

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34A .0101

DEADLINE FOR RECEIPT: Thursday, December 11, 2025

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

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

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

History Note: Is G.S. 90-210.22 relevant to this Rule? That provision speaks to Required Meetings of the Board. Consider adding § 90-210.18A instead.

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: December 2, 2025

21 NCAC 34A .0101 is amended as published in 40:06 NCR 571 as follows:

SECTION .0100 - GENERAL PROVISIONS

21 NCAC 34A .0101 AGENCY NAME AND ADDRESS

The name of the agency promulgating the rules in this Chapter is the North Carolina Board of Funeral Service. As used in these Rules, the word "Board" shall refer to this agency. The office of the Board is located at 1033 Wade Avenue, Suite 108, Raleigh, North Carolina 27605. The Board's website address is ncbfs.org.

History Note: Authority G.S. 90-210.22; 90-210.23(a);

Eff. February 1, 1976;

Readopted Eff. September 27, 1977;

Amended Eff. July 1, 2004; November 1, 2001; December 1, 1993; July 1, 1991; October 1, 1983;

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

Amended Eff. February 1, 2026.

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34A .0123

DEADLINE FOR RECEIPT: Thursday, December 11, 2025

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

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

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

*(b): Please confirm that this section specifies **all** of the information requested by the complaint form. For example, the current version of the form available on the Board's website asks for the telephone number and license number of the person the complaint is against. However, (b)(2) of the Rule does not cover this. The list under (b)(4) of the Rule also does not mention the current attestation regarding public records laws requests.*

History Note: G.S. 90-210.18(a) was repealed in 2005. Please amend or remove this citation.

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: December 2, 2025

1 21 NCAC 34A .0123 is amended as published in 40:06 NCR 571 as follows:

2

3 **21 NCAC 34A .0123 CONSUMER COMPLAINT FORM**

4 The Board ~~may provide consumer complaint forms. The complainant shall furnish the names and addresses of all~~
5 ~~parties involved, a description of the complaint, the signature of the complainant, and other information that the Board~~
6 ~~deems necessary as required by law.~~

7 (a) Initiation. Any individual with personal knowledge that any person has violated statutes or rules governed by the
8 Board (the "Complainant") may file a complaint by submitting a complaint form through the Board's website, by
9 emailing a complaint form to complaints@ncbfs.org, or by mailing a copy of the complaint to the Board's office.

10 (b) Form. The complaint shall contain a narrative of the acts or omissions about which the Complainant is concerned
11 and shall be signed by the Complainant. The complaint shall include:

12 (1) the name, address, email address, and telephone number of the Complainant;
13 (2) the name and address of the person or business against which the complaint is made (the
14 "Respondent");
15 (3) a statement of the facts that describe the allegations against the Respondent;
16 (4) Complainant's attestation that:
17 (A) the information in the complaint is true and accurate to the best of the Complainant's
18 recollection;
19 (B) the Complainant agrees to cooperate with the Board's investigation of the complaint by
20 furnishing to the Board all pertinent or requested information and records in the
21 Complainant's possession concerning the alleged misconduct of the Respondent;
22 (C) the Complainant shall testify as a witness if a hearing is held concerning the alleged
23 misconduct of the Respondent;
24 (D) the Complainant understands his or her identity will be disclosed to the Respondent;
25 (E) the Complainant understands that anonymous complaints will not be processed by the
26 Board;
27 (F) the Complainant understands that the Board cannot provide him or her with legal advice,
28 cannot represent the Complainant or intervene on his or her behalf in court proceedings,
29 and cannot provide any opinions or make any determinations regarding civil liability;
30 (G) the Complainant understands that he or she should not wait for the Board's disposition of
31 the complaint before pursuing any legal claim or seeking legal advice, if he or she believes
32 that damages have been incurred because of an alleged act or omission by Respondent.

33 (c) The Board shall process complaints in accordance with 21 NCAC 34A .0126.

34

35 *History Note:* Authority G.S. 90-210.23(a); 90-210.18(a); 90-210.25(e); 90-210.134(a);

36 *Eff. September 1, 1979;*

37 *Recodified from 21 NCAC 34 .0124 Eff. February 7, 1991;*

1 *Amended Eff. August 1, 2004;*

2 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
3 *2017. 2017;*

4 *Amended Eff. February 1, 2026.*

5

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34A .0127

DEADLINE FOR RECEIPT: Thursday, December 11, 2025

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

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

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

Is this rule specific to certain types of submissions to the Board? Or does it cover all types of submissions of all documents? The language used here appears to be very broad.

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: December 2, 2025

1 21 NCAC 34A .0127 is amended as published in 40:06 NCR 571 as follows:

2

3 **21 NCAC 34A .0127 FILING SUBMISSION OF DOCUMENTS**

4 ~~Any document that does not require a fingerprint card or the payment of a fee, or that does not pertain to elections to~~
5 ~~the N.C. Crematory Authority or to a resident traineeship, may be filed with the Board by U.S. mail, private courier~~
6 ~~service, facsimile, or hand delivery. All other documents must be filed by U.S. mail, private courier service, or hand~~
7 ~~delivery. Documents shall be considered filed submitted to the Board on the date of receipt by the Board or, if sent by~~
8 U.S. mail or private courier service, on the date of postmark or date stamp used by the private courier respectively.

9

10 *History Note: Authority G.S. 90-210.23(a);*

11 *Eff. January 1, 2009;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
13 *2017. 2017;*

14 *Amended Eff. February 1, 2026.*

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0104

DEADLINE FOR RECEIPT: Thursday, December 11, 2025

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

*Please confirm that this section specifies **all** of the information requested by the form.*

Also, the current version of the form available on the Board's website mentions a \$50 fee. You may want to consider referencing the fee here in the Rule for the sake of completeness.

Line 6: Consider adding the word "resident" before "trainee" for consistency.

