

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

AGENCY: BOARD OF FUNERAL SERVICE

RULE CITATION: 21 NCAC 34C .0103

DEADLINE FOR RECEIPT: October 16, 2026

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 3, Title- The amendments to 210.123(a) based on 2026-48 make it unclear as to whether a crematory license and hydrolysis license still exist. Everything else in 210.123 and Article F seem to indicate that it is now a Reduction License and G.S. 90-210.20(20d) defines Reduction Licensee as a person licensed under Article 13F of this chapter. Therefore, it should be "Application Form for Reduction License." Numerous other changes are necessary based on 2026-48. I tried to note them but please review the rule in total for necessary language changes.

(a) Line 5, Reduction License

(a) Line 6 please provide the most direct link to the forms not just the home page from which individuals will have to navigate.

(a) Line 6 ninety needs to be numerical 90

(a)(1) Line 8 reduction facility. Also, is the legal owner also the licensee? This is unclear and becomes an issue as this rule progresses.

(a)(2) Line 9 remove parentheses

(a)(2) Line 10 reduction facility

(a)(3) Line 13 reduction licensee

(a)(4) Line 18 reduction licensee

(a)(10) Line 30 reduction facility manager

(a)(11) Line 32-33 reduction facility technician and reduction licensee

Meghan Barney
Commission Counsel
Date submitted to agency: October 5, 2026

(a)(12) Line 35 reduction licensee

(a)(13) Line 37 Are you talking about the building? A chamber? The licensee, presumably discussed in (a)(1) is an individual or entity that owns the reduction facility and as a person or business entity their material is not what you are looking for. Please edit for clarity. Also, reduction licensee.

(a)(14) Page 2, Line 1, same concern as above. The licensee is presumably a person or business entity, their location is not necessarily fixed to the single reduction facility. Also, change to reduction licensee.

(a)(15) Line 3 Reduction licensee

(a)(16) Line 4 Change to reduction facility based on G.S. 90-210.123(a1). However, the applicant is not necessarily the reduction facility, it is a person or business entity that owns the business. Consider "if the application concerns a reduction facility. . ."

a(16)(A) Line 5 reduction chamber

(a)(16)(B) Line 7-8 this sentence does not read correctly. Are you asking if the chamber is commercially manufactured within the crematory facility... or commercially manufactured, located within the crematory facility...? Please clarify. Also change to reduction chamber and reduction facility.

(a)(16)(C) Line 9 reduction chamber

(a)(16)(D) Line 10 reduction chamber

(a)(16)(E) Line 12 reduction chamber

(a)(16)(F) Line 16 Reduction chamber. You want it to stop the burner operation in not less than three minutes, meaning you want it to keep burning for at least 3 minutes? Or for not less than three minutes, meaning it has to stop for at least 3 minutes? This needs clarity

(a)(16)(G) Line 17 Reduction chamber. Then the line should end with a semi-colon not a comma because the list is ongoing.

(a)(17)(B) Line 21-22 reduction facility and reduced remains

(a)(17)(C) Line 23 reduced remains

(a)(17)(E) Line 26 the line should end with a semi-colon not a comma because the list is ongoing

(a)(18)(A) Line 28 I believe "pulverization equipment" should be "refrigeration unit"

(a)(18)(B) Line 30 add "is" so it reads "unit is located" and change "the" to "a"

(a)(18)(B) Page 3, Line 2 needs to end in a semi-colon as the list is ongoing.

(a)(20) Line 6 reduction licensee

(a)(21) Lines 8-9 reduction facility technicians. However, 90-210.121(14) is recodified and not applicable. You may mean (20f).

(a)(24) Lines 14-23, Is licensed manager defined somewhere? Do you mean reduction facility manager? If not, you need to be clear as to who qualifies for this. You are saying the licensed manager must be the applicant, but you indicated earlier in (7) (8) (9) that the applicant was the individual or entity that owned the crematory. Is the owner always the licensed manager? You need edits to be clear and consistent between owner, applicant, licensee and licensed manager throughout the Rule.

(a)(26) G.S. 90-210.132 allows for a maximum application fee but does not prescribe an exact fee. Rule 21 NCAC 34A .0201 has not been updated and does not reflect any fees for reduction licensure. Will reduction be substituted directly for crematory and hydrolysis in 21 NCAC 34A .0201? Suggest updating the rule.

(b) Lines 30-31, "individuals identified in Subparagraph (a)(24)" seems to be only the licensed manager which is singular as is all of (a)(24). Should this be changed to "the individual" or are there other individuals you would like fingerprinted? Or did you mean (a)(25)?

