

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1017

Short Title: Board of Mortuary Science.

(Public)

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Sponsors: Representatives Michaux; and Wainwright.

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Referred to: Rules, Calendar and Operations of the House.

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April 21, 1997

A BILL TO BE ENTITLED

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2 AN ACT TO ELIMINATE STATEWIDE VOTING TO ELECT MEMBERS OF THE  
3 BOARD OF MORTUARY SCIENCE AND TO ALLOW THE MEMBERS OF THE  
4 FUNERAL DIRECTORS & MORTICIANS ASSOCIATION OF NORTH  
5 CAROLINA, INC., AND THE NORTH CAROLINA FUNERAL DIRECTORS  
6 ASSOCIATION, INC., TO ELECT MEMBERS OF THEIR ASSOCIATIONS TO  
7 SERVE ON THE BOARD.

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 90-210.18 is repealed.

10 Section 2. Article 13A of Chapter 90 of the General Statutes is amended by  
11 adding a new section to read:

12 "**§ 90-210.18A. Board of Mortuary Science created; qualifications; vacancies;**  
13 **removal; immunity.**

14 (a) The General Assembly declares that the practice of funeral service affects the  
15 public health, safety, and welfare and is subject to regulation and control in the public  
16 interest. The public interest requires that only qualified persons be permitted to practice  
17 funeral service in North Carolina and that the profession merit the confidence of the  
18 public. This Article shall be liberally construed to accomplish these ends.

19 (b) The North Carolina Board of Mortuary Science is created as a continuation of  
20 the North Carolina Board of Embalmers and Funeral Directors. The Board is the agency

1 for regulation of the practice of funeral service in this State. The Board shall have nine  
2 members as follows:

3 (1) The Funeral Directors & Morticians Association of North Carolina, Inc.,  
4 shall elect two members from its membership. One of the members shall  
5 hold a funeral director's license, and one shall hold a funeral service  
6 license.

7 (2) The North Carolina Funeral Directors Association, Inc., shall elect four  
8 members from its membership. The members shall hold either a funeral  
9 service license or both a funeral director's license and an embalmer's  
10 license.

11 (3) The Governor shall appoint three public members.

12 Members of the Board shall take office on January 1 following the expired term of  
13 that seat and shall serve for a term of three years or until their successors have been  
14 elected and qualified. No member may serve more than two complete consecutive terms.

15 (c) Qualifications. – Members elected by the Funeral Directors & Morticians  
16 Association of North Carolina, Inc., and the North Carolina Funeral Directors  
17 Association shall hold a license issued by the Board in the class designated for the seat to  
18 which the member was elected, and the member shall be engaged in full-time  
19 employment in this State in a practice authorized by his or her license. Public members  
20 shall not be licensed under this Article or employed by a person who is so licensed.

21 (d) Vacancies. – Any vacancy occurring in an elective seat on the Board shall be  
22 filled for the unexpired term by the association that originally filled the seat. Any  
23 vacancy occurring in a public member's seat shall be filled for the unexpired term by the  
24 Governor.

25 (e) Removal. – The Board may remove any of its members for neglect of duty,  
26 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings  
27 as a licensee shall be disqualified from participating in the official business of the Board  
28 until the charges have been resolved.

29 (f) Immunity From Suit. – Individual Board members shall be immune from civil  
30 liability arising from activities performed within the scope of their official duties."

31 Section 3. Members serving on the North Carolina Board of Mortuary Science  
32 (Board) on the effective date of this act may complete the terms for which they were  
33 elected or appointed. When the term of a member is completed on December 31, 1997,  
34 the Funeral Directors & Morticians Association of North Carolina, Inc., shall, pursuant to  
35 G.S. 90-210.18A, as enacted by Section 2 of this act, elect to the Board from its  
36 membership one member who holds a funeral director's license. When the term of a  
37 member is completed on December 31, 1998, the Funeral Directors & Morticians  
38 Association of North Carolina, Inc., shall, pursuant to G.S. 90-210.18A, as enacted by  
39 Section 2 of this act, elect to the Board from its membership one member who holds a  
40 funeral service license. When the term of a member is completed on December 31, 1997,  
41 the North Carolina Funeral Directors Association, Inc., shall, pursuant to G.S. 90-  
42 210.18A, as enacted by Section 2 of this act, elect to the Board from its membership one  
43 member who holds either a funeral service license or both a funeral director's license and

1 an embalmer's license. When the term of a member is completed on December 31, 1998,  
2 the North Carolina Funeral Directors Association, Inc., shall, pursuant to G.S. 90-  
3 210.18A, as enacted by Section 2 of this act, elect to the Board from its membership one  
4 member who holds either a funeral service license or both a funeral director's license and  
5 an embalmer's license. When the terms of two members are completed on December 31,  
6 1999, the North Carolina Funeral Directors Association, Inc., shall, pursuant to G.S. 90-  
7 210.18A, as enacted by Section 2 of this act, elect to the Board from its membership two  
8 members who hold either a funeral service license or both a funeral director's license and  
9 an embalmer's license. The Governor shall appoint the public members to the Board  
10 pursuant to G.S. 90-210.18A, as enacted by Section 2 of this act.

11           Section 4. This act is effective when it becomes law.