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: December 2, 2025

1 21 NCAC 34B .0104 is amended as published in 40:06 NCR 571-572 as follows:

2

3 **21 NCAC 34B .0104 CHANGE IN EMPLOYMENT**

4 Each resident trainee shall complete an application form prescribed by the Board prior to making any change in
5 employment during the resident traineeship. The form shall be signed and dated by the resident trainee and shall
6 require the applicant resident trainee to furnish the name of the trainee, the former funeral establishment and
7 supervisor, the dates of services with the former funeral establishment, the proposed funeral establishment and
8 supervisor, the proposed effective date of the change, and any other information the Board deems necessary as
9 determined by law. the reason for the change in employment.

10

11 *History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(4)c.;*

12 *Eff. February 1, 1976;*

13 *Readopted Eff. September 27, 1977;*

14 *Amended Eff. December 1, 2004; September 27, 1979;*

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

17 *Amended Eff. February 1, 2026.*

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0110

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

*General Comment: The Board's website has different Work Report forms for different types of resident trainees (such as for funeral directing, embalming, and funeral services). Does this Rule cover the Work Reports for **all** trainees or only for funeral service trainees? If it covers **all** trainees, is the required form information uniform across all of the different Work Report forms? If not, you should include the differences in your rules. As currently written, the Rule makes it seem as if all of the Work Report forms are identical.*

(a): What is an “active” resident trainee? Can you be an “inactive” resident trainee? Is this defined or explained anywhere in the Rules or relevant statutes?

(a)(6) and (a)(7): What happens if the trainee’s supervisor is also the manager? Is only one notarization and signature required then?

*(f), line 34: Should this say “**Copies of** all documents and information” since the trainee is required to submit the documents, such as the work reports, to the Board?*

(f), line 36: Who would be an “authorized agent” in this instance? Is this explained elsewhere?

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: December 2, 2025

1 21 NCAC 34B .0110 is amended as published in 40:06 NCR 572 as follows:

2

3 **21 NCAC 34B .0110 WORK REPORTS AND CHECKLISTS**

4 (a) Active resident trainees shall submit a work report to the Board every month on a form provided by the Board no
5 later than the 10th day of the calendar month that immediately follows the month during which the work was
6 performed. On the work report, the resident trainee shall provide:

7 (1) The trainee's ~~name and signature; name, trainee number, and email address;~~
8 (2) The month during which the work was performed;
9 (3) The number of hours worked during that month;
10 (4) The ~~name and address name, address, and permit number~~ of the funeral establishment where the
11 resident trainee is working;
12 (5) A description of the work performed in the practice of funeral service during that month;
13 (6) The name, license number, and notarized signature of the trainee's supervisor; and
14 (7) The name, license number, and notarized signature of the licensed manager of the funeral
15 establishment where the resident trainee is working.

16 (b) By signing the work report, the trainee's supervisor shall certify that the data contained in the report is correct.
17 Neither the trainee nor the trainee's supervisor shall be permitted to amend or revise the work report after it is submitted
18 to the Board. The Board shall not accept incomplete work reports and a trainee who fails to submit a complete work
19 report by the due date shall be subject to the provisions of Paragraph (c) of this Rule.

20 (c) A late fee of twenty-five dollars (\$25.00) shall be assessed against the trainee for each work report that is submitted
21 to the Board after the due date. Following a trainee's first failure to timely submit a work report, the Board shall issue
22 the trainee a letter that cautions against future non-compliance with this Rule. Following a trainee's second failure to
23 timely submit a work report, the work set forth in the second untimely work report shall not be credited toward the
24 certification of the trainee's resident traineeship. Following a trainee's third failure to timely submit a work report, the
25 Board shall revoke the trainee's resident traineeship.

26 (d) Resident trainees shall maintain a checklist for each decedent for whom he or she performs funeral services on a
27 form provided by the Board. The checklist shall contain the following information:

28 (1) The name of the deceased person;
29 (2) The date when the services were provided;
30 (3) The trainee's name and signature;
31 (4) A description of the funeral services provided; and
32 (5) The supervisor's signature.

33 (e) Resident trainees shall maintain a list of the preneed funeral contracts with which the resident trainees participated.
34 (f) All documents and information set forth in this Rule shall be retained by the trainee until his or her traineeship
35 requirement has been certified by the Board. During this time, the reports and information shall be subject to inspection
36 by the Board or its authorized agent.

37

1 *History Note:* *Authority G.S. 90-210.23(a); 90-210.23(d); 90-210.23(f); 90-210.25(a)(4)e.; 90-210.25(a)(4)g.;*
2 *90-210.67(a); 90-210.69(a);*
3 *Eff. February 1, 1976;*
4 *Readopted Eff. September 27, 1977;*
5 *Amended Eff. November 1, 2004; June 1, 1994; August 1, 1988; September 1, 1979;*
6 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
7 *2017;*
8 *Amended Eff. February 1, 2026; November 1, 2020.*

9

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0126

DEADLINE FOR RECEIPT: Thursday, December 11, 2025

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

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

Rule Title: Consider adding oxford comma after “FUNERAL DIRECTING”.

(a): What does “substantially” assist mean in this context? Is this explained in another rule(s) or statute(s)? This adverb could be viewed as ambiguous.

(a), line 12: The citation here should read as G.S. 90-210.20(e). (d) is the definition of an “embalmer”.

*(b)(1): Should this say “... including **preparing** all documents and records;” or something similar? I believe there is a word missing here.*

(b)(2), (b)(4), (b)(5), and (b)(8): Avoid using slashes in rules when possible. Instead, consider using “and” or “or” as appropriate.

(c), line 25: Consider adding the word “funeral” before the word “ceremony” for consistency.

(c)(1) and (c)(2): Avoid using slashes in rules when possible. Instead, consider using “and” or “or” as appropriate.

(d)(11) and (d)(15): “And/or” is not clear language. Pick one or the other to use in the rule.

