,
12 if so, documentation to establish proof of the same;
- 13 (17) Whether, within the preceding [2] two years, the applicant has been the subject of any investigation
14 for employee misclassification and, if so, the results of the investigation;
- 15 (18) The licensed manager's notarized signature to certify that:
16 (A) he or she has prepared the application and has read the answers;
17 (B) the information provided in the application is true;
18 (C) the applicant has read and understands the public notice statement on employee
19 misclassification that is set forth in the application and has disclosed any investigations for
20 employee misclassification, and its results, over the preceding two year period, as
21 prescribed by G.S. 143-789; and
22 (D) he or she understands that any credential issued shall be governed by the provisions of
23 Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated
24 by the Board;
- 25 (19) The signature of each owner, partner, manager, member, operator, and officer of the business entity
26 applying for licensure, consenting to the Board's ability to conduct a background check on his or
27 her criminal history; and
- 28 (20) The application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application
29 fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license
30 until the renewal fees and non-sufficient fund charges are paid.
- 31 (b) Upon receipt of an application as set forth in this Rule, the Board shall provide to the individuals identified
32 in Paragraph (a)(19) of this Rule instructions on how to submit his or her fingerprints for a criminal background check,
33 in accordance with G.S. 90-210.25(a)(5)(h). The individuals shall sign and return to the Board a form provided by the
34 Board, consenting to the check of the criminal records and to the use of his or her fingerprints and other identifying
35 information required by the State or national repositories. If the background check is performed by the State Bureau
36 of Investigation, the individuals shall remit payment to the Board in the form of an official check, money order, or
37 cashier's check, made payable to the State Bureau of Investigation, the actual costs charged by the Department of

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

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

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

12 *Eff. February 1, 1976;*

13 *Readopted Eff. September 27, 1977;*

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

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

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

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

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

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

- (1) The legal name of the individual or entity that owns the funeral establishment;
- (2) The email address, physical address, mailing address, phone number(s), and facsimile number of the funeral establishment;
- (3) Other names under which the funeral establishment conducts business;
- (4) Whether the entity or individual owning the unaffiliated practice is a sole proprietorship, partnership, corporation, or limited liability company;
- (5) If owned by a sole proprietor, the legal name of the sole proprietor;
- (6) If owned by a partnership, the name of each partner and his or her respective ownership interests;
- (7) If owned by a corporation, the name of each corporate officer and his or her position and his or her respective ownership interest;
- (8) If owned by a limited liability company, the name of each member and his or her respective percentage of ownership;
- ~~[(10)]~~ (9) Whether the establishment has continuously held a funeral establishment permit since January 1, 1988;
- ~~[(11)]~~ (10) Whether more than fifty percent (50%) of the ownership interest has changed at any time since last year's renewal;
- (11) ~~[whether]~~ Whether the preparation room within the funeral establishment complies with the requirements of G.S. 90-210.27A(a) and whether any changes have been made to the preparation room since the previous renewal application;
- (12) Whether embalming will be performed in an embalming facility located outside of the funeral establishment and, if so, the name and address of the location at which embalming will be performed;
- (13) The name and license number of the individual who will serve as the licensed location manager for the funeral establishment in accordance with G.S. 90-210.25(d)(1);
- ~~[(13)]~~ (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;

- ~~(13)~~ (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) 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, 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;
- (18) 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.
- (19) 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
- (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.

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

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

21 NCAC 34B .0616 BODY IDENTIFICATION TAGS

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

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

Eff. September 1, 2009;

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

Temporary Amendment Eff. November 7, 2025.

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

SECTION .0800 – TRANSPORTATION OF DEAD HUMAN BODIES

21 NCAC 34B .0801 DEFINITIONS

For purposes of Section .0800, the following definitions shall apply:

- (1) "Decedent" shall mean any dead human body or remains believed to be human.
- (2) "Disinfect" shall mean a process that eliminates pathogenic microorganisms on inanimate objects using liquid chemicals or wet pasteurization.
- (3) "Impervious" shall mean constructed from material that does not allow another substance to pass through or to penetrate the material.
- (4) "Licensee" shall mean an individual or entity holding any type of licensure from the Board that allows the individual or entity to engage in the removal or transportation of a dead human body. As used in this section, "licensee" shall include employees or authorized representatives of any person or entity exempt from obtaining a transporter permit pursuant to G.S. 90-210.25(c)(5).
- (5) "Location of origin" shall mean the location from which the licensee is authorized to transport or remove a dead human body.
- (6) "ME" shall mean a local Medical Examiner appointed by the Office of the Chief Medical Examiner, pursuant to G.S. 130A-382.
- (7) "NC OSH" shall mean the North Carolina Occupational Safety and Health Division, North Carolina Department of Labor.
- (8) "OCME" shall mean the Office of the Chief Medical Examiner.
- (9) "OSHA" shall mean the federal Occupational Safety and Health Administration.
- (10) "Permit holder" shall mean an individual who holds a permit issued by the Board to engage in the removal or transportation of a dead human body, as defined in G.S. 90-210.25(c)(3).
- (11) "Removal vehicle" shall mean a vehicle of a size, dimensions, and specifications capable of removing and transporting, in accordance with G.S. 90-210.25(c)(9), at least one adult human body measuring up to seven feet in length and three hundred pounds in weight.
- (12) "State" shall mean the State of North Carolina.
- (13) "Removal or Transportation" shall mean the removal or transportation of a dead human body, or part thereof.
- (14) "Transporter Permit" shall mean a permit issued to an individual by the Board pursuant to Rule .0802 of this Section to engage in the removal or transportation of a dead human body, as defined in G.S. 90-210.25(c)(3).
- (15) "Transportation Service" shall mean any business that employs or contracts with individuals to engage in the removal or transportation of a dead human body unless otherwise exempt pursuant to G.S. 90-210.25(c)(5) and (6).

