

HOUSE BILL NO. 1294

Introduced by

Representatives Seibel, B. Anderson, C. Johnson, Laning, Lefor, Nathe, J. Nelson, Rohr
Senators Klein, Unruh

1 A BILL for an Act to amend and reenact section 11-19.1-15, subsections 9 and 18 of section
2 23-02.1-01, sections 23-02.1-08, 23-02.1-21, and 23-02.1-22, subsection 2 of section
3 23-02.1-32, sections 23-06-02, 23-06-03, 23-06-04, 23-06-05, 23-06-06, 23-06-07, 23-06-08,
4 23-06-09, 23-06-10, 23-06-11, 23-06-12, 23-06-13, and 23-06-26, subsection 8 of section
5 23-06.6-13, section 30.1-28-06, subsection 4 of section 43-10-01, and sections 43-10-15.4,
6 43-10-21, and 43-10.1-02 of the North Dakota Century Code, relating to transportation and
7 disposition upon death; and to provide a penalty.

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

9 **SECTION 1. AMENDMENT.** Section 11-19.1-15 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **11-19.1-15. Notice of next of kin, disposition of personal belongings - Disposition of**
12 **body when next of kin cannot be found.**

13 The coroner of the county in which a death is discovered shall take charge of the case and
14 ensure that relatives or friends of the deceased individual, if known, are notified as soon as
15 possible, giving details of the death and disposition of the deceased individual. If the relatives or
16 friends of the deceased are unknown, the coroner shall dispose of the personal effects and
17 body in the following manner:

- 18 1. After using such clothing as may be necessary in the ~~burial~~final disposition of the
19 body, the remaining personal effects of the deceased must be turned over to law
20 enforcement for appropriate disposition.
- 21 2. The remains must be:
- 22 a. Disposed of in accordance with section 23-06-14; or
- 23 b. ~~Buried~~Otherwise disposed of in accordance with the laws governing the burial of
24 indigent persons within this state.

1 **SECTION 2. AMENDMENT.** Subsections 9 and 18 of section 23-02.1-01 of the North
2 Dakota Century Code are amended and reenacted as follows:

3 9. "Final disposition" means the entombment, burial, interment, cremation, whole-body
4 donation to a school of medicine, removal from the state, alkaline hydrolysis, or other
5 disposition of a dead body or fetus.

6 18. "Subregistrar" means a funeral ~~director~~practitioner or other suitable individual from a
7 licensed funeral home who is appointed by the state registrar for the purpose of
8 issuing ~~burial-transit~~final disposition-transit permits.

9 **SECTION 3. AMENDMENT.** Section 23-02.1-08 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **23-02.1-08. Duties of subregistrars.**

12 A subregistrar may issue ~~burial-transit~~final disposition-transit permits for those counties
13 served by the funeral home the subregistrar is employed by. The subregistrar or cemetery
14 sexton shall file all completed ~~burial-transit~~final disposition-transit permits with the county
15 recorder in the county where the final disposition took place within ten days after the date of
16 ~~interment~~final disposition or within the time prescribed by the local board of health. The
17 subregistrar is subject to the supervision and control of the state registrar and may be removed
18 by the state registrar for reasonable cause. The subregistrar is subject to the penalties for
19 neglect of duties as provided in section 23-02.1-32.

20 **SECTION 4. AMENDMENT.** Section 23-02.1-21 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **23-02.1-21. Permits.**

23 1. The funeral ~~director~~practitioner who first obtains custody of a dead body or fetus shall
24 obtain a ~~burial-transit~~final disposition-transit permit before final disposition or removal
25 from this state of the body or fetus.

26 2. The ~~burial-transit~~final disposition-transit permits must be issued by the state registrar
27 or a subregistrar and must be filed in the office of the county recorder where the final
28 disposition occurs in accordance with the requirements of sections 23-02.1-19 and
29 23-02.1-20.

- 1 3. A ~~burial-transit~~final disposition-transit permit issued under the laws of another state
2 which accompanies a dead body or fetus brought into this state is authority for final
3 disposition of the body or fetus in this state.
- 4 4. A permit for disinterment and reinterment is required before disinterment of a dead
5 body or fetus except as authorized by rules or otherwise provided by law. The permit
6 must be issued by the state registrar to a ~~licensed embalmer~~funeral practitioner upon
7 proper application.