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: December 2, 2025

1 21 NCAC 34B .0126 is amended as published in 40:06 NCR 572-573 as follows:

2

3 **21 NCAC 34B .0126 EMBALMING, FUNERAL DIRECTING AND FUNERAL SERVICE TRAINING**

4 (a) To fulfill the requirements that funeral director and funeral service trainees shall substantially assist in directing
5 at least 25 funerals during their resident traineeship, such trainees shall, under supervision, assist in all of the
6 components of "funeral directing," as defined in G.S. 90-210.20(f), but as limited by 21 NCAC 34B .0103, and to
7 G.S. 90-210.20(f). To achieve this end such trainees shall substantially assist in, in at least 25 cases, cases involving
8 activities of arranging (whether performed at time of need or by assisting in preneed funeral planning activities or a
9 combination) and, in and at least 25 cases, cases involving activities pertaining to the funeral ceremony and disposition
10 of the body. To fulfill the requirements that embalming and funeral service trainees shall substantially assist in
11 embalming at least 25 bodies during their resident traineeship, such trainees shall, under supervision, substantially
12 assist in all of the components of "embalming," as defined in G.S. 90-210.20(d).

13 (b) For purposes of this Rule, activities of arranging are defined as the following tasks:

14 (1) At-need or preneed arranging, including all documents and records;
15 (2) Imminent / pending death (hospice) arranging;
16 (3) Observe sale of funeral service;
17 (4) Prepare death notices / obituaries;
18 (5) Ship-in / ship-out arrangements;
19 (6) Prepare death certificates;
20 (7) Secure permits, prepare VA or social security forms;
21 (8) Witness / arrange cremation services;
22 (9) Complete cremation authorization forms;
23 (10) Identify authorizing agent or next-of-kin; and
24 (11) Evaluate cases for medical examiner jurisdiction.

25 (c) For purposes of this Rule, activities of ceremony and disposition of the body are defined as the following task:

26 (1) Assist with funeral or memorial or interment/committal ceremonies for casketed remains;
27 (2) Assist with funeral or memorial or interment/committal ceremonies for cremated remains;
28 (3) Receive visitors at viewing or funeral service;
29 (4) Funeral procession and arrangement; and
30 (5) Transport survivors and clergy.

31 (d) For purposes of this Rules, embalming components are defined as the following tasks:

32 (1) Setting features;
33 (2) Mixing fluids;
34 (3) Raising vessels and inserting tubes;
35 (4) Injecting fluids;
36 (5) Suturing incisions;
37 (6) Cavity treatment;

- 1 (7) Removal and disinfecting of body;
- 2 (8) Positioning of body;
- 3 (9) Restorative art treatment including hypodermic treatment;
- 4 (10) Preparation of autopsied body including treatment of viscera;
- 5 (11) Treatment of remains following organ and/or tissue donation;
- 6 (12) Application of cosmetics;
- 7 (13) Dressing and casketing;
- 8 (14) Cleaning and disinfection of preparation room; and
- 9 (15) Handling and/or disposing of biomedical waste.

10 *History Note: Authority G.S. 90-210.20(f); 90-210.23(a), (d), (f); 90-210.25(a)(4); 90-210.67(a); 90-210.69(a);*

11 *Eff. June 1, 1994;*

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

13 *2017. 2017;*

14 *Amended Eff. February 1, 2026.*

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0202

DEADLINE FOR RECEIPT: Thursday, December 11, 2025

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

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

(b): Who is the “Board” here? Are you referring to ICFSEB or the Board of Funeral Service? If the latter, how would you know if the exam application was not completed within 90 days given that ICFSEB is now handling the exam application process? This requirement may no longer make sense given the change in process noted in (a).

(c), lines 12-16: I think certain text was accidentally duplicated here. There are two C's. Please revise. The current language does not make sense.

*(c)(1-4): Please confirm that this includes **all** required information collected by the Board on the Exam Eligibility Form.*

(d), lines 25-26: What does this mean: “Applications not completed within ninety (90) days following submission to the Board shall be denied.”? How would an application not be completed after the applicant already submitted it to the Board? Wouldn’t it then be on the Board to review the application? This same comment also applies to (b) and (c).

*(d)(1-17): Please confirm that this includes **all** required information collected by the Board on the license application.*

(d)(9), line 11: The word “ever” is probably not necessary here.

(d)(12): Does this apply to all types of business and occupational licenses, even if not relevant to funeral service?

(d)(12), line 19: Should this be “licensee” instead of “license”?

(d)(13), line 20: Add “the” before “applicant” for consistency.

Christopher S. Miller
Commission Counsel

Date submitted to agency: December 2, 2025

(d)(16)(A): Should this say, “... has read the questions” rather than “... has read the answers”? If they prepared it, wouldn’t they have also read the answers that they prepared?

(d)(16)(D): This should end with a semi-colon and “and” to lead into (17), which is a part of the continued list.

History Note: You should add § 143-789 to your authority since you are asking questions regarding investigations for employee misclassification.

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: December 2, 2025

1 21 NCAC 34B .0202 is amended as published in 40:06 NCR 573-574 as follows:

2

3 **21 NCAC 34B .0202 APPLICATIONS**

4 (a) Applicants to take the examination administered by the International Conference of Funeral Service Examining
5 Boards, Inc. ("ICFSEB") for a license shall apply to the Board upon forms to be furnished by the Board. The
6 application must be verified by the applicant and received by the Board at least 30 days prior to the date of the
7 examination. Applicants are ineligible to take the examination before completing their educational requirements. for
8 examination registration through the ICFSEB website, available at https://theconferenceonline.org/apply-now/.

9 (b) If the applicant does not sit for all examinations within 12 months of the filing date, the applicant forfeits the
10 pending application and fee, and the applicant shall submit a new application and fee. Applications that are not
11 completed within ninety (90) days following submission to the Board shall be denied.

