

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

**SENATE BILL 138
RATIFIED BILL**

AN ACT TO DEFINE THE ENTRY-LEVEL EXAMINATION NECESSARY FOR A FUNERAL DIRECTOR, TO MODIFY THE RECIPROCITY REQUIREMENTS FOR LICENSEES FROM OTHER JURISDICTIONS, TO ALLOW FOR AN EXTENDED PERIOD DURING STATES OF EMERGENCY FOR RECEIPT OF PERMITTING FEES BY THE BOARD, AND TO REQUIRE LOCAL HEALTH DEPARTMENTS AND REGISTERS OF DEEDS TO ACCEPT PAPER DEATH CERTIFICATES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 90-210.20 is amended by adding a new subsection to read:

"(e1) "Entry-level examination in funeral directing" means an examination (i) offered as a component of a final or capstone course in a mortuary science program approved by the Board or (ii) accredited by the American Board of Funeral Service Education or an examination equivalent to the State Board Examination-Arts in Funeral Directing to assess competency in the following subjects:

- (1) Funeral arranging and directing.
- (2) Funeral service marketing and merchandising.
- (3) Funeral service counseling.
- (4) Legal and regulatory compliance.
- (5) Cemetery and crematory operations."

SECTION 1.(b) G.S. 90-210.25(b) reads as rewritten:

"(b) Persons Licensed under the Laws of Other Jurisdictions. –

...

(1a) Notwithstanding subdivision (1) of this subsection, the Board shall grant licenses to funeral directors licensed in other jurisdictions if the applicant has satisfied all of the following:

- a. The applicant holds an active, valid license in good standing as a funeral director issued by the other jurisdiction for at least 10 years.
- b. The applicant has demonstrated knowledge of the laws and rules governing the profession in North Carolina through achieving a passing score on the law and rules exam administered on behalf of the Board.
- c. The applicant has submitted proof of the applicant's good moral character.

Nothing in this subdivision shall preclude any individual from obtaining a license by meeting the requirements of subdivision (1) of this subsection, or subdivision (1), (2), or (3) of subsection (a) of this section.

...."

SECTION 1.(c) G.S. 90-210.67(d) reads as rewritten:

"(d) Any person selling a preneed funeral contract, whether funded by a trust deposit or a prearrangement insurance policy, shall remit to the Board, within 10 days of the sale, a fee not to exceed twenty dollars (\$20.00) for each sale and a copy of each contract. The person shall pay



a late fee of not more than twenty-five dollars (\$25.00) for each late filing and payment. The fees shall not be remitted in cash. If the person resides in a county that is under a state of emergency, as defined in G.S. 166A-19.3(19), at the time of the sale, then the Board shall extend the period to file and pay the fee for each sale and copy of each contract to 30 days from the date of the sale."

SECTION 2.(a) It is the intent of the General Assembly to ensure a smooth transition away from a manual, paper-based process for creating death records toward a secure, web-based, online electronic death registration system. Accordingly, as the Department of Health and Human Services, Division of Public Health, Office of Vital Records, progresses toward statewide implementation of the North Carolina Database Application for Vital Events (NCDAVE) system, each local health department and each local register of deeds shall accept paper death certificates through August 31, 2022.

SECTION 2.(b) G.S. 130A-115 is amended by adding a new subsection to read:

"(g) Beginning September 1, 2022, death certificates shall be filed electronically with the Office of Vital Records via the North Carolina Database Application for Vital Events (NCDAVE) system. No individual responsible for the certification of a death pursuant to subsection (c) of this section shall fail or refuse to certify the death certificate via the designated electronic death registration system. Notwithstanding subsection (f) of this section, any individual who willfully and knowingly violates this requirement may be assessed an administrative penalty of two hundred fifty dollars (\$250.00) for the first violation, five hundred dollars (\$500.00) for the second violation, and one thousand dollars (\$1,000.00) for the third and each subsequent violation."

SECTION 3. Sections 1(a) and 1(b) of this act become effective on October 1, 2022, and apply to applications for licensure on or after that date. Section 1(c) of this act is effective when it becomes law and applies to sales of contracts on or after that date. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 1st day of July, 2022.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Roy Cooper
Governor

Approved _____m. this _____ day of _____, 2022