

1 Article 13A.

2 Practice of Funeral Service.

3 § 90-210.18: Repealed by Session Laws 2004-192, s. 1, effective January 1, 2005.

4
5 **§ 90-210.18A. Board of Funeral Service created; qualifications; vacancies; removal.**

6 (a) The General Assembly declares that the practice of funeral service affects the public
7 health, safety, and welfare and is subject to regulation and control in the public interest. The
8 public interest requires that only qualified persons be permitted to practice funeral service in
9 North Carolina and that the profession merit the confidence of the public. This Article shall be
10 liberally construed to accomplish these ends.

11 (b) The North Carolina Board of Funeral Service is created and shall regulate the
12 practice of funeral service in this State. The Board shall have nine members as follows:

- 13 (1) Four members appointed by the Governor from nominees recommended by
14 the North Carolina Funeral Directors Association, Inc. These members shall
15 be persons licensed under this Article.
- 16 (2) Two members appointed by the Governor from nominees recommended by
17 the Funeral Directors & Morticians Association of North Carolina, Inc.
18 These members shall be persons licensed under this Article.
- 19 (3) One member appointed by the Governor who is licensed under this Article
20 and who is not affiliated with any funeral service trade association.
- 21 (4) One member appointed by the General Assembly, upon the recommendation
22 of the President Pro Tempore of the Senate. This member shall be a person
23 who is not licensed under this Article or employed by a person who is
24 licensed under this Article.
- 25 (5) One member appointed by the General Assembly, upon the recommendation
26 of the Speaker of the House of Representatives. This member shall be a
27 person who is not licensed under this Article or employed by a person who is
28 licensed under this Article.

29 Members of the Board shall serve staggered three-year terms, ending on December 31 of
30 the last year of the term or when a successor has been duly appointed, whichever is later. No
31 member may serve more than two complete consecutive terms.

32 (c) Vacancies. – A vacancy shall be filled in the same manner as the original
33 appointment, except that all unexpired terms of Board members appointed by the General
34 Assembly shall be filled in accordance with G.S. 120-122. Appointees to fill vacancies shall
35 serve the remainder of the unexpired term and until their successors have been duly appointed
36 and qualified.

37 (d) Removal. – The Board may remove any of its members for neglect of duty,
38 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings as a
39 licensee shall be disqualified from participating in the official business of the Board until the
40 charges have been resolved. (2004-192, s. 2; 2007-531, s. 1.)

41
42 **§ 90-210.19. Board members' oath of office.**

43 The members of said Board, before entering upon their duties, shall take and subscribe to
44 the oath of office prescribed for other State officers, which said oath shall be administered by a
45 person qualified to administer such oath and shall be filed in the office of the Secretary of State.
46 (1901, c. 338, ss. 3, 4; Rev., s. 4385; C.S., s. 6778; 1945, c. 98, s. 2; 1949, c. 951, s. 2; 1957, c.
47 1240, s. 2; 1969, c. 584, s. 1; 1973, c. 476, s. 128; 1975, c. 571.)

48
49 **§ 90-210.20. Definitions.**

50 (a) "Advertisement" means the publication, dissemination, circulation or placing before
51 the public, or causing directly or indirectly to be made, published, disseminated or placed

1 before the public, any announcement or statement in a newspaper, magazine, or other
2 publication, or in the form of a book, notice, circular, pamphlet, letter, handbill, poster, bill,
3 sign, placard, card, label or tag, or over any radio, television station, or electronic medium.

4 (b) "Board" means the North Carolina Board of Funeral Service.

5 (c) "Burial" includes interment in any form, cremation and the transportation of the
6 dead human body as necessary therefor.

7 (c1) "Chapel" means a chapel or other facility separate from the funeral establishment
8 premises for the primary purpose of reposing of dead human bodies, visitation or funeral
9 ceremony that is owned, operated, or maintained by a funeral establishment under this Article,
10 and that does not use the word "funeral" in its name, on a sign, in a directory, in advertising or
11 in any other manner; in which or on the premises of which there is not displayed any caskets or
12 other funeral merchandise; in which or on the premises of which there is not located any
13 preparation room; and which no owner, operator, employee, or agent thereof represents the
14 chapel to be a funeral establishment.

15 (c2) "Dead human bodies", as used in this Article includes fetuses beyond the second
16 trimester and the ashes from cremated bodies.

17 (d) "Embalmer" means any person engaged in the practice of embalming.

18 (e) "Embalming" means the preservation and disinfection or attempted preservation and
19 disinfection of dead human bodies by application of chemicals externally or internally or both
20 and the practice of restorative art including the restoration or attempted restoration of the
21 appearance of a dead human body. Embalming shall not include the washing or use of soap and
22 water to cleanse or prepare a dead human body for disposition by the authorized agents, family,
23 or friends of the deceased who do so privately without pay or as part of the ritual washing and
24 preparation of dead human bodies prescribed by religious practices; provided, that no dead
25 human body shall be handled in a manner inconsistent with G.S. 130A-395.

26 (f) "Funeral directing" means engaging in the practice of funeral service except
27 embalming.

28 (g) "Funeral director" means any person engaged in the practice of funeral directing.

29 (h) "Funeral establishment" means every place or premises devoted to or used in the
30 care, arrangement and preparation for the funeral and final disposition of dead human bodies
31 and maintained for the convenience of the public in connection with dead human bodies or as
32 the place for carrying on the practice of funeral service.

33 (i) "Funeral service licensee" means a person who is duly licensed and engaged in the
34 practice of funeral service.

35 (j) "Funeral service" means the aggregate of all funeral service licensees and their
36 duties and responsibilities in connection with the funeral as an organized, purposeful,
37 time-limited, flexible, group-centered response to death.

38 (k) "Practice of funeral service" means engaging in the care or disposition of dead
39 human bodies or in the practice of disinfecting and preparing by embalming or otherwise dead
40 human bodies for the funeral service, transportation, burial or cremation, or in the practice of
41 funeral directing or embalming as presently known, whether under these titles or designations
42 or otherwise. "Practice of funeral service" also means engaging in making arrangements for
43 funeral service, selling funeral supplies to the public or making financial arrangements for the
44 rendering of such services or the sale of such supplies.