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

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

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

21 NCAC 34B .0802 INITIAL TRANSPORTER PERMIT APPLICATION FORM

(a) Pursuant to G.S. 90-210.25(c)(7), any person desiring to obtain a Transporter Permit from the Board shall make application to the Board. Applications not completed within 90 days of submission to the Board shall be denied. Application forms and instructions may be found on the Board's website at ~~https://ncbfs.org~~, **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)~~; **G.S. 90-210.25(c)(7)f**;
- (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;

1 (17) The applicant's signature to certify under oath that he or she has read and understands the statutes
2 and rules relating to the removal or ~~transportation~~, ~~transportation found in G.S. 90-210.25(c) and~~
3 ~~Section .0800 of this Subchapter~~, as well as the standards of OSHA for universal precautions and
4 blood-borne ~~pathogens~~, ~~pathogens found in~~ 29 C.F.R. 1910.1030; and

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

6 (c) Upon receipt of an applicant's application for a Transporter Permit, the Board shall provide to the applicant
7 instructions on how to submit his or her fingerprints for a criminal background check, in accordance with G.S. 90-
8 210.25(a)(5)(h). The applicant shall sign and return to the Board a form provided by the Board, consenting to the
9 check of the criminal records and to the use of his or her fingerprints and other identifying information required by
10 the State or national repositories. The applicant shall remit payment to the Board in the form of an official check,
11 money order, or cashier's check, made payable to the State Bureau of Investigation, the actual costs charged by the
12 Department of Public Safety for performing the criminal background check.

13
14 *History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5)(h); 90-210.25(c)(7) and (10);*
15 *Eff. February 1, ~~2025~~. 2025;*
16 *Temporary Amendment Eff. November 7, 2025.*
17

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

21 NCAC 34B .0803 TRANSPORTER PERMIT RENEWAL APPLICATION FORM

(a) To renew a Transporter Permit, the permit holder shall complete and submit to the Board a renewal application available on the Board's website at ncbfs.org on or before February 1 of each calendar year.

(b) The renewal application shall contain the following:

- (1) The permit holder's full name;
- (2) The permit holder's physical and mailing address of residence;
- (3) The name, address, and permit number ~~name and address~~ of the Transportation Service, if any, for which the permit holder works;
- (4) The permit holder's work phone number, home phone number, and cell phone number;
- (5) The permit holder's email address;
- (6) A copy of the permit holder's valid driver's license issued by the State;
- (7) A copy of all liability insurance required for the registration of the removal vehicle to be used by the permit holder;
- (8) A copy of professional liability insurance covering the permit holder's acts and omissions while engaging in the removal or transportation, with liability limits not less than required by G.S. 90-210.25(c)(7);
- (9) Whether the make, model, year, and license plate number of the permit holder's removal vehicle has changed since the previous renewal year and, if so, the make, model, year, and license plate number of the removal vehicle currently used by the applicant;
- (10) Whether the permit holder has been convicted of any felony or misdemeanor crimes since the previous renewal application was submitted and, if so, a statement providing the jurisdiction, charge, and disposition of each conviction;
- (11) Whether the permit holder has had an occupational or business license denied, suspended, or revoked by any local, state, or federal agency since the previous renewal application was submitted and, if so, a statement providing the reason for the denial and the date, location, and circumstances of any violation that led to action against the permit holder, the terms of any discipline imposed by the licensing authority, and whether said terms have been satisfied;
- (12) Whether OCME ever has terminated the permit holder's ability to provide removal or transportation services on behalf of OCME and, if so, the reasons for said termination, if known;
- (13) Whether the permit holder has been subject to any investigation for employee misclassification as defined by G.S. 143-786(a)(5) since the previous renewal application was submitted;
- (14) The permit holder's signature to certify that he or she has prepared the application and has read the answers; that the information provided in the application is true; and that he or she has read the NC Industrial Commission Public Notice Statement;

- 1 (15) The permit holder's signature to certify under oath that he or she has read and understands the
2 statutes and rules relating to the removal or ~~transportation~~, ~~transportation found in G.S. 90-210.25(c)~~
3 ~~and Section .0800 of this Subchapter~~, as well as the standards of OSHA for universal precautions
4 and blood-borne ~~pathogens~~, ~~pathogens found in~~ 29 C.F.R. 1910.1030;
- 5 (16) The permit holder's consent to a check of the permit holder's criminal background by the Board; and
- 6 (17) The application fee, as prescribed by G.S. 90-210.25(c)(8) and 21 NCAC 34A .0201. If the
7 application fee is dishonored by the drawee bank for any reason, the Board shall suspend the
8 Transporter Permit until the renewal fees and non-sufficient fund charges are paid.
- 9

10 *History Note:* *Authority G.S. 90-210.23(a); 90-210.25(a)(5)(h); 90-210.25(c)(8) and (10);*
11 *Eff. February 1, 2025; ~~2025~~;*
12 *Temporary Amendment Eff. November 7, 2025.*
13
14

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

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

(a) Pursuant to G.S. 90-210.25(c)(7), any business desiring to obtain a Transportation Service Permit from the Board shall make application to the Board. Applications not completed within 90 days of submission to the Board shall be denied. Application forms and instructions may be found on the Board's website at ~~https://ncbfs.org-~~ 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~~ 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~~ licensees 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~~ licensees engaged in Removal or Transportation on behalf of the Transportation Service, with liability limits not less than required by G.S. 90-210.25(c)(7);
- (16) Whether the applicant currently is in good standing with the North Carolina Secretary of State and, if so, documentation to establish proof of the same;
- (17) Whether the owner, partner, manager, member, operator, or officer of the Transportation Service has been convicted of any felony or misdemeanor crimes and, if so, a statement providing the jurisdiction, charge, and disposition of each conviction;