12 (c) Applicants must submit an Exam Eligibility Form to the Board contemporaneously with their application for
13 examination registration as set forth in Paragraph (a) of this Rule. All Exam Eligibility Forms shall include:

14 Applications that are not completed within ninety (90) days following submission to the Board shall be denied.

15 (c) Applicants must submit an Exam Eligibility Form to the Board contemporaneously with their application for
16 examination registration as set forth in Paragraph (a) of this Rule. All Exam Eligibility Forms shall include:

17 (1) The applicant's full name, residential address, phone number, and email address;
18 (2) The license type for which the applicant is seeking eligibility;
19 (3) The name of each college or university attended by the applicant, the dates of attendance, and the
20 graduation date and degree(s) obtained, if any; and
21 (4) Whether the applicant has requested that a certified transcript from each college or university
22 attended by the applicant be sent to the Board and, if so, the date on which the applicant ordered the
23 transcript.

24 (d) Applications for licensure as a funeral service licensee, embalmer, or funeral director shall be made on applications
25 available on the Board's website at ncbfs.org. Applications not completed within ninety (90) days following
26 submission to the Board shall be denied. All applications for such licensure shall contain the following:

27 (1) The applicant's full name, date of birth, place of birth, sex, and social security number;
28 (2) The applicant's email address, residential address, mailing address, and phone number(s);
29 (3) The name and address of the applicant's current employer and past employers over the three years
30 preceding the application, to include the dates of employment and nature of the work performed by
31 the applicant;
32 (4) Whether the applicant is applying for a funeral service license, a funeral director license, or
33 embalmer license;
34 (5) The name of each college or university attended by the applicant, the dates of attendance, and the
35 graduation date and degree(s) obtained, if any;

(6) A certified transcript from each college or university at which the applicant attended courses toward his or her attainment of the educational degree required for the type of license sought, as set forth in G.S. 90-210.25(a)(1), (2), (3);

(7) Official score reports showing passage of the required examination for the type of licensure sought pursuant to G.S. 90-210.25(a)(1), (2), (3) that are provided to the Board by the examination testing provider;

(8) Whether the applicant has ever been certified, licensed, or registered to practice funeral service by the Board or by another occupational licensing board and, if so, the type of credential, the jurisdiction of issuance, the issuance date, the expiration date, and any examinations taken to obtain the credential;

(9) Whether the applicant ever has been denied a credential in another state and, if so, the jurisdiction and the reason for the denial of the credential;

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

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

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

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

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

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

(16) The applicant's notarized signature to certify that:

(A) he or she has prepared the application and has read the answers;

(B) the information provided in the application is true;

(C) the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789; and

(D) he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board.

(17) The application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license until the renewal fees and non-sufficient fund charges are paid.

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(1),(2),(3)

Eff. February 1, 1976;

Readopted Eff. September 27, 1977;

Amended Eff. January 1, 2009; October 1, 1983;

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

~~2017.~~ 2017;

Amended Eff. February 1, 2026.

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0401

DEADLINE FOR RECEIPT: Thursday, December 11, 2025

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

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

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

No comments.

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: December 2, 2025

21 NCAC 34B .0401 is amended as published in 40:06 NCR 574 as follows:

SECTION .0400 – CONTINUING EDUCATION

Editor's Note: 21 NCAC 34B .0401 - .0405 was recodified from 21 NCAC 34 .0501 - .0505 Eff. February 7, 1991.

21 NCAC 34B .0401 ESTABLISHMENT AND APPROVAL OF COURSES

The Board shall cause at least eight hours of continuing education courses to be offered to the licensees annually, either directly or through other organizations or persons procured for such purpose. ~~The Board shall mail to each licensee for whose benefit the course is offered, at least 15 days prior to the date of enrollment, notice of the course and the amount of any registration fee to be charged. Information about Board-approved courses shall be posted on the Board's website at ncbfs.org.~~

History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5);

Eff. February 1, 1976;

Readopted Eff. September 27, 1977;

Amended Eff. November 1, 2004; November 1, 1994; September 1, 1979;

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

Amended Eff. February 1, 2026.

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0414

DEADLINE FOR RECEIPT: Thursday, December 11, 2025

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

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

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

Old (a): You previously defined “on-line course” as “an educational seminar available on a provider's website reached via the Internet.” You still use the term “on-line course” in new (b). You may want to add the definition back in to the Rule for clarity (and amend the definition, if necessary).

New (a): Would the language used here cover CE held via webinar? I'm not sure that “via telephone, electronic mail, or a website bulletin board” would cover the types of chat messages or communications used during something like a Zoom webinar.

New (b), lines 20-22: Who must submit the record to the Board? The sponsor or the licensee?

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: December 2, 2025

1 21 NCAC 34B .0414 is amended as published in 40:06 NCR 574 as follows:

2

3 **21 NCAC 34B .0414 ACCREDITATION OF COMPUTER-BASED CE**

4 ~~(a) Effective for courses attended on or after January 1, 2009, a licensee may receive up to two hours of credit each~~
5 ~~year for participation in a course on CD-ROM or on-line. A CD-ROM course is an educational seminar on a compact~~
6 ~~disk that is accessed through the CD-ROM drive of the user's personal computer. An on-line course is an educational~~
7 ~~seminar available on a provider's website reached via the Internet.~~

8 ~~(b) A licensee may apply up to two credit hours of computer-based CE to a CE deficit from a preceding calendar~~
9 ~~year. A computer-based CE credit hour applied to a deficit from a preceding year will be included in calculating the~~
10 ~~maximum of two hours of computer-based CE allowed in the preceding calendar year. A licensee may carry over to~~
11 ~~the next calendar year no more than two credit hours of computer-based CE pursuant to 21 NCAC 34B .0408. A credit~~
12 ~~hour carried over pursuant to 21 NCAC 34B .0408 shall not be included in calculating the two hours of computer-~~
13 ~~based CE allowed in any one calendar year.~~

14 ~~(c)(a) To be accredited, a computer-based CE course must meet all of the conditions imposed by the rules in this~~
15 ~~Subchapter, except where otherwise noted, and be interactive, permitting the participant to communicate, via~~
16 ~~telephone, electronic mail, or a website bulletin board, with the presenter or other participants.~~