(b) Line 33 "a form provided by the Board" would usually need to be clearly described in a rule. However, in this case I think the Board is providing Forms that are created and maintained by another agency. If so, please name those forms by agency and form name.

(b) pages 3-4, Lines 33-37 and 1-2, this is very unclear. This seems to let the Board choose whatever form it decides for any vendor it decides and allows them to blindly charge a fee totally unknown to the public. How is the regulated public supposed to know what to expect? G.S. 90-210.28E regulates the background checks. It states that DPS may provide the check but that both the Board and applicant can consent to a different vendor. It is not a choice solely for the Board to decide when it hands out a form. It also allows DPS to charge a fee. It does not give the Board authority to require payment of the fee, nor does it give authority for SBI to charge a fee. This needs to be edited significantly to align with statute.

(c) Page 4, Line 2 Reduction licensees

(c) Line 3 You state that licensees shall submit the renewal but "licensed manager's" were required to complete the initial application on page 3, line 14. Is this the same person? This is another place you need to be consistent with your labels licensee, manager, owner, ect.

(d) (c) Line 4, reduction license and please provide the most direct link to the forms, not just the home page from which individuals will have to navigate.

(c)(5)(B) Line 17 reduction chamber

(c)(6) Line 20 G.S. 90-210.135 only references cremation societies not hydrolysis.

History Note: Please remove 90-210.36(d),(h) those have been repealed. Also, add 90-210.132 and G.S. 90-210.28E and any other necessary statutes based on the update in SL 2026-48.

Based on the significant edits required under SL 2026-48 and necessary changes to published language concerning fees, why is this not a substantial change under 150B-21.2(g)?

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

21 NCAC 34C .0103 is amended as published in 40:20 NCR 1609-1611 as follows:

**21 NCAC 34C .0103 APPLICATION ~~FORM~~ FORMS FOR CREMATORY OR HYDROLYSIS
LICENSE**

(a) All initial applications for a crematory or hydrolysis license shall be made on forms provided by the ~~Board~~, Board on its website at <https://ncbfs.org>. Applications not completed within ninety days following submission to the Board shall be denied. The application shall state the following information:

- (1) the legal name of the ~~applicant~~; individual or entity that owns the crematory;
- (2) ~~the email address~~; address, physical address, mailing address, phone number(s), and facsimile number of the crematory or hydrolysis licensee;
- (3) ~~type of business entity~~;
- (4) ~~location of crematory or hydrolysis facility~~;
- (5)(3) ~~description of other names under which the crematory or hydrolysis facilities and equipment~~; licensee conducts business and the name and address of any affiliated funeral establishment;
- (6) ~~name and address of each crematory or hydrolysis technician~~;
- (7) ~~name and address of the crematory or hydrolysis manager~~; and
- (8) ~~any criminal convictions of the applicant and manager~~.
- (4) whether the entity or individual owning the crematory or hydrolysis licensee 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 license number of the individual who will serve as the licensed crematory manager or hydrolysis licensee manager in accordance with G.S. 90-210.123(d);
- (11) the name and address of every crematory or hydrolysis technician employed by the crematory or hydrolysis licensee;
- (12) the name and address of the facility at which refrigeration of unembalmed human remains on behalf of the crematory or hydrolysis licensee will occur, if refrigeration will be performed in an off-site facility;
- (13) the type of material out of which the crematory or hydrolysis licensee is constructed;

