

Burgos, Alexander N

Subject: FW: [External] NC Board of Funeral Service - Submission of Final Revised Rule 21 NCAC 34C .0103 for review at October 2026 RRC Meeting
Attachments: 21 NCAC 34C .0103 (v5).docx

From: Catherine E. Lee <clee@hedrickgardner.com>
Sent: Tuesday, October 20, 2026 4:46 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barney, Meghan E <meghan.barney@oah.nc.gov>
Subject: [External] NC Board of Funeral Service - Submission of Final Revised Rule 21 NCAC 34C .0103 for review at October 2026 RRC Meeting

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Good morning,

On behalf of the North Carolina Board of Funeral Service, please see the attached revised final submission for Rule 21 NCAC 34C .0103, for consideration by the RRC at its October 2026 meeting.

Catherine E. Lee | Partner
Hedrick Gardner Kincheloe & Garofalo LLP.
2710 Wycliff Road, Suite 220 | Raleigh, NC 27607
Phone: 919-341-2639 | Fax: +19193412639
clee@hedrickgardner.com | www.hedrickgardner.com



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21 NCAC 34C .0103 is amended **with changes** 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~~] **https://ncbfs.org/cremation-portal/**. Applications not completed within [~~ninety~~] **90** 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;~~] **crematory licensee or hydrolysis licensee;**
- (2) the email address; address, physical address, mailing address, [~~phone number(s);~~] **phone numbers,** 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;~~] **reduction facility** manager in accordance with G.S. 90-210.123(d);
- (11) the name and address of every [~~crematory or hydrolysis~~] **reduction facility** 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;

1 ~~[(13)]~~ ~~[the type of material out of which the crematory or hydrolysis licensee is constructed;]~~

2 ~~[(14)]~~ (13) whether the reduction facility operated by the crematory or hydrolysis licensee is located
3 within a funeral establishment licensed by the Board or whether it is a stand-alone facility;

4 ~~[(15)]~~ (14) whether the crematory or hydrolysis licensee has a holding facility and if so, the square
5 footage;

6 ~~[(16)]~~ (15) ~~[if the applicant is a crematory,]~~ the following ~~information:~~ information regarding the
7 crematory or hydrolysis facility to be operated:

8 (A) the manufacturer of the ~~[cremation]~~ reduction chamber, along with the model number and
9 year of manufacture;

10 (B) whether the ~~[cremation]~~ reduction chamber is commercially manufactured, ~~is located~~
11 within the crematory, ~~[crematory facility,]~~ and ~~is~~ made specifically for the cremation of
12 human remains;

13 (C) whether the ~~[cremation]~~ reduction chamber ~~[as]~~ has an ash collection pan;

14 (D) whether the ~~[cremation]~~ reduction chamber has a hearth or floor without depressions for
15 the purpose of minimizing the commingling of human remains;

16 (E) whether the ~~[cremation]~~ reduction chamber has a door safety switch to stop burner
17 operation when front charging door is opened;

18 (F) whether the ~~[cremation]~~ reduction chamber has a pollution monitoring system to monitor
19 and detect smoke when density exceeds federal and state standards; ~~[standards, whereupon~~
20 ~~system will automatically stop burner operation on time setting of not less than three~~
21 ~~minutes;]~~ and

22 (G) whether the ~~[cremation]~~ reduction chamber is approved by UL or another testing agency;
23 ~~[agency.]~~

24 ~~[(17)]~~ (16) ~~[if the applicant has pulverization equipment,]~~ the following ~~[information:]~~ information
25 regarding the pulverization equipment in the crematory or hydrolysis facility to be operated:

26 (A) the manufacturer of the pulverization equipment, along with the model number and year of
27 manufacture;

28 (B) whether the machine is commercially manufactured, ~~is~~ located within ~~[crematory]~~ the
29 reduction facility, ~~and is~~ made specifically for pulverization of ~~[cremated]~~ reduced
30 remains;

31 (C) whether the machine is capable of consistently processing ~~[cremated]~~ reduced remains to
32 unidentifiable dimensions;

33 (D) whether the machine has a dust-resistant processing chamber; and

34 (E) whether the machine has an exterior surface made of sanitary and non-corrosive
35 ~~[material:]~~ material;

36 ~~[(18)]~~ (17) if the applicant uses on-site refrigeration units, the following information:

- (A) the manufacturer of the ~~[pulverization]~~ refrigeration equipment, along with the model number and year of manufacture;
- (B) whether the refrigeration unit ~~is~~ located in the holding and processing facility; ~~[facility of the building;]~~
- (C) the number and capacity of each refrigeration unit housed on-site;
- (D) whether the refrigeration units are capable of maintaining an interior temperature of 40 degrees Fahrenheit while loaded with the maximum number of bodies for which the refrigeration unit was designed;
- (E) whether the refrigeration units have sealed concrete, stainless steel, galvanized, aluminum, 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;]~~ units;
- ~~[(19)]~~ (18) 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)]~~ (19) proof of the applicant's right of occupancy for the premises at which the reduction facility to be operated by the crematory or hydrolysis licensee will be located;
- ~~[(21)]~~ (20) copies of the current educational certificates for ~~[crematory]~~ reduction facility technicians required by ~~[G.S. 90-210.121(14);]~~ G.S. 90-210.121(20f);
- ~~[(22)]~~ (21) 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)]~~ (22) 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)]~~ (23) the ~~[licensed]~~ reduction facility 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 ~~he or she~~ has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789; 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)]~~ (24) 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)]~~ (25) the application fee, as prescribed by G.S. ~~[90-210.28]~~ 90-210.132 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]~~ to 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.]~~ The individuals undergoing a criminal background check shall elect to have the background check performed by the Department of Public Safety or a Board-approved criminal background check vendor. ~~[If the background check is performed by the State Bureau of Investigation, the individuals shall remit payment to the Board in the form of an official check, money order, or cashier's check, made payable to the State Bureau of Investigation, the actual costs charged by the Department of Public Safety for performing the criminal background check. If the background check is performed by another vendor, the]~~ The individuals shall remit ~~[payment]~~ to the entity performing the background check ~~Board~~ payment of actual costs charged by the ~~[vendor]~~ entity for performing the criminal background check.

