



HOUSE BILL 554: Funeral Practice Licensure Tech. Corrections.

2019-2020 General Assembly

Committee:		Date:	December 4, 2019
Introduced by:		Prepared by:	Jason Moran-Bates Staff Attorney
Analysis of:	S.L. 2019-207		

OVERVIEW: *S.L. 2019-207 makes a number of changes to the laws governing the licensure and practice of funeral services, including:*

- *Making changes to the licensure examination requirements.*
- *Establishing requirements for issuance of a provisional license by the Board of Funeral Service.*
- *Requiring that certificates of compliance for preneed funeral contracts be filed with the Board of Funeral Service.*
- *Requiring that crematory licensees comply with federal regulations for funeral industry practices and obtain necessary documentation before cremating an individual who died in another state.*
- *Requiring that all licensees comply with rules for the disposal of pacemakers and other hazardous devices.*
- *Providing 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.*

The portions of the act pertaining to preneed funeral compliance, cremations, and burial transportation became effective July 31, 2019. The remainder of the act became effective August 21, 2019.

BILL ANALYSIS:

Licensing Changes

- Technical and clarifying changes to the licensure exam requirements for the practice of funeral service are made.
- A passing score on an exam taken prior to October 1, 2018, is good for five years.
- A resident traineeship completed prior to October 1, 2018, is good for five years.
- The Board may 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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- A provisional license will expire on December 31 of each year, and cannot be renewed more than twice.
- A provisional licensee must complete a minimum of five hours of continuing education each year.
- The Board may 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.

Preneed Contract Reporting Requirements

Licensees who accept transfers of preneed funeral contracts must file a certificate of performance with the Board of Funeral Service.

Crematory Requirement Changes

- Crematory licensees must comply with the federal Funeral Industry Practices in C.F.R. § 453.
- The Board must enforce compliance with the standards set forth in Funeral Industry Practices, 16 C.F.R. § 453 (1984), as amended.
- 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.
- All licensees removing a hazardous implanted device or material in the course of conducting a cremation must comply with all regulations regarding the removal such hazardous or material.
- All licensees performing hydrolysis to handle potentially hazardous implanted devices other than pacemakers and defibrillators must be in compliance with all laws and regulations governing the handling of such material.
- The law governing burial-transit permits is amended 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.

Death Certificates

Physicians, physician assistants, and nurse practitioners who sign death certificates are immune from civil liability, provided that they do not act with wanton conduct or intentional wrongdoing.

EFFECTIVE DATE: The portions of the act pertaining to preneed funeral compliance, cremations, and burial transportation became effective July 31, 2019. The remainder of the act became effective August 21, 2019.

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