



NORTH CAROLINA BOARD OF FUNERAL SERVICE

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 adoption, repeal, or amendment of the attached rules.

The Board will receive written public comment on these proposed changes to the rules through permanent procedures between August 14, 2025 and November 14, 2025. Written public comments may be submitted via email to Amy Acord, the Board's Rulemaking Coordinator, at aacord@ncbfs.org or via US Mail to the Board office, located at 1033 Wade Avenue, Suite 108, Raleigh, North Carolina, 27605.

The Board also will receive public comment in a public hearing scheduled for 10:00 a.m. on October 8, 2025, at 1033 Wade Avenue, Suite 108, Raleigh, North Carolina 27605.

SECTION .0100 - GENERAL PROVISIONS

21 NCAC 34A .0101 is proposed for amendment as follows:

21 NCAC 34A .0101 **AGENCY NAME AND ADDRESS**

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

*History Note: Authority G.S. 90-210.22; 90-210.23(a);
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. July 1, 2004; November 1, 2001; December 1, 1993; July 1, 1991; October 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,
~~2017.~~ 2017;
Amended Eff. February 1, 2026.*

21 NCAC 34A .0123 is proposed for amendment as follows:

21 NCAC 34A .0123 CONSUMER COMPLAINT FORM

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

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

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

(1) the name, address, email address, and telephone number of the Complainant;

(2) the name and address of the person or business against which the complaint is made (the "Respondent");

(3) a statement of the facts that describe the allegations against the Respondent;

(4) Complainant's attestation that:

(A) the information in the complaint is true and accurate to the best of the Complainant's recollection;

(B) the Complainant agrees to cooperate with the Board's investigation of the complaint by furnishing to the Board all pertinent or requested information and records in the Complainant's possession concerning the alleged misconduct of the Respondent;

(C) the Complainant shall testify as a witness if a hearing is held concerning the alleged misconduct of the Respondent;

(D) the Complainant understands his or her identity will be disclosed to the Respondent;

(E) the Complainant understands that anonymous complaints will not be processed by the Board;

(F) the Complainant understands that the Board cannot provide him or her with legal advice, cannot represent the Complainant or intervene on his or her behalf in court proceedings, and cannot provide any opinions or make any determinations regarding civil liability;

(G) the Complainant understands that he or she should not wait for the Board's disposition of the complaint before pursuing any legal claim or seeking legal advice, if he or she believes that damages have been incurred because of an alleged act or omission by Respondent.

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

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

Eff. September 1, 1979;

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

1 *Amended Eff. August 1, 2004;*
2 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
3 *~~2017.~~ 2017.*
4 *Amended Eff. February 1, 2026.*
5

21 NCAC 34A .0127 is proposed for amendment as follows:

21 NCAC 34A .0127 ~~FILING~~ SUBMISSION OF DOCUMENTS

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

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

Eff. January 1, 2009;

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

Amended Eff. February 1, 2026.

21 NCAC 34B .0104 is proposed for amendment as follows:

21 NCAC 34B .0104 CHANGE IN EMPLOYMENT

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

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

Eff. February 1, 1976;

Readopted Eff. September 27, 1977;

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

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

Amended Eff. February 1, 2026.

21 NCAC 34B .0110 is proposed for amendment as follows:

21 NCAC 34B .0110 WORK REPORTS AND CHECKLISTS

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

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

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

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

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

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

(e) Resident trainees shall maintain a list of the preneed funeral contracts with which the resident trainees participated.

(f) All documents and information set forth in this Rule shall be retained by the trainee until his or her traineeship requirement has been certified by the Board. During this time, the reports and information shall be subject to inspection by the Board or its authorized agent.

1 *History Note:* *Authority G.S. 90-210.23(a); 90-210.23(d); 90-210.23(f); 90-210.25(a)(4)e.; 90-210.25(a)(4)g.;*
2 *90-210.67(a); 90-210.69(a);*
3 *Eff. February 1, 1976;*
4 *Readopted Eff. September 27, 1977;*
5 *Amended Eff. November 1, 2004; June 1, 1994; August 1, 1988; September 1, 1979;*
6 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
7 *2017;*
8 *Amended Eff. February 1, 2026; November 1, 2020.*
9
10

21 NCAC 34B .0126 is proposed for amendment as follows:

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

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

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

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

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

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

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

- (1) Setting features;
- (2) Mixing fluids;
- (3) Raising vessels and inserting tubes;
- (4) Injecting fluids;
- (5) Suturing incisions;
- (6) Cavity treatment;
- (7) Removal and disinfecting of body;

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

10 *History Note: Authority G.S. 90-210.20(f); 90-210.23(a), (d), (f); 90-210.25(a)(4); 90-210.67(a); 90-210.69(a);*
11 *Eff. June 1, 1994;*
12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
13 *~~2017.~~ 2017.*
14 *Amended Eff. February 1, 2026.*
15
16
17

21 NCAC 34B .0202 is proposed for amendment as follows:

21 NCAC 34B .0202 APPLICATIONS

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

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

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

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

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

(1) The applicant's full name, residential address, phone number, and email address;

(2) The license type for which the applicant is seeking eligibility;

(3) The name of each college or university attended by the applicant, the dates of attendance, and the graduation date and degree(s) obtained, if any; and

(4) Whether the applicant has requested that a certified transcript from each college or university attended by the applicant be sent to the Board and, if so, the date on which the applicant ordered the transcript.

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

(1) The applicant's full name, date of birth, place of birth, sex, and social security number;

(2) The applicant's email address, residential address, mailing address, and phone number(s);

(3) The name and address of the applicant's current employer and past employers over the three years preceding the application, to include the dates of employment and nature of the work performed by the applicant;

(4) Whether the applicant is applying for a funeral service license, a funeral director license, or embalmer license;

(5) The name of each college or university attended by the applicant, the dates of attendance, and the graduation date and degree(s) obtained, if any;

- (6) A certified transcript from each college or university at which the applicant attended courses toward his or her attainment of the educational degree required for the type of license sought, as set forth in G.S. 90-210.25(a)(1), (2), (3);
- (7) Official score reports showing passage of the required examination for the type of licensure sought pursuant to G.S. 90-210.25(a)(1), (2), (3) that are provided to the Board by the examination testing provider;
- (8) Whether the applicant has ever been certified, licensed, or registered to practice funeral service by the Board or by another occupational licensing board and, if so, the type of credential, the jurisdiction of issuance, the issuance date, the expiration date, and any examinations taken to obtain the credential;
- (9) Whether the applicant ever has been denied a credential in another state and, if so, the jurisdiction and the reason for the denial of the credential;
- (10) Whether the applicant has been convicted of a felony or misdemeanor crime and, if so, a statement providing the jurisdiction, charge, date of disposition, and sentence imposed of each conviction;
- (11) Whether the applicant has any criminal charges currently pending and, if so, the nature of the charge and the jurisdiction in which the charge is pending;
- (12) Whether the applicant has had an occupational or business license suspended or revoked by any local, state, or federal agency and, if so, a statement providing the reason for the action and the date, location, and circumstances of any violation that led to action against the license;
- (13) Whether any court, board, agency, or professional organization has found applicant guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal and the date of the finding;
- (14) Whether the applicant has any charges pending before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal in which the charge is pending;
- (15) Whether, within the preceding 2 years, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;
- (16) The applicant's notarized signature to certify that:
- (A) he or she has prepared the application and has read the answers;
- (B) the information provided in the application is true;
- (C) the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789; and
- (D) he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board.

1 (17) The application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application
2 fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license
3 until the renewal fees and non-sufficient fund charges are paid.
4
5

6 *History Note:* *Authority G.S. 90-210.23(a); 90-210.25(a)(1),(2),(3)*
7 *Eff. February 1, 1976;*
8 *Readopted Eff. September 27, 1977;*
9 *Amended Eff. January 1, 2009; October 1, 1983;*
10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
11 ~~*2017. 2017;*~~
12 *Amended Eff. February 1, 2026.*
13
14
15

21 NCAC 34B .0401 is proposed for amendment as follows:

SECTION .0400 – CONTINUING EDUCATION

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

21 NCAC 34B .0401 ESTABLISHMENT AND APPROVAL OF COURSES

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

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

Eff. February 1, 1976;

Readopted Eff. September 27, 1977;

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

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

Amended Eff. February 1, 2026.

21 NCAC 34B .0414 is proposed for amendment as follows:

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

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

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

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

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

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

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

Eff. July 1, 2005;

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

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

Amended Eff. February 1, 2026.

21 NCAC 34B .0501 is proposed for repeal as follows:

SECTION .0500 - OUT-OF-STATE LICENSEES

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

21 NCAC 34B .0501 APPLICATION FOR LICENSE

*History Note: Authority G.S. 90-210.23(a); 90-210.25(b)(1); 150B-11(1);
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. September 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,
~~2017.~~ 2017:
Repeal Eff. February 1, 2026.*

21 NCAC 34B .0507 is proposed for amendment as follows:

21 NCAC 34B .0507 COURTESY CARDS

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

*History Note: Authority G.S. 90-210.23(a); 90-210.25(b)(3); 150B-11(1);
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Amended Eff. September 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,
~~2017.~~ 2017;
Amended Eff. February 1, 2026.*

21 NCAC 34B .0508 is proposed for amendment as follows:

21 NCAC 34B .0508 APPLICATION FORM FOR COURTESY CARD

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

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

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

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

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

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

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

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

14
15
16 *History Note:* *Authority G.S. 90-210.23(a); 90-210.25(b)(3);*

17 *Eff. February 1, 1976;*

18 *Readopted Eff. September 27, 1977;*

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

20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
21 *2017. 2017:*

22 *Amended Eff. February 1, 2026.*

21 NCAC 34B .0510 is proposed for amendment as follows:

21 NCAC 34B .0510 COURTESY CARD RENEWAL FORM

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

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

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

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

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

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

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

13
14 *History Note: Authority G.S. 90-210.23(a); 90-210.25(b)(3);*

15 *Eff. February 1, 1976;*

16 *Readopted Eff. September 27, 1977;*

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

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

20 *Amended Eff. February 1, 2026.*

21 NCAC 34B .0605 is proposed for amendment as follows:

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

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

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

Eff. February 1, 1976;

Readopted Eff. September 27, 1977;

Amended Eff. September 1, 1979;

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

Amended Eff. February 1, 2026.

21 NCAC 34B .0613 is proposed for amendment as follows:

21 NCAC 34B .0613 DISCLOSURE STATEMENTS

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

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

Eff. February 1, 1976;

Readopted Eff. September 27, 1977;

Amended Eff. September 1, 1979;

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

Amended Eff. February 1, 2026.

21 NCAC 34B .0615 is proposed for amendment as follows:

21 NCAC 34B .0615 FUNERAL ESTABLISHMENT INSPECTION FORM

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

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

Eff. February 1, 1976;

Readopted Eff. September 27, 1977;

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

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

Amended Eff. February 1, 2026.

21 NCAC 34B .0703 is proposed for amendment as follows:

21 NCAC 34B .0703 DISPOSAL OF REFUSE: VENTILATION

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

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

Eff. February 1, 1976;

Readopted Eff. September 27, 1977;

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

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

Amended Eff. February 1, 2026.

21 NCAC 34B .0706 is proposed for amendment as follows:

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

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

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

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

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

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

Eff. September 1, 2009;

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

Amended Eff. February 1, 2026.

21 NCAC 34C .0305 is proposed for repeal as follows:

21 NCAC 34C .0305 MONTHLY REPORTS

*History Note: Authority G.S. 90-210.132; 90-210.134(a);
Eff. July 1, 1991;
Amended Eff. February 1, 2009; July 1, ~~2004~~, 2004;
Repealed Eff. February 1, 2026.*

21 NCAC 34D .0304 is proposed for amendment as follows:

21 NCAC 34D .0304 TRANSFER OF TRUST FUNDS

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

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

*History Note: Authority G.S. 90-210.69(a); 90-210.68(b);
Eff. May 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017. 2017:
Amended Eff. February 1, 2026.*