(c) All crematory and hydrolysis licensees shall annually submit a renewal application on forms provided by the Board that are available on the Board's website, ~~[ncbfs.org]~~ <https://ncbfs.org/cremation-portal/>. All renewal applications for a crematory and hydrolysis license shall be submitted by the reduction facility manager and shall contain the following:

- (1) the information required in Subparagraph (a)(1) – (a)(5), (a)(10) – (a)(11), and (a)(22) – (a)(26) of this Rule;
- (2) if owned by a corporation, 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;
- (3) if owned by a limited liability company, the name of each member and his or her respective percentage of ownership;
- (4) whether any changes have been made to the licensee's building since the last renewal and if so, a description of the changes;
- (5) whether any changes have been made to the following facilities or equipment since the last renewal and, if so, a description of the changes:
 - (A) the holding facility;
 - (B) the ~~[cremation]~~ reduction chamber;
 - (C) the pulverization equipment;
 - (D) the refrigeration units; and
- (6) whether the licensee operates a cremation ~~[or hydrolysis]~~ society, in accordance with G.S. 90-210.135.

History Note: Authority ~~G.S. 90-210.28E~~; 90-210.123; ~~90-210.132~~; 90-210.134(a); ~~90-210.36(d), (h)~~;

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Burgos, Alexander N

Subject: FW: [External] RE: October RRC Meeting - Questions

From: Catherine E. Lee <clee@hedrickgardner.com>
Sent: Tuesday, October 20, 2026 4:44 AM
To: Barney, Meghan E <meghan.barney@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: October RRC Meeting - Questions

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Terrific, thanks so much!

Catherine E. Lee | Partner
Hedrick Gardner Kincheloe & Garofalo LLP.
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Phone: 919-341-2639 | Fax: +19193412639
clee@hedrickgardner.com | www.hedrickgardner.com



Burgos, Alexander N

Subject: FW: [External] RE: October RRC Meeting - Questions

From: Barney, Meghan E <meghan.barney@oah.nc.gov>
Sent: Monday, October 19, 2026 11:14 AM
To: Catherine E. Lee <clee@hedrickgardner.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] RE: October RRC Meeting - Questions

Catherine,

The changes look great. Thank you for working so hard on this. One more issue I noted on page 2, (a)(15)(C) Line 13 it says "as an ash collection pan" it should be "has" instead. With that correction I'm satisfied with the changes made and information provided. Please send the final revised rule to oah.rules@oah.nc.gov and cc Mr. Burgos and I (or just reply all). This rule is final for review and can be placed on October's agenda. Please let us know if anyone from your agency will be present for the meeting, in-person or on WebEx.

Thank you!

Meghan

Meghan Barney
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1925
Email: meghan.barney@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] RE: October RRC Meeting - Questions
Attachments: 21 NCAC 34C .0103 (v4).docx

From: Catherine E. Lee <clee@hedrickgardner.com>
Sent: Saturday, October 17, 2026 4:05 PM
To: Barney, Meghan E <meghan.barney@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: October RRC Meeting - Questions

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Ms. Barney – I apologize for sending you a back-to-back email.

We have one more technical correction to Page 2, Line 24 in subparagraph (a)(16) – we have removed language that may have been read to suggest pulverization equipment is optional. It is not, given the existing requirements in Rule 34C .0201.

Thank you for reviewing this attached revised draft of the Rule instead of the one submitted earlier this afternoon.

Catherine E. Lee | Partner
Hedrick Gardner Kincheloe & Garofalo LLP.
2710 Wycliff Road, Suite 220 | Raleigh, NC 27607
Phone: 919-341-2639 | Fax: +19193412639
clee@hedrickgardner.com | www.hedrickgardner.com



21 NCAC 34C .0103 is amended **with changes** 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~~] **https://ncbfs.org/cremation-portal/**. Applications not completed within [~~ninety~~] **90** 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;~~] **crematory licensee or hydrolysis licensee;**
- (2) the email address; address, physical address, mailing address, [~~phone number(s);~~] **phone numbers,** 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;~~] **reduction facility** manager in accordance with G.S. 90-210.123(d);
- (11) the name and address of every [~~crematory or hydrolysis~~] **reduction facility** 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;

1 ~~[(13)]~~ ~~[the type of material out of which the crematory or hydrolysis licensee is constructed;]~~

2 ~~[(14)]~~ (13) whether the reduction facility operated by the crematory or hydrolysis licensee is located
3 within a funeral establishment licensed by the Board or whether it is a stand-alone facility;

4 ~~[(15)]~~ (14) whether the crematory or hydrolysis licensee has a holding facility and if so, the square
5 footage;

6 ~~[(16)]~~ (15) ~~[if the applicant is a crematory,]~~ the following ~~information:~~ information regarding the
7 crematory or hydrolysis facility to be operated:

8 (A) the manufacturer of the ~~[cremation]~~ reduction chamber, along with the model number and
9 year of manufacture;

10 (B) whether the ~~[cremation]~~ reduction chamber is commercially manufactured, is located
11 within the crematory, ~~[crematory facility,]~~ and is made specifically for the cremation of
12 human remains;

13 (C) whether the ~~[cremation]~~ reduction chamber as an ash collection pan;