- 1 (18) Whether the Transportation Service or any of its owners, partners, managers, members, operators,
2 or officers has had an occupational or business license denied, suspended, or revoked by any local,
3 state, or federal agency and, if so, a statement providing the reason for the denial and the date,
4 location, and circumstances of any violation that led to action against the applicant, the terms of any
5 discipline imposed by the licensing authority, and whether said terms have been satisfied;
- 6 (19) Whether OCME ever has terminated the ability of the Transportation Service or any of its owners,
7 partners, managers, members, operators, or officers to provide removal or transportation services
8 on behalf of OCME and, if so, the reasons for said termination, if known;
- 9 (20) Whether, within the preceding 2 two years, the applicant has been the subject of any investigation
10 for employee misclassification and, if so, the results of the investigation;
- 11 (21) The notarized signature of the majority owner of the Transportation Service to certify that:
- 12 (A) he or she has prepared the application and has read the answers;
- 13 (B) the information provided in the application is true;
- 14 (C) he or she has read and understands the public notice statement on employee
15 misclassification that is set forth in the application and has disclosed any investigations for
16 employee misclassification, and its results, over the preceding two year period, as
17 prescribed by G.S. 143-789;
- 18 (D) he or she understands that any credential issued shall be governed by the provisions of
19 Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated
20 by the Board; and
- 21 (E) he or she has read and understands the statutes and rules relating to the removal or
22 ~~transportation~~, transportation found in G.S. 90-210.25(c) and Section .0800 of this
23 Subchapter, as well as the standards of OSHA for universal precautions and blood-borne
24 ~~pathogens~~, pathogens found in 29 C.F.R. 1910.1030.
- 25 (22) The signature of each owner, partner, manager, member, operator, and officer of the business entity
26 applying for the Transportation Service Permit, consenting to the Board's ability to conduct a
27 background check on his or her criminal history; and
- 28 (22) The application fee, as prescribed by G.S. 90-210.25(c)(8) and 21 NCAC 34A .0201.
- 29 (c) Upon receipt of an application for a Transportation Service Permit, the Board shall provide to the individuals
30 identified in Paragraph (b)(22) of this Rule instructions on how to submit his or her fingerprints for a criminal
31 background check, in accordance with G.S. 90-210.25(a)(5)(h). The individuals shall sign and return to the Board a
32 form provided by the Board, consenting to the check of the criminal records and to the use of his or her fingerprints
33 and other identifying information required by the State or national repositories. If the background check is performed
34 by the State Bureau of Investigation, the individuals shall remit payment to the Board in the form of an official check,
35 money order, or cashier's check, made payable to the State Bureau of Investigation, the actual costs charged by the
36 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.

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

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

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

(a) To renew a Transportation Service Permit, the permit holder shall complete and submit to the Board a renewal application on or before February 1 of each calendar year.

(b) The renewal application shall contain the following:

- (1) The applicant's full name and Transporter Permit number, if one exists;
- (2) The applicant's email address, physical address, mailing address, and phone number(s);
- (3) The name of the individual or entity that owns the Transportation Service;
- (4) Whether the entity or individual owning the unaffiliated practice is a sole proprietorship, partnership, corporation, or limited liability company;
- (5) If the applicant will conduct business in a different name than that of its owning entity, a copy of the applicant's Certificate of Assumed Name;
- (6) The names and respective ownership interest percentages of each sole proprietor, partner, LLC members, or corporate officers;
- (7) A copy of valid driver's licenses issued by the State for all ~~Licensees~~ 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~~ licensees working for the Transportation Service and whether said ~~Licensee~~ licensees is working on a full-time, part-time, or per case basis;
- (11) A copy of the professional liability insurance covering the acts and omissions of all Licensees engaged in Removal or Transportation on behalf of the Transportation Service, with liability limits not less than required by G.S. 90-210.25(c)(7);
- (12) Whether the applicant currently is in good standing with the North Carolina Secretary of State and, if so, documentation to establish proof of the same;
- (13) Whether the owner, partner, manager, member, operator, or officer of the Transportation Service has been convicted of any felony or misdemeanor crimes since the last year's renewal application and, if so, a statement providing the jurisdiction, charge, and disposition of each conviction;
- (14) Whether the Transportation Service or any of its owners, partners, managers, members, operators, or officers has had an occupational or business license denied, suspended, or revoked by any local, state, or federal agency since the last year's renewal and, if so, a statement providing the reason for the denial and the date, location, and circumstances of any violation that led to action against the

- 1 applicant, the terms of any discipline imposed by the licensing authority, and whether said terms
2 have been satisfied;
- 3 (15) Whether OCME ever has terminated the ability of the Transportation Service or any of its owners,
4 partners, managers, members, operators, or officers to provide removal or transportation services
5 on behalf of OCME since the last year's renewal application and, if so, the reasons for said
6 termination, if known;
- 7 (16) Whether, within the last year's renewal application, the applicant has been the subject of any
8 investigation for employee misclassification and, if so, the results of the investigation;
- 9 (17) The notarized signature of the majority owner of the Transportation Service to certify that:
- 10 (A) he or she has prepared the application and has read the answers;
- 11 (B) the information provided in the application is true;
- 12 (C) he or she has read and understands the public notice statement on employee
13 misclassification that is set forth in the application and has disclosed any investigations for
14 employee misclassification, and its results, since the last year's renewal application, as
15 prescribed by G.S. 143-789;
- 16 (D) he or she understands that any credential issued shall be governed by the provisions of
17 Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated
18 by the Board; and
- 19 (E) he or she has read and understands the statutes and rules relating to the removal or
20 ~~transportation~~, transportation found in G.S. 90-210.25(c) and Section .0800 of this
21 Subchapter, as well as the standards of OSHA for universal precautions and blood-borne
22 ~~pathogens~~, pathogens found in 29 C.F.R. 1910.1030.
- 23 (18) The signature of each owner, partner, manager, member, operator, and officer of the business entity
24 applying to renew the Transportation Service Permit, consenting to the Board's ability to conduct a
25 background check on his or her criminal history; and
- 26 (19) The application fee, as prescribed by G.S. 90-210.25(c)(8) and 21 NCAC 34A .0201. If the
27 application fee is dishonored by the drawee bank for any reason, the Board shall suspend the
28 Transportation Service Permit until the renewal fees and non-sufficient fund charges are paid.

