

HB 1003 -- Redline

Edition 2 to Edition 1 -- Board of Funeral Service Modifications.

Deletions ~~struck~~ · Insertions underlined

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2025 H ~~21~~ HOUSE BILL 1003-~~Committee Substitute Favorable~~
~~5/1/25~~ Short Title:

Representatives B.

Jones, Miller, Pyrtle, and Colvin (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Regulatory Reform, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

April 14, 2025 A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAWS OF FUNERAL SERVICE AND CREMATION.

- The technical process using water, heat, and other chemicals to destroy, dissolve, or reduce human remains to simpler or essential ~~elements. As~~elements. ~~defined in G.S.~~

~~90-210.20.~~

H1003-v-1 General Assembly Of North Carolina Session 2025 (4) "Casket" means a Casket.

- A rigid container that is designed for the encasement of human remains and that is usually constructed of wood, metal, ~~*H1003-v-2* General Assembly Of North Carolina Session 2025~~ or other material and ornamented and lined with fabric, and which may or may not be combustible.

A crematory must comply with all applicable public health and environmental laws and rules and must Page 2 House Bill 1003-First Edition General Assembly Of North Carolina Session 2025 contain the equipment and meet all of the standards established by the rules adopted by the Board.

~~Page 2 House Bill 1003-Second Edition General Assembly Of North Carolina Session 2025~~ (12)

"Crematory licensee" means the Crematory licensee.

- The cremation and the ultimate interment, entombment, inurnment, or scattering of the cremated remains or the return of the cremated remains by the ~~crematory licensee~~ crematory licensee to the authorizing agent or such agent's designee as provided in this Article.

A hydrolysis container may be a House Bill 1003-First Edition Page 3 General Assembly Of North Carolina Session 2025 cremation container or any other container that meets the requirements of this subdivision.

~~House Bill 1003-Second Edition Page 3 General Assembly Of North Carolina Session 2025~~ (17b)

Hydrolysis licensee.- A person or entity licensed to hydrolyze human remains and perform hydrolysis.

(a) Any person doing business in this State, or any cemetery, funeral establishment, corporation, partnership, joint venture, voluntary organization, or any other entity may erect, maintain, and operate a crematory in this State and may provide the necessary employees, Page 4 House Bill 1003-First Edition General Assembly Of North Carolina Session 2025 facilities, structure, and equipment for the cremation of human remains, provided that the person or entity has secured a license as a crematory licensee in accordance with this Article.

~~Page 4 House Bill 1003-Second Edition General Assembly Of North Carolina Session 2025~~ (a1) A crematory operating under this Article is required to have a crematory manager.

~~(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 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;~~

~~provided, however, that 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 Board shall keep all information pursuant to this subsection privileged, in accordance with applicable State law and federal guidelines, and the information shall be confidential and shall not be~~

~~a public record under Chapter 132 of the General Statutes.~~

~~The Board, its officers and employees, acting in good faith and in compliance with this section, shall be immune from civil liability for denying licensure to an applicant based on information provided in the applicant's criminal history record check.~~

~~The Department of Public Safety may charge each applicant a fee for conducting the checks of criminal history records authorized by this subsection.~~

Every application for licensure and renewal thereof shall include all each crematory technicians' technician's ~~House Bill 1003-Second Edition Page 5 General Assembly Of North Carolina Session 2025~~ educational certificates.

The estate of ~~House Bill 1003-First Edition Page 5 General Assembly Of North Carolina Session 2025~~ the decedent is permitted to apply for a permit within 180 days of the date of death.

~~Page 6 House Bill 1003-Second Edition General Assembly Of North Carolina Session 2025~~ (6) The direct or indirect payment or offer of payment of a commission by the licensee or the licensee's agent, assistant, or employees for the purpose of securing business.

(10) Violating or cooperating with others to violate any of the provisions of this Article ~~Article, Article and~~ Article 13A, 13D, or 13E of this Chapter, or of the rules of the Board or violation of Funeral Industry Practices, 16 C.F.R.

~~Page 6 House Bill 1003-First Edition General Assembly Of North Carolina Session 2025~~ (13) Indecent exposure or exhibition of a dead human body while in the custody or control of a licensee.

~~House Bill 1003-Second Edition Page 7 General Assembly Of North Carolina Session 2025~~ (i) The Board may hold hearings in accordance with the provisions of this Article and Article 3A of Chapter 150B of the General Statutes.

The Board ~~may~~mavenforce~~-enforce~~ compliance with the standards set forth in Funeral Industry Practices, 16 C.F.R.

(11) The Board ~~may~~apply for~~may apply for~~ injunctive relief in the superior ~~court~~county of (i) ~~the where~~county where an act is alleged to have taken place, (ii) ~~the county~~ where the defendant resides, or (iii) Wake County, if any person, firm, corporation, or other entity has committed an act allegedly violating any provision of this Article.

If ~~a~~a court of ~~court of~~ competent ~~jurisdiction~~jurisdiction finds ~~finds a~~defendant ~~a defendant~~ has ~~acted~~acted in ~~in~~ violation ~~of~~of this Article, then the court shall issue an order enjoining and restraining the acts constituting violations.

Members of the Board's staff or the sheriff or other appropriate ~~House Bill 1003-First Edition Page 7~~ General Assembly Of North Carolina Session 2025 official of any county of this State shall serve all notices, subpoenas, and other papers given to them by the President of the Board for service in the same manner as process issued by any court of record.

90-210.124 (Authorizing ~~agent.~~)Agent.) is repealed.

~~(7)... A(13) representation If that a the cremation authorizing authorization agent form has is either being disclosed executed the on location of preneed all basis, living the persons cremation with authorization an form equal shall right contain to that of the authorizing disclosure agent, required as by set forth in G.S.~~

~~90-210.124, G.S.~~

~~130A-420, or does not know the location of any other living person with an equal right to that of the authorizing agent.~~

~~... Page 8 House Bill 1003-Second Edition General Assembly Of North Carolina Session 2025 (13) If a cremation authorization form is being executed on a preneed basis, the cremation authorization form shall contain the disclosure required by G.S.~~

(a) The crematory licensee shall furnish to the person who delivers such human remains to the crematory licensee a receipt, signed by both the crematory licensee and the person who ~~Page 8 House Bill 1003-First Edition General Assembly Of North Carolina Session 2025~~ delivers the human remains, showing the date and time of the delivery;

~~House Bill 1003-Second Edition Page 9 General Assembly Of North Carolina Session 2025~~ "Sec. 90-210.128.

~~... House Bill 1003-First Edition Page 9 General Assembly Of North Carolina Session 2025~~ (g) Human remains shall be cremated only while enclosed in a cremation container. Upon completion of the cremation, and insofar as is possible, all of the recoverable residue of the cremation process shall be removed from the cremation chamber.

Cremated Reduced ~~Page 10 House Bill 1003-Second Edition General Assembly Of North Carolina Session 2025~~ human remains shall be shipped to the proper address as stated on the cremation authorization form signed by the authorizing agent.