14 (D) whether the ~~[cremation]~~ reduction chamber has a hearth or floor without depressions for
15 the purpose of minimizing the commingling of human remains;

16 (E) whether the ~~[cremation]~~ reduction chamber has a door safety switch to stop burner
17 operation when front charging door is opened;

18 (F) whether the ~~[cremation]~~ reduction chamber has a pollution monitoring system to monitor
19 and detect smoke when density exceeds federal and state standards; ~~[standards, whereupon~~
20 ~~system will automatically stop burner operation on time setting of not less than three~~
21 ~~minutes;]~~ and

22 (G) whether the ~~[cremation]~~ reduction chamber is approved by UL or another testing agency;
23 ~~[agency.]~~

24 ~~[(17)]~~ (16) ~~[if the applicant has pulverization equipment,]~~ the following ~~[information:]~~ information
25 regarding the pulverization equipment in the crematory or hydrolysis facility to be operated:

26 (A) the manufacturer of the pulverization equipment, along with the model number and year of
27 manufacture;

28 (B) whether the machine is commercially manufactured, is located within ~~[crematory]~~ the
29 reduction facility, and is made specifically for pulverization of ~~[cremated]~~ reduced
30 remains;

31 (C) whether the machine is capable of consistently processing ~~[cremated]~~ reduced remains to
32 unidentifiable dimensions;

33 (D) whether the machine has a dust-resistant processing chamber; and

34 (E) whether the machine has an exterior surface made of sanitary and non-corrosive
35 ~~[material,]~~ material;

36 ~~[(18)]~~ (17) if the applicant uses on-site refrigeration units, the following information:

- (A) the manufacturer of the ~~[pulverization]~~ refrigeration equipment, along with the model number and year of manufacture;
- (B) whether the refrigeration unit ~~is~~ located in the holding and processing facility; ~~[facility of the building;]~~
- (C) the number and capacity of each refrigeration unit housed on-site;
- (D) whether the refrigeration units are capable of maintaining an interior temperature of 40 degrees Fahrenheit while loaded with the maximum number of bodies for which the refrigeration unit was designed;
- (E) whether the refrigeration units have sealed concrete, stainless steel, galvanized, aluminum, 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;]~~ units;
- ~~[(19)]~~ (18) 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)]~~ (19) proof of the applicant's right of occupancy for the premises at which the reduction facility to be operated by the crematory or hydrolysis licensee will be located;
- ~~[(21)]~~ (20) copies of the current educational certificates for ~~[crematory]~~ reduction facility technicians required by ~~[G.S. 90-210.121(14);]~~ G.S. 90-210.121(20f);
- ~~[(22)]~~ (21) 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)]~~ (22) 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)]~~ (23) the ~~[licensed]~~ reduction facility 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 ~~he or she~~ has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789; 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)]~~ (24) 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)]~~ (25) the application fee, as prescribed by G.S. ~~[90-210.28]~~ 90-210.132 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]~~ to 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.]~~ The individuals undergoing a criminal background check shall elect to have the background check performed by the Department of Public Safety or a Board-approved criminal background check vendor. ~~[If the background check is performed by the State Bureau of Investigation, the individuals shall remit payment to the Board in the form of an official check, money order, or cashier's check, made payable to the State Bureau of Investigation, the actual costs charged by the Department of Public Safety for performing the criminal background check. If the background check is performed by another vendor, the]~~ The individuals shall remit ~~[payment]~~ to the entity performing the background check ~~Board~~ payment of actual costs charged by the ~~[vendor]~~ entity for performing the criminal background check.

(c) All crematory and hydrolysis licensees shall annually submit a renewal application on forms provided by the Board that are available on the Board's website, ~~[ncbfs.org]~~ <https://ncbfs.org/cremation-portal/>. All renewal applications for a crematory and hydrolysis license shall be submitted by the reduction facility manager and shall contain the following:

- (1) the information required in Subparagraph (a)(1) – (a)(5), (a)(10) – (a)(11), and (a)(22) – (a)(26) of this Rule;
- (2) if owned by a corporation, 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;
- (3) if owned by a limited liability company, the name of each member and his or her respective percentage of ownership;
- (4) whether any changes have been made to the licensee's building since the last renewal and if so, a description of the changes;
- (5) whether any changes have been made to the following facilities or equipment since the last renewal and, if so, a description of the changes:
 - (A) the holding facility;
 - (B) the ~~[cremation]~~ reduction chamber;
 - (C) the pulverization equipment;
 - (D) the refrigeration units; and
- (6) whether the licensee operates a cremation ~~[or hydrolysis]~~ society, in accordance with G.S. 90-210.135.

History Note: Authority ~~G.S. 90-210.28E;~~ 90-210.123; ~~90-210.132;~~ 90-210.134(a); ~~90-210.36(d), (h);~~

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Burgos, Alexander N

Subject: FW: [External] RE: October RRC Meeting - Questions
Attachments: 21 NCAC 34C .0103 (v3).docx

From: Catherine E. Lee <clee@hedrickgardner.com>
Sent: Saturday, October 17, 2026 3:24 PM
To: Barney, Meghan E <meghan.barney@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: October RRC Meeting - Questions

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Thank you, Ms. Barney. Please see the Board's in-line responses below, as well as the further revised Rule .0103 attached for your review.

