



# NORTH CAROLINA BOARD OF FUNERAL SERVICE

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## Notice of Permanent Rulemaking

The NC Board of Funeral Service has filed permanent rulemaking with the NC Rules Review Commission pursuant to NCGS 150B-21.2 (c) for the amendment of the attached rules.

The Board will receive written public comment on these proposed changes to the rules through permanent procedures between March 26, 2026 and June 30, 2026. Written comments may be submitted via email to Amy Acord Elston, the Board's Rulemaking Coordinator, at [aelston@ncbfs.org](mailto:aelston@ncbfs.org) or via US Mail to the Board office, located at 1033 Wade Avenue, Suite 108, Raleigh, NC 27605

The Board will receive public comment in a public hearing scheduled for 10:00 a.m. on May 13, 2026, at 1033 Wade Avenue, Suite 108, Raleigh, North Carolina 27605.



## NOTICE OF TEXT

### [Authority G.S. 150B-21.2(c)]

**OAH USE ONLY**

VOLUME: 40

ISSUE: 20

CHECK APPROPRIATE BOX:

- Notice with a scheduled hearing
- Notice without a scheduled hearing
- Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.  
Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: [Board of Funeral Service](#)

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2. Link to agency website pursuant to G.S. 150B-19.1(c): <https://ncbfs.org/>

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3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

ADOPTION:

AMENDMENT: [21 NCAC 34C .0102-.0103](#)

REPEAL:

READOPTION with substantive changes:

READOPTION without substantive changes:

REPEAL through READOPTION:

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4. Proposed effective date: [10/01/2026](#)

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5. Is a public hearing planned? [Yes](#)

If yes:

Date	Time	Location
<a href="#">05/13/2026</a>	<a href="#">10:00am</a>	<a href="#">1033 Wade Ave, Ste 108, Raleigh, NC 27605</a>

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6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

**7. Explain Reason For Proposed Rule(s):**

21 NCAC 34C .0102- To update the manner in which monthly cremation reports and payment of associated fees are submitted to the board.  
21 NCAC 34C .0103- To codify the information required for application of a crematory or hydrolysis license

**8. Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

**Rule(s) is automatically subject to legislative review. Cite statutory reference:**

**9. The person to whom written comments may be submitted on the proposed rule(s):**

Name: Amy Acord Elston  
Address: 1033 Wade Ave, Ste 108  
Raleigh, NC 27605  
Phone (optional): (919) 733-9380  
Fax (optional):  
EMail (optional) aelston@ncbfs.org

**10. Comment Period Ends: 06/30/2026**

**11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

No fiscal note required

**12. Rule-making Coordinator:**

Name: Amy Acord  
919-715-9380  
aacord@ncbfs.org

**Agency contact, if any:**

Name:  
Phone:  
Email:

**13. The Agency formally proposed the text of this rule(s) on**

**Date:** 03/11/2026

1 21 NCAC 34C .0102 is proposed for amendment as follows:

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3 **21 NCAC 34C .0102 FORM AND SUBMISSION OF DOCUMENTS**

4 (a) When any provision of Article 13F, Chapter 90, of the North Carolina General Statutes or any rule in this  
5 Subchapter requires a crematory or hydrolysis licensee to obtain any death certificate, report, authorization, waiver,  
6 statement or other document prior to cremation or hydrolysis, the crematory or hydrolysis licensee may accept the  
7 document in the form of the original, a photocopy, or by electronic or facsimile transmission.

8 (b) Crematory licensees shall submit all monthly reports pursuant to G.S. 90-210.132(c) and fees pursuant to G.S.  
9 90-210.132(a) to the Board through the Board's online portal that is available at <https://ncbfs.org/cremation-portal/>.  
10 In the event that the online portal is inaccessible at the time of submission, crematory licensee shall submit the monthly  
11 report via email at [cremationreports@ncbfs.org](mailto:cremationreports@ncbfs.org) and shall remit the fee through the Board's website at  
12 <https://ncbfs.org/fees-and-payments/>.

13  
14 *History Note: Authority G.S. 90-210.127; 90-210.134(a); 90-210.136(d),(h);*  
15 *Eff. July 1, 1991;*  
16 *Amended Eff. July 1, 2004;*  
17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*  
18 *2017;*  
19 *Temporary Amendment Eff. May 24, 2019;*  
20 *Temporary Amendment Expired Eff. March 13, 2020;*  
21 *Amended Eff. January 1, ~~2021~~. 2021;*  
22 *Amended Eff. October 1, 2026.*

1 21 NCAC 34C .0103 is proposed for amendment as follows:

2  
3 **21 NCAC 34C .0103 APPLICATION FORM FORMS FOR CREMATORY OR HYDROLYSIS**  
4 **LICENSE**

5 (a) All initial applications for a crematory or hydrolysis license shall be made on forms provided by the Board. Board  
6 on its website at <https://ncbfs.org>. Applications not completed within ninety (90) days following submission to the  
7 Board shall be denied. The application shall state the following information:

- 8 (1) the legal name of the applicant; individual or entity that owns the crematory;
- 9 (2) the email address; address, physical address, mailing address, phone number(s), and facsimile  
10 number of the crematory or hydrolysis licensee;
- 11 ~~(3) type of business entity;~~
- 12 ~~(4) location of crematory or hydrolysis facility;~~
- 13 ~~(5)(3) description of other names under which the crematory or hydrolysis facilities and equipment;~~  
14 licensee conducts business and the name and address of any affiliated funeral establishment;
- 15 ~~(6) name and address of each crematory or hydrolysis technician;~~
- 16 ~~(7) name and address of the crematory or hydrolysis manager; and~~
- 17 ~~(8) any criminal convictions of the applicant and manager.~~
- 18 (4) whether the entity or individual owning the crematory or hydrolysis licensee is a sole proprietorship,  
19 partnership, corporation, or limited liability company;
- 20 (5) if owned by a sole proprietor, the legal name of the sole proprietor;
- 21 (6) if owned by a partnership, a copy of the applicant's partnership agreement, the name of each partner  
22 and his or her respective ownership interests;
- 23 (7) if owned by a corporation, a copy of the applicant's Articles of Incorporation, the name of each  
24 corporate officer, his or her position, and the respective ownership interests of each person or entity  
25 holding an ownership interest in the corporation;
- 26 (8) if owned by a limited liability company, a copy of the applicant's Articles of Organization and the  
27 name of each member and his or her respective percentage of ownership;
- 28 (9) if the applicant will conduct business in a different name than that of its owning entity, a copy of  
29 the applicant's Certificate of Assumed Name;
- 30 (10) the name and license number of the individual who will serve as the licensed crematory manager or  
31 hydrolysis licensee manager in accordance with G.S. 90-210.123(d);
- 32 (11) the name and address of every crematory or hydrolysis technician employed by the crematory or  
33 hydrolysis licensee;
- 34 (12) the name and address of the facility at which refrigeration of unembalmed human remains on behalf  
35 of the crematory or hydrolysis licensee will occur, if refrigeration will be performed in an off-site  
36 facility;
- 37 (13) the type of material out of which the crematory or hydrolysis licensee is constructed;

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

1                   (F)       whether the refrigeration units have stainless steel, aluminum, or other non-corrosive and  
2                                   sanitary surfaces for the remainder of the interior of all units.

3       (19)       a copy of the General Price List, Casket Price List, Outer Burial Container Price List, and Statement  
4                   of Funeral Goods and Services Selected intended for use by the applicant, if required by the FTC  
5                   Funeral Rule, 16 C.F.R. 453.2;

6       (20)       proof of the applicant's right of occupancy for the premises at which the crematory or hydrolysis  
7                   licensee will be located;

8       (21)       copies of the current educational certificates for crematory technicians required by GS 90-  
9                   210.121(14);

10       (22)       whether the applicant currently is in good standing with the North Carolina Secretary of State and,  
11                   if so, documentation to establish proof of the same;

12       (23)       whether, within the preceding two years, the applicant has been the subject of any investigation for  
13                   employee misclassification and, if so, the results of the investigation;

14       (24)       the licensed manager's notarized signature to certify that:

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

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

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

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

24       (25)       the signature of each owner, partner, manager, member, operator, and officer of the business entity  
25                   applying for licensure, consenting to the Board's ability to conduct a background check on his or  
26                   her criminal history; and

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

30       (b) Upon receipt of an initial application as set forth in this Rule, the Board shall provide to the individuals identified  
31       in Paragraph (a)(24) of this Rule instructions on how to submit his or her fingerprints for a criminal background check,  
32       in accordance with G.S. 90-210.25(a)(5)(h) and 90-210.123(c1). The individuals shall sign and return to the Board a  
33       form provided by the Board, consenting to the check of the criminal records and to the use of his or her fingerprints  
34       and other identifying information required by the State or national repositories. If the background check is performed  
35       by the State Bureau of Investigation, the individuals shall remit payment to the Board in the form of an official check,  
36       money order, or cashier's check, made payable to the State Bureau of Investigation, the actual costs charged by the  
37       Department of Public Safety for performing the criminal background check. If the background check is performed by

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

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

- 6 (1) the information required in Paragraph (a)(1) – (a)(5), (a)(10) – (a)(11), and (a)(22) – (a)(26) of this  
7 Rule;
- 8 (2) if owned by a corporation, the name of each corporate officer, his or her position, and the respective  
9 ownership interests of each person or entity holding an ownership interest in the corporation;
- 10 (3) if owned by a limited liability company, the name of each member and his or her respective  
11 percentage of ownership;
- 12 (4) whether any changes have been made to the licensee’s building since the last renewal and if so, a  
13 description of the changes;
- 14 (5) whether any changes have been made to the following facilities or equipment since the last renewal  
15 and, if so, a description of the changes:
  - 16 (A) the holding facility;
  - 17 (B) the cremation chamber;
  - 18 (C) the pulverization equipment;
  - 19 (D) the refrigeration units; and
- 20 (6) whether the licensee operates a cremation or hydrolysis society, in accordance with GS 90-210.135.

21  
22 *History Note: Authority G.S. 90-210.123; 90-210.134(a); 90-210.36(d),(h);*  
23 *Eff. July 1, 1991;*  
24 *Amended Eff. August 1, 2004;*  
25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*  
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30 *Amended Eff. October 1, 2026.*  
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