A record of such disposition shall be made and kept by the ~~Page 10 House Bill 1003-First Edition General Assembly Of North Carolina Session 2025~~ person making the disposition.

~~House Bill 1003-Second Edition Page 11 General Assembly Of North Carolina Session 2025~~ (e) Cremated

Reduced human remains shall be released by the crematory licensee to the individual specified by the authorizing agent on the cremation authorization form.

House Bill 1003-First Edition Page 11 General Assembly Of North Carolina Session 2025 (e) If a crematory licensee is aware of any dispute concerning the release or disposition of the cremated reduced human remains, the crematory licensee may refuse to release the cremated reduced human remains until the dispute has been resolved or the crematory licensee has been provided with a court order authorizing the release or disposition of the cremated reduced human remains.

(c) No later than the tenth day of each month, every crematory licensee and hydrolysis licensee under this Article shall remit to the Board the per cremation or reduction fees for the ~~Page 12 House Bill 1003-Second Edition General Assembly Of North Carolina Session 2025~~ cremations or reductions which the crematory licensee performed during the immediately preceding calendar month.

~~Only funeral establishments holding a valid establishment permit pursuant to G.S. 90-210.25(d) shall be eligible to be a hydrolysis licensee.~~

The hydrolysis of human remains shall be conducted Page 12 House Bill 1003-First Edition General Assembly Of North Carolina Session 2025 in compliance with all requirements for cremation, and the licensee shall pay the same fees for monthly reports for each hydrolysis as crematories under this Article.

~~(c1) Alkaline hydrolysis shall not be performed except on the physical premises of a funeral establishment holding a valid establishment permit pursuant to G.S. 90-210.25(d).~~

~~House Bill 1003-Second Edition Page 13 General Assembly Of North Carolina Session 2025~~ As used in this Article, unless the context requires otherwise:

House Bill 1003-First Edition Page 13 General Assembly Of North Carolina Session 2025 (3) A transportation protection agreement as defined in this Article." SECTION 2.1.(c) The North Carolina Board of Funeral Service may adopt rules to implement the provisions of this section. but no kind of insurance includes ~~life insurance or insurance~~ life insurance or insurance against legal liability for personal injury or death unless specified in this section.

~~Page 14 House Bill 1003-Second Edition General Assembly Of North Carolina Session 2025~~ (1) "Life insurance", meaning every insurance upon the lives of human beings and every insurance appertaining thereto.

Page 14 House Bill 1003-First Edition General Assembly Of North Carolina Session 2025 No assessment life insurance corporation, organization or association of any kind issuing policies or contracts upon the life of any resident of this State shall hereafter be organized or licensed by the Commissioner unless such corporation, organization or association adopt premium rates based upon the attained age of the assured at the time of issuance of the contract and such rates shall not be less than those fixed by the American Experience Table of Mortality or any other recognized table of mortality approved by the Commissioner.

58-7-15, this term does not include a transportation protection agreement." ~~House Bill 1003-Second Edition Page 15 General Assembly Of North Carolina Session 2025~~ SECTION 2.2.(f) G.S.

House Bill 1003-First Edition Page 15 General Assembly Of North Carolina Session 2025 "Sec. 58-58-97. ~~Page 16 House Bill 1003-Second Edition General Assembly Of North Carolina Session 2025~~ (2) Any beneficiaries on record under any life insurance contract insuring the life of a prospective policy beneficiary or the deceased person.

Page 16 House Bill 1003-First Edition General Assembly Of North Carolina Session 2025 "(4a) To a person making an inquiry authorized under G.S.

8 PART III.

~~PRACTICE RULEMAKING OF AND FUNERAL EFFECTIVE SERVICE/BOARD DATE-CHANGES~~ SECTION 3.1.

~~G.S.~~

~~90-210.18A reads as rewritten:~~

~~"Sec. 90-210.18A.~~

~~Board of Funeral Service created;
qualifications;
vacancies;
removal.~~

~~(a) The General Assembly declares that the practice of funeral service affects the public health, safety, and welfare and is subject to regulation and control in the public interest.~~

~~The public interest requires that only qualified persons be permitted to practice funeral service in North Carolina and that the profession merit the confidence of the public.~~

~~This Article shall be liberally construed to accomplish these ends.~~

~~(b) The North Carolina Board of Funeral Service is created and shall regulate the practice of funeral~~

~~service in this State.~~

~~The Board shall have nine members as follows:~~

~~(1) Four Three members appointed by the Governor from nominees recommended by the North Carolina Funeral Directors Association, Inc.~~

~~These members shall be persons licensed under this Article.~~

~~(2) Two Three members appointed by the Governor from nominees recommended by the Funeral Directors & Morticians Association of North Carolina, Inc.~~

~~These members shall be persons licensed under this Article.~~

~~House Bill 1003-Second Edition Page 17 General Assembly Of North Carolina Session 2025 (3) One member appointed by the Governor who is licensed under this Article and who is not affiliated with any funeral service trade association.~~

~~(4) One member appointed by the General Assembly, upon the recommendation of the President Pro Tempore of the Senate.~~

~~This member shall be a person who is not licensed under this Article or employed by a person who is licensed under this Article.~~

~~(5) One member appointed by the General Assembly, upon the recommendation of the Speaker of the House of Representatives. This member shall be a person who is not licensed under this Article or employed by a person who is licensed under this Article.~~

~~Members of the Board shall serve staggered three-year terms, ending on December 31 of the last year of the term or when a successor has been duly appointed, whichever is later.~~

~~No member may serve more than two complete consecutive terms.~~

~~...." SECTION 3.2.(a) The following provisions are recodified as follows:~~

~~Former Citation Recodified Citation 90-210.20(a) 90-210.20(1) 90-210.20(b) 90-210.20(3) 90-210.20(c) 90-210.20(5) 90-210.20(c1) 90-210.20(6) 90-210.20(c2) 90-210.20(7) 90-210.20(d) 90-210.20(8) 90-210.20(e) 90-210.20(9) 90-210.20(e2) 90-210.20(11) 90-210.20(f) 90-210.20(12) 90-210.20(g) 90-210.20(13) 90-210.20(h) 90-210.20(14) 90-210.20(i) 90-210.20(16) 90-210.20(j) 90-210.20(17) 90-210.20(k) 90-210.20(18) 90-210.20(l) 90-210.20(20) SECTION 3.2.(b) G.S.~~

~~90-210.20, as amended by subsection (a) of this section, reads as rewritten:~~

~~"Sec. 90-210.20.~~

~~Definitions.~~

~~Unless a different meaning is required by the context, the following definitions apply to this Article and Articles 13D and 13F of this Chapter:~~

~~(1) "Advertisement" means the Advertisement.~~

~~2 The publication, dissemination, circulation or placing before the public, or causing directly or indirectly to be made, published, disseminated or placed before the public, any announcement or statement in a newspaper, magazine, or other publication, or in the form of a book, notice, circular, pamphlet, letter, handbill, poster, bill, sign, placard, card, label or tag, or over any radio, television station, or electronic medium.~~