Catherine E. Lee | Partner
Hedrick Gardner Kincheloe & Garofalo LLP.
2710 Wycliff Road, Suite 220 | Raleigh, NC 27607
Phone: 919-341-2639 | Fax: +19193412639
clee@hedrickgardner.com | www.hedrickgardner.com



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LICENSE**

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- (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] reduction facility manager in accordance with G.S. 90-210.123(d);
- (11) the name and address of every [~~crematory or hydrolysis~~] reduction facility 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;

1 ~~[(13)]~~ ~~[the type of material out of which the crematory or hydrolysis licensee is constructed;]~~

2 ~~[(14)]~~ (13) whether the reduction facility operated by the crematory or hydrolysis licensee is located
3 within a funeral establishment licensed by the Board or whether it is a stand-alone facility;

4 ~~[(15)]~~ (14) whether the crematory or hydrolysis licensee has a holding facility and if so, the square
5 footage;

6 ~~[(16)]~~ (15) ~~[if the applicant is a crematory,]~~ the following ~~information:~~ information regarding the
7 crematory or hydrolysis facility to be operated:

8 (A) the manufacturer of the ~~[cremation]~~ reduction chamber, along with the model number and
9 year of manufacture;

10 (B) whether the ~~[cremation]~~ reduction chamber is commercially manufactured, is located
11 within the crematory, ~~[crematory facility,]~~ and is made specifically for the cremation of
12 human remains;

13 (C) whether the ~~[cremation]~~ reduction chamber as an ash collection pan;

14 (D) whether the ~~[cremation]~~ reduction chamber has a hearth or floor without depressions for
15 the purpose of minimizing the commingling of human remains;

16 (E) whether the ~~[cremation]~~ reduction chamber has a door safety switch to stop burner
17 operation when front charging door is opened;

18 (F) whether the ~~[cremation]~~ reduction chamber has a pollution monitoring system to monitor
19 and detect smoke when density exceeds federal and state standards; ~~[standards, whereupon~~
20 ~~system will automatically stop burner operation on time setting of not less than three~~
21 ~~minutes;]~~ and

22 (G) whether the ~~[cremation]~~ reduction chamber is approved by UL or another testing agency;
23 ~~[agency.]~~

24 ~~[(17)]~~ (16) if the applicant has pulverization equipment, the following information:

25 (A) the manufacturer of the pulverization equipment, along with the model number and year of
26 manufacture;

27 (B) whether the machine is commercially manufactured, is located within ~~[crematory]~~ the
28 reduction facility, and is made specifically for pulverization of ~~[cremated]~~ reduced
29 remains;

30 (C) whether the machine is capable of consistently processing ~~[cremated]~~ reduced remains to
31 unidentifiable dimensions;

32 (D) whether the machine has a dust-resistant processing chamber; and

33 (E) whether the machine has an exterior surface made of sanitary and non-corrosive
34 ~~[material,]~~ material;

35 ~~[(18)]~~ (17) if the applicant uses on-site refrigeration units, the following information:

36 (A) the manufacturer of the ~~[pulverization]~~ refrigeration equipment, along with the model
37 number and year of manufacture;

- (B) whether the refrigeration unit ~~is~~ located in the holding ~~and processing facility~~; ~~[facility of the building];~~
- (C) the number and capacity of each refrigeration unit housed on-site;
- (D) whether the refrigeration units are capable of maintaining an interior temperature of 40 degrees Fahrenheit while loaded with the maximum number of bodies for which the refrigeration unit was designed;
- (E) whether the refrigeration units have sealed concrete, stainless steel, galvanized, aluminum, 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];~~ ~~units~~;
- ~~[(19)]~~ (18) 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)]~~ (19) proof of the applicant's right of occupancy for the premises at which ~~the reduction facility~~ to be operated by the crematory or hydrolysis licensee will be located;
- ~~[(21)]~~ (20) copies of the current educational certificates for ~~[crematory]~~ ~~reduction facility~~ technicians required by ~~[G.S. 90-210.121(14)];~~ ~~G.S. 90-210.121(20f)~~;
- ~~[(22)]~~ (21) 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)]~~ (22) 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)]~~ (23) the ~~[licensed]~~ ~~reduction facility~~ 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~~ ~~he or she~~ has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789; 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)]~~ (24) 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)]~~ (25) the application fee, as prescribed by G.S. ~~[90-210.28]~~ ~~90-210.132~~ 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~~ to 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.~~ The individuals undergoing a criminal background check shall elect to have the background check performed by the Department of Public Safety or a Board-approved criminal background check vendor. ~~If the background check is performed by the State Bureau of Investigation, the individuals shall remit payment to the Board in the form of an official check, money order, or cashier's check, made payable to the State Bureau of Investigation, the actual costs charged by the Department of Public Safety for performing the criminal background check.~~ If the background check is performed by another vendor, the individuals shall remit ~~payment~~ to the entity performing the background check ~~Board~~ payment of actual costs charged by the ~~vendor~~ entity for performing the criminal background check.

(c) All crematory and hydrolysis licensees shall annually submit a renewal application on forms provided by the Board that are available on the Board's website, ~~ncbfs.org.~~ <https://ncbfs.org/cremation-portal/>. All renewal applications for a crematory and hydrolysis license shall be submitted by the reduction facility manager and shall contain the following:

- (1) the information required in Subparagraph (a)(1) – (a)(5), (a)(10) – (a)(11), and (a)(22) – (a)(26) of this Rule;
- (2) if owned by a corporation, 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;
- (3) if owned by a limited liability company, the name of each member and his or her respective percentage of ownership;
- (4) whether any changes have been made to the licensee's building since the last renewal and if so, a description of the changes;
- (5) whether any changes have been made to the following facilities or equipment since the last renewal and, if so, a description of the changes:
 - (A) the holding facility;
 - (B) the ~~cremation~~ reduction chamber;
 - (C) the pulverization equipment;
 - (D) the refrigeration units; and
- (6) whether the licensee operates a cremation ~~or hydrolysis~~ society, in accordance with G.S. 90-210.135.