- 1 (14) whether the crematory or hydrolysis licensee is located within a funeral establishment licensed by
2 the Board or whether it is a stand-alone facility;
- 3 (15) whether the crematory or hydrolysis licensee has a holding facility and if so, the square footage;
- 4 (16) if the applicant is a crematory, the following information:
- 5 (A) the manufacturer of the cremation chamber, along with the model number and year of
6 manufacture;
- 7 (B) whether the cremation chamber is commercially manufactured, within crematory facility,
8 and made specifically for the cremation of human remains;
- 9 (C) whether the cremation chamber as an ash collection pan;
- 10 (D) whether the cremation chamber has a hearth or floor without depressions for the purpose
11 of minimizing the commingling of human remains;
- 12 (E) whether the cremation chamber has a door safety switch to stop burner operation when
13 front charging door is opened;
- 14 (F) whether the cremation chamber has a pollution monitoring system to monitor and detect
15 smoke when density exceeds federal and state standards, whereupon system will
16 automatically stop burner operation on time setting of not less than three minutes; and
- 17 (G) whether the cremation chamber is approved by UL or another testing agency.
- 18 (17) if the applicant has pulverization equipment, the following information:
- 19 (A) the manufacturer of the pulverization equipment, along with the model number and year of
20 manufacture;
- 21 (B) whether the machine is commercially manufactured, located within crematory facility,
22 made specifically for pulverization of cremated remains;
- 23 (C) whether the machine is capable of consistently processing cremated remains to
24 unidentifiable dimensions;
- 25 (D) whether the machine has a dust-resistant processing chamber; and
- 26 (E) whether the machine has an exterior surface made of sanitary and non-corrosive material.
- 27 (18) if the applicant uses on-site refrigeration units, the following information:
- 28 (A) the manufacturer of the pulverization equipment, along with the model number and year of
29 manufacture;
- 30 (B) whether the refrigeration unit located in the holding facility of the building;
- 31 (C) the number and capacity of each refrigeration unit housed on-site;
- 32 (D) whether the refrigeration units are capable of maintaining an interior temperature of 40
33 degrees Fahrenheit while loaded with the maximum number of bodies for which the
34 refrigeration unit was designed;
- 35 (E) whether the refrigeration units have sealed concrete, stainless steel, galvanized, aluminum,
36 or other sanitary flooring in walk-in units; and

- (F) whether the refrigeration units have stainless steel, aluminum, or other non-corrosive and sanitary surfaces for the remainder of the interior of all units.
- (19) 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, if required by the FTC Funeral Rule, 16 C.F.R. 453.2;
- (20) proof of the applicant's right of occupancy for the premises at which the crematory or hydrolysis licensee will be located;
- (21) copies of the current educational certificates for crematory technicians required by G.S. 90-210.121(14);
- (22) 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;
- (23) whether, within the preceding two years, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;
- (24) the licensed manager's notarized signature to certify that:
- (A) he or she has prepared the application and has read the answers;
- (B) the information provided in the application is true;
- (C) the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789; and
- (D) he or she understands that any credential issued shall be governed by the provisions of Article 13A or 13F, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board;
- (25) the signature of each owner, partner, manager, member, operator, and officer of the business entity applying for licensure, consenting to the Board's ability to conduct a background check on his or her criminal history; and
- (26) the application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license until the renewal fees and non-sufficient fund charges are paid.
- (b) Upon receipt of an initial application as set forth in this Rule, the Board shall provide to the individuals identified in Subparagraph (a)(24) of this Rule instructions on how to submit his or her fingerprints for a criminal background check, in accordance with G.S. 90-210.25(a)(5)(h) and 90-210.123(c1). The individuals shall sign and return to the Board a form provided by the Board, consenting to the check of the criminal records and to the use of his or her fingerprints and other identifying information required by the State or national repositories. If the background check is performed by the State Bureau of Investigation, the individuals shall remit payment to the Board in the form of an official check, money order, or cashier's check, made payable to the State Bureau of Investigation, the actual costs charged by the Department of Public Safety for performing the criminal background check. If the background check

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

3 (c) All crematory and hydrolysis licensees shall annually submit a renewal application on forms provided by the
4 Board that are available on the Board's website, ncbfs.org. All renewal applications for a crematory and hydrolysis
5 license shall contain the following:

6 (1) the information required in Subparagraph (a)(1) – (a)(5), (a)(10) – (a)(11), and (a)(22) – (a)(26) of
7 this Rule;

8 (2) if owned by a corporation, the name of each corporate officer, his or her position, and the respective
9 ownership interests of each person or entity holding an ownership interest in the corporation;

10 (3) if owned by a limited liability company, the name of each member and his or her respective
11 percentage of ownership;

12 (4) whether any changes have been made to the licensee's building since the last renewal and if so, a
13 description of the changes;

14 (5) whether any changes have been made to the following facilities or equipment since the last renewal
15 and, if so, a description of the changes:

16 (A) the holding facility;

17 (B) the cremation chamber;

18 (C) the pulverization equipment;

19 (D) the refrigeration units; and

20 (6) whether the licensee operates a cremation or hydrolysis society, in accordance with G.S. 90-
21 210.135.

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23 *History Note: Authority G.S. 90-210.123; 90-210.134(a); 90-210.36(d),(h);*

24 *Eff. July 1, 1991;*

25 *Amended Eff. August 1, 2004;*

26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
27 *2017;*

28 *Temporary Amendment Eff. May 24, 2019;*

29 *Temporary Amendment Expired Eff. March 13, 2020;*

30 *Amended Eff. November 1, 2026; January 1, 2021.*