

ARTICLE 25-03
FUNERALS, FUNERAL SERVICES, AND LICENSING OF FUNERAL ESTABLISHMENTS

Chapter	
25-03-01	Licensing of Funeral Establishments
25-03-02	Funerals
25-03-03	Funeral Services and Merchandise

CHAPTER 25-03-01
LICENSING OF FUNERAL ESTABLISHMENTS

Section	
25-03-01-01	Funeral Establishment License
25-03-01-02	Requirements for Funeral Establishment

25-03-01-01. Funeral establishment license.

1. **Application for license.** An application for licensing of a funeral establishment, except a funeral chapel, must be made on a form provided by the board and be accompanied by a fee of one hundred dollars.
2. **License renewal.** A funeral establishment license expires after December thirty-first of every year, and may be renewed by the board by submitting to the board a completed renewal application and the renewal fee of one hundred dollars.
3. **Change of owner, supervising personnel, funeral home name, or location.** A funeral establishment license may not be transferred from one owner to another. The new owner shall submit an application for a new license to the executive secretary of the board, accompanied by a fee of one hundred dollars. The funeral establishment license is issued in conjunction with a funeral practitioner license. Should the funeral practitioner signing the funeral establishment license application no longer be associated with the funeral establishment, the funeral practitioner shall notify the board. No funeral establishment license shall be valid unless the funeral establishment is under the supervision of a funeral practitioner. A change in the funeral practitioner supervising the funeral establishment or funeral establishment name or location requires a new funeral establishment license.

History: Amended effective July 1, 1983; May 1, 1993; May 1, 1998; April 1, 2005; January 1, 2015.

General Authority: NDCC 43-10-05

Law Implemented: NDCC 43-10-05, 43-10-22

25-03-01-02. Requirements for funeral establishment.

All funeral establishments, except funeral chapels, must contain a preparation and embalming room and office space for making arrangements. A preparation and embalming room must meet all of the following requirements:

1. Be of sufficient size and dimensions to accommodate a preparation or embalming table, an open fixture with water connects, and an instrument table, cabinet, or shelves.
2. Be properly lit and ventilated with an exhaust fan that provides at least twelve air changes per hour, and is so located that air is drawn away from the person preparing the preparations.
3. Have plumbing fixtures, water supply lines, plumbing vents, and waste drains properly vented and connected in compliance with article 62-03.1.
4. Have nonporous flooring, so that a sanitary condition is provided. The walls and ceiling of the preparation and embalming room must run from floor to ceiling and be covered with tile, or by

plaster or sheetrock painted with washable paint, or other appropriate material so that a sanitary condition is provided. The doors, walls, ceiling, and windows must be constructed to prevent odors from entering into any other part of the building. All windows or other openings to the outside must be screened and all windows must be treated in a manner that prevents viewing into the preparation room from the outside.

5. Have a preparation and embalming table and a functioning aspirator. The preparation and embalming table must have a nonporous top, preferably a rustproof metal or porcelain, with raised edges around the top of the entire table and a drain opening at the lower end. Where embalmings are actually performed in the room, the room must be equipped with a functional method for injection of fluids, an eyewash station, a drench shower, and sufficient supplies and instruments for normal operations.
6. Be private and have no general passageway through it. Each door allowing ingress or egress must carry a sign that indicates that the room is private and access is limited.
7. Be maintained in a clean and sanitary condition at all times and not be used for any other purposes.

History: Effective May 1, 1998; amended effective January 1, 2015.

General Authority: NDCC 43-10-05

Law Implemented: NDCC 43-10-05, 43-10-06, 43-10-22, 43-10-23