History Note: Authority ~~G.S. 90-210.28E;~~ 90-210.123; ~~90-210.132;~~ 90-210.134(a); ~~90-210.36(d),(h);~~
Eff. July 1, 1991;
Amended Eff. August 1, 2004;

1 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
2 *2017;*
3 *Temporary Amendment Eff. May 24, 2019;*
4 *Temporary Amendment Expired Eff. March 13, 2020;*
5 *Amended Eff. November 1, 2026; January 1, 2021.*
6

Burgos, Alexander N

Subject: FW: [External] RE: October RRC Meeting - Questions
Attachments: 21 NCAC 34C .0103 (v3).docx

From: Catherine E. Lee <clee@hedrickgardner.com>
Sent: Saturday, October 17, 2026 3:24 PM
To: Barney, Meghan E <meghan.barney@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: October RRC Meeting - Questions

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.

Thank you, Ms. Barney. Please see the Board's in-line responses below, as well as the further revised Rule .0103 attached for your review.

Catherine E. Lee | Partner
Hedrick Gardner Kincheloe & Garofalo LLP.
2710 Wycliff Road, Suite 220 | Raleigh, NC 27607
Phone: 919-341-2639 | Fax: +19193412639
clee@hedrickgardner.com | www.hedrickgardner.com



Burgos, Alexander N

Subject: FW: [External] RE: October RRC Meeting - Questions

From: Barney, Meghan E <meghan.barney@oah.nc.gov>
Sent: Friday, October 16, 2026 4:49 PM
To: Catherine E. Lee <clee@hedrickgardner.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] RE: October RRC Meeting - Questions

Catherine,

Thank you for your responses to the Request for Changes. There are a few additional things I need to follow up on:

1. I think I understand what the board is aiming to do with Reduction Licenses as the overarching category to which crematory licenses and hydrolysis licenses fall under and why they prefer to use all three terms. However, if it was explicitly stated within the Statute or one of the initial definitional rules that crematory licenses and hydrolysis licenses are both types of reduction licenses, that would really aid clarity. I know that is not something that can necessarily be addressed in this rule but as you update additional rules in this area because of the statute changes, please consider this.
2. The website references on Page 1, (a) Line 6 and Page 4, (c) Line 14. There is a clarity issue when all references go to the homepage. I understand updating webpages and not wanting to cause issues, but the address should at least go to the correct section page where the regulated public can find the link to the referenced document without hunting through pages <https://ncbfs.org/cremation-portal/> Additionally, under 150B-21.5(a)(4) the board can update a website as needed without going through rulemaking.
3. Page 2, (a)(15)(A)-(G) Line 6-22, You state that this only applies to crematory licensees. However, in looking at the Hydrolysis application on your website there is a similar section on that application that requests the information in (15)(A), (B), (C), and (G). If these sections are going to continue to be required on the hydrolysis application, they need to be included in the rule.
4. Page 2, (a)(15)(G) Line 22, you removed agency. but did not add agency; please add agency;
5. Page 3, (a)(25) Line 35-37, G.S. 90-210.28 does not include the fees for licensure under this rule. This needs to be changed to G.S. 90-210.132 which allows fees for reduction licenses. Your rule, 21 NCAC 34A .0201, sets the fees for crematory and hydrolysis licensees. This is one area that becomes slightly unclear, the statute allows fees for reduction licenses, but your rule applies to crematory and hydrolysis licenses. Suggest editing the rule for clarity as soon as practicable.
6. Page 4, (b) Lines 6-11, as noted in your response, G.S. 90-210.123(c1) allows the Department of Public Safety to do a criminal record check. The State Bureau of Investigation is not the same the Department of Public Safety. Please change this. You should also state that the applicant will need to remit to either DPS or an approved vender payment of actual costs charged for performing the criminal background check so that it is clear that either choice by the licensee will result in a fee for the background check.

Thank you for your attention to these last few issues. Have a wonderful weekend.

Meghan

Meghan Barney
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1925
Email: meghan.barney@oah.nc.gov

From: Catherine E. Lee <clee@hedrickgardner.com>
Sent: Friday, October 16, 2026 12:42 PM
To: Barney, Meghan E <meghan.barney@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: October RRC Meeting - Questions

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.

Ms. Barney – Thank you for the opportunity to submit the attached responses to the Request for Changes, along with proposed revisions to 21 NCAC 34C .0103.

We appreciate your review of this rule. If you have any questions, you are welcome to contact me directly.

Catherine E. Lee | Partner
Hedrick Gardner Kincheloe & Garofalo LLP.
2710 Wycliff Road, Suite 220 | Raleigh, NC 27607
Phone: 919-341-2639 | Fax: +19193412639
clee@hedrickgardner.com | www.hedrickgardner.com



21 NCAC 34C .0103 is amended **with changes** 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]~~ **90** 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];~~ **crematory licensee or hydrolysis licensee;**
- (2) ~~the email address;~~ address, physical address, mailing address, ~~[phone number(s)];~~ **phone numbers,** 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];~~ **reduction facility** manager in accordance with G.S. 90-210.123(d);
- (11) the name and address of every ~~[crematory or hydrolysis]~~ **reduction facility** 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;

1 ~~[(13)]~~ ~~[the type of material out of which the crematory or hydrolysis licensee is constructed;]~~

2 ~~[(14)]~~ (13) whether the reduction facility operated by the crematory or hydrolysis licensee is located
3 within a funeral establishment licensed by the Board or whether it is a stand-alone facility;

4 ~~[(15)]~~ (14) whether the crematory or hydrolysis licensee has a holding facility and if so, the square
5 footage;

6 ~~[(16)]~~ (15) if the applicant seeks licensure as a crematory licensee, ~~[is a crematory,]~~ the following
7 information: ~~information regarding the crematory to be operated:~~