29
30 *History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5)(h); 90-210.25(c)(8) and (10);*
31 *Temporary Adoption Eff. November 7, 2025.*
32

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

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

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

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

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

*History Note: Authority G.S. 90-210.69(a); 90-210.68(b);
Temporary Adoption Eff. November 7, 2025.*

Burgos, Alexander N

From: Wiggs, Travis C
Sent: Thursday, October 16, 2025 11:52 AM
To: Catherine Lee; AAcord@ncbfs.org
Cc: Burgos, Alexander N
Subject: FW: [External] RE: Temporary Rules-RRC October 2025
Attachments: 10_2025-Request for Technical Changes-Board of Funeral Service-Temporary Rules.docx

Forwarding this to you since I received an auto-reply that Ms. Acord is out of the office today.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Wiggs, Travis C
Sent: Thursday, October 16, 2025 11:50 AM
To: 'Amy D. Acord' <AAcord@ncbfs.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Temporary Rules-RRC October 2025

Good morning,

I'm the attorney who reviewed the temporary rules submitted by the Board of Funeral Service for the October 2025 RRC meeting. The RRC will formally review these rules at its meeting on Thursday, October 30, 2025, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised rules to me via email, no later than 5 p.m. on October 24, 2025. Let me know if you have any questions.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Amy D. Acord <AAcord@ncbfs.org>
Sent: Friday, October 10, 2025 11:46 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Catherine Lee <CLee@ncbfs.org>
Cc: hilderbrandandthomas@gmail.com; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Brett Lisenbee

<BLisenbee@ncbfs.org>

Subject: [External] RE: Temporary Rules-RRC October 2025

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Mr. Wiggs,

Thank you for your email. I have copied our General Counsel to this email thread for her to respond to your inquiry.

Regards,

Amy D. Acord

Amy D. Acord
Executive Director
NCBFS
1033 Wade Ave., Ste. 108
Raleigh, NC 27605
www.ncbfs.org

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Friday, October 10, 2025 11:29 AM
To: Amy D. Acord <AAcord@ncbfs.org>
Cc: hilderbrandandthomas@gmail.com; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Temporary Rules-RRC October 2025

Good morning,

I'm the attorney who's been assigned to review the temporary rules submitted by your agency for review at the October 2025 Rules Review Commission meeting. G.S. 150B-21.1(a4) requires a written statement of your findings of need stating, "why adherence to the notice and hearing requirements of G.S. 150B-21.2 would be contrary to the public interest and why the immediate adoption of the rule is required." I don't see this analysis on Form 0500 that was submitted with each temporary rule.

I understand your agency is relying on S.L. 2025-76 as authority to promulgate these rules. However, I don't see where the S.L. imposes any time constraints ("may adopt temporary rules to implement the provisions of this act.") for the adoption of temporary rules. Why are the notice and hearing requirements of 150B-21.2 "contrary to the public interest" and why is "*immediate* adoption of the rule(s) *required*?"

Please review 150B-21.1(b1)(b2) and reply to this email with the necessary information at your earliest convenience.

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Electronic messages sent to or from this account may be subject to public inspection and copying under Chapter 132 of the N.C. General Statutes. Opinions expressed by Board Staff in this correspondence or any attachments hereto have not necessarily been reviewed, approved, or otherwise adopted by the Board, nor are they binding upon the Board. The purpose of such opinions is to help licensees of the Board comply with the Board's laws and rules, based solely on the facts provided by Board Staff. Please be advised that these opinions are subject to change. If you disagree with the Board Staff's opinion, you may have the right to request a declaratory ruling from, or hearing before, the Board pursuant to Chapter 150B of the N.C. General Statutes.

Burgos, Alexander N

Subject: FW: [External] RE: Temporary Rules-RRC October 2025

From: Catherine Lee <CLee@ncbfs.org>

Sent: Tuesday, October 14, 2025 2:37 PM

To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Amy D. Acord <AAcord@ncbfs.org>

Cc: hilderbrandandthomas@gmail.com; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Brett Lisenbee <BLisenbee@ncbfs.org>

Subject: RE: [External] RE: Temporary Rules-RRC October 2025

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Mr. Wiggs – I’m glad to provide a more detailed explanation, as set forth below, for each proposed temporary rule, addressing both questions that you presented: (1) Why are the notice and hearing requirements of 150B-21.2 “contrary to the public interest”? and (2) Why are “immediate adoption of the rule(s) required”?

- **21 NCAC 34A .0122 (Character Affidavit) (repeal)**
 - GS 90-210.26 was repealed by SL 2025-76. As such, the NC General Assembly has removed the ability of applicants to show evidence of good moral character by submission to the Board of the affidavits of three persons who have been acquainted with the applicant for three years immediately preceding the submission of the affidavit. Because the statutory authority for the promulgation of 21 NCAC 34A .0122 has been eliminated, immediate repeal of the rule is required. Providing the notice and hearing requirements set forth in GS 150B-21.2—as opposed to the notice and hearing requirements that the Board provided to the regulated public consistent with GS 150B-21.1—would delay the ability of the Board to repeal the rule until early 2026, resulting in inconsistency between the rule and the statute. Therefore, the Board seeks repeal of this rule by temporary procedure, as authorized by Section 5.1 of SL 2025-76.
- **21 NCAC 34A .0201 (Fees and Other Payments) (amendment)**
 - SL 2025-76 created new credentials to be issued by the Board for which licensure fees are to be assessed. Specifically, the NC General Assembly has directed the Board to begin issuing branch funeral establishments and transportation service permits to eligible applicants, for which a license fee may be assessed. The NC General Assembly also codified in SL 2025-76 the Board’s authority to assess a fee for Board-sponsored continuing education. Immediate amendment to 21 NCAC 34A .0201 is required to allow the Board to establish a codified application process for these new credentials, as soon as possible. Providing the notice and hearing requirements set forth in GS 150B-21.2—as opposed to the notice and hearing requirements that the Board provided to the regulated public consistent with GS 150B-21.1—would delay the ability of the Board to establish a codified application process until early 2026. Therefore, the Board seeks amendment of this rule by temporary procedure, as authorized by Section 5.1 of SL 2025-76.
- **21 NCAC 34B .0103 (Authorized Practice: Supervision) (amendment)**

