

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED 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 section to chapter 43-10 of the North Dakota
2 Century Code, relating to the powers of the state board of funeral service to conduct
3 information seminars; and to amend and reenact subsection 6 of section 43-10-10.1 and
4 sections 43-10-13, 43-10-14, 43-10-15.1, 43-10-22, and 43-10-23 of the North Dakota Century
5 Code, relating to an exception to the requirement of a license to practice funeral service,
6 licensing of funeral practitioners, and licensing and inspection of funeral establishments.

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

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

10 **Information seminars.** The board shall conduct information seminars. The seminars
11 may not be used as continuing education credits. The seminars may not be conducted in
12 conjunction with any other organization.

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

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

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

20 **43-10-13. License - When granted - Fee - Signed by majority of board -**

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

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

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

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

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

9 **43-10-14. License by reciprocity.** A licenseholder in good standing in another state
10 ~~maintaining a system and standard of examination equivalent to~~ jurisdiction that imposes
11 requirements for licensure which are at least as stringent as the requirements of this state may
12 be issued a license after passing a written examination on questions concerning laws and rules
13 of this state, upon payment of a fee established by the board, and proof of good moral
14 character.

15 **SECTION 5. AMENDMENT.** Section 43-10-15.1 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **43-10-15.1. Late renewal.** A license that has been expired may be renewed at any
18 time within ~~three~~ two years after its expiration on filing an application for renewal on a form
19 prescribed by the board and payment of the renewal fee in effect on the last regular renewal
20 date. If the license is not renewed within thirty days after its expiration, the licensee shall pay a
21 late fee determined by the board not to exceed one hundred fifty dollars. Renewal under this
22 section is effected on the date on which the application is filed, on the date which the renewal
23 fee is paid, or on the date on which the late fee, if any, is paid, whichever last occurs. A license
24 that is not renewed within ~~three~~ two years after its expiration may ~~not~~ be renewed ~~thereafter~~ by
25 filing an application for renewal on a form prescribed by the board, payment of the late fee, and
26 passing the law and rules examination.

27 **SECTION 6. AMENDMENT.** Section 43-10-22 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **43-10-22. Licensure of funeral establishments.** A person may not operate or
30 manage a funeral establishment without a funeral establishment license issued by the board for
31 each place of business. Except for on tribal land, a funeral establishment may not be located

1 on tax-exempt property. A person desiring to operate a funeral establishment shall submit an
2 application for an annual license for each funeral establishment to the secretary or executive
3 secretary of the board accompanied by a license fee for each establishment of not more than
4 one hundred dollars, as established by the board. A person operating or managing a funeral
5 establishment shall annually, on or before December first, submit an application for renewal of
6 a license with a renewal fee of not more than one hundred twenty-five dollars, as established
7 by the board. A license is valid until the following January first, unless sooner revoked. An
8 application must show that the funeral establishment has complied with all rules adopted by the
9 board in regard to safety and sanitation and will be under the supervision of an individual
10 licensed to practice funeral service. An applicant who has met these standards must be issued
11 a license. In case of the death of an owner of a funeral establishment who leaves an
12 established business as part or all of an estate, the board may issue a special renewable
13 temporary license to the personal representative of the deceased person for the duration of the
14 administration of the estate, but which may not exceed two years. The fee for the temporary
15 license is the same as required for regular licenses.

16 **SECTION 7. AMENDMENT.** Section 43-10-23 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **43-10-23. Inspections - Hearings - Revocations - Appeal.** The funeral
19 establishment, or that part of a funeral establishment in which is conducted or intended to be
20 conducted any funeral service business, must be open at all times for inspection by the board
21 or the state department of health. The board or agents employed by it and the state
22 department of health may make such inspections as are necessary of facilities and equipment
23 of funeral establishments to ensure compliance with safety and sanitary rules adopted by the
24 board or any other rules or federal regulations pertaining to funeral service whenever either
25 deems the inspection advisable. ~~If, upon inspection, it is found that such rules are not complied~~
26 ~~with, the board shall notify the holder of the funeral establishment license and hold a hearing.~~
27 The board may subpoena witnesses, administer oaths, and take testimony. All proceedings
28 under this section must be conducted in accordance with chapter 28-32. The board may, after
29 a hearing, revoke, suspend, or refuse to issue or renew a license upon good cause. A person
30 aggrieved by the action of the board may appeal to the district court of the county in which the
31 person resides or the district court of Burleigh County in accordance with chapter 28-32.