8 (A) the manufacturer of the ~~[cremation]~~ reduction chamber, along with the model number and
9 year of manufacture;

10 (B) whether the ~~[cremation]~~ reduction chamber is commercially manufactured, ~~is located~~
11 within the crematory, ~~[crematory facility,]~~ and ~~is~~ made specifically for the cremation of
12 human remains;

13 (C) whether the ~~[cremation]~~ reduction chamber as an ash collection pan;

14 (D) whether the ~~[cremation]~~ reduction chamber has a hearth or floor without depressions for
15 the purpose of minimizing the commingling of human remains;

16 (E) whether the ~~[cremation]~~ reduction chamber has a door safety switch to stop burner
17 operation when front charging door is opened;

18 (F) whether the ~~[cremation]~~ reduction chamber has a pollution monitoring system to monitor
19 and detect smoke when density exceeds federal and state standards; ~~[standards, whereupon~~
20 ~~system will automatically stop burner operation on time setting of not less than three~~
21 ~~minutes;]~~ and

22 (G) whether the ~~[cremation]~~ reduction chamber is approved by UL or another testing ~~[agency,]~~

23 ~~[(17)]~~ (16) if the applicant has pulverization equipment, the following information:

24 (A) the manufacturer of the pulverization equipment, along with the model number and year of
25 manufacture;

26 (B) whether the machine is commercially manufactured, ~~is~~ located within ~~[crematory]~~ the
27 reduction facility, ~~and is~~ made specifically for pulverization of ~~[cremated]~~ reduced
28 remains;

29 (C) whether the machine is capable of consistently processing ~~[cremated]~~ reduced remains to
30 unidentifiable dimensions;

31 (D) whether the machine has a dust-resistant processing chamber; and

32 (E) whether the machine has an exterior surface made of sanitary and non-corrosive
33 ~~[material,]~~ material;

34 ~~[(18)]~~ (17) if the applicant uses on-site refrigeration units, the following information:

35 (A) the manufacturer of the ~~[pulverization]~~ refrigeration equipment, along with the model
36 number and year of manufacture;

- (B) whether the refrigeration unit ~~is~~ located in the holding ~~and processing facility~~; ~~[facility of the building];~~
- (C) the number and capacity of each refrigeration unit housed on-site;
- (D) whether the refrigeration units are capable of maintaining an interior temperature of 40 degrees Fahrenheit while loaded with the maximum number of bodies for which the refrigeration unit was designed;
- (E) whether the refrigeration units have sealed concrete, stainless steel, galvanized, aluminum, 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];~~ ~~units~~;
- ~~[(19)]~~ (18) 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)]~~ (19) proof of the applicant's right of occupancy for the premises at which ~~the reduction facility~~ ~~to be operated by the~~ crematory or hydrolysis licensee will be located;
- ~~[(21)]~~ (20) copies of the current educational certificates for ~~[crematory]~~ ~~reduction facility~~ technicians required by ~~[G.S. 90-210.121(14)];~~ ~~G.S. 90-210.121(20f)~~;
- ~~[(22)]~~ (21) 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)]~~ (22) 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)]~~ (23) the ~~[licensed]~~ ~~reduction facility~~ 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~~ ~~he or she~~ has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789; 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)]~~ (24) 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)]~~ (25) 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~~ to 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.~~ The individuals undergoing a criminal background check shall elect to have the background check performed by the State Bureau of Investigation or a Board-approved criminal background check vendor. ~~If the background check is performed by the State Bureau of Investigation, the individuals shall remit payment to the Board in the form of an official check, money order, or cashier's check, made payable to the State Bureau of Investigation, the actual costs charged by the Department of Public Safety for performing the criminal background check.~~ If the background check is performed by another vendor, the individuals shall remit ~~payment~~ to the ~~vendor~~ Board payment of actual costs charged by the vendor for performing the criminal background check.

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

- (1) the information required in Subparagraph (a)(1) – (a)(5), (a)(10) – (a)(11), and (a)(22) – (a)(26) of this Rule;
- (2) if owned by a corporation, 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;
- (3) if owned by a limited liability company, the name of each member and his or her respective percentage of ownership;
- (4) whether any changes have been made to the licensee's building since the last renewal and if so, a description of the changes;
- (5) whether any changes have been made to the following facilities or equipment since the last renewal and, if so, a description of the changes:
 - (A) the holding facility;
 - (B) the ~~cremation~~ reduction chamber;
 - (C) the pulverization equipment;
 - (D) the refrigeration units; and
- (6) whether the licensee operates a cremation ~~or hydrolysis~~ society, in accordance with G.S. 90-210.135.

History Note: Authority ~~G.S. 90-210.28E~~; 90-210.123; ~~90-210.132~~; 90-210.134(a); ~~90-210.36(d),(h)~~;
Eff. July 1, 1991;
Amended Eff. August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;

1 *Temporary Amendment Eff. May 24, 2019;*
2 *Temporary Amendment Expired Eff. March 13, 2020;*
3 *Amended Eff. November 1, 2026; January 1, 2021.*
4

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.

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.

Please see GS 90-210.121(12), which defines a “crematory licensee” as “an individual or entity that holds a license to operate a crematory and perform cremations.”

Please also see GS 90-210.121(17b), which defines “hydrolysis licensee” as “a person or entity licensed to hydrolyze human remains and perform hydrolysis.”

Please also see GS 90-210.123(a), which provides that “no person or entity shall operate a crematory or cremate any human remains without first obtaining a license as a crematory licensee in accordance with this Article. No person or entity shall conduct alkaline hydrolysis of human remains without first obtaining a license as a hydrolysis licensee in accordance with this Article.”