45 (l) "Resident trainee" means a person who is engaged in preparing to become licensed
46 for the practice of funeral directing, embalming or funeral service under the personal
47 supervision and instruction of a person duly licensed for the practice of funeral directing,
48 embalming or funeral service in the State of North Carolina under the provisions of this
49 Chapter, and who is duly registered as a resident trainee with the Board. (1957, c. 1240, s. 2;
50 1975, c. 571; 1979, c. 461, s. 6; 1987, c. 430, s. 2; c. 879, s. 6.2; 1997-399, s. 1; 2001-294, s. 2;
51 2003-420, ss. 1, 3; 2007-531, s. 2.)

1
2 **§ 90-210.21. Repealed by Session Laws 1987, c. 430, s. 3.**
3

4 **§ 90-210.22. Required meetings of the Board.**

5 The Board shall hold at least four meetings in each year. In addition, the Board may meet as
6 often as the proper and efficient discharge of its duties shall require. Five members shall
7 constitute a quorum. (1901, c. 338, ss. 5, 6, 7, 8; Rev., s. 4387; C.S., s. 6780; 1949, c. 951, s. 3;
8 1957, c. 1240, s. 2; 1969, c. 584, s. 2; 1973, c. 476, s. 128; 1975, c. 571; 1991 (Reg. Sess.,
9 1992), c. 901, s. 4; 2003-420, s. 4.)
10

11 **§ 90-210.23. Powers and duties of the Board.**

12 (a) The Board is authorized to adopt and promulgate such rules and regulations for
13 transaction of its business and for the carrying out and enforcement of the provisions of this
14 Article as may be necessary and as are consistent with the laws of this State and of the United
15 States.

16 (b) The Board shall elect from its members a president, a vice-president and a secretary,
17 no two offices to be held by the same person. The president and vice-president and secretary
18 shall serve for one year and until their successors shall be elected and qualified. The Board
19 shall have authority to engage adequate staff as deemed necessary to perform its duties.

20 (c) The members of the Board shall serve without compensation provided that such
21 members shall be reimbursed for their necessary traveling expenses and the necessary expenses
22 incident to their attendance upon the business of the Board, and in addition thereto they shall
23 receive per diem and expense reimbursement as provided in G.S. 93B-5 for every day actually
24 spent by such member upon the business of the Board. All expenses, salaries and per diem
25 provided for in this Article shall be paid from funds received under the provisions of this
26 Article and shall in no manner be an expense to the State.

27 (d) Every person licensed by the Board and every resident trainee shall furnish all
28 information required by the Board reasonably relevant to the practice of the profession or
29 business for which the person is a licensee or resident trainee. Every funeral service
30 establishment and its records and every place of business where the practice of funeral service
31 or embalming is carried on and its records shall be subject to inspection by the Board during
32 normal hours of operation and periods shortly before or after normal hours of operation and
33 shall furnish all information required by the Board reasonably relevant to the business therein
34 conducted. Every licensee, resident trainee, embalming facility, and funeral service
35 establishment shall provide the Board with a current post-office address which shall be placed
36 on the appropriate register and all notices required by law or by any rule or regulation of the
37 Board to be mailed to any licensee, resident trainee, embalming facility, or funeral service
38 establishment shall be validly given when mailed to the address so provided.

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

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

46 (e) The Board is empowered to regulate and inspect, according to law, funeral service
47 establishments and embalming facilities, their operation, and the licenses under which they are
48 operated, and to enforce as provided by law the rules, regulations, and requirements of the
49 Division of Health Services and of the city, town, or county in which the funeral service
50 establishment or embalming facility is maintained and operated. Any funeral establishment or
51 embalming facility that, upon inspection, is found not to meet all of the requirements of this

1 Article shall pay a reinspection fee to the Board for each additional inspection that is made to
2 ascertain that the deficiency or other violation has been corrected. The Board is also
3 empowered to enforce compliance with the standards set forth in Funeral Industry Practices, 16
4 C.F.R. 453 (1984), as amended from time to time.

5 (f) The Board may establish, supervise, regulate and control programs for the resident
6 trainee. It may approve schools of mortuary science or funeral service, graduation from which
7 is required by this Article as a qualification for the granting of any license, and may establish
8 essential requirements and standards for such approval of mortuary science or funeral service
9 schools.

10 (g) Schools for teaching mortuary science which are approved by the Board shall have
11 extended to them the same privileges as to the use of bodies for dissecting while teaching as
12 those granted in this State to medical colleges, but such bodies shall be obtained through the
13 same agencies which provide bodies for medical colleges.

14 (h) The Board shall adopt a common seal.

15 (h1) The Board shall have the power to acquire, hold, rent, encumber, alienate, and
16 otherwise deal with real property in the same manner as a private person or corporation, subject
17 only to approval of the Governor and the Council of State. Collateral pledged by the Board for
18 an encumbrance is limited to the assets, income, and revenues of the Board.

19 (h2) The Board may employ legal counsel and clerical and technical assistance, and fix
20 the compensation therefor, and incur such other expenses as may be deemed necessary in the
21 performance of its duties and the enforcement of the provisions of this Article or as otherwise
22 required by law and as may be necessary to carry out the powers herein conferred.

23 (i) The Board may perform such other acts and exercise such other powers and duties
24 as may be provided elsewhere in this Article or otherwise by law and as may be necessary to
25 carry out the powers herein conferred. (1901, c. 338, ss. 5, 6, 7, 8, 11; Rev., ss. 4386, 4387,
26 4389; C.S., ss. 6779, 6780, 6783; 1949, c. 951, s. 3; 1957, c. 1240, s. 2; 1969, c. 584, s. 2; 1973,
27 c. 476, s. 128; 1975, c. 571; 1979, c. 461, ss. 8, 9; 1987, c. 827, s. 1; 1991, c. 528, s. 3; 1993, c.
28 164, s. 1; 1997-399, ss. 2, 3; 2003-420, s. 5(a), (b); 2007-531, s. 3.)

30 § 90-210.24. Inspector.

31 (a) The Board may appoint one or more agents who shall serve at the pleasure of the
32 Board and who shall have the title "Inspector of the North Carolina Board of Funeral Service."
33 No person is eligible for appointment as inspector unless at the time of the appointment the
34 person is licensed under this Article as a funeral service licensee.

