

Sixty-first  
Legislative Assembly  
of North Dakota

Introduced by

(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 power to sponsor continuing education; and to amend and  
3 reenact subsection 6 of section 43-20-10.1 and sections 43-10-13, 43-10-14, 43-10-15,  
4 43-10-15.1, 43-10-22, 43-10-23, 43-10-25, and 43-10-26 of the North Dakota Century Code,  
5 relating to an exception to the requirement of a license to practice funeral service, licensing of  
6 funeral practitioners, licensing and inspection of funeral establishments, licensing of  
7 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 disasters~~  
16 ~~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 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.