8 **SECTION 5. AMENDMENT.** Section 23-02.1-22 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **23-02.1-22. Extension of time.**

- 11 1. The state department of health may, by regulation and upon such conditions as it may
12 prescribe to assure compliance with the purposes of this chapter, provide for the
13 extension of the periods of time prescribed in sections 23-02.1-19, 23-02.1-20, and
14 23-02.1-21 for the filing of death records, fetal death records, medical certification of
15 death, and for the obtaining of ~~burial-transit~~final disposition-transit permits in cases in
16 which compliance with the applicable prescribed period would result in undue
17 hardship.
- 18 2. Regulations of the state department of health may provide for the issuance of a
19 ~~burial-transit~~final disposition-transit permit under section 23-02.1-21 ~~prior to~~before the
20 filing of a record of death or fetal death upon conditions designed to assure
21 compliance with the purposes of this chapter in cases in which compliance with the
22 requirement that the records be filed ~~prior to~~before the issuance of the permit would
23 result in undue hardship.

24 **SECTION 6. AMENDMENT.** Subsection 2 of section 23-02.1-32 of the North Dakota
25 Century Code is amended and reenacted as follows:

- 26 2. a. Any person who refuses to provide information required by this chapter;
27 b. Any person who knowingly transports or accepts for transportation, interment, or
28 other final disposition of a dead body or fetus without an accompanying final
29 disposition-transit permit as provided in this chapter; or
30 c. Any person who willfully neglects or violates any of the provisions of this chapter
31 or refuses to perform any of the duties imposed upon the person by this chapter;

1 is guilty of an infraction.

2 **SECTION 7. AMENDMENT.** Section 23-06-02 of the North Dakota Century Code is
3 amended and reenacted as follows:

4 **23-06-02. Custody of body.**

5 The person charged with the duty of ~~burying~~final disposition of the body of a deceased
6 person is entitled to the custody of such body for the purpose of ~~burying it~~arranging for final
7 disposition. When the coroner is required to hold an inquest, however, the coroner is entitled to
8 the custody of the body until such inquest has been completed.

9 **SECTION 8. AMENDMENT.** Section 23-06-03 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **23-06-03. Duty of ~~burial~~final disposition.**

- 12 1. The duty of ~~burying~~final disposition of the body of a deceased individual devolves
13 upon the following individuals in order of priority:
- 14 a. Any legally competent adult given the duty of final disposition by the deceased
15 individual in a statement conforming with section 23-06-31, except the legally
16 competent adult specified in the statement conforming with section 23-06-31 may
17 decline the duty of final disposition unless the individual would otherwise have
18 the duty of final disposition under this section;
 - 19 b. The surviving husband or wifespouse if the deceased was married ~~or, if~~;
 - 20 c. If the deceased was not married but left kindred, upon one or more individuals in
21 the same degree, of adult age, nearest of kin to the deceased and possessed of
22 sufficient means to defray the necessary expensesthe majority of the adult
23 children of the decedent; however, in the absence of actual knowledge to the
24 contrary, a funeral director or mortician may rely on instructions given by the child
25 who represents to be the sole surviving child or the children who represent to
26 constitute a majority of the surviving children;
 - 27 d. The surviving parent or parents of the decedent, each having equal authority;
 - 28 e. The adult sibling or the majority of the adult siblings of the decedent; however, in
29 the absence of actual knowledge to the contrary, a funeral director or mortician
30 may rely on instructions given by the sibling who represents to be the sole

- 1 surviving sibling or the siblings who represent to constitute a majority of the
2 surviving siblings;
- 3 f. The adult grandchild or the majority of the adult grandchildren of the decedent;
4 however, in the absence of actual knowledge to the contrary, a funeral director or
5 mortician may rely on instructions given by a grandchild who represents to be the
6 only grandchild reasonably available to control final disposition of the decedent's
7 remains or the grandchildren who represent to constitute a majority of
8 grandchildren reasonably available to control final disposition of the decedent's
9 remains;
- 10 g. The grandparent or the grandparents of the decedent, each having equal
11 authority;
- 12 h. The adult nieces and nephews of the decedent or a majority of the adult nieces
13 and nephews; however, in the absence of actual knowledge to the contrary, a
14 funeral director or mortician may rely on instructions given by a niece or nephew,
15 who represents to be the only niece or nephew reasonably available to control
16 final disposition of the decedent's remains or the nieces and nephews who
17 represent to constitute a majority of the nieces and nephews reasonably
18 available to control final disposition of the decedent's remains;
- 19 i. An individual who was acting as the guardian of the decedent with authority to
20 make health care decisions for the decedent at the time of death;
- 21 j. An adult who exhibited special care and concern for the decedent;
- 22 k. An individual respectively in the next degree of kinship in the order named by law
23 to inherit the estate of the decedent; or
- 24 l. The appropriate public or court authority, as required by law. For purposes of this
25 subdivision, the appropriate public or court authority includes the county social
26 service board of the county in which the death occurred if the individual dies
27 without apparent financial means to provide for final disposition or the district
28