35 (b) To determine compliance with the provisions of this Article and regulations
36 promulgated under this Article, inspectors may

- 37 (1) Enter the office, establishment or place of business of any funeral service
38 licensee, funeral director or embalmer in North Carolina, and any office,
39 establishment or place in North Carolina where the practice of funeral
40 service or embalming is carried on, or where that practice is advertised as
41 being carried on, or where a funeral is being conducted or a body is being
42 embalmed, to inspect the records, office, establishment, or facility, or to
43 inspect the practice being carried on or license or registration of any licensee
44 and any resident trainee operating therein;
- 45 (2) Enter any hospital, nursing home, or other institution from which a dead
46 human body has been removed by any person licensed under this Article or
47 their designated representative to inspect records pertaining to the removal
48 and its authorization; and
- 49 (3) May inspect criminal and probation records of licensees and applicants for
50 licenses under this Article to obtain evidence of their character.

1 Inspectors may serve papers and subpoenas issued by the Board or any office or member
2 thereof under authority of this Article, and shall perform other duties prescribed or ordered by
3 the Board.

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

7 (d) The Board may prescribe an inspection form to be used by the inspectors in
8 performing their duties. (1975, c. 571; 1979, c. 461, s. 10; 1993, c. 164, s. 2; 1997-399, s. 4;
9 2003-420, ss. 1, 6.)

10
11 **§ 90-210.25. Licensing.**

12 (a) Qualifications, Examinations, Resident Traineeship and Licensure. –

13 (1) To be licensed for the practice of funeral directing under this Article, a
14 person must:

- 15 a. Be at least 18 years of age.
- 16 b. Be of good moral character.
- 17 c. Be a graduate of a Funeral Director Program at a mortuary science
18 college approved by the Board or a school of mortuary science
19 accredited by the American Board of Funeral Service Education.
20 Have completed a minimum of 32 semester hours or 48 quarter hours
21 of instruction, including the subjects set out in sub-part e.1. of this
22 subdivision, as prescribed by a mortuary science college approved by
23 the Board or a school of mortuary science accredited by the
24 American Board of Funeral Service Education.
- 25 d. Have completed 12 months of resident traineeship as a funeral
26 director, pursuant to the procedures and conditions set out in G.S.
27 90-210.25(a)(4), either before or after satisfying the educational
28 requirement under sub-subdivision c. of this subdivision.
- 29 e. Have passed an oral or written funeral director examination on the
30 following subjects:
 - 31 1. Psychology, sociology, pathology, funeral directing, business
32 law, funeral law, funeral management, and accounting.
 - 33 2. Repealed by Session Laws 1997-399, s. 5.
 - 34 3. Laws of North Carolina and rules of the Board and other
35 agencies dealing with the care, transportation and disposition
36 of dead human bodies.

37 (2) To be licensed for the practice of embalming under this Article, a person
38 must:

- 39 a. Be at least 18 years of age.
- 40 b. Be of good moral character.
- 41 c. Be a graduate of a mortuary science college approved by the Board.
- 42 d. Have completed 12 months of resident traineeship as an embalmer
43 pursuant to the procedures and conditions set out in G.S.
44 90-210.25(a)(4), either before or after satisfying the educational
45 requirement under sub-subdivision c. of this subdivision.
- 46 e. Have passed an oral or written embalmer examination on the
47 following subjects:
 - 48 1. Embalming, restorative arts, chemistry, pathology,
49 microbiology, and anatomy.
 - 50 2. Repealed by Session Laws 1997-399, s. 6.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

- c. A person who has not completed the traineeship and wishes to do so under a licensee other than the one whose name appears on the original certificate may reapply to the Board for approval.
- d. A certificate of resident traineeship shall be signed by the resident trainee and upon payment of the renewal fee shall be renewable one year after the date of original registration; but the certificate may not be renewed more than two times. The Board shall mail to each registered trainee at his last known address a notice that the renewal fee is due and that, if not paid within 30 days of the notice, the certificate will be canceled. A late fee, in addition to the renewal fee, shall be charged for a late renewal, but the renewal of the registration of any resident trainee who is engaged in active service in the Armed Forces of the United States at the time renewal is due may, at the discretion of the Board, be held in abeyance for the duration of that service without penalties. 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.
- e. All registered resident trainees shall 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 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 supervision, assisted in directing at least 25 funerals during the resident traineeship,
 - 2. That the embalmer trainee has, under supervision, assisted in embalming at least 25 bodies during the resident traineeship,
 - 3. That the funeral service trainee has, under supervision, assisted in directing at least 25 funerals and, under supervision, assisted in embalming at least 25 bodies during the resident traineeship.
- g. The Board may suspend or revoke a certificate of resident traineeship for violation of any provision of this Article.
- h. Each sponsor for a registered 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.

- 1 i. Only one resident trainee may register and serve at any one time
2 under any one person licensed under this Article.
3 j., k. Repealed by Session Laws 1991, c. 528, s. 4.
4 l. The Board shall register no more than one resident trainee at a
5 funeral establishment that served 100 or fewer families during the 12
6 months immediately preceding the date of the application, and shall
7 register no more than one resident trainee for each additional 100
8 families served at the funeral establishment during the 12 months
9 immediately preceding the date of the application.

10 (5) The Board by regulation may recognize other examinations that the Board
11 deems equivalent to its own.

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

22 b. The holder of any license issued by the Board who shall fail to renew
23 the same on or before February 1 of the calendar year for which the
24 license is to be renewed shall have forfeited and surrendered the
25 license as of that date. No license forfeited or surrendered pursuant to
26 the preceding sentence shall be reinstated by the Board unless it is
27 shown to the Board that the applicant has, throughout the period of
28 forfeiture, engaged full time in another state of the United States or
29 the District of Columbia in the practice to which the applicant's
30 North Carolina license applies and has completed for each such year
31 continuing education substantially equivalent in the opinion of the
32 Board to that required of North Carolina licensees; or has completed
33 in North Carolina a total number of hours of accredited continuing
34 education computed by multiplying five times the number of years of
35 forfeiture; or has passed the North Carolina examination for the
36 forfeited license. No additional resident traineeship shall be required.
37 The applicant shall be required to pay all delinquent annual renewal
38 fees and a reinstatement fee. The Board may waive the provisions of
39 this section for an applicant for a forfeiture which occurred during
40 the applicant's service in the Armed Forces of the United States
41 provided the applicant applies within six months following severance
42 therefrom.

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

48 d. As a prerequisite to the annual renewal of a license, the licensee must
49 complete, during the year immediately preceding renewal, at least
50 five hours of continuing education courses, of which the Board may
51 require licensees to take up to two hours specified by the Board. All

1 continuing education courses must be approved by the Board prior to
2 enrollment. A licensee who completes more than five hours in a year
3 may carry over a maximum of five hours as a credit to the following
4 year's requirement. A licensee who is issued an initial license on or
5 after July 1 does not have to satisfy the continuing education
6 requirement for that year.