- SL 2025-76 amended GS § 90-210.25(a)(4)a. to reduce the amount of time during which a licensee must be licensed by the Board before serving as a supervisor for a resident trainee registered with the Board. Prior to the enactment of SL 2025-76, a licensee was required to be licensed to practice by the Board for a minimum of five years before serving as a supervisor. SL 2025-76 reduced the period of necessary licensure to one year. Immediate amendment to 21 NCAC 34B .0103 is required to reflect the reduction in time mandated by SL 2025-76; otherwise, the existing rule will be inconsistent with the requirements set forth in statute. Providing the notice and hearing requirements set forth in GS 150B-21.2—as opposed to the notice and hearing requirements that the Board provided to the regulated public consistent with GS 150B-21.1—would delay the ability of the Board to remove the inconsistency in the law until early 2026. Therefore, the Board seeks amendment of this rule by temporary procedure, as authorized by Section 5.1 of SL 2025-76.
- **21 NCAC 34B .0105 (Funeral Director Trainee Application Form) (amendment)**
 - SL 2025-76 amended GS § 90-210.25(a)(4)a. to reduce the amount of time during which a licensee must be licensed by the Board before serving as a supervisor for a resident trainee registered with the Board. Prior to the enactment of SL 2025-76, a licensee was required to be licensed to practice by the Board for a minimum of five years before serving as a supervisor. SL 2025-76 reduced the period of necessary licensure to one year. Immediate amendment to 21 NCAC 34B .0105 is required to reflect the reduction in time mandated by SL 2025-76; otherwise, the existing rule will be inconsistent with the requirements set forth in statute. Providing the notice and hearing requirements set forth in GS 150B-21.2—as opposed to the notice and hearing requirements that the Board provided to the regulated public consistent with GS 150B-21.1—would delay the ability of the Board to modify its trainee application form to reflect the new eligibility criteria set forth in SL 2025-76 until early 2026. Therefore, the Board seeks amendment of this rule by temporary procedure, as authorized by Section 5.1 of SL 2025-76.
- **21 NCAC 34B .0106 (Embalmer Trainee Application Form) (amendment)**
 - SL 2025-76 amended GS § 90-210.25(a)(4)a. to reduce the amount of time during which a licensee must be licensed by the Board before serving as a supervisor for a resident trainee registered with the Board. Prior to the enactment of SL 2025-76, a licensee was required to be licensed to practice by the Board for a minimum of five years before serving as a supervisor. SL 2025-76 reduced the period of necessary licensure to one year. Immediate amendment to 21 NCAC 34B .0106 is required to reflect the reduction in time mandated by SL 2025-76; otherwise, the existing rule will be inconsistent with the requirements set forth in statute. Providing the notice and hearing requirements set forth in GS 150B-21.2—as opposed to the notice and hearing requirements that the Board provided to the regulated public consistent with GS 150B-21.1—would delay the ability of the Board to modify its trainee application form to reflect the new eligibility criteria set forth in SL 2025-76 until early 2026. Therefore, the Board seeks amendment of this rule by temporary procedure, as authorized by Section 5.1 of SL 2025-76.
- **21 NCAC 34B .0107 (FSL Trainee Application Form) (amendment)**
 - SL 2025-76 amended GS § 90-210.25(a)(4)a. to reduce the amount of time during which a licensee must be licensed by the Board before serving as a supervisor for a resident trainee registered with the Board. Prior to the enactment of SL 2025-76, a licensee was required to be licensed to practice by the Board for a minimum of five years before serving as a supervisor. SL 2025-76 reduced the period of necessary licensure to one year. Immediate amendment to 21 NCAC 34B .0107 is required to reflect the reduction in time mandated by SL 2025-76; otherwise, the existing rule will be inconsistent with the requirements set forth

in statute. Providing the notice and hearing requirements set forth in GS 150B-21.2—as opposed to the notice and hearing requirements that the Board provided to the regulated public consistent with GS 150B-21.1—would delay the ability of the Board to modify its trainee application form to reflect the new eligibility criteria set forth in SL 2025-76 until early 2026. Therefore, the Board seeks amendment of this rule by temporary procedure, as authorized by Section 5.1 of SL 2025-76.

- **21 NCAC 34B .0120 (Trainee Final Affidavits) (amendment)**

- SL 2025-76 amended GS § 90-210.25(a)(4) to now require a licensed supervisor to submit to the Board an affidavit “attesting to the trainee’s competencies on a form prescribed by the Board by rule.” Immediate amendment to 21 NCAC 34B .0120 is required to codify the substance of said affidavit, as directed by the General Assembly. Providing the notice and hearing requirements set forth in GS 150B-21.2—as opposed to the notice and hearing requirements that the Board provided to the regulated public consistent with GS 150B-21.1—would delay the ability of the Board to provide its regulated public with a codified process to submit the statutorily mandated affidavits. Therefore, the Board seeks amendment of this rule by temporary procedure, as authorized by Section 5.1 of SL 2025-76.

- **21 NCAC 34B .0211 (National Board Certificate) (amendment)**

- SL 2025-76 amended GS § 90-210.25(a)(1), (2), and (3) to increase from three years to five years the time during which passing scores on required examinations may be accepted by the Board to establish eligibility for licensure. Immediate amendment to 21 NCAC 34B .0211 is required to reflect this increase in time. Providing the notice and hearing requirements set forth in GS 150B-21.2—as opposed to the notice and hearing requirements that the Board provided to the regulated public consistent with GS 150B-21.1—would delay the ability of the Board to remove the inconsistency in the law until early 2026, causing confusion among the Board’s regulated public. Therefore, the Board seeks amendment of this rule by temporary procedure, as authorized by Section 5.1 of SL 2025-76.