~~(2) Alkaline hydrolysis.~~

~~2 The technical process that reduces dead human bodies to bone fragments using heat, water, and chemical agents.~~

~~(3) "Board" means the Board.~~

~~2 The North Carolina Board of Funeral Service.~~

~~(4) Branch establishment.~~

~~2 A funeral establishment that serves as an ancillary facility to a principal funeral establishment, which is not required to contain a preparation room pursuant to G.S.~~

~~90-210.27A(a).~~

~~(5) "Burial" includes interment Burial.~~

~~2 Interment in any form, cremation and the transportation of the dead human body as necessary therefor, necessary.~~

~~Page 18 House Bill 1003-Second Edition General Assembly Of North Carolina Session 2025 (6) "Chapel" means a chapel or other Chapel.~~

~~2 A facility separate from the funeral establishment premises for the primary purpose of reposing of dead human bodies, visitation or visitation, funeral ceremony ceremony, or memorial service that is owned, operated, or maintained by a principal funeral establishment under this Article, and that does not use the word "funeral" in its name, on a sign, in a directory, in advertising or in any other manner; is not staffed on a full-time basis, in which or on the premises of which which, there is not displayed any caskets or other funeral merchandise;~~

~~in which or on the premises of which there is not located any business office or preparation room;~~

~~and which no owner, operator, employee, or agent thereof represents the chapel to be a funeral establishment.~~

~~A funeral establishment may utilize a chapel to make funeral arrangements and to sell funeral merchandise to the public by photograph or digital presentation, and to make financial arrangements related to the sale, provided that such uses are secondary and incidental to and do not interfere with the reposing of dead human bodies, visitation, funeral ceremony, or memorial service.~~

~~(7) "Dead human bodies", as used in this Article Dead human bodies.~~

~~2 The body of a decedent, regardless of its stage of decomposition, and includes fetuses beyond the second trimester and the ashes from cremated bodies.ashes, bone fragments, or human materials produced as a result of cremation or alkaline hydrolysis.~~

~~(8) "Embalmer" means any Embalmer.~~

~~2 Any person engaged in the practice of embalming.~~

~~(9) "Embalming" means the Embalming.~~

~~2 The preservation and disinfection or attempted preservation and disinfection of dead human bodies by application of chemicals externally or internally or both and the practice of restorative art including the restoration or attempted restoration of the appearance of a dead human body.~~

~~Embalming shall not include the washing or use of soap and water to cleanse or prepare a dead human body for disposition by the authorized agents, family, or friends of the deceased who do so privately without pay or as part of the ritual washing and preparation of dead human bodies prescribed by religious practices;~~

~~provided, that no dead human body shall be handled in a manner inconsistent with G.S.~~

~~130A-395.~~

~~(10) Embalming facility.~~

~~2 A facility, other than a funeral establishment, at which an embalmer or funeral service licensee engages in embalming and in which, or on the premises of which, there is not displayed any caskets or other funeral merchandise, and which no owner, operator, employee, or agent represents the embalming facility to be a funeral establishment or engages in funeral directing.~~

~~(11) "Entry-level examination in funeral directing" means an Entry-level examination in funeral directing.~~

~~2 An examination (i) offered as a component of a final or capstone course in a mortuary science program approved by the Board or (ii) accredited by the American Board of Funeral Service Education or an examination equivalent to the State Board Examination Arts in Funeral Directing recognized by rule adopted by the Board to assess competency in the following subjects:~~

~~a-~~

~~Funeral arranging and directing.~~

~~b-~~

~~Funeral service marketing and merchandising.~~

~~c-~~

~~Funeral service counseling.~~

~~d-~~

~~Legal and regulatory compliance.~~

~~e-~~

~~Cemetery and crematory Crematory operations.~~

~~House Bill 1003-Second Edition Page 10 General Assembly Of North Carolina Session 2025 (12) "Funeral directing" means engaging Funeral directing.~~

~~2 Engaging in the practice of funeral service except embalming.~~

~~(13) "Funeral director" means any Funeral director.~~

~~2 Any person engaged in the practice of funeral directing.~~

~~(14) "Funeral establishment" means every Funeral establishment.~~

~~2 Every place or premises devoted to or used in the care, arrangement and preparation for the funeral and final disposition of dead human bodies and maintained for the convenience of the public in connection with dead human bodies or as the place for carrying on the practice of funeral service.~~

~~(15) Funeral merchandise or funeral supplies.~~

~~2 Any personal property used in connection with the conduct of funerals or with the transportation and final disposition of a dead human body, including caskets, outer burial containers, cremation caskets, urns, and burial clothing.~~

~~The term does not mean mausoleum crypts, pre-installed outer burial containers or interment receptacles, and columbarium niches or other services or merchandise at a cemetery regulated by the Cemetery Commission.~~

~~(16) "Funeral service licensee" means a Funeral service licensee.~~

~~? A person who is duly licensed and engaged in the practice of funeral service.~~

~~(17) "Funeral service" means the Funeral service.~~

~~? The aggregate of all funeral service licensees and their duties and responsibilities in connection with the funeral as an organized, purposeful, time limited, flexible, group centered response to death.~~

~~(18) "Practice of funeral service" means engaging Practice of funeral service.~~

~~? Engaging in the care or disposition of dead human bodies or in the practice of disinfecting and preparing by embalming or otherwise dead human bodies for the funeral service, transportation, burial or cremation, or other lawful means of final disposition, or in the practice of funeral directing or embalming as presently known, whether under these titles or designations or otherwise.~~

~~"Practice of funeral service" also means engaging in making arrangements for funeral service, selling funeral supplies to the public or making financial arrangements for the rendering of such services or the sale of such supplies.~~

~~(19) Principal funeral establishment.~~

~~? The funeral establishment that serves as the primary or principal business office of a funeral establishment that has been issued a license by the Board to operate a branch funeral establishment or chapel.~~

~~(20) "Resident trainee" means a Resident trainee.~~

~~? A person who is engaged in preparing to become licensed for the practice of funeral directing, embalming or funeral service under the personal supervision and instruction of a person duly licensed for the practice of funeral directing, embalming or funeral service in the State of North Carolina under the provisions of this Chapter, and who is duly registered as a resident trainee with the Board."~~ SECTION 3.3.