17 ~~(d)(b) The sponsor of an on-line course must have a reliable method for recording and verifying attendance. The~~
18 ~~sponsor of a CD-ROM course must demonstrate that there is a reliable method for the user or the sponsor to record~~
19 ~~and verify participation in the course. A participant may log on and off of a computer-based CE course provided the~~
20 ~~total time spent participating in the course is equal to or exceeds the credit hours assigned to the program. A copy of~~
21 ~~the record of attendance must be forwarded to the Board within 30 days after a licensee completes his or her~~
22 ~~participation in the course.~~

23 ~~(e)(c) After approval of a computer-based CE course, the sponsor may replay the computer-based CE course~~
24 ~~indefinitely until any change is made to the course content. Any modification to an approved computer-based CE~~
25 ~~course shall require the sponsor to submit a new application for approval but the sponsor may continue to show the~~
26 ~~previously approved version of the course.~~

27

28 *History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5);*

29 *Eff. July 1, 2005;*

30 *Amended Eff. January 1, 2009; March 1, 2008;*

31 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
32 *2017. 2017:*

33 *Amended Eff. February 1, 2026.*

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0501 (Repeal)

DEADLINE FOR RECEIPT: Thursday, December 11, 2025

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

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

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

History Note, line 15: Change “Repeal” to “Repealed”.

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: December 2, 2025

21 NCAC 34B .0501 is repealed as published in 40:06 NCR 574-575 as follows:

SECTION .0500 - OUT-OF-STATE LICENSEES

Editor's Note: 21 NCAC 34B .0501 - .0510 was recodified from 21 NCAC 34 .0601 - .0610 Eff. February 7, 1991.

21 NCAC 34B .0501 APPLICATION FOR LICENSE

History Note: Authority G.S. 90-210.23(a); 90-210.25(b)(1); 150B-11(l);

Eff. February 1, 1976;

Readopted Eff. September 27, 1977;

Amended Eff. September 1, 1979;

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

2017. 2017:

Repeal Eff. February 1, 2026.

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0507

DEADLINE FOR RECEIPT: Thursday, December 11, 2025

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

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

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

First sentence, lines 4-5: At the end of this sentence, for clarity, consider adding: "... furnished by the Board, as described in Rule .0508 of this Section."

Line 10: What does "verified" mean in this context? Notarized? Something else? Be specific, if possible.

History Note, line 12: 150B-11(1) was repealed. Please update or remove this citation.

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: December 2, 2025

1 21 NCAC 34B .0507 is amended as published in 40:06 NCR 575 as follows:

2

3 **21 NCAC 34B .0507 COURTESY CARDS**

4 Applications by out-of-state licensees for courtesy cards pursuant to G.S. 90-210.25(b)(3) shall be made upon forms
5 to be furnished by the Board. Such cards shall be issued by license category corresponding to the license held by the
6 applicant, shall be non-transferable, and shall be renewable from year to year. A courtesy card shall expire and
7 terminate upon the suspension, revocation, forfeiture, expiration, or other termination of the holder's license issued by
8 the licensing board of the other jurisdiction, or on the 31st day of ~~December~~, December of each year, whichever shall
9 first occur. The holder of a courtesy card shall be subject to the provisions of G.S. 90-210.25(e). The application must
10 be verified by the applicant and the licensing board of the other jurisdiction and filed with the Board.

11

12 *History Note: Authority G.S. 90-210.23(a); 90-210.25(b)(3); 150B-11(l);*

13 *Eff. February 1, 1976;*

14 *Readopted Eff. September 27, 1977;*

15 *Amended Eff. September 1, 1979;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
17 *2017, 2017;*

18 *Amended Eff. February 1, 2026.*

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0508

DEADLINE FOR RECEIPT: Thursday, December 11, 2025

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

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

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

Line 11: Delete "thirty" and remove the parenthesis from "(30)". Per the Style Guide, use figures for numbers over nine.

Lines 10-11: As asked above, what exactly does "not completed within thirty (30) days following submission to the Board" mean? Wouldn't it be on the Board to review an application once it has been submitted?

(4), line 16: Is the word "license" appropriately used here? Aren't these applicants only applying for courtesy cards rather than a license?

(6), line 21: Remove "ever" unless it is necessary.

(10), line 30: Add "the" before "applicant" for consistency.

*(13)(A): Should this instead say, "... and has read the **questions**;"?*

*General Comment: Please confirm that the list covers **all** of the contents required by the application form.*

History Note, Authority: Consider adding G.S. 143-789 since you are asking questions regarding employee misclassification investigations.

History Note, line 20: The first "2017." needs to be struck through.

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: December 2, 2025

1 21 NCAC 34B .0508 is amended as published in 40:06 NCR 575-576 as follows:

2

3 **21 NCAC 34B .0508 APPLICATION FORM FOR COURTESY CARD**

4 Applications for a courtesy card shall be made on forms ~~provided by the Board. The applicant shall furnish the~~
5 ~~applicant's photograph, name, address, and biographical data; courtesy card applied for, by license category; name~~
6 ~~and address of the licensing board where the applicant is licensed; the kind, license number, expiration date of licenses~~
7 ~~presently held; an agreement that the applicant will obey North Carolina statutes and rules governing funeral service;~~
8 ~~verification by the applicant; certification by the Secretary or other official of the licensing board of the other~~
9 ~~jurisdiction that the information concerning the applicant's licensure is correct; and any other information the Board~~
10 ~~deems necessary as required by law, available on the Board's website at ncbfs.org. Applications not completed within~~
11 ~~thirty (30) days following submission to the Board shall be denied. All applications for a courtesy card shall contain~~
12 the following:

13 (1) The applicant's full name, date of birth, place of birth, sex, and social security number;
14 (2) The applicant's email address, residential address, mailing address, and phone number(s);
15 (3) The name and address of the applicant's current employer;
16 (4) Whether the applicant is applying for a funeral service license, a funeral director license, or
17 embalmer courtesy card;
18 (5) Whether the applicant currently holds a funeral service license, funeral director license, or embalmer
19 license in any jurisdiction outside of North Carolina and if so, the name of the jurisdiction, the date
20 that the license was issued, the license number, and the expiration date of the license;
21 (6) Whether the applicant ever has been denied a credential in another state and, if so, the jurisdiction
22 and the reason for the denial of the credential;
23 (7) Whether the applicant has been convicted of a felony or misdemeanor crime and, if so, a statement
24 providing the jurisdiction, charge, date of disposition, and sentence imposed of each conviction;
25 (8) Whether the applicant has any criminal charges currently pending and, if so, the nature of the charge
26 and the jurisdiction in which the charge is pending;
27 (9) Whether the applicant has had an occupational or business license suspended or revoked by any
28 local, state, or federal agency and, if so, a statement providing the reason for the action and the date,
29 location, and circumstances of any violation that led to action against the license;
30 (10) Whether any court, board, agency, or professional organization has found applicant guilty of
31 misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and,
32 if so, the tribunal and the date of the finding;
33 (11) Whether the applicant has any charges pending before any court, board, agency, or professional
34 organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice
35 and, if so, the tribunal in which the charge is pending;
36 (12) Whether, within the preceding 2 years, the applicant has been the subject of any investigation for
37 employee misclassification and, if so, the results of the investigation;

(13) The applicant's notarized signature to certify that:

- (A) he or she has prepared the application and has read the answers;
- (B) the information provided in the application is true;
- (C) the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789; and
- (D) he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board.

(14) The application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license until the renewal fees and non-sufficient fund charges are paid.

History Note: *Authority G.S. 90-210.23(a); 90-210.25(b)(3);*

Eff. February 1, 1976;

Readopted Eff. September 27, 1977;

Amended Eff. November 1, 2004; August 1, 1988; September 1, 1979;

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

Amended Eff. February 1, 2026.

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0510

DEADLINE FOR RECEIPT: Thursday, December 11, 2025

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

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

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

(4), line 13: Is the word “license” appropriately used here? Aren’t these applicants only applying for courtesy cards rather than a license?

(6), line 18: Remove “ever” unless it is necessary.

(10), line 29: Add “the” before “applicant” for consistency.

*(13)(A): Should this instead say, “... and has read the **questions**;”?*

*General Comment: Please confirm that the list covers **all** of the contents required by the renewal application form.*

History Note, Authority: Consider adding G.S. 143-789 since you are asking questions regarding employee misclassification investigations.

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: December 2, 2025

1 21 NCAC 34B .0510 is amended as published in 40:06 NCR 576 as follows:

2

3 **21 NCAC 34B .0510 COURTESY CARD RENEWAL FORM**

4 Applications for annual renewal of a courtesy card shall be made on forms ~~provided by the Board~~. The form shall
5 ~~require the applicant to furnish the type of license privileges sought, changes to the applicant's name, address,~~
6 ~~telephone, place of employment, license expiration date, the signature of the applicant, affirmation that the applicant~~
7 ~~will abide by North Carolina law, verification, and any other information the Board deems necessary as required by~~
8 ~~law. available on the Board's website at ncbfs.org. All renewal applications for a courtesy card shall contain the~~
9 following:

- (1) The applicant's full name, date of birth, place of birth, sex, and social security number;
- (2) The applicant's email address, residential address, mailing address, and phone number(s);
- (3) The name and address of the applicant's current employer;
- (4) Whether the applicant is applying for a funeral service license, a funeral director license, or
embalmer courtesy card;
- (5) Whether the applicant currently holds a funeral service license, funeral director license, or embalmer
license in any jurisdiction outside of North Carolina and if so, the name of the jurisdiction, the date
that the license was issued, the license number, and the expiration date of the license;
- (6) Whether the applicant ever has been denied a credential in another state and, if so, the jurisdiction
and the reason for the denial of the credential;
- (7) Whether the applicant has been convicted of a felony or misdemeanor crime since the last renewal
and, if so, a statement providing the jurisdiction, charge, date of disposition, and sentence imposed
of each conviction;
- (8) Whether the applicant has any criminal charges currently pending and, if so, the nature of the charge
and the jurisdiction in which the charge is pending;
- (9) Whether the applicant has had an occupational or business license suspended or revoked by any
local, state, or federal agency since the last renewal and, if so, a statement providing the reason for
the action and the date, location, and circumstances of any violation that led to action against the
license;
- (10) Whether any court, board, agency, or professional organization has found applicant guilty of
misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice since
the last renewal and, if so, the tribunal and the date of the finding;
- (11) Whether the applicant has any charges pending before any court, board, agency, or professional
organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice
and, if so, the tribunal in which the charge is pending;
- (12) Whether, since the last renewal, the applicant has been the subject of any investigation for employee
misclassification and, if so, the results of the investigation;
- (13) The applicant's notarized signature to certify that:

(A) he or she has prepared the application and has read the answers;

(B) the information provided in the application is true;

(C) the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789; and

(D) he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board.

History Note: *Authority G.S. 90-210.23(a); 90-210.25(b)(3);*

Eff. February 1, 1976;

Readopted Eff. September 27, 1977;

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

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

Amended Eff. February 1, 2026.

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0605

DEADLINE FOR RECEIPT: Thursday, December 11, 2025

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

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

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

General Comment: Please confirm that the information in 21 NCAC 34B .0608 covers all of the information required on the transfer of ownership application form.

Line 10: Remove the space between "34" and "B" and add a space after "B".

History Note, Authority: 150B-11(1) was repealed. Please update or remove this citation.