- **21 NCAC 34B .0310 (Practice of Funeral Service or Funeral Directing Not as an Owner, Employee, or Agent of a Licensed Funeral Establishment) (amendment)**

- SL 2025-76 amended GS § 90-210.25(a2)(2) by modifying the eligibility criteria necessary to attain an unaffiliated practice permit from the Board. Immediate amendment to 21 NCAC 34B .0310 is required to modify the substance of the unaffiliated practice permit applications offered by the Board, so that the substance of the applications is consistent with the new statutory eligibility requirements. Providing the notice and hearing requirements set forth in GS 150B-21.2—as opposed to the notice and hearing requirements that the Board provided to the regulated public consistent with GS 150B-21.1—would delay the ability of the Board to offer applications for an unaffiliated practice permit that reflect current statutory licensure requirements, causing confusion about the Board’s regulated public.

- **21 NCAC 34B .0313 (Procedures for Provisional Licensure) (amendment)**

- SL 2025-76 amended GS § 90-210.27(e) to eliminate the requirement that a provisional licensee be subject to the same supervision requirements as a resident trainee registered with the Board. SL 2025-76 also eliminated the cap on the amount of online instruction that a provisional licensee may take on an annual basis. Immediate amendment to 21 NCAC 34B .0313 is required to reflect the elimination of the supervision requirement and the online continuing education cap, as the Board no longer has statutory authority to include these provisions in 21 NCAC 34B .0313. Moreover, SL 2025-76 amended GS § 90-

210.25(a)(5)(h) to allow criminal background checks to be provided by either the NC Department of Public Safety or a third-party criminal background check vendor, instead of only the NC Department of Public Safety. Immediate amendment to 21 NCAC 34B .0313 is required to reflect this change in submission of criminal background checks. Providing the notice and hearing requirements set forth in GS 150B-21.2—as opposed to the notice and hearing requirements that the Board provided to the regulated public consistent with GS 150B-21.1—would prevent the Board from removing provisions in Rule 21 NCAC 34B .0313 that no longer are supported by statute until early 2026.

- **21 NCAC 34B .0408 (Continuing Education Program) (amendment)**
 - The NC General Assembly codified in SL 2025-76 the Board’s authority to assess a fee for Board-sponsored continuing education. Immediate amendment to 21 NCAC 34AB .0408 is required to codify this new statutory authority in rule. Providing the notice and hearing requirements set forth in GS 150B-21.2—as opposed to the notice and hearing requirements that the Board provided to the regulated public consistent with GS 150B-21.1—would delay the ability of the Board to establish a codified process for its Board-sponsored continuing education offerings until early 2026. Therefore, the Board seeks amendment of this rule by temporary procedure, as authorized by Section 5.1 of SL 2025-76.
- **21 NCAC 34B .0502 (Application Form and Equivalent Examinations for Reciprocal License) (amendment)**
 - SL 2025-61 amends GS 93B-15.3, which provides a new pathway for licensure for individuals licensed in neighboring states. Immediate amendment to 21 NCAC 34AB .0502 is required to modify the substance of the Board’s application for reciprocal licensure, so that the Board is obtaining all information necessary to ascertain an applicant’s eligibility for reciprocal licensure, either under GS 93B-15.3 or GS 90-210.25(b). Providing the notice and hearing requirements set forth in GS 150B-21.2—as opposed to the notice and hearing requirements that the Board provided to the regulated public consistent with GS 150B-21.1—would delay until early 2026 the ability of the Board to gather information necessary to ascertain licensure eligibility under the newly amended GS 93B-15.3.
- **21 NCAC 34B .0608 (Application Form for Funeral Establishment Permit and Branch Establishment Permit) (amendment)**
 - SL 2025-76 creates new licensure type for branch establishments, which is defined in GS 90-210.20(4) as “a funeral establishment that serves as an ancillary facility to a principal funeral establishment, which is not required to contain a preparation room pursuant to G.S. 90-210.27A(a).” Immediate amendment to 21 NCAC 34AB .0608 is required to establish a codified application process for applicants seeking a branch establishment permit. Providing the notice and hearing requirements set forth in GS 150B-21.2—as opposed to the notice and hearing requirements that the Board provided to the regulated public consistent with GS 150B-21.1—would delay the ability of the Board to offer a codified application process to applicants until early 2026. Therefore, the Board seeks amendment of this rule by temporary procedure, as authorized by Section 5.1 of SL 2025-76.
- **21 NCAC 34B .0610 (Funeral Establishment Permit and Branch Establishment Renewal Form) (amendment)**
 - SL 2025-76 creates new licensure type for branch establishments, which is defined in GS 90-210.20(4) as “a funeral establishment that serves as an ancillary facility to a principal funeral establishment, which is not required to contain a preparation room pursuant to G.S. 90-210.27A(a).” Immediate amendment to 21 NCAC 34AB .0610 is required to

establish a codified application process of applicants seeking renewal of a branch establishment permit. All Board licenses and permits must be renewed on or before December 31 of each calendar year. Providing the notice and hearing requirements set forth in GS 150B-21.2—as opposed to the notice and hearing requirements that the Board provided to the regulated public consistent with GS 150B-21.1—would delay the ability of the Board to offer a codified renewal application process to applicants until early 2026, and after the deadline for licensure renewal for the 2026 calendar year. Therefore, the Board seeks amendment of this rule by temporary procedure, as authorized by Section 5.1 of SL 2025-76.

