



HOUSE BILL 554: Funeral Practice Licensure Tech. Corrections.

2019-2020 General Assembly

Committee:	Senate Finance. If favorable, re-refer to Rules and Operations of the Senate	Date:	July 8, 2019
Introduced by:	Reps. Boles, Alexander, Hunter	Prepared by:	Jason Moran-Bates* Staff Attorney
Analysis of:	Fifth Edition		

OVERVIEW: *House Bill 554 would make a number of changes to the laws governing the licensure and practice of funeral services, including:*

- *Make changes to the licensure examination requirements.*
- *Establish requirements for issuance of a provisional license by the Board of Funeral Service.*
- *Require that certificates of compliance for preneed funeral contracts be filed with the Board of Funeral Service.*
- *Require that crematory licensees comply with federal regulations for funeral industry practices and obtain necessary documentation before cremating an individual who died in another state.*
- *Require that all licensees comply with rules for the disposal of pacemakers and other hazardous devices.*
- *Provide that a medical professional who signs a death certificate is immune from civil liability so long as the cause of death is determined in good faith.*

BILL ANALYSIS:

Section 1.(a) would:

- Make technical and clarifying changes to the licensure exam requirements for the practice of funeral service.
- Provide that a passing score on an exam taken prior to October 1, 2018, is good for five years.
- Provide that a resident traineeship completed prior to October 1, 2018, is good for five years.
- Authorize the Board to issue a provisional license to an applicant who:
 - completes a Board-approved application and pays the \$500 fee;
 - is at least 18 years of age and is of good moral character;
 - possesses an undergraduate or Associate of Applied Science degree in any field, or a diploma in funeral directing from a Board-approved curriculum at an accredited college of mortuary science; and
 - is certified or eligible for certification as a resident trainee, or has at least five years of professional experience under supervision of a licensed funeral director.

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- Provide that the provisional license would expire on December 31 of each year, and could not be renewed more than twice.
- Require a provisional licensee to complete a minimum of five hours of continuing education each year.
- Authorize the Board to issue a funeral director license to a provisional licensee who, within three years of first obtaining a provisional license, satisfies the board that the applicant has obtained passing scores on a Board-approved entry level examination in funeral directing, the laws of North Carolina, the standards set forth in Funeral Industry Practices, 16 C.F.R. § 453 (1984), pursuant to its most recent version, and rules of the Board and other agencies dealing with the care, transportation, and disposition of dead human bodies.

Section 1.(b) would require licensees who accept transfers of preneed funeral contracts to file a certificate of performance with the Board of Funeral Service.

Section 1.(c) would require crematory licensees to comply with the federal Funeral Industry Practices in C.F.R. § 453.

Section 1.(d) would authorize the Board to enforce compliance with the standards set forth in Funeral Industry Practices, 16 C.F.R. § 453 (1984), as amended.

Section 1.(e) would provide that for any death occurring outside North Carolina, a crematory licensee is prohibited from cremating the body without first obtaining a copy of the burial-transit or disposal permit issued under the law of the place where the death occurred.

Section 1.(f) would require all licensees removing a hazardous implanted device or material in the course of conducting a cremation to comply with all regulations regarding the removal such hazardous or material.

Section 1.(g) would require all licensees performing hydrolysis to handle potentially hazardous implanted devices other than pacemakers and defibrillators in compliance with all laws and regulations governing the handling of such material.

Section 2 would amend the law governing burial-transit permits to prohibit crematory licensees from cremating individuals who died outside North Carolina without obtaining a burial-transit form issued under the law of the place where the individual died.

Section 3 would make physicians, physician assistants, and nurse practitioners who sign death certificates immune from civil liability, provided that they do not act with wanton conduct or intentional wrongdoing.

EFFECTIVE DATE: Sections 1.(b) through 1.(g), Section 2, and Section 2 of the act become effective July 31, 2019, and apply to cremations on or after that date. The remainder of the act is effective when it becomes law, and Section 1.(a) applies to licenses granted on or after that date.

**LAD Staff Attorneys Jeff Hudson and Bill Patterson substantially contributed to this summary.*