7 e. The Board shall not renew a license unless fulfillment of the
8 continuing education requirement has been certified to it on a form
9 provided by the Board, but the Board may waive this requirement for
10 renewal in cases of certified illness or undue hardship or where the
11 licensee lives outside of North Carolina and does not practice in
12 North Carolina, and the Board shall waive the requirement for all
13 licensees who were licensed on or before December 31, 2003, and
14 have been licensed in North Carolina for a continuous period of 25
15 years or more, for all licensees who are licensed on or after January
16 1, 2004, who have been licensed for a continuous period of 25 years
17 or more and have attained the age of 60 years, and for all licensees
18 who are, at the time of renewal, members of the General Assembly.

19 f. The Board shall cause to be established and offered to the licensees,
20 each calendar year, at least eight hours of continuing education
21 courses. The Board may charge licensees attending these courses a
22 reasonable registration fee in order to meet the expenses thereof and
23 may also meet those expenses from other funds received under the
24 provisions of this Article.

25 g. Any person who having been previously licensed by the Board as a
26 funeral director or embalmer prior to July 1, 1975, shall not be
27 required to satisfy the requirements herein for licensure as a funeral
28 service licensee, but shall be entitled to have such license renewed
29 upon making proper application therefor and upon payment of the
30 renewal fee provided by the provisions of this Article. Persons
31 previously licensed by the Board as a funeral director may engage in
32 funeral directing, and persons previously licensed by the Board as an
33 embalmer may engage in embalming. Any person having been
34 previously licensed by the Board as both a funeral director and an
35 embalmer may upon application therefor receive a license as a
36 funeral service licensee.

37 h. The Department of Justice may provide a criminal record check to
38 the Board for a person who has applied for a new or renewal license,
39 or certification through the Board. The Board shall provide to the
40 Department of Justice, along with the request, the fingerprints of the
41 applicant, any additional information required by the Department of
42 Justice, and a form signed by the applicant consenting to the check of
43 the criminal record and to the use of the fingerprints and other
44 identifying information required by the State or national repositories.
45 The applicant's fingerprints shall be forwarded to the State Bureau of
46 Investigation for a search of the State's criminal history record file,
47 and the State Bureau of Investigation shall forward a set of the
48 fingerprints to the Federal Bureau of Investigation for a national
49 criminal history check. The Board shall keep all information pursuant
50 to this subdivision privileged, in accordance with applicable State
51 law and federal guidelines, and the information shall be confidential

1 and shall not be a public record under Chapter 132 of the General
2 Statutes.

3 The Department of Justice may charge each applicant a fee for
4 conducting the checks of criminal history records authorized by this
5 subdivision.

6 (a1) Inactive Licenses. – Any person holding a license issued by the Board for funeral
7 directing, for embalming, or for the practice of funeral service may apply for an inactive license
8 in the same category as the active license held. The inactive license is renewable annually.
9 Continuing education is not required for the renewal of an inactive license. The holder of an
10 inactive license may not engage in any activity requiring an active license. The holder of an
11 inactive license may apply for an active license in the same category, and the Board shall issue
12 an active license if the applicant has completed a total number of hours of accredited
13 continuing education equal to five times the number of years the applicant held the inactive
14 license. No application fee is required for the reinstatement of an active license pursuant to this
15 subsection. The holder of an inactive license who returns to active status shall surrender the
16 inactive license to the Board.

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

- 20 (1) Employed by a college of mortuary science; or
21 (2) The licensee:
22 a. Maintains all of his or her business records at a location made known
23 to the Board and available for inspection by the Board under the
24 same terms and conditions as the business records of a licensed
25 funeral establishment;
26 b. Complies with rules and regulations imposed on funeral
27 establishments and the funeral profession that are designed to protect
28 consumers, to include, but not be limited to, the Federal Trade
29 Commission's laws and rules requiring General Price Lists and
30 Statements of Goods and Services; and
31 c. Pays to the Board the funeral establishment license fee required by
32 law and set by the Board.

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

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

- 36 (1) The Board shall grant licenses to funeral directors, embalmers and funeral
37 service licensees, licensed in other states, territories, the District of
38 Columbia, and foreign countries, when it is shown that the applicant holds a
39 valid license as a funeral director, embalmer or funeral service licensee
40 issued by the other jurisdiction, has demonstrated knowledge of the laws and
41 rules governing the profession in North Carolina and has submitted proof of
42 his good moral character; and either that the applicant has continuously
43 practiced the profession in the other jurisdiction for at least three years
44 immediately preceding his application, or the Board has determined that the
45 licensing requirements for the other jurisdiction are substantially similar to
46 those of North Carolina.
47 (2) The Board shall periodically review the mortuary science licensing
48 requirements of other jurisdictions and shall determine which licensing
49 requirements are substantially similar to the requirements of North Carolina.
50 (3) The Board may issue special permits, to be known as courtesy cards,
51 permitting nonresident funeral directors, embalmers and funeral service

1 licensees to remove bodies from and to arrange and direct funerals and
2 embalm bodies in this State, but these privileges shall not include the right to
3 establish a place of business in or engage generally in the business of funeral
4 directing and embalming in this State. Except for special permits issued by
5 the Board for teaching continuing education programs and for work in
6 connection with disasters, no special permits may be issued to nonresident
7 funeral directors, embalmers, and funeral service licensees from states that
8 do not issue similar courtesy cards to persons licensed in North Carolina
9 pursuant to this Article.