- **21 NCAC 34B .0617 (Practicing During Disasters) (amendment)**

- SL 2025-76 modified GS 90-210.27A(a1) to increase the time during which a funeral establishment may obtain a waiver of the requirements set forth in GS 90-210.27A(a) and (c), when the funeral establishment is destroyed by fire, weather event, or other natural disaster. 21 NCAC 34B .0617 as currently written is obsolete, in light of the amendments to GS 90-210.27A(a1), and immediate amendment is necessary to eliminate inconsistencies in the law. Providing the notice and hearing requirements set forth in GS 150B-21.2—as opposed to the notice and hearing requirements that the Board provided to the regulated public consistent with GS 150B-21.1—would delay the ability of the Board to resolve these inconsistencies until early 2026, thereby causing confusion among the Board’s regulated public. Therefore, the Board seeks amendment of this rule by temporary procedure, as authorized by Section 5.1 of SL 2025-76.

- **21 NCAC 34B .0618 (Practicing During Emergencies) (repeal)**

- SL 2025-76 modified GS 90-210.27A(a1) to increase the time during which a funeral establishment may obtain a waiver of the requirements set forth in GS 90-210.27A(a) and (c), when the funeral establishment is destroyed by fire, weather event, or other natural disaster. 21 NCAC 34B .0618 as currently written is obsolete, in light of the amendments to GS 90-210.27A(a1), and immediate amendment is required to eliminate inconsistencies in the law. Providing the notice and hearing requirements set forth in GS 150B-21.2—as opposed to the notice and hearing requirements that the Board provided to the regulated public consistent with GS 150B-21.1—would delay the ability of the Board to resolve these inconsistencies until early 2026, thereby causing confusion among the Board’s regulated public. Therefore, the Board seeks amendment of this rule by temporary procedure, as authorized by Section 5.1 of SL 2025-76.

- **21 NCAC 34B .0801 (Definitions) (amendment)**

- SL 2025-76 modified GS 90-210.25(c)(4) to mandate that “no person, firm, or corporation shall conduct, maintain, manage, or operate a business engaged in the transportation or removal of a dead human body unless a removal and transportation permit for that business has been issued by the Board and is conspicuously displayed in the removal vehicles of that business.” Immediate amendment to 21 NAC 34B .0801 is required to define the newly created licensure type of Transportation Service Permit, as set forth in SL 2025-76. Providing the notice and hearing requirements set forth in GS 150B-21.2—as opposed to the notice and hearing requirements that the Board provided to the regulated public consistent with GS 150B-21.1—would delay the ability of the Board to define this newly-created licensure type until early 2026. Therefore, the Board seeks amendment of this rule by temporary procedure, as authorized by Section 5.1 of SL 2025-76.

- **21 NCAC 34B .0802 (Initial Transporter Permit Application Form) (amendment)**

- SL 2025-76 modified GS 90-210.25(c)(4) to mandate that “no person, firm, or corporation shall conduct, maintain, manage, or operate a business engaged in the transportation or

removal of a dead human body unless a removal and transportation permit for that business has been issued by the Board and is conspicuously displayed in the removal vehicles of that business.” Immediate amendment to 21 NAC 34B .0802 is required to modify the substance of the application for individual transporters to now require disclosure of the permit number of the Transportation Service for which the applicant works. Providing the notice and hearing requirements set forth in GS 150B-21.2—as opposed to the notice and hearing requirements that the Board provided to the regulated public consistent with GS 150B-21.1—would delay the ability of the Board to verify that individual transporters are working for a licensed transportation service until early 2026. Therefore, the Board seeks amendment of this rule by temporary procedure, as authorized by Section 5.1 of SL 2025-76.

- **21 NCAC 34B .0803 (Transporter Permit Renewal Application Form) (amendment)**
 - SL 2025-76 modified GS 90-210.25(c)(4) to mandate that “no person, firm, or corporation shall conduct, maintain, manage, or operate a business engaged in the transportation or removal of a dead human body unless a removal and transportation permit for that business has been issued by the Board and is conspicuously displayed in the removal vehicles of that business.” Immediate amendment to 21 NAC 34B .0803 is required to modify the substance of the renewal application for individual transporters to now require disclosure of the permit number of the Transportation Service for which the applicant works. Providing the notice and hearing requirements set forth in GS 150B-21.2—as opposed to the notice and hearing requirements that the Board provided to the regulated public consistent with GS 150B-21.1—would delay the ability of the Board to verify that individual transporters are working for a licensed transportation service until early 2026. Therefore, the Board seeks amendment of this rule by temporary procedure, as authorized by Section 5.1 of SL 2025-76.
- **21 NCAC 34B .0807 (Initial Transportation Service Permit Application Form) (adoption)**
 - SL 2025-76 modified GS 90-210.25(c)(4) to mandate that “no person, firm, or corporation shall conduct, maintain, manage, or operate a business engaged in the transportation or removal of a dead human body unless a removal and transportation permit for that business has been issued by the Board and is conspicuously displayed in the removal vehicles of that business.” Immediate amendment to 21 NAC 34B .0807 is required to establish a codified application process for transportation service applicants. Providing the notice and hearing requirements set forth in GS 150B-21.2—as opposed to the notice and hearing requirements that the Board provided to the regulated public consistent with GS 150B-21.1—would delay the ability of the Board to establish a codified application process for transportation service applicants until early 2026. Therefore, the Board seeks amendment of this rule by temporary procedure, as authorized by Section 5.1 of SL 2025-76.
- **21 NCAC 34B .0808 (Transportation Service Permit Renewal Application Form) (adoption)**
 - SL 2025-76 modified GS 90-210.25(c)(4) to mandate that “no person, firm, or corporation shall conduct, maintain, manage, or operate a business engaged in the transportation or removal of a dead human body unless a removal and transportation permit for that business has been issued by the Board and is conspicuously displayed in the removal vehicles of that business.” Immediate amendment to 21 NAC 34B .0808 is required to establish a codified renewal application process for transportation service applicants. Providing the notice and hearing requirements set forth in GS 150B-21.2—as opposed to the notice and hearing requirements that the Board provided to the regulated public consistent with GS 150B-21.1—would delay the ability of the Board to establish a

codified renewal application process for transportation service applicants until early 2026, which would occur after the 2026 renewal cycle concludes. Therefore, the Board seeks amendment of this rule by temporary procedure, as authorized by Section 5.1 of SL 2025-76.