~~G.S.~~

~~90-210.23 reads as rewritten:~~

~~"Sec. 90-210.23.~~

~~Powers and duties of the Board.~~

~~... (d) Every person licensed by the Board and every resident trainee shall furnish all information required by the Board reasonably relevant to the practice of the profession or business for which the person is a licensee or resident trainee. Every funeral service establishment and its records and every place of business where the practice of funeral service or embalming is carried on and its records shall be subject to inspection by the Board during normal hours of operation and periods shortly before or after normal hours of operation and shall furnish all information required by the Board reasonably relevant to the business therein conducted.~~

~~Every Page 20 House Bill 1003-Second Edition General Assembly Of North Carolina Session 2025 licensee, permit holder, resident trainee, embalming facility, and funeral service establishment establishment, crematory, and alkaline hydrolysis licensee shall provide the Board with a current post-office address which shall be placed on the appropriate register and all notices required by law or by any rule or regulation of the Board to be mailed to any licensee, permit holder, resident trainee, embalming facility, or funeral service establishment establishment, crematory, or alkaline hydrolysis licensee shall be validly given when mailed to the address so provided.~~

~~(d1) The Board is empowered to hold hearings in accordance with the provisions of this Article and of Chapter 150B to subpoena witnesses and to administer oaths to or receive the affirmation of witnesses before the Board.~~

~~In any show cause hearing before the Board held under the authority of Chapter 150B of the General Statutes where the Board imposes discipline against a licensee, the Board may recover the costs, other than attorneys' fees, of attorneys' fees and costs associated with holding the hearing against all respondents jointly, not to exceed two thousand five hundred dollars (\$2,500). five thousand dollars (\$5,000).~~

~~(e) The Board is empowered to regulate and inspect, according to law, funeral service establishments and establishments, embalming facilities, chapels, crematories, and alkaline hydrolysis licensees, their operation, and the licenses under which they are operated, and to enforce as provided by law the rules, regulations, and requirements of the Division of Health Services and of the city, town, or county in which the funeral service establishment or establishment, embalming facility facility, chapel, crematory, or alkaline hydrolysis licensee is maintained and operated.~~

~~Any funeral establishment or embalming facility establishment, embalming facility, chapel, crematory, or alkaline hydrolysis licensee that, upon inspection, is found not to meet all of the requirements of this Article shall pay a reinspection fee to the Board Board, as set by rule adopted by the Board, for each additional inspection that is made to ascertain that the deficiency or other violation has been corrected. The Board is also empowered to enforce compliance with the standards set forth in Funeral Industry Practices, 16 C.F.R.~~

~~453 (1984), as amended from time to time.~~

~~...." SECTION 3.4.~~

~~G.S.~~

~~90-210.24 reads as rewritten:~~

~~"Sec. 90-210.24.~~

~~Inspector.~~

~~(a) The Board may appoint one or more agents who shall serve at the pleasure of the Board and who shall have the title "Inspector of the North Carolina Board of Funeral Service."~~

~~Nopersoniseligibleforappointmentasinspectorunlessatthetimeoftheappointmenttheperson is licensed under this Article as a funeral service licensee.~~

~~(b) To determine compliance with the provisions of this Article Articles 13A, 13D, and 13F of this Chapter and regulations promulgated rules adopted by the Board under this Article, inspectors may do any of the following:~~

~~(1) Enter the office, establishment office or place of business of any funeral service licensee, funeral director or embalmer in North Carolina, and any office, establishment funeral establishment, embalming facility, chapel, crematory, or alkaline hydrolysis facility, removal and transportation business, or place in North Carolina where the practice of funeral service or embalming is carried on, or where that practice is advertised as being carried on, or where a funeral visitation, funeral, or memorial service is being conducted or a body is being embalmed, to inspect the records, office, establishment, or facility, or to inspect the practice being carried on or license or registration of anylicensee licensee, permit holder, and any resident trainee operating therein;there.~~

~~(2) Enter any hospital, nursing home, or other institution from which a dead human body has been removed by any person licensed under this Article or House Bill 1003-Second Edition Page 21 General Assembly Of North Carolina Session 2025 their designated representative to inspect records pertaining to the removal and its authorization;~~

~~andauthorization.~~

~~(3) May inspect criminal and probation records of licensees and applicants for licenses under this Article to obtain evidence of their character.~~

~~Inspectors may serve papers and subpoenas issued by the Board or any office or member thereof under authorityof this Article, and shall perform other duties prescribed or ordered by the Board.~~

~~(c) Upon request by the Board, the Attorney General of North Carolina shall provide the inspectors with appropriate identification cards, signed bythe AttorneyGeneral or his designated agent.~~

~~(d) The Board may prescribe an inspection form to be used by the inspectors in performing their duties."~~

~~SECTION 3.5.~~

~~G.S.~~

~~90-210.25 reads as rewritten:~~

~~"Sec. 90-210.25.~~

~~Licensing.~~

~~(a) Qualifications, Examinations, Resident Traineeship and Licensure.~~

~~—(1) To be licensed for the practice of funeral directing under this Article, an applicant for licensure bears the burden of substantiating to the satisfaction of the Board that the applicant:~~

~~a-~~

~~Is at least 18 years of age.~~

~~b-~~

~~Is of good moral character.~~

~~c-~~

~~Possesses a degree in mortuary science or has graduated from a Funeral Director Program, or the equivalent, from a program approved by the Board or accredited by the American Board of Funeral Service Education.~~

~~d-~~

~~Within the last three years, has completed 12 months of resident traineeship as a funeral director, pursuant to the procedures and conditions set out in G.S.~~

~~90-210.25(a)(4), either before or after satisfying the educational requirement under sub-subdivision c. of this subdivision.~~

~~e-~~

~~Within the last three five years, has obtained passing scores on all of the following examinations:~~

~~1-~~

~~Entry-level examination in funeral directing.~~

~~2-~~

~~Repealed by Session Laws 1997-309, s.~~

~~5.~~

~~3.~~

~~Examination of the laws of North Carolina, the standards set forth in Funeral Industry Practices, 16 C.F.R.~~

~~Sec. 453 (1984), pursuant to its most recent version, and rules of the Board and other agencies dealing with the care, transportation and disposition of dead human bodies.~~

~~4.~~

~~Examination of pathology.~~

~~f.~~

~~Has paid all applicable fees.~~

~~(2) To be licensed for the practice of embalming under this Article, an applicant for licensure bears the burden of substantiating to the satisfaction of the Board that the applicant:~~

~~a.~~

~~Is at least 18 years of age.~~

~~b.~~

~~Is of good moral character.~~

~~c.~~

~~Possesses an associate degree in mortuary science, or the equivalent, from a mortuary science program approved by the Board and accredited by the American Board of Funeral Service Education.~~

~~d.~~

~~Within the last three years, has completed 12 months of resident traineeship as an embalmer pursuant to the procedures and conditions set out in G.S.~~

~~90-210.25(a)(4), either before or after satisfying the educational requirement under sub-subdivision c. of this subdivision.~~

~~Page 22 House Bill 1003-Second Edition General Assembly Of North Carolina Session 2025 e.~~

~~Within the past three five years, has passed an oral or written embalmer examination on the following subjects:~~

~~1.~~

~~Embalming, restorative arts, chemistry, pathology, microbiology, and anatomy.~~

~~2.~~

~~Repealed by Session Laws 1997-309, s.~~

~~6.~~

~~3.~~

~~Examination of the laws of North Carolina, the standards set forth in Funeral Industry Practices, 16 C.F.R.~~