10 (c) Registration, Filing and Transportation. –

- 11 (1) The holder of any license granted by this State for those within the funeral
12 service profession or renewal thereof provided for in this Article shall cause
13 registration to be filed in the office of the board of health of the county or
14 city in which he practices his profession, or if there be no board of health in
15 such county or city, at the office of the clerk of the superior court of such
16 county. All such licenses, certificates, duplicates and renewals thereof shall
17 be displayed in a conspicuous place in the funeral establishment where the
18 holder renders service.
- 19 (2) It shall be unlawful for any railway agent, express agency, baggage master,
20 conductor or other person acting as such, to receive the dead body of any
21 person for shipment or transportation by railway or other public conveyance,
22 to a point outside of this State, unless the body is accompanied by a
23 burial-transit permit.
- 24 (3) The "transportation or removal of a dead human body" shall mean the
25 removal of a dead human body for a fee from the location of the place of
26 death or discovery of death or the transportation of the body to or from a
27 medical facility, funeral establishment or facility, crematory or related
28 holding facility, place of final disposition, or place designated by the
29 Medical Examiner for examination or autopsy of the dead human body.
- 30 (4) Any individual, not otherwise exempt from this subsection, shall apply for
31 and receive a permit from the Board before engaging in the transportation or
32 removal of a dead human body in this State. Unless otherwise exempt from
33 this subsection, no corporation or other business entity shall engage in the
34 transportation or removal of a dead human body unless it has in its employ at
35 least one individual who holds a permit issued under this section. No
36 individual permit holder shall engage in the transportation or removal of a
37 dead human body for more than one person, firm, or corporation without
38 first providing the Board with written notification of the name and physical
39 address of each such employer.
- 40 (5) The following persons shall be exempt from the permit requirements of this
41 section but shall otherwise be subject to subdivision (9) of this subsection
42 and any rules relating to the proper handling, care, removal, or transportation
43 of a dead human body:
- 44 a. Licensees under this Article and their employees.
 - 45 b. Employees of common carriers.
 - 46 c. Except as provided in sub-subdivision (6)c. of this section,
47 employees of the State and its agencies and employees of local
48 governments and their agencies.
 - 49 d. Funeral directors licensed in another state and their employees.
- 50 (6) The following persons shall be exempt from this section:

- 1 a. Emergency medical technicians, rescue squad workers, volunteer and
2 paid firemen, and law enforcement officers while acting within the
3 scope of their employment.
- 4 b. Employees of public or private hospitals, nursing homes, or
5 long-term care facilities, while handling a dead human body within
6 such facility or while acting within the scope of their employment.
- 7 c. State and county medical examiners and their investigators.
- 8 d. Any individual transporting cremated remains.
- 9 e. Any individual transporting or removing a dead human body of their
10 immediate family or next of kin.
- 11 f. Any individual who has exhibited special care and concern for the
12 decedent.
- 13 (7) Individuals eligible to receive a permit under this section for the
14 transportation or removal of a dead human body for a fee, shall:
 - 15 a. Be at least 18 years of age.
 - 16 b. Possess and maintain a valid drivers license issued by this State and
17 provide proof of all liability insurance required for the registration of
18 any vehicle in which the person intends to engage in the business of
19 the removal or transportation of a dead human body.
 - 20 c. Affirmatively state under oath that the person has read and
21 understands the statutes and rules relating to the removal and
22 transportation of dead human bodies and any guidelines as may be
23 adopted by the Board.
 - 24 d. Provide three written character references on a form prescribed by
25 the Board, one of which must be from a licensed funeral director.
 - 26 e. Be of good moral character.
- 27 (8) The permit issued under this section shall expire on December 31 of each
28 year. The application fee for the individual permit shall not exceed one
29 hundred twenty-five dollars (\$125.00). A fee, not to exceed one hundred
30 dollars (\$100.00), in addition to the renewal fee not to exceed seventy-five
31 dollars (\$75.00), shall be charged for any application for renewal received
32 by the Board after February 1 of each year.
- 33 (9) No person shall transport a dead human body in the open cargo area or
34 passenger area of a vehicle or in any vehicle in which the body may be
35 viewed by the public. Any person removing or transporting a dead human
36 body shall either cover the body, place it upon a stretcher designed for the
37 purpose of transporting humans or dead human bodies in a vehicle, and
38 secure such stretcher in the vehicle used for transportation, or shall enclose
39 the body in a casket or container designed for common carrier transportation,
40 and secure the casket or container in the vehicle used for transportation. No
41 person shall fail to treat a dead human body with respect at all times. No
42 person shall take a photograph or video recording of a dead human body
43 without the consent of a member of the deceased's immediate family or next
44 of kin or other authorizing agent.
- 45 (10) The Board may adopt rules under this section including permit application
46 procedures and the proper procedures for the removal, handling, and
47 transportation of dead human bodies. The Board shall consult with the
48 Office of the Chief Medical Examiner before initiating rule making under
49 this section and before adopting any rules pursuant to this section. Nothing
50 in this section prohibits the Office of the Chief Medical Examiner from
51 adopting policies and procedures regarding the removal, transportation, or

1 handling of a dead human body under the jurisdiction of that office that are
2 more stringent than the laws in this section or any rules adopted under this
3 section. Any violation of this section or rules adopted under this section may
4 be punished by the Board by a suspension or revocation of the permit to
5 transport or remove dead human bodies or by a term of probation. The Board
6 may, in lieu of any disciplinary measure, accept a penalty not to exceed five
7 thousand dollars (\$5,000) per violation.

8 (11) Each applicant for a permit shall provide the Board with the applicant's
9 home address, name and address of any corporation or business entity
10 employing such individual for the removal or transportation of dead human
11 bodies, and the make, year, model, and license plate number of any vehicle
12 in which a dead human body is transported. A permittee shall provide
13 written notification to the Board of any change in the information required to
14 be provided to the Board by this section or by the application for a permit
15 within 30 days after such change takes place.

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

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

24 (d) Establishment Permit. –

25 (1) No person, firm or corporation shall conduct, maintain, manage or operate a
26 funeral establishment unless a permit for that establishment has been issued
27 by the Board and is conspicuously displayed in the establishment. Each
28 funeral establishment at a specific location shall be deemed to be a separate
29 entity and shall require a separate permit and compliance with the
30 requirements of this Article.

31 (2) A permit shall be issued when:

32 a. It is shown that the funeral establishment has in charge a person,
33 known as a manager, licensed for the practice of funeral directing or
34 funeral service, who shall not be permitted to manage more than one
35 funeral establishment. The manager shall be charged with overseeing
36 the daily operation of the funeral establishment. If the manager
37 leaves the employment of the funeral establishment and is the only
38 licensee employed who is eligible to serve as manager, the funeral
39 establishment may operate without a manager for a period not to
40 exceed 30 days so long as: (i) the funeral establishment retains one or
41 more licensees to perform all services requiring a license under this
42 Article; (ii) the licensees are not practicing under the exception
43 authorized by G.S. 90-210.25(a2) and would otherwise be eligible to
44 serve as manager; and (iii) the funeral establishment registers the
45 name of the licensees with the Board.

46 b. The Board receives a list of the names of all part-time and full-time
47 licensees employed by the establishment.