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: December 2, 2025

1 21 NCAC 34B .0605 is amended as published in 40:06 NCR 576 as follows:

2

3 **21 NCAC 34B .0605 PERMITS: TRANSFER OF OWNERSHIP OF ESTABLISHMENT**

4 Funeral establishment permits shall not be transferable. When the ownership of a funeral establishment changes, ~~or~~
5 ~~when there has been a transfer of a majority of the common stock of the corporation owning a funeral establishment,~~
6 ~~as defined by G.S 90-210.25(d)(5)~~, a new application for an establishment permit shall be made to the Board ~~within~~
7 ~~30 days of said change of ownership or transfer. The applicable fee shall accompany the said application, as in the~~
8 ~~case of initial applications, on forms provided by the Board that are made available on the Board's website, ncbfs.org,~~
9 ~~within the timeframe set forth in G.S. 90-210.25(d)(5)~~. The application shall contain the information required by
10 Paragraph (a) of 21 NCAC 34 B.0608.

11

12

13 *History Note: Authority G.S. 90-210.23(a),(e); 90-210.25(d)(5); 150B-11(1);*

14 *Eff. February 1, 1976;*

15 *Readopted Eff. September 27, 1977;*

16 *Amended Eff. September 1, 1979;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
18 *2017. 2017;*

19 *Amended Eff. February 1, 2026.*

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0613

DEADLINE FOR RECEIPT: Thursday, December 11, 2025

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

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

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

Line 5: Consider adding oxford comma after "its inspector".

History Note, Authority: 150B-11(1) was repealed. Please update or remove this citation.

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: December 2, 2025

1 21 NCAC 34B .0613 is amended as published in 40:06 NCR 577 as follows:

2

3 **21 NCAC 34B .0613 DISCLOSURE STATEMENTS**

4 One copy of each disclosure statement, as required by G.S. 90-210.25(e), shall be kept by the funeral establishment
5 for a period of ~~two~~ three years and shall, during said period of time, be subject to inspection by the Board, its inspector
6 or other duly authorized representative.

7

8 *History Note: Authority G.S. 90-210.23(a),(d),(e); 90-210.25(e); 150B-11(1);*

9 *Eff. February 1, 1976;*

10 *Readopted Eff. September 27, 1977;*

11 *Amended Eff. September 1, 1979;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
13 *2017. 2017:*

14 *Amended Eff. February 1, 2026.*

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0615

DEADLINE FOR RECEIPT: Thursday, December 11, 2025

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

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

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

General Comment: Is the “report form provided by the Board” available on the Board’s website? In other rules, when available online, you have directed persons to the Board’s website to find such forms. Consider adding similar language here, if applicable.

Line 4: Who does the first sentence bind? Board inspectors?

Line 6: Consider adding an oxford comma after “licensees”.

Line 6: How is the funeral establishment furnishing “verification”? Do they have to provide documentation to the Board? Or is this just an attestation with a date? Be specific, if possible.

Line 7: What “other information” may the Board request? What would be necessary as required by law? Be specific, if possible. The current language is not clear.

*Also, please confirm that this list includes **all** information that establishments must provide as part of the inspection form(s).*

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: December 2, 2025

1 21 NCAC 34B .0615 is amended as published in 40:06 NCR 577 as follows:

2

3 **21 NCAC 34B .0615 FUNERAL ESTABLISHMENT INSPECTION FORM**

4 The findings of all funeral establishment inspections shall be recorded and filed on report forms provided by the Board.
5 The funeral establishment shall furnish the name and address of the establishment; names of the owner, manager,
6 licensees and resident trainees; verification by the funeral establishment that any violations have been corrected, the
7 date of the verification, and other information the Board deems necessary as required by law. ~~Verifications by an~~
8 ~~official of the funeral establishment that any violations have been corrected must be received by the Board no later~~
9 ~~than seven days after the date for compliance.~~

10

11 *History Note: Authority G.S. 90-210.23(a),(d),(e); 90-210.24;*

12 *Eff. February 1, 1976;*

13 *Readopted Eff. September 27, 1977;*

14 *Amended Eff. January 1, 2009; November 1, 2004;*

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

17 *Amended Eff. February 1, 2026.*

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0703

DEADLINE FOR RECEIPT: Thursday, December 11, 2025

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

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

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

Line 4: Consider adding oxford comma after "cotton".

Line 5: What does "properly" mean in this context? Is this explained elsewhere in rule or statute?

Line 7: Consider adding oxford comma after "ordinances".

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: December 2, 2025

1 21 NCAC 34B .0703 is amended as published in 40:06 NCR 577 as follows:

2

3 **21 NCAC 34B .0703 DISPOSAL OF REFUSE: VENTILATION**

4 Every preparation room shall be provided with ~~proper and convenient~~ receptacles for refuse, bandages, cotton and
5 other waste materials and supplies, which shall be properly disposed of at the conclusion of each ~~case, to the end that~~
6 ~~the public health may thereby be protected. embalming case.~~ Every preparation room shall comply, with respect to
7 ventilation, with state and local laws, ordinances and regulations. No obnoxious or deleterious odors shall be allowed
8 to remain therein nor to enter into any other part of the premises of the funeral establishment or into any adjoining
9 premises.

10

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

12 *Eff. February 1, 1976;*

13 *Readopted Eff. September 27, 1977;*

14 *Amended Eff. July 1, 1991; September 1, 1979;*

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

17 *Amended Eff. February 1, 2026.*

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0706

DEADLINE FOR RECEIPT: Thursday, December 11, 2025

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

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

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

(a), line 5: Insert "of" between "outside" and "a" for consistency.

(a), line 6: Which other "applicable federal, state, or local laws and regulations"? Can you be more specific?

(b), line 7: Insert "of" between "outside" and "a" for consistency.

(b), last sentence on lines 9-10: Shouldn't this contain some qualifying language such as "if applicable"? The first sentence in (b) states that the embalming facility doesn't necessarily have to be registered to a funeral establishment.

(c), line 11: Insert "of" between "outside" and "a" for consistency.

*(c): Please confirm that this covers **all** required information on the application form.*

(d): What does "public accommodation" mean in this context? Could this say, "... and shall not be used for any other purposes"? This paragraph is not clear.

History Note, Authority: How is 90-210.20(f) relevant to this Rule?

History Note, line 26: Please strike through the first "2017."