- **21 NCAC 34C .0101 (Election to Crematory Authority) (repeal)**

- SL 2025-76 repealed GS 90-210.122, which was the enabling statute for the creation of the North Carolina Crematory Authority. 21 NCAC 34C .0101, as currently written, sets forth the process by which the Board shall conduct elections to the Crematory Authority. Immediate repeal of 21 NAC 34C .0101 is required because the rule now is obsolete and the Board no longer has statutory authority for said rule. Providing the notice and hearing requirements set forth in GS 150B-21.2—as opposed to the notice and hearing requirements that the Board provided to the regulated public consistent with GS 150B-21.1—would delay the ability of the Board to repeal a rule that no longer is consistent with statute. Therefore, the Board seeks amendment of this rule by temporary procedure, as authorized by Section 5.1 of SL 2025-76.

- **21 NCAC 34D .0305 (Transfer of Trust Funds to Insurance Funded Product) (adoption)**

- SL 2025-76 modified GS 90-210.63(b) such that now a funeral contract purchaser or a funeral contract beneficiary, upon the death of the purchaser, may direct the substitution of a preneed licensee, which may use the transferred trust funds for the purchase of a prearrangement insurance policy. Prior to the enactment of SL 2025-76, transferred trust funds were required to remain held in trust. Immediate adoption of 21 NAC 34D .0305 is required to provide a codified process by which the preneed licensee shall notify the Board of the transfer of preneed funds. Providing the notice and hearing requirements set forth in GS 150B-21.2—as opposed to the notice and hearing requirements that the Board provided to the regulated public consistent with GS 150B-21.1—would delay the ability of the Board to codify the process by which such transfers must be made known to the Board until early 2026. Therefore, the Board seeks amendment of this rule by temporary procedure, as authorized by Section 5.1 of SL 2025-76.

Thank you.

Catherine E. Lee
General Counsel
North Carolina Board of Funeral Service
1033 Wade Ave, Ste 108
Raleigh, NC 27605
Telephone: (919) 341-2639

Burgos, Alexander N

Subject: FW: [External] RE: Temporary Rules-RRC October 2025

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Friday, October 10, 2025 3:09 PM

To: Catherine Lee <CLee@ncbfs.org>; Amy D. Acord <AAcord@ncbfs.org>

Cc: hilderbrandandthomas@gmail.com; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Brett Lisenbee <BLisenbee@ncbfs.org>

Subject: RE: [External] RE: Temporary Rules-RRC October 2025

Thank you for the reply.

Is your reply below the complete answer to both questions presented?

1. Why are the notice and hearing requirements of 150B-21.2 “contrary to the public interest”? and
2. Why are “*immediate* adoption of the rule(s) *required*”?

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

From: Catherine Lee <CLee@ncbfs.org>
Sent: Friday, October 10, 2025 11:58 AM
To: Amy D. Acord; Wiggs, Travis C
Cc: hilderbrandandthomas@gmail.com; Burgos, Alexander N; Brett Lisenbee
Subject: [External] RE: Temporary Rules-RRC October 2025

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Mr. Wiggs – Thank you for the email, and for the opportunity to clarify the bases for which the Board is seeking adoption of the temporary rules filed on October 8.

SL 2025-76 substantially modified the Board’s Practice Act by, among other things, modifying the eligibility requirements for certain existing types of licensures and creating new types of licensure. The Board is seeking adoption of the temporary rules that will:

- Codify the contents of initial applications and renewal application, which will reflect the new standards for licensure eligibility, as set forth in SL 2025-76;
- Set the licensure fees for the new license types, for which the Board is ready to start issuing; and
- Modify existing rules that currently are inconsistent with certain provisions of the Practice Act, as modified by SL 2025-76.

The Board’s regulated public is required to renew licenses on or before December 31 of each year, and the Board is seeking adoption / amendment of rules on a temporary basis to make sure that the renewal applications, which will be rolled out within the next month, are in line with the new statutory requirements for licensure eligibility.

Thank you.

From: Amy D. Acord <AAcord@ncbfs.org>
Sent: Friday, October 10, 2025 11:46 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Catherine Lee <CLee@ncbfs.org>
Cc: hilderbrandandthomas@gmail.com; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Brett Lisenbee <BLisenbee@ncbfs.org>
Subject: RE: Temporary Rules-RRC October 2025

Mr. Wiggs,

Thank you for your email. I have copied our General Counsel to this email thread for her to respond to your inquiry.

Regards,

Amy D. Acord

Amy D. Acord
Executive Director
NCBFS
1033 Wade Ave., Ste. 108
Raleigh, NC 27605
www.ncbfs.org

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Friday, October 10, 2025 11:29 AM
To: Amy D. Acord <AAcord@ncbfs.org>
Cc: hilderbrandandthomas@gmail.com; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Temporary Rules-RRC October 2025

Good morning,

I'm the attorney who's been assigned to review the temporary rules submitted by your agency for review at the October 2025 Rules Review Commission meeting. G.S. 150B-21.1(a4) requires a written statement of your findings of need stating, "why adherence to the notice and hearing requirements of G.S. 150B-21.2 would be contrary to the public interest and why the immediate adoption of the rule is required." I don't see this analysis on Form 0500 that was submitted with each temporary rule.

I understand your agency is relying on S.L. 2025-76 as authority to promulgate these rules. However, I don't see where the S.L. imposes any time constraints ("may adopt temporary rules to implement the provisions of this act.") for the adoption of temporary rules. Why are the notice and hearing requirements of 150B-21.2 "contrary to the public interest" and why is "*immediate* adoption of the rule(s) *required*?"

Please review 150B-21.1(b1)(b2) and reply to this email with the necessary information at your earliest convenience.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

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may have the right to request a declaratory ruling from, or hearing before, the Board pursuant to Chapter 150B of the N.C. General Statutes.