48 c. It is shown that the funeral establishment satisfies the requirements
49 of G.S. 90-210.27A.

50 d. The Board receives payment of the permit fee.

1 (3) Applications for funeral establishment permits shall be made on forms
2 provided by the Board and filed with the Board by the owner, a partner, a
3 member of the limited liability company, or an officer of the corporation by
4 January 1 of each year, and shall be accompanied by the application fee or
5 renewal fee, as the case may be. All permits shall expire on December 31 of
6 each year. If the renewal application and renewal fee are not received in the
7 Board's office on or before February 1, a late renewal fee, in addition to the
8 regular renewal fee, shall be charged.

9 (4) The Board may place on probation, refuse to issue or renew, suspend, or
10 revoke a permit when an owner, partner, manager, member, operator, or
11 officer of the funeral establishment violates any provision of this Article or
12 any regulations of the Board, or when any agent or employee of the funeral
13 establishment, with the consent of any person, firm or corporation operating
14 the funeral establishment, violates any of those provisions, rules or
15 regulations. In any case in which the Board is entitled to place a funeral
16 establishment permittee on a term of probation, the Board may also impose a
17 penalty of not more than five thousand dollars (\$5,000) in conjunction with
18 the probation. In any case in which the Board is entitled to suspend, revoke,
19 or refuse to renew a permit, the Board may accept from the funeral
20 establishment permittee an offer to pay a penalty of not more than five
21 thousand dollars (\$5,000). The Board may either accept a penalty or revoke
22 or refuse to renew a license, but not both. Any penalty under this subdivision
23 may be in addition to any penalty assessed against one or more licensed
24 individuals employed by the funeral establishment.

25 (5) Funeral establishment permits are not transferable. A new application for a
26 permit shall be made to the Board within 30 days of a change of ownership
27 of a funeral establishment.

28 (d1) Embalming Outside Establishment. – An embalmer who engages in embalming in a
29 facility other than a funeral establishment or in the residence of the deceased person shall, no
30 later than January 1 of each year, register the facility with the Board on forms provided by the
31 Board.

32 (e) Revocation; Suspension; Compromise; Disclosure. –

33 (1) Whenever the Board finds that an applicant for a license or a person to
34 whom a license has been issued by the Board is guilty of any of the
35 following acts or omissions and the Board also finds that the person has
36 thereby become unfit to practice, the Board may suspend or revoke the
37 license or refuse to issue or renew the license, in accordance with the
38 procedures set out in Chapter 150B of the General Statutes:

- 39 a. Conviction of a felony or a crime involving fraud or moral turpitude.
- 40 a1. Denial, suspension, or revocation of an occupational or business
41 license by another jurisdiction.
- 42 b. Fraud or misrepresentation in obtaining or renewing a license or in
43 the practice of funeral service.
- 44 c. False or misleading advertising as the holder of a license.
- 45 d. Solicitation of dead human bodies by the licensee, his agents,
46 assistants, or employees; but this paragraph shall not be construed to
47 prohibit general advertising by the licensee.
- 48 e. Employment directly or indirectly of any resident trainee agent,
49 assistant or other person, on a part-time or full-time basis, or on
50 commission, for the purpose of calling upon individuals or

1 institutions by whose influence dead human bodies may be turned
2 over to a particular licensee.

- 3 f. The payment or offer of payment of a commission by the licensee,
4 his agents, assistants or employees for the purpose of securing
5 business except as authorized by Article 13D of this Chapter.
- 6 g. Gross immorality, including being under the influence of alcohol or
7 drugs while practicing funeral service.
- 8 h. Aiding or abetting an unlicensed person to perform services under
9 this Article, including the use of a picture or name in connection with
10 advertisements or other written material published or caused to be
11 published by the licensee.
- 12 i. Failing to treat a dead human body with respect at all times.
- 13 j. Violating or cooperating with others to violate any of the provisions
14 of this Article or Articles 13D, 13E, or 13F of Chapter 90 of the
15 General Statutes, any rules and regulations of the Board, or the
16 standards set forth in Funeral Industry Practices, 16 C.F.R. 453
17 (1984), as amended from time to time.
- 18 k. Violation of any State law or municipal or county ordinance or
19 regulation affecting the handling, custody, care or transportation of
20 dead human bodies.
- 21 l. Refusing to surrender promptly the custody of a dead human body or
22 cremated remains upon the express order of the person lawfully
23 entitled to the custody thereof.
- 24 m. Knowingly making any false statement on a certificate of death or
25 violating or cooperating with others to violate any provision of
26 Article 4 or 16 of Chapter 130A of the General Statutes or any rules
27 or regulations promulgated under those Articles as amended from
28 time to time.
- 29 n. Indecent exposure or exhibition of a dead human body while in the
30 custody or control of a licensee.

31 In any case in which the Board is entitled to suspend, revoke or refuse to
32 renew a license, the Board may accept from the licensee an offer to pay a
33 penalty of not more than five thousand dollars (\$5,000). The Board may
34 either accept a penalty or revoke or refuse to renew a license, but not both.

- 35 (2) Where the Board finds that a licensee is guilty of one or more of the acts or
36 omissions listed in subdivision (e)(1) of this section but it is determined by
37 the Board that the licensee has not thereby become unfit to practice, the
38 Board may place the licensee on a term of probation in accordance with the
39 procedures set out in Chapter 150B of the General Statutes. In any case in
40 which the Board is entitled to place a licensee on a term of probation, the
41 Board may also impose a penalty of not more than five thousand dollars
42 (\$5,000) in conjunction with the probation. The Board may also require
43 satisfactory completion of remedial or educational training as a prerequisite
44 to license reinstatement or for completing the term of probation.

45 No person licensed under this Article shall remove or cause to be embalmed a dead human
46 body when he or she has information indicating crime or violence of any sort in connection
47 with the cause of death, nor shall a dead human body be cremated, until permission of the State
48 or county medical examiner has first been obtained. However, nothing in this Article shall be
49 construed to alter the duties and authority now vested in the office of the coroner.