This rule pertains only to the process by which a person or entity can apply to be a crematory licensee or a hydrolysis licensee.

(a) Line 5, Reduction License

A crematory licensee and a hydrolysis licensee hold licenses that allow them to perform cremations and alkaline hydrolysis, respectively.

The term “reduction” is defined by GS 90-210.20 as “cremation, alkaline hydrolysis, or any other method of final deposition of human remains authorized under Article 13F of this Chapter.” Currently, cremation and alkaline hydrolysis are the only two forms of final disposition authorized under Article 13F but the term “reduction” could include other forms of disposition in the future – for example, natural organic reduction, if the NCGA were to authorize such disposition in the future.

This Rule only is appropriate for cremation and hydrolysis licensees, and would not necessarily be appropriate for any other form of disposition that may be authorized in Article 13F in the future. As such, it is more appropriate to keep the term as “crematory or hydrolysis 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.

Given that subpages from the Board’s homepage are updated with regularity and subject to change, it is the Board’s preference to include only the homepage of the Board’s website, as it consistently does throughout its rules.

(a) Line 6 ninety needs to be numerical 90

Done

(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.

Please see GS 90-210.121(12), which defines a “crematory licensee” as “An individual or entity that holds a license to operate a crematory and perform cremations.”

Please also see GS 90-210.121(17b), which defines “hydrolysis licensee” as “a person or entity licensed to hydrolyze human remains and perform hydrolysis.”

We have revised to use these statutory terms, to improve clarity.

(a)(2) Line 9 remove parentheses

Done

(a)(2) Line 10 reduction facility

Please see GS 90-210.121(12), which defines a “crematory licensee” as “An individual or entity that holds a license to operate a crematory and perform cremations.”

Please also see GS 90-210.121(17b), which defines “hydrolysis licensee” as “a person or entity licensed to hydrolyze human remains and perform hydrolysis.”

The Board prefers to use these statutory terms for clarity.

(a)(3) Line 13 reduction licensee

Please see GS 90-210.121(12), which defines a “crematory licensee” as “an individual or entity that holds a license to operate a crematory and perform cremations.”

Please also see GS 90-210.121(17b), which defines “hydrolysis licensee” as “a person or entity licensed to hydrolyze human remains and perform hydrolysis.”

The Board prefers to use these statutory terms for clarity.

(a)(4) Line 18 reduction licensee

Please see GS 90-210.121(12), which defines a “crematory licensee” as “an individual or entity that holds a license to operate a crematory and perform cremations.”

Please also see GS 90-210.121(17b), which defines “hydrolysis licensee” as “a person or entity licensed to hydrolyze human remains and perform hydrolysis.”

The Board prefers to use these statutory terms for clarity.

(a)(10) Line 30 reduction facility manager

Done

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

Revised to use the term “reduction facility technician” which is defined in GS 90-21.121(20f) but it is the Board’s preference to use the terms “crematory licensee” and “hydrolysis licensee” as defined in GS 90-210.121(12) and (17b) respectively.

(a)(12) Line 35 reduction licensee

For clarity to the regulated public, it is the Board's preference to use the terms "crematory licensee" and "hydrolysis licensee" as defined in GS 90-210.121(12) and (17b) respectively.

(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.

The Board has removed this provision from the Rule.

(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.

Revised to read "whether the reduction facility operated by the crematory or hydrolysis licensee is located within a funeral establishment licensed by the Board or whether it is a stand-alone facility"

(a)(15) Line 3 Reduction licensee

For clarity to the regulated public, it is the Board's preference to use the terms "crematory licensee" and "hydrolysis licensee" as defined in GS 90-210.121(12) and (17b) respectively.

(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. . ."

Revised to provide, "if the applicant seeks licensure as a crematory licensee, the following information regarding the crematory to be operated"

a(16)(A) Line 5 reduction chamber

Done

(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.

Revised to clarify as follows: "whether the reduction chamber is commercially manufactured, is located within the crematory, and is made specifically for the cremation of human remains." The Board intends this question to apply to crematories only and not all reduction facilities.

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

Done

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

Done

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

Done

(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

This language has been removed

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

Done

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

Done

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

Done

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

Done

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

Corrected, thanks.

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

Done and revised to reference “holding and processing facility” as defined by GS 90-210.121(16).

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

(a)(18)(F) revised to end in semi-colon

(a)(20) Line 6 reduction licensee

Revised to provide “proof of the applicant's right of occupancy for the premises at which the reduction facility to be operated by the crematory or hydrolysis licensee will be located”

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

Done and revised to reflect newly codified statutory citation.

(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.

Revised for clarity to reference the licensed reduction facility manager, which is defined by GS 90-210.121(20e) as “the person who is responsible for the daily management and operation of the reduction facility.”

(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.

GS 90-210.132 provides that “(a) By rule, the Board may set and collect fees from reduction licensees, reduction facility manager permit holders, and applicants not to exceed the following amounts:

(1) Licensee application fee.....	\$400.00
(2) Annual renewal fee.	150.00
(3) Late renewal fee.	75.00 . . . ”

The application fee for both crematory licensees and hydrolysis licensees is set forth in 21 NCAC .0201(b).

(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)?

The citation was intended as (a)(25); with the re-numbering of the revised paragraphs, however, the citation is correct as (a)(24).

(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.

This language has been removed.

(c) 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.