~~Sec. 453 (1984), pursuant to its most recent version, and rules of the Board and other agencies dealing with the care, transportation and disposition of dead human bodies.~~

~~f.~~

~~Has paid all applicable fees.~~

~~(3) To be licensed for the practice of funeral service under this Article, an applicant for licensure bears the burden of substantiating to the satisfaction of the Board that the applicant:~~

~~a.~~

~~Is at least 18 years of age.~~

~~b.~~

~~Is of good moral character.~~

~~c.~~

~~Possesses an associate degree in mortuary science, or the equivalent, from a mortuary science program approved by the Board and accredited by the American Board of Funeral Service Education.~~

~~d.~~

~~Within the last three years, has completed 12 months of resident traineeship as a funeral service licensee, pursuant to the procedures and conditions set out in G.S.~~

~~90-210.25(a)(4), either before or after satisfying the educational requirement under sub-subdivision c. of this subdivision.~~

~~e.~~

~~Within the last three five years, has passed an oral or written funeral service examination on the following subjects:~~

~~1-~~

~~Entry-level examination in funeral directing.~~

~~2-~~

~~Embalming, restorative arts, chemistry, pathology, microbiology, and anatomy.~~

~~3-~~

~~Repealed by Session Laws 1997-300, s.~~

~~7-~~

~~4-~~

~~Examination of the laws of North Carolina, the standards set forth in Funeral Industry Practices, 16 C.F.R.~~

~~Sec. 453 (1984), pursuant to its most recent version, and rules of the Board and other agencies dealing with the care, transportation and disposition of dead human bodies.~~

~~A funeral service examination taken and passed on or before October 1, 2018, for the purposes of attaining licensure under this section shall be considered valid for a five-year period following the date on which the applicant passed the examination.~~

~~f-~~

~~Has paid all applicable fees.~~

~~(3a) To be licensed provisionally for the practice of funeral directing under this Article, an applicant bears the burden of substantiating to the satisfaction of the Board that the applicant:~~

~~a-~~

~~Has completed a Board-approved application for a provisional license and paid an application fee of five hundred dollars (\$500.00).~~

~~b-~~

~~Is at least 18 years of age.~~

~~c-~~

~~Is of good moral character.~~

~~d-~~

~~Possesses an undergraduate degree in any field, an Associate of Applied Science degree in any field, or a diploma in funeral directing from a Board-approved curriculum at an accredited college of mortuary science.~~

~~House Bill 1003-Second Edition Page 23 General Assembly Of North Carolina Session 2025 e.~~

~~Has a certified resident traineeship, is eligible for certification as a resident trainee, or has at least five years of professional experience under the supervision of a licensed funeral director, director or funeral service licensee.~~

~~A provisional license issued pursuant to this subsection shall expire on December 31 of each year and shall not be renewed more than two times.~~

~~The annual renewal fee for a provisional license issued pursuant to this subsection is two hundred fifty dollars (\$250.00).~~

~~A provisional licensee shall complete a minimum of five hours of continuing education each year, which may include up to two hours of online instruction, year in accordance with G.S.~~

~~90-210.25(a)(5)d.~~

~~If, within three years of first obtaining a provisional license, the provisional licensee substantiates to the satisfaction of the Board that the provisional licensee has obtained passing scores on an examination of the laws of North Carolina, the standards set forth in Funeral Industry Practices, 16 C.F.R. Sec. 453 (1984), pursuant to its most recent version, and rules of the Board and other agencies dealing with the care, transportation, and disposition of dead human bodies, and a Board-approved entry-level examination in funeral directing, the Board may issue the provisional licensee a funeral director license subject to the same annual renewal requirements as for licensees in funeral directing.~~

~~(4)a.~~

~~A person desiring to become a resident trainee shall apply to the Board on a form provided by the Board. The application shall state that the applicant is not less than 18 years of age, of good moral character, and is the graduate of a high school or the equivalent thereof, and shall indicate the licensee under whom the applicant expects to train.~~

~~A person training to become an embalmer may serve under the supervision of either a licensed embalmer or a funeral service licensee who is in good standing with the Board and who has practiced been licensed to practice funeral service or embalming full time for a minimum of five years.~~

~~A person training to become a funeral director may serve under the supervision of either a licensed funeral director or a funeral service licensee who is in good standing with the Board and who has~~

~~practiced been licensed to practice funeral service or funeral directing full time for a minimum of five years.~~

~~one year.~~

~~A person training to become a funeral service licensee shall serve under the supervision of a funeral service licensee who is in good standing with the Board and who has practiced been licensed to practice funeral service full time for a minimum of five years.~~

~~one year.~~

~~The application must be sustained by oath of the applicant and be accompanied by the appropriate fee. When the Board is satisfied as to the qualifications of an applicant it shall instruct the secretary to issue a certificate of resident traineeship, register the applicant as a resident trainee.~~

~~b.~~

~~Within 30 days of a resident trainee leaving the proctorship of the licensee under whom the trainee has worked, the licensee shall file with the Board an affidavit affidavits showing the length of time served with the licensee by the trainee, and the affidavit trainee and attesting to the trainee's competencies on a form prescribed by the Board by rule.~~

~~The affidavits shall be made a matter of record in the Board's office.~~

~~The licensee shall deliver a copy copies of the affidavit affidavits to the trainee.~~

~~c.~~

~~A person who has not completed the traineeship and wishes to do so under the supervision of a licensee other than the one whose name Page 24 House Bill 1003-Second Edition General Assembly Of North Carolina Session 2025 appears on the original certificate with whom he or she initially registered may reapply to the Board for approval.~~

~~d.~~

~~A certificate of resident traineeship shall be signed by the resident trainee and upon Upon payment of the renewal fee fee, registration of a resident traineeship shall be renewable for one year after the date of original registration;~~

~~but the certificate registration may not be renewed more than two times.~~

~~The Board shall mail to each registered trainee at the trainee's last known residential address or e-mail address a notice that the renewal fee is due and that, if not paid within 30 days of the notice, the certificate registration will be canceled.~~

~~A late fee, in addition to the renewal fee, shall be charged for a late renewal, except that the renewal of the registration of any resident trainee who is engaged in active service in the Armed Forces of the United States shall not be charged a late fee.~~

~~No credit shall be allowed for the 12-month period of resident traineeship that shall have been completed more than five years preceding the examination for a license.~~

~~However, any resident trainee to whom G.S.~~

~~105-249.2 grants an extension of time to file a tax return shall be allowed an extension of time to retain credit equal to the number of days of active deployment.~~

~~e.~~

~~All registered resident trainees shall electronically report to the Board at least once every month during traineeship upon forms provided by the Board listing the work which has been completed during the preceding month of resident traineeship.~~

~~The Board may set and collect a late fee not to exceed fifty dollars (\$50.00) for each work report filed after the date the report is due.~~

~~The data contained in the reports shall be certified as correct by the licensee under whom the trainee has served during the period and by the licensed person who is managing the funeral service establishment.~~