50 No funeral service establishment shall accept a dead human body from any public officer
51 (excluding the State or county medical examiner or his agent), or employee or from the official

1 of any institution, hospital or nursing home, or from a physician or any person having a
2 professional relationship with a decedent, without having first made due inquiry as to the
3 desires of the persons who have the legal authority to direct the disposition of the decedent's
4 body. If any persons are found, their authority and directions shall govern the disposal of the
5 remains of the decedent. Any funeral service establishment receiving the remains in violation
6 of this subsection shall make no charge for any service in connection with the remains prior to
7 delivery of the remains as stipulated by the persons having legal authority to direct the
8 disposition of the body. This section shall not prevent any funeral service establishment from
9 charging and being reimbursed for services rendered in connection with the removal of the
10 remains of any deceased person in case of accidental or violent death, and rendering necessary
11 professional services required until the persons having legal authority to direct the disposition
12 of the body have been notified.

13 When and where a licensee presents a selection of funeral merchandise to the public to be
14 used in connection with the service to be provided by the licensee or an establishment as
15 licensed under this Article, a card or brochure shall be directly associated with each item of
16 merchandise setting forth the price of the service using said merchandise and listing the
17 services and other merchandise included in the price, if any. When there are separate prices for
18 the merchandise and services, such cards or brochures shall indicate the price of the
19 merchandise and of the items separately priced.

20 At the time funeral arrangements are made and prior to the time of rendering the service
21 and providing the merchandise, a funeral director or funeral service licensee shall give or cause
22 to be given to the person or persons making such arrangements a written statement duly signed
23 by a licensee of said funeral establishment showing the price of the service as selected and what
24 services are included therein, the price of each of the supplemental items of services or
25 merchandise requested, and the amounts involved for each of the items for which the funeral
26 establishment will advance moneys as an accommodation to the person making arrangements,
27 insofar as any of the above items can be specified at that time. If fees charged by a finance
28 company for expediting payment of life insurance proceeds to the establishment will be passed
29 on to the person or persons responsible for payment of the funeral expenses, information
30 regarding the fees, including the total dollar amount of the fee, shall be disclosed in writing.
31 The statement shall have printed, typed or stamped on the face thereof: "This statement of
32 disclosure is provided under the requirements of North Carolina G.S. 90-210.25(e)." The Board
33 may prescribe other disclosures that a licensee shall give to consumers upon finding that the
34 disclosure is necessary to protect public health, safety, and welfare.

35 (e1) The taking or recovery of human tissue at a funeral establishment by any person is
36 prohibited. The prohibition does not apply to any of the following:

- 37 (1) A licensee under this Article that performs embalming or otherwise prepares
38 a dead human body in the ordinary course of business.
- 39 (2) The Chief Medical Examiner or anyone acting under the Chief Medical
40 Examiner's authority.
- 41 (3) An autopsy technician who takes or recovers tissue from a dead human body
42 if all of the following apply:
 - 43 a. The taking or recovery is the subject of an academic research
44 program.
 - 45 b. The academic research program has appropriate Institutional Review
46 Board supervision.
 - 47 c. The academic research program has obtained informed consent of the
48 donor or the person legally authorized to provide consent.

49 No funeral establishment or person licensed under this Article shall permit the taking or
50 recovery of human tissue from a dead human body in its custody or control for human
51 transplantation purposes or for research purposes, except that a funeral establishment or person

1 licensed under this Article may permit an autopsy technician to take or recover tissue at a
2 funeral establishment pursuant to subdivision (3) of this subsection. No funeral establishment
3 or any of its licensees, agents, or employees shall accept, solicit, or offer to accept any
4 payment, gratuity, commission, or compensation of any kind for referring potential tissue
5 donors to a tissue bank or tissue broker or to an eye bank or eye broker. For purposes of this
6 subsection, the term "tissue" does not include an eye.

7 (f) Unlawful Practices. – If any person shall practice or hold himself or herself out as
8 practicing the profession or art of embalming, funeral directing or practice of funeral service or
9 operating a funeral establishment without having complied with the provisions of this Article,
10 the person shall be guilty of a Class 2 misdemeanor.

11 (g) Whenever it shall appear to the Board that any person, firm or corporation has
12 violated, threatens to violate or is violating any provisions of this Article, the Board may apply
13 to the courts of the State for a restraining order and injunction to restrain these practices. If
14 upon application the court finds that any provision of this Article is being violated, or a
15 violation is threatened, the court shall issue an order restraining and enjoining the violations,
16 and this relief may be granted regardless of whether criminal prosecution is instituted under the
17 provisions of this subsection. The venue for actions brought under this subsection shall be the
18 superior court of any county in which the acts are alleged to have been committed or in the
19 county where the defendant in the action resides. (1901, c. 338, ss. 9, 10, 14; Rev., ss. 3644,
20 4388; 1917, c. 36; 1919, c. 88; C.S., ss. 6781, 6782; 1949, c. 951, s. 4; 1951, c. 413; 1957, c.
21 1240, ss. 2, 21/2; 1965, cc. 719, 720; 1967, c. 691, s. 48; c. 1154, s. 2; 1969, c. 584, ss. 3, 3a, 4;
22 1975, c. 571; 1979, c. 461, ss. 11-21; 1981, c. 619, ss. 1-4; 1983, c. 69, s. 5; 1985, c. 242; 1987,
23 c. 430, ss. 4-11; c. 827, s. 1; c. 879, s. 6.2; 1991, c. 528, ss. 4, 5; 1993, c. 539, s. 638; 1994, Ex.
24 Sess., c. 24, s. 14(c); 1997-399, ss. 5-13; 2001-294, s. 3; 2002-147, s. 9; 2003-420, ss. 1, 7;
25 2007-297, s. 1; 2007-531, s. 4; 2011-183, s. 63.)

26
27 **§ 90-210.25A:** Recodified as G.S. 65-77 by Session Laws 2003-420, s. 8(b), effective October
28 1, 2003.

29
30 **§ 90-210.26. Good moral character.**

31 Evidence of good moral character may be shown by the affidavits of three persons who
32 have been acquainted with the applicant for three years immediately preceding the submission
33 of the affidavit. (1979, c. 461, s. 22.)

34
35 **§ 90-210.27. Repealed by Session Laws 1987, c. 430, s. 12.**

36
37 **§ 90-210.27A. Funeral establishments.**

38 (a) Every funeral establishment shall contain a preparation room which is strictly
39 private, of suitable size for the embalming of dead bodies. Each preparation room shall:

- 40 (1) Contain one standard type operating table.
- 41 (2) Contain facilities for adequate drainage.
- 42 (3) Contain a sanitary waste receptacle.
- 43 (4) Contain an instrument sterilizer.
- 44 (5) Have wall-to-wall floor covering of tile, concrete, or other material which
45 can be easily cleaned.
- 46 (6) Be kept in sanitary condition and subject to inspection by the Board or its
47 agents at all times.
- 48 (7) Have a placard or sign on the door indicating that the preparation room is
49 private.
- 50 (8) Have a proper ventilation or purification system to maintain a nonhazardous
51 level of airborne contamination.