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: December 2, 2025

1 21 NCAC 34B .0706 is amended as published in 40:06 NCR 577 as follows:

2

3 **21 NCAC 34B .0706 REGISTRATION OF EMBALMING FACILITY LOCATED OUTSIDE OF A**
4 **FUNERAL ESTABLISHMENT**

5 (a) An embalming facility located outside a funeral establishment shall comply with the requirements of G.S. 90-
6 210.27A(a)(1) through (8) and all other applicable federal, state, or local laws and regulations.

7 (b) An embalming facility located outside a funeral establishment shall be registered either to a funeral establishment
8 holding a permit from the Board or to a funeral service or embalmer licensee of the Board. Each embalming facility
9 must be managed by an embalmer or funeral service licensee. A person managing an embalming facility ~~may~~ must
10 also manage the funeral establishment location registering the facility.

11 (c) Applications to register an embalming facility located outside a funeral establishment shall be made on forms
12 provided by the ~~Board~~. Board that are available at the Board's website, ncbfs.org. The applicant shall furnish the
13 address and telephone number of the facility; a description of the preparation room; the names and license numbers
14 of all part-time and full-time licensees employed by the facility; the person or business entity owning the facility; the
15 person managing the facility; a certification that the facility will not be used for any other purpose other than
16 embalming or used for activities requiring a funeral establishment permit; and ~~any other information the Board deems~~
17 ~~necessary as required by law~~. The ~~the~~ applicant shall verify the contents of the application before a notary public.

18 (d) Upon Board approval of the registration, the embalming facility may be used to embalm dead human bodies and
19 shall not be used as a public accommodation. The owner of the facility must obtain a funeral establishment permit
20 under G.S. 90-210.25(d) if the facility is to be held out to the public, used as a public accommodation, or used to
21 engage in any other activity defined as the practice of funeral service under G.S. 90-210.20(k) other than embalming.

22

23 *History Note: Authority G.S. 90-210.20(f),(h),(k); 90-210.23(a),(e); 90-210.25(d1); 90-210.27A;*

24 *Eff. September 1, 2009;*

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

27 *Amended Eff. February 1, 2026.*

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34C .0305 (Repeal)

DEADLINE FOR RECEIPT: Thursday, December 11, 2025

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

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

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

No comments.

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: December 2, 2025

1 21 NCAC 34C .0305 is repealed as published in 40:06 NCR 577 as follows:

2

3 **21 NCAC 34C .0305 MONTHLY REPORTS**

4

5 *History Note: Authority G.S. 90-210.132; 90-210.134(a);*

6 *Eff. July 1, 1991;*

7 *Amended Eff. February 1, 2009; July 1, 2004; 2004;*

8 *Repealed Eff. February 1, 2026.*

9

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

AGENCY: Board of Funeral Service

RULE CITATION: 21 NCAC 34D .0304

DEADLINE FOR RECEIPT: Thursday, December 11, 2025

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

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

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

General Comment: Is the “form provided by the Board” available on the Board’s website? In other rules, when available online, you have directed persons to the Board’s website to find such forms. Consider adding similar language here, if applicable.

(a)(1), line 13: Should this say “preneed licensee” rather than “preneed establishment”?

(a)(3), line 17: Should this say “substitute financial institute” rather than “successor financial institute”?

(a)(5): Add a semi-colon at the end of this.

(a)(6), line 25: Should this say “substitute financial institute” rather than “successor financial institute”?

(a)(7), line 27: Should this say “substitute financial institute” rather than “successor financial institute”?

*Also, please confirm that this list covers **all** of the required information in the form.*

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

Christopher S. Miller
Commission Counsel

Date submitted to agency: December 2, 2025

1 21 NCAC 34D .0304 is amended as published in 40:06 NCR 577-578 as follows:

2

3 **21 NCAC 34D .0304 TRANSFER OF TRUST FUNDS**

4 (a) When, pursuant to G.S. 90-210.68(b), a preneed licensee directs a transfer of preneed funds to a substitute financial
5 institution, the preneed licensee shall direct the financial institution which that is a party to the preneed funeral contract
6 (the "original financial institution") to shall make the transfer directly and solely to the substitute financial institution
7 and not mediately to the preneed licensee. The notification to the Board preneed licensee shall notify the Board within
8 ten (10) days following said transfer as required by G.S. 90-210.68(b) and said notification shall be made on a form
9 provided by the Board, which shall indicate the transfer of the funds by the financial institution and their acceptance
10 by the substitute financial institution and the agreement of the substitute financial institution to be bound by the
11 preneed funeral contract and, if the contract is revocable, certification that the licensee has notified the purchaser of
12 the intended transfer. provide the following information:

13 (1) The name, address, and license number of the preneed establishment serving as trustee for the
14 preneed contract, along with the preneed contract identification number prescribed by the Board;
15 (2) The name and address of the original financial institution, along with the account number in which
16 the preneed funds are held;
17 (3) The name and address of the successor financial institution, along with the account number into
18 which the preneed funds will be transferred;
19 (4) The name of the preneed contract beneficiary and of the preneed contract purchaser and whether the
20 purchaser of the preneed contract has been notified of the intended transfer of preneed funds, if the
21 preneed contract is revocable;
22 (5) The dated signature of the preneed licensee attesting to the request to transfer the preneed funds to
23 a substitute financial institution
24 (6) The dated signature of the representative of the original financial institution attesting to its payment
25 of the preneed funds to the successor financial institution and the amount of preneed funds so
26 transferred; and
27 (7) The dated signature of the representative of the successor financial institution attesting to the amount
28 of preneed funds received from the original financial institution and its receipt of the underlying
29 preneed funeral contract, as well as its agreement to adhere to the provisions of General State
30 Chapter 90, Article 13D, as it pertains to financial institutions.

31

32 *History Note: Authority G.S. 90-210.69(a); 90-210.68(b);*

33 *Eff. May 1, 1993;*

34 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
35 *2017. 2017:*

36 *Amended Eff. February 1, 2026.*