~~Each report shall list the following:~~

~~1.~~

~~For funeral director trainees, the conduct of any funerals during the relevant time period, 2.~~

~~For embalming trainees, the embalming of any bodies during the relevant time period, 3.~~

~~For funeral service trainees, both of the activities named in 1 and 2 of this subsection, engaged in during the relevant time period.~~

~~f.~~

~~To meet the resident traineeship requirements of G.S.~~

~~90-210.25(a)(1), G.S.~~

~~90-210.25(a)(2) and G.S.~~

~~90-210.25(a)(3) the following must be shown by the affidavit(s) of the licensee(s) under whom the trainee worked:~~

~~1-~~

~~That the funeral director trainee has, under the supervision of the licensed individual, registered as the trainee's supervisor, substantially assisted in directing at least 25 funerals during the resident traineeship, 2-~~

~~That the embalmer trainee has, under the supervision of the licensed individual, registered as the trainee's supervisor, substantially assisted in embalming at least 25 bodies during the resident traineeship, 3-~~

~~That the funeral service trainee has, under the supervision of the licensed individual, registered as the trainee's supervisor, substantially assisted in directing at least 25 funerals and, House Bill 1003- Second Edition Page 25 General Assembly Of North Carolina Session 2025 under the supervision of the licensed individual, registered as the trainee's supervisor, substantially assisted in embalming at least 25 bodies during the resident traineeship.~~

~~g-~~

~~The Board may suspend, revoke, or refuse to issue or renew a certificate of registration of a resident traineeship for violation of any provision of this Article or place a trainee on probation for any violation of this Article or rules adopted by the Board.~~

~~The Board may determine the length of any suspension, revocation, refusal to issue or renew, or probation and impose conditions on probation and reinstatement as the Board deems appropriate.~~

~~h-~~

~~Each registered supervisor for a resident trainee must during the period of sponsorship be actively employed with a funeral establishment.~~

~~The traineeship shall be a primary vocation of the trainee.~~

~~i-~~

~~Only one two resident trainee trainees may register and serve at any one time under any one person licensed and registered as a resident trainee supervisor under this Article.~~

~~j-, k-~~

~~Repealed by Session Laws 1991, c-~~

~~528, s-~~

~~4-~~

~~l-~~

~~Any resident trainee or registered supervisor of a resident trainee shall meet with the Board upon request.~~

~~m-~~

~~A 12-month resident traineeship that is completed on or before October 1, 2018, shall be recognized as a qualifying traineeship for licensure under this section for the five-year period following the completion date of the traineeship.~~

~~(5) The Board by regulation may recognize other examinations that the Board deems equivalent to its own. After an applicant fails to obtain a passing score on an examination two consecutive times, the applicant must wait at least 60 days to retake the examination.~~

~~a-~~

~~All licenses shall be signed by the president and secretary of the Board and the seal of the Board affixed thereto.~~

~~All licenses shall be issued, renewed or duplicated for a period not exceeding one year upon payment of the renewal fee, and all licenses, renewals or duplicates thereof shall expire and terminate the thirty-first day of December following the date of their issue unless sooner revoked and canceled; provided, that the date of expiration may be changed by unanimous consent of the Board and upon 90 days' written notice of such change to all persons licensed for the practice of funeral directing, embalming and funeral service in this State.~~

~~b-~~

~~The holder of any license issued by the Board who shall fail to renew the same on or before February 1 of the calendar year for which the license is to be renewed shall have forfeited and surrendered the license as of that date.~~

~~No license forfeited or surrendered pursuant to the preceding sentence shall be reinstated by the Board unless it is shown to the Board that the that:~~

~~1-~~

~~The applicant has, throughout the period of forfeiture, engaged full time in another state of the United States or the District of Columbia in the practice to which the applicant's North Carolina license applies and has completed for each such year continuing education substantially equivalent in the opinion of the Board to that required of North Carolina licensees;~~

~~or 2.~~

~~The applicant has completed in North Carolina a total number of hours of accredited continuing education computed by Page 26 House Bill 1003-Second Edition General Assembly Of North Carolina Session 2025 multiplying five times the number of years of forfeiture;~~

~~or has passed the North Carolina examination for the forfeited license, forfeiture.~~

~~No additional resident traineeship shall be required.~~

~~The applicant shall be required to pay all delinquent annual renewal fees incurred for all years since expiration of licensure and a reinstatement fee.~~

~~fee set forth in G.S.~~

~~90-210.28.~~

~~The Board may waive the provisions of this section for an applicant for a forfeiture which occurred during the applicant's service in the Armed Forces of the United States provided the applicant applies within six months following severance therefrom.~~

~~c.~~

~~All licensees now or hereafter licensed in North Carolina shall take continuing education courses approved by the Board in subjects relating to the practice of the profession for which they are licensed, to the end that the benefits of learning and reviewing skills will be utilized and applied to assure proper service to the public.~~

~~d.~~

~~As a prerequisite to the annual renewal of a license, the licensee must complete, during the year immediately preceding renewal, at least five hours of continuing education courses, of which the Board may require licensees to take up to two hours specified by the Board. All continuing education courses must be approved by the Board prior to enrollment.~~

~~A licensee who completes more than five hours in a year may carry over a maximum of five hours as a credit to the following year's renewal requirement.~~

~~A licensee does not have to satisfy the continuing education requirement for the calendar year in which the license was first obtained.~~

~~e.~~

~~The Board shall not renew a license unless fulfillment of the continuing education requirement has been certified to it on a form provided by the Board, but the Board may waive this requirement for renewal in cases of certified illness or undue hardship or where the licensee lives outside of North Carolina and does not practice in North Carolina, and the Carolina.~~

~~The Board shall waive the continuing education requirement for all licensees who the following licensees:~~

~~1.~~

~~All licensees who were licensed on or before December 31, 2003, and have been licensed in North Carolina for a continuous period of 25 years or more, for all more.~~

~~2.~~

~~All licensees who are licensed on or after January 1, 2004, who have been licensed for a continuous period of 25 years or more and have attained the age of 60 years, and for all years.~~

~~3.~~

~~All licensees who are, at the time of renewal, members of the North Carolina General Assembly.~~

~~f.~~

~~The Board shall cause to be established and offered to the licensees, each calendar year, at least eight hours of Board-sponsored continuing education courses.~~

~~The Board may charge licensees attending these courses a reasonable registration fee not to exceed fifty dollars (\$50.00) in order to meet the expenses thereof and may also meet those expenses from other funds received under the provisions of this Article.~~

~~g.~~

~~Any person who having been previously licensed by the Board as a funeral director or embalmer prior to July 1, 1975, shall not be required to satisfy the requirements herein for licensure as a funeral service House Bill 1003-Second Edition Page 27 General Assembly Of North Carolina Session 2025 licensee, but shall be entitled to have such license renewed upon making proper application therefor and upon payment of the renewal fee provided by the provisions of this Article.~~