GS 90-210.123(c1) provides that:

(c1) All applicants for licensure shall consent to a criminal history record check. Refusal to consent to a criminal history record check may constitute grounds for the Board to deny licensure to an applicant. The Board shall ensure that the State and national criminal history is checked for any applicant applying for initial licensure or for reinstatement of licensure, if such the licensure has been expired for three or more years. The Department of Public Safety may provide a criminal history record check to the Board for a person who has applied for a new or renewed license under this Article; however, the Board and the applicant may consent to the use of a criminal background check vendor other than the Department of Public Safety, the cost of which shall be paid by the applicant. If the Department of Public Safety performs the criminal background check, the Board shall provide to the Department of Public Safety, along with the request, the fingerprints of the applicant, any additional information required by the Department of Public Safety, and a form signed by the applicant consenting to the check of the criminal record and to the use of the fingerprints and other identifying information required by the State or national repositories. The applicant's fingerprints shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of the fingerprints to the Federal Bureau of Investigation for a national criminal history check. . . . The Department of Public Safety may charge each applicant a fee for conducting the checks of criminal history records authorized by this subsection.

The Board has revised this provision to clarify that the individuals undergoing the criminal background check elect whether to have the check performed by DPS or by a Board-approved vendor. If the individual selects a Board-approved vendor, the individuals pays the vendor directly. Remaining language in the paragraph has been removed, as unnecessary, given the language set forth in GS 90-210.123(c1) above.

Meghan Barney
Commission Counsel

Date submitted to agency: October 5, 2026

(c) Page 4, Line 2 Reduction licensees

It is the Board's preference to use the terms "crematory licensee" and "hydrolysis licensee" as defined in GS 90-210.121(12) and (17b) respectively.

(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.

Clarified that the renewal application shall be submitted by the reduction facility manager

(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.

It is the Board's preference to use the terms "crematory licensee" and "hydrolysis licensee" as defined in GS 90-210.121(12) and (17b) respectively. Given that subpages from the Board's homepage are updated with regularity and subject to change, it is the Board's preference to include only the homepage of the Board's website, as it consistently does throughout its rules.

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

Done

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

Reference to hydrolysis society removed

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.

Done

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)?

With the explanations above, the revisions to this rule primarily are limited to certain change in terminology made by SL 2-26-48 without any change in substance.

GS 150B-21.2(g) provides that "an agency shall not adopt a rule that differs substantially from the text of a proposed rule published in the North

Carolina Register unless the agency publishes the text of the proposed different rule in the North Carolina Register and accepts comments on the proposed different rule for the time set in subsection (f) of this section. An adopted rule differs substantially from a proposed rule if it does one or more of the following:

- (1) Affects the interests of persons that, based on the proposed text of the rule published in the North Carolina Register, could not reasonably have determined that the rule would affect their interests.**
- (2) Addresses a subject matter or an issue that is not addressed in the proposed text of the rule.**
- (3) Produces an effect that could not reasonably have been expected based on the proposed text of the rule.”**

The Board respectfully submits that the revised rule continues to impact the same class of individuals, continues to address the same subject matter and issues, and continues to produce a reasonably-expected effect.

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

Burgos, Alexander N

From: Barney, Meghan E
Sent: Monday, October 5, 2026 3:32 PM
To: Catherine E. Lee
Cc: Burgos, Alexander N
Subject: Re: [External] RE: October RRC Meeting - Questions
Attachments: Request for Changes - Board of Funeral Service 21 NCAC 34C .0103.docx

Catherine,

Thank you for answering questions regarding Session Law 2026-48, I do think the changes in the session law require significant language modifications in this Rule. 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 16, 2026. Let me know if you have any questions. The RRC will formally review these rules at its meeting on Thursday, October 29, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite 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 invites out to them as well.

Thanks,
Meghan

Meghan Barney
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1925
Email: meghan.barney@oah.nc.gov

From: Catherine E. Lee <clee@hedrickgardner.com>
Sent: Friday, October 2, 2026 5:12 PM
To: Barney, Meghan E <meghan.barney@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] RE: October RRC Meeting - Questions

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Sorry for the typo below. The correct citation is GS 90-210.20(20b), under Article 13A of the Board's Practice Act.

Catherine

Catherine E. Lee | Partner

Hedrick Gardner Kincheloe & Garofalo LLP.
2710 Wycliff Road, Suite 220 | Raleigh, NC 27607
Phone: 919-341-2639 | Fax: +19193412639
clee@hedrickgardner.com | www.hedrickgardner.com



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From: Catherine E. Lee
Sent: Friday, October 2, 2026 5:07 PM
To: 'Barney, Meghan E' <meghan.barney@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: October RRC Meeting - Questions

Ms. Barney – Thanks again for speaking with me this afternoon. The Board worked closely with the General Statutes Commission in the passage of Session Law 2026-48 and is aware of the changes therein. To follow up on our conversation, GS 90-210.121(20b) defines “reduction” as “Alkaline hydrolysis, cremation, and any other method of final disposition of human remains authorized pursuant to this Article.” Currently, in North Carolina, only alkaline hydrolysis and cremation are authorized dispositions under Article 13F.

I hope this helps.

Catherine

From: Barney, Meghan E <meghan.barney@oah.nc.gov>
Sent: Friday, October 2, 2026 4:45 PM
To: Catherine E. Lee <clee@hedrickgardner.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: October RRC Meeting - Questions

Caution! This message was sent from outside your organization.

Ms. Lee,

I am the attorney assigned to review rule 21 NCAC 34C .0103 submitted by the Board of Funeral Service for the October 2026 RRC Meeting. It appears that the legislature passed Session Law 2026-48, a significant modification

to the applicable statutes, in the middle of the rule making process. Was the Board able to take those changes into consideration? If you have time for a conversation, I would love to touch base with you about the impacts of the Session Law before it is reflected in my request for changes. I will be in the office today until 5:15 or I can speak at your convenience early next week.

Thank you,
Meghan

Meghan Barney
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1925
Email: meghan.barney@oah.nc.gov

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