

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1116

Introduced by

Government and Veterans Affairs Committee

(At the request of the State Board of Funeral Service)

1 A BILL for an Act to create and enact a new subsection to section 43-10-05 of the North Dakota
2 Century Code, relating to the powers of the state board of funeral service to sponsor continuing
3 education; and to amend and reenact subsection 6 of section 43-10-10.1 and sections
4 43-10-13, 43-10-14, 43-10-15, 43-10-15.1, 43-10-22, 43-10-23, 43-10-25, and 43-10-26 of the
5 North Dakota Century Code, relating to an exception to the requirement of a license to practice
6 funeral service, licensing of funeral practitioners, licensing and inspection of funeral
7 establishments, licensing of crematoriums, and disposition of cremated remains.

8 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

9 **SECTION 1.** A new subsection to section 43-10-05 of the North Dakota Century Code
10 is created and enacted as follows:

11 Sponsor continuing education.

12 **SECTION 2. AMENDMENT.** Subsection 6 of section 43-10-10.1 of the North Dakota
13 Century Code is amended and reenacted as follows:

14 6. This chapter does not prohibit individuals licensed in other states, as embalmers or
15 funeral directors, from assisting ~~a North Dakota licensed embalmer during~~
16 ~~disasters or special emergencies~~ funeral practitioners.

17 **SECTION 3. AMENDMENT.** Section 43-10-13 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **43-10-13. License - When granted - Fee - Signed by majority of board -**

20 **Nontransferable - Where displayed.** The board shall grant a license to practice funeral
21 service if the applicant:

- 22 1. Has the required qualifications;
23 2. Has passed the required examination; and

3. Has paid to the treasurer of the board a sum of not more than ~~one~~ two hundred dollars, as established by the board.

The license must be signed by a majority of the board, be attested by the board's seal, and specify by name the person to whom it is issued. A license is nonassignable ~~and~~, nontransferable, and must be displayed ~~by the licensee in a conspicuous place in the licensee's office or place of business~~ where it can be observed by the public.

SECTION 4. AMENDMENT. Section 43-10-14 of the North Dakota Century Code is amended and reenacted as follows:

43-10-14. License by reciprocity. A licenseholder in good standing in another ~~state~~ maintaining a system and standard of examination equivalent to jurisdiction that imposes requirements for licensure which are at least as stringent as the requirements of this state may be issued a license after passing a written examination on questions concerning laws and rules of this state, upon payment of a fee established by the board, and proof of good moral character.

SECTION 5. AMENDMENT. Section 43-10-15 of the North Dakota Century Code is amended and reenacted as follows:

43-10-15. License - Term - Renewal - Fee for renewal. A license to practice funeral service is valid ~~for one year~~ until the end of the year issued and may be renewed by the board upon the payment to the treasurer of the annual renewal fee before December thirty-first of each year. The amount of the fee may not exceed ~~one~~ two hundred dollars. The board may refuse to renew a license for cause.

SECTION 6. AMENDMENT. Section 43-10-15.1 of the North Dakota Century Code is amended and reenacted as follows:

43-10-15.1. Late renewal. A license that has been expired may be renewed at any time within ~~three~~ two years after its expiration on filing an application for renewal on a form prescribed by the board and payment of the renewal fee in effect on the last regular renewal date. If the license is not renewed within thirty days after its expiration, the licensee shall pay a late fee determined by the board not to exceed one hundred fifty dollars. Renewal under this section is effected on the date on which the application is filed, on the date which the renewal fee is paid, or on the date on which the late fee, if any, is paid, whichever last occurs. A license that is not renewed within ~~three~~ two years after its expiration may ~~not~~ be renewed ~~thereafter~~ by

1 filing an application for renewal on a form prescribed by the board, payment of all annual
2 renewal fees due since the expiration, payment of the late fee, and passing the law and rules
3 examination.

4 **SECTION 7. AMENDMENT.** Section 43-10-22 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **43-10-22. Licensure of funeral establishments.** A person may not operate or
7 manage a funeral establishment without a funeral establishment license issued by the board for
8 each place of business. Except for on tribal land, a funeral establishment may not be located
9 on tax-exempt property. A person desiring to operate a funeral establishment shall submit an
10 application for an annual license for each funeral establishment to the secretary or executive
11 secretary of the board accompanied by a license fee for each establishment of not more than
12 ~~one~~ two hundred dollars, as established by the board. A person operating or managing a
13 funeral establishment shall annually, on or before December first, submit an application for
14 renewal of a license with a renewal fee of not more than ~~one~~ two hundred dollars, as
15 established by the board. A license is valid until the following January first, unless sooner
16 revoked. An application must show that the funeral establishment has complied with all rules
17 adopted by the board in regard to safety and sanitation and will be under the supervision of an
18 individual licensed to practice funeral service. An applicant who has met these standards must
19 be issued a license. In case of the death of an owner of a funeral establishment who leaves an
20 established business as part or all of an estate, the board may issue a special renewable
21 temporary license to the personal representative of the deceased person for the duration of the
22 administration of the estate, but which may not exceed two years. The fee for the temporary
23 license is the same as required for regular licenses.

24 **SECTION 8. AMENDMENT.** Section 43-10-23 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **43-10-23. Inspections - Hearings - Revocations - Appeal.** The funeral
27 establishment, or that part of a funeral establishment in which is conducted or intended to be
28 conducted any funeral service business, must be open at all times for inspection by the board
29 or the state department of health. The board or agents employed by it and the state
30 department of health may make such inspections as are necessary of facilities and equipment
31 of funeral establishments to ensure compliance with safety and sanitary rules adopted by the

1 board or any other rules or federal regulations pertaining to funeral service whenever either
2 deems the inspection advisable. ~~If, upon inspection, it is found that such rules are not complied~~
3 ~~with, the board shall notify the holder of the funeral establishment license and hold a hearing.~~
4 The board may subpoena witnesses, administer oaths, and take testimony. All proceedings
5 under this section must be conducted in accordance with chapter 28-32. The board may, after
6 a hearing, revoke, suspend, or refuse to issue or renew a license upon good cause. A person
7 aggrieved by the action of the board may appeal to the district court of the county in which the
8 person resides or the district court of Burleigh County in accordance with chapter 28-32.

9 **SECTION 9. AMENDMENT.** Section 43-10-25 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **43-10-25. Licensure of crematoriums.** A person may not operate a crematorium
12 without a license issued by the board. A person desiring to operate a crematorium shall submit
13 an application for an annual license to the board. The license fee may not exceed ~~one~~ two
14 hundred dollars and must be the same as a funeral establishment license.

15 **SECTION 10. AMENDMENT.** Section 43-10-26 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **43-10-26. Disposition of stored cremated remains.** Any cremated remains in the
18 possession of a funeral home in this state that have not been claimed within ~~twelve~~ six months
19 after the time of cremation may be disposed of in accordance with this section and section
20 43-10-06.1. At least thirty days prior to such disposition, any funeral home wishing to dispose
21 of such remains shall send a written notice to the last-known address of the responsible person
22 who directed and provided for the method of final disposition of the human remains to the effect
23 that such remains will be disposed of unless claimed by the person within thirty days from the
24 date of mailing such notice. The notice must be sent by registered mail, return receipt
25 requested.