1 (b) No one is allowed in the preparation room while a dead human body is being
2 prepared except licensees, resident trainees, public officials in the discharge of their duties,
3 members of the medical profession, officials of the funeral home, next of kin, or other legally
4 authorized persons.

5 (c) Every funeral establishment shall contain a reposing room for dead human bodies,
6 of suitable size to accommodate a casket and visitors.

7 (d) Repealed by Session Laws 1997-399, s. 14.

8 (e) If a funeral establishment is solely owned by a natural person, that person must be
9 licensed by the Board as a funeral director or a funeral service licensee. If it is owned by a
10 partnership, at least one partner must be licensed by the Board as a funeral director or a funeral
11 service licensee. If it is owned by a corporation, the president, vice-president, or the chairman
12 of the board of directors must be licensed by the Board as a funeral director or a funeral service
13 licensee. If it is owned by a limited liability company, at least one member must be licensed by
14 the Board as a funeral director or a funeral service licensee. The licensee required by this
15 subsection must be actively engaged in the operation of the funeral establishment.

16 (f) If a funeral establishment uses the name of a living person in the name under which
17 it does business, that person must be licensed by the Board as a funeral director or a funeral
18 service licensee.

19 (g) No funeral establishment shall own, operate, or maintain a chapel without first
20 having registered the name, location, and ownership thereof with the Board; own or maintain
21 more than two chapels, or own or maintain a chapel outside of a radius of 50 miles from the
22 funeral establishment. A duly licensed person may use a chapel for making arrangements for
23 funeral services, selling funeral merchandise to the public by photograph, video, or computer
24 based presentation, or making financial arrangements for the rendering of the service or sale of
25 supplies, provided that the uses are secondary and incidental to and do not interfere with the
26 reposing of dead human bodies, visitation, or funeral ceremony.

27 (h) All public health laws and rules apply to funeral establishments. In addition, all
28 funeral establishments must comply with all of the standards established by the rules adopted
29 by the Board.

30 (i) No funeral establishment shall use an unregistered or misleading name. Misleading
31 names include, but are not limited to, names in the plural form when there is only one funeral
32 establishment, the use of names of deceased individuals, unless the establishment is licensed
33 using the name at the time the new application is made, the use of names of individuals not
34 associated with the establishment, and the use of the word "crematory" or "crematorium" in the
35 name of a funeral establishment that does not own a crematory. If an owner of a funeral
36 establishment owns more than one funeral establishment, the owner may not use the word
37 "crematory" or "crematorium" in the name of more than one of its funeral establishments;
38 except that each funeral home having a crematory on the premises may contain the term
39 "crematory" or "crematorium" in its name.

40 (j) A funeral establishment will not use any name other than the name by which it is
41 properly registered with the Board. (1987, c. 430, s. 13; c. 879, s. 6.2; 1997-399, s. 14;
42 2001-294, s. 4; 2003-420, s. 9(a), (b); 2007-531, s. 5.)

43
44 **§ 90-210.28. Fees.**

45 The Board may set and collect fees, not to exceed the following amounts:

46 Establishment permit	
47 Application	\$400.00
48 Annual renewal	250.00
49 Late renewal	150.00
50 Establishment and embalming facility reinspection fee	100.00
51 Courtesy card	

1	Application	100.00
2	Annual renewal	75.00
3	Out-of-state licensee	
4	Application	250.00
5	Embalmer, funeral director, funeral service	
6	Application-North	
7	Carolina-Resident	200.00
8	-Non-Resident	250.00
9	Annual Renewal-embalmer or	
10	funeral director	75.00
11	Total fee, embalmer and funeral director	
12	when both are held by the same person	100.00
13	-funeral service	100.00
14	Inactive Status	50.00
15	Reinstatement fee	50.00
16	Resident trainee permit	
17	Application	50.00
18	Voluntary change in supervisor	50.00
19	Annual renewal	35.00
20	Late renewal	25.00
21	Duplicate license certificate	25.00
22	Chapel registration	
23	Application	150.00
24	Annual renewal	100.00
25	Late renewal	75.00

26 The Board shall provide, without charge, one copy of the current statutes and regulations
27 relating to Funeral Service to every person applying for and paying the appropriate fees for
28 licensing pursuant to this Article. The Board may charge all others requesting copies of the
29 current statutes and regulations, and the licensees or applicants requesting additional copies, a
30 fee equal to the costs of production and distribution of the requested documents. (1979, c. 461,
31 s. 22; 1981, c. 619, s. 5; 1985, c. 447, ss. 1, 2; 1987, c. 710; 1989 (Reg. Sess., 1990), c. 968;
32 1997-399, s. 15; 2001-294, s. 5; 2007-531, s. 6.)

33
34 **§ 90-210.29. Students.**

35 (a) Students who are enrolled in duly accredited mortuary science colleges in North
36 Carolina may engage in the practices defined in this Article if the practices are part of their
37 academic training and if the practices are under the supervision of a licensed instructor of
38 mortuary science or a licensee designated by the mortuary science college upon registration
39 with the Board.

40 (b) Repealed by Session Laws 2001-294, s. 6. (1979, c. 461, s. 22; 2001-294, s. 6.)

41
42 **§ 90-210.29A. Identification of bodies before burial or cremation.**

43 The funeral director or person otherwise responsible for the final disposition of a dead body
44 shall, prior to the interment or entombment of the dead body, affix on the ankle or wrist of the
45 dead body, or, if cremated, on the inside of the temporary container or urn containing the
46 remains of the dead body, a tag of durable, noncorroding material permanently marked with the
47 name of the deceased, the date of death, the social security number of the deceased, the county
48 and state of death, and the site of interment or entombment. (1995, c. 312, s. 1; 2003-420, s.
49 10.)

50
51 **§ 90-210.29B. Examination scores not public record.**

1 The examination scores of applicants for licensure shall not be subject to the provisions of
2 Chapter 132 of the General Statutes. The Board shall release to any person requesting
3 examination scores whether or not the applicant has obtained a passing score at the time of the
4 request. (2007-484, s. 43.9; 2007-531, s. 7.)