~~Persons previously licensed by the Board as a funeral director may engage in funeral directing, and persons previously licensed by the Board as an embalmer may engage in embalming.~~

~~Any person having been previously licensed by the Board as both a funeral director and an embalmer may upon application therefor receive a license as a funeral service licensee.~~

~~h.~~

~~All applicants for licensure, including any owner, partner, manager, member, operator, or officer of a~~

~~business entity applying for licensure under this Article, 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 licensure has been expired for three or more years.~~

~~The Department of Public Safety may provide a criminal record check to the Board for a person who has applied for a new or renewal license, or certification through the Board.~~

~~The Board;~~

~~provided, however, that 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 Board shall keep all information pursuant to this subdivision privileged, in accordance with applicable State law and federal guidelines, and the information shall be confidential and shall not be a public record under Chapter 132 of the General Statutes. The Board, its officers and employees, acting in good faith and in compliance with this section, shall be immune from civil liability for denying licensure to an applicant based on information provided in the applicant's criminal history record check.~~

~~The Department of Public Safety may charge each applicant a fee for conducting the checks of criminal history records authorized by this subdivision.~~

~~(a1) Inactive Licenses.~~

~~- Any person holding a license issued by the Board for funeral directing, for embalming, or for the practice of funeral service service, or any registered resident trainee may apply for an inactive license in the same category as the active license held.~~

~~The inactive license is renewable annually.~~

~~Continuing education is not required for the renewal of an inactive license.~~

~~The holder of an inactive license may not engage in any activity requiring an active license.~~

~~The holder of an inactive license may apply for an active license in the same category, and the Board shall issue an active license if the applicant has completed a total number Page 28 House Bill 1003- Second Edition General Assembly Of North Carolina Session 2025 of hours of accredited continuing education equal to five times the number of years the applicant held the inactive license.~~

~~No application fee is required for the reinstatement of an active license pursuant to this subsection.~~

~~The holder of an inactive license who returns to active status shall surrender the inactive license to the Board.~~

~~(a2) In order to engage in the practice of funeral directing or funeral service, such a licensee must own, be employed by, or otherwise be an agent of a licensed funeral establishment; except that such a licensee may practice funeral directing or funeral service if any of the following apply: establishment.~~

~~This subsection shall not be construed to preclude such a licensee from arranging direct cremations and cremating human remains while employed by a crematory.~~

~~(1) The licensee is employed by a college of mortuary science.~~

~~(2) The licensee does all of the following:~~

~~a-~~

~~Maintains all of the licensee's business records at a location made known to the Board and available for inspection by the Board under the same terms and conditions as the business records of a licensed funeral establishment.~~

~~b-~~

~~Complies with rules and regulations imposed on funeral establishments and the funeral profession that are designed to protect consumers, to include, but not be limited to, the Federal Trade Commission's laws and rules requiring General Price Lists and Statements of Goods and Services.~~

~~c-~~

~~Pays to the Board the funeral establishment license fee required by law and set by the Board.~~

~~d.~~

~~Obtains and maintains a professional liability insurance policy with liability limits of at least one million dollars (\$1,000,000).~~

~~Certificates of professional liability insurance shall be (i) submitted to the Board within 30 days of the initial registration of the licensee by the Board and (ii) submitted to the Board upon request.~~

~~The licensee shall notify the Board in writing within 30 days of any change in the insurer or any cancellation or suspension of policy.~~

~~Nothing in this subdivision shall preclude a licensee from arranging cremations and cremating human remains while employed by a crematory.~~

~~(b) Persons Licensed under the Laws of Other Jurisdictions.~~

~~— (1) The Board shall grant licenses to funeral directors, embalmers and funeral service licensees, licensed in other jurisdictions, when it is shown that the applicant has satisfied all of the following:~~

~~a.~~

~~The applicant holds an active, valid license in good standing as a funeral director, embalmer, or funeral service licensee issued by a jurisdiction that will reciprocate a North Carolina license to practice as a funeral director, embalmer, or funeral service licensee.~~

~~The license, at the time it was issued by the other jurisdiction, must have had equal or greater education, training, and examination requirements.~~

~~b.~~

~~The applicant has demonstrated knowledge of the laws and rules governing the profession in North Carolina through achieving a passing score on the laws and rules exam administered on behalf of the Board.~~

~~c.~~

~~The applicant has submitted proof of the applicant's good moral character.~~

~~d.~~

~~The applicant has practiced in the profession for at least three consecutive years in a jurisdiction that will reciprocate a North House Bill 1003-Second Edition Page 29 General Assembly Of North Carolina Session 2025 Carolina license to practice as a funeral director, embalmer, or funeral service licensee.~~

~~e.~~

~~The applicant has paid all applicable fees.~~

~~Nothing in this subdivision shall preclude any individual from obtaining a license by meeting the requirements of subdivision (1), (2), or (3) of subsection (a) of this section.~~

~~(1a) Notwithstanding subdivision (1) of this subsection, the Board shall grant licenses to funeral directors licensed in other jurisdictions if the applicant has satisfied all of the following:~~

~~a.~~

~~The applicant holds an active, valid license in good standing as a funeral director issued by the other jurisdiction for at least 10 years.~~

~~b.~~

~~The applicant has demonstrated knowledge of the laws and rules governing the profession in North Carolina through achieving a passing score on the law and rules exam administered on behalf of the Board.~~

~~c.~~

~~The applicant has submitted proof of the applicant's good moral character.~~

~~Nothing in this subdivision shall preclude any individual from obtaining a license by meeting the requirements of subdivision (1) of this subsection, or subdivision (1), (2), or (3) of subsection (a) of this section.~~

~~(2) Repealed by Session Laws 2018-78, s.~~

~~1, effective October 1, 2018.~~

~~(3) The Board may issue special permits, to be known as courtesy cards, permitting nonresident funeral directors, embalmers and funeral service licensees to remove bodies from and to arrange and direct funerals and embalm bodies in this State, but these privileges shall not include the right to establish a place of business in or engage generally in the business of funeral directing and embalming in this State.~~

~~Except for special permits issued by the Board for teaching continuing education programs and for work in connection with disasters, no special permits may be issued to nonresident funeral directors, embalmers, and funeral service licensees from states that do not issue similar courtesy cards to persons licensed in North Carolina pursuant to this Article.~~

~~The Board may adopt rules under this subsection to include courtesy card application procedures and the limited practice of funeral service that may be conducted with a courtesy card.~~

~~(c) Registration, Filing and Transportation.~~

~~— (1) The holder of any license granted by this State for those within the funeral service profession or renewal thereof provided for in this Article shall cause registration to be filed in the office of the board of health of the county or city in which he practices his profession, or if there be no board of health in such county or city, at the office of the clerk of the superior court of such county.~~

~~All such Except as provided in subdivision (4) of this subsection, all licenses, certificates, duplicates and renewals thereof shall be displayed in a conspicuous place in the funeral establishment where the holder renders service.~~

~~(2) It shall be unlawful for any railway agent, express agency, baggage master, conductor or other person acting as such, to receive the dead body of any person for shipment or transportation by railway or other public conveyance, to a point outside of this State, unless the body is accompanied by a burial transit permit.~~

~~(3) The "transportation or removal of a dead human body" shall mean the removal of a dead human body for a fee from the location of the place of death or Page 30 House Bill 1003 Second Edition General Assembly Of North Carolina Session 2025 discovery of death or the transportation of the body to or from a medical facility, funeral establishment or embalming facility, crematory or related holding facility, crematory, place of final disposition, or place designated by the Medical Examiner for examination or autopsy of the dead human body.~~

~~(4) Any individual, not otherwise exempt from this subsection, shall apply for and receive a removal and transportation permit from the Board before engaging in the transportation or removal of a dead human body in this State.~~

~~No person, firm, or corporation shall conduct, maintain, manage, or operate a business engaged in the transportation or removal of a dead human body unless a removal and transportation permit for that business has been issued by the Board and is conspicuously displayed in the removal vehicles of that business.~~

~~Unless otherwise exempt from this subsection, no corporation or other business entity shall engage in the transportation or removal of a dead human body unless it has in its employ at least one individual who holds a permit issued under this section.~~

~~No individual permit holder shall engage in the transportation or removal of a dead human body for more than one person, firm, or corporation without first providing the Board with written notification of the name and physical address of each such employer.~~

~~(5) The following persons shall be exempt from the permit requirements of this section but shall otherwise be subject to subdivision (9) of this subsection and any rules relating to the proper handling, care, removal, or transportation of a dead human body:~~

~~a.~~

~~Licensees under this Article Articles 13A and 13F of this Chapter and their employees.~~

~~b.~~

~~Employees of common carriers.~~

~~c.~~

~~Except as provided in sub-subdivision (6)c.~~

~~of this section, employees of the State and its agencies and employees of local governments and their agencies.~~

~~d.~~

~~Funeral directors directors, embalmers, or funeral service licensees licensed in another state and their employees.~~

~~(6) The following persons shall be exempt from this section:~~

~~a.~~

~~Emergency medical technicians, rescue squad workers, volunteer and paid firemen, and law enforcement officers while acting within the scope of their employment.~~

~~b.~~

~~Employees of public or private hospitals, nursing homes, or long-term care facilities, while handling a dead human body within such facility or while acting within the scope of their employment.~~

~~c.~~

~~State and county medical examiners and their investigators.~~

~~d.~~

~~Any individual transporting cremated remains.~~

~~e.~~

~~Any individual transporting or removing a dead human body of their immediate family or next of kin.~~

~~f.~~

~~Any individual who has exhibited special care and concern for the decedent.~~

~~(7) Individuals eligible to receive a permit under this section for the transportation or removal of a dead human body for a fee, shall:~~

~~a.~~

~~Be at least 18 years of age.~~

~~b.~~

~~Possess and maintain a valid drivers license issued by this State and provide proof of all liability insurance required for the registration of any vehicle in which the person intends to engage in the business of the removal or transportation of a dead human body.~~

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~~Affirmatively state under oath that the person has read and understands the statutes and rules relating to the removal and transportation of dead human bodies and any guidelines as may be adopted by the Board.~~

~~d.~~

~~Provide three written character references on a form prescribed by the Board, one of which must be from a licensed funeral director.~~

~~e.~~

~~Be of good moral character.~~

~~f.~~

~~Obtain and maintain a professional liability insurance policy with liability limits of at least five hundred thousand dollars (\$500,000).~~

~~Certificates of professional liability insurance shall be (i) submitted to the Board within 30 days of the initial registration of the transporter by the Board and (ii) submitted to the Board annually as a condition for renewal of each transport permit.~~

~~The transporter shall notify the Board in writing within 30 days of any change in the insurer or any cancellation or suspension of the policy.~~

~~Individuals covered by an employer's professional liability insurance policy shall provide evidence satisfactory to the Board that the policy covers that individual and meets the criteria provided in this sub-subdivision.~~

~~(8) The permit issued under this section shall expire on December 31 of each year.~~

~~The application fee for the individual permit shall not exceed one hundred twenty-five dollars (\$125.00).~~

~~two hundred dollars (\$200.00).~~

~~The application fee for the business permit shall not exceed three hundred dollars (\$300.00).~~

~~A fee, not to exceed one hundred dollars (\$100.00), in addition to the annual renewal fee not to exceed seventy-five dollars (\$75.00), shall be charged for any application for renewal of a permit received by the Board after February 1 of each year.~~

~~(9) No person shall transport a dead human body in the open cargo area or passenger area of a vehicle or in any vehicle in which the body may be viewed by the public.~~

~~Any person removing or transporting a dead human body shall either cover the body, place it upon a stretcher designed for the purpose of transporting humans or dead human bodies in a vehicle, and secure such stretcher in the vehicle used for transportation, or shall enclose the body in a casket or container designed for common carrier transportation, and secure the casket or container in the vehicle used for transportation.~~

~~No person shall fail to treat a dead human body with respect at all times.~~

~~No person shall take a photograph or video recording of a dead human body without the consent of a member of the deceased's immediate family or next of kin or other authorizing agent.~~

~~(10) The Board may adopt rules under this section including permit application procedures and the proper procedures for the removal, handling, and transportation of dead human bodies.~~

~~The Board shall consult with the Office of the Chief Medical Examiner before initiating rulemaking under this section and before adopting any rules pursuant to this section.~~

~~Nothing in this section prohibits the Office of the Chief Medical Examiner from adopting policies and procedures regarding the removal, transportation, or handling of a dead human body under the jurisdiction of that office that are more stringent than the laws in this section or any rules adopted under this section.~~

~~(11) Each applicant for a permit shall provide the Board with the applicant's home address, name and address of any corporation or business entity employing such individual for the removal or transportation of dead human bodies, and the make, year, model, and license plate number of any vehicle in which a dead human body is transported. A permittee shall provide written notification Page 32 House Bill 1003-Second Edition General Assembly Of North Carolina Session 2025 to the Board of any change in the information required to be provided to the Board by this section or by the application for a permit~~

~~within 30 days after such change takes place.~~

~~(12) If any person shall engage in or hold himself out as engaging in the business of transportation or removal of a dead human body without first having received a permit under this section, the person shall be guilty of a Class 2 misdemeanor.~~

~~(13) The Board shall have the authority to inspect any place or premises that the business of removing or transporting a dead human body is carried out and shall also have the right of inspection of any vehicle and equipment used by a permittee for the removal or transportation of a dead human body.~~

~~(14) The Board may suspend, revoke, or refuse to issue or renew the permit, place the permittee on a term of probation, or impose a civil penalty not to exceed five thousand dollars (\$5,000) in conjunction with a term of probation or in lieu of other disciplinary action when it finds that any person permitted to transport dead human bodies has engaged in any of the following acts:~~