



HOUSE BILL 278: The Rakim Shackelford Embalming Fluid Act.

2023-2024 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	May 24, 2023
Introduced by:	Reps. Fontenot, Cotham, Winslow	Prepared by:	Anna Parsons Robert Ryan Staff Attorneys
Analysis of:	Second Edition		

OVERVIEW: *House Bill 278 would amend Chapter 90 of the General Statutes to create new criminal offenses related to the unlawful sale of and possession of embalming fluid.*

BILL ANALYSIS:

Section 2 of the bill defines the term "embalming fluid" and makes other technical changes.

Section 3 of the bill would amend Article 13A (Practice of Funeral Service) of Chapter 90 of the General Statutes to create a new criminal offense making it a Class I felony for a funeral director, embalmer, or resident trainee to knowingly give, sell, permit to be sold, offer for sale, or display for sale embalming fluid to another person with actual knowledge the person is not a funeral director, embalmer, or resident trainee.

Section 4 of the bill would amend Chapter 90 of the General Statutes by adding Article 5H (Miscellaneous Drug-Related Regulations) to create the following new criminal offenses:

- Making it unlawful to possess embalming fluid for any purpose other than the lawful preservation of dead human bodies or wildlife.
- Making it unlawful to sell, deliver, or distribute embalming fluid to another person with knowledge the person intends to use the embalming fluid for any purpose other than the lawful preservation of dead human bodies or wildlife.

Punishment for both Article 5H offenses depends on the amount of embalming fluid involved as follows:

- Less than 28 grams is a Class I felony, with punishment ranging from unsupervised probation to an active sentence of 3 months minimum to 24 months maximum.
- 28 grams to 199 grams is a Class G felony, with punishment ranging from unsupervised probation to an active sentence of 8 months minimum to 47 months maximum.
- 200 grams to 399 grams is a Class F felony, with punishment ranging from unsupervised probation to an active sentence of 10 months minimum to 59 months maximum.
- 400 or more grams is a Class D felony, with punishment ranging from an active sentence of 38 months minimum to 204 months maximum.

Section 5 of the bill grants limited immunity from prosecution to overdose victims and Samaritans who seek medical attention for overdose victims where the embalming fluid violation is punishable as a Class I felony.

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Legislative Analysis
Division

House Bill 278

Page 2

EFFECTIVE DATE: Effective December 1, 2023, and applies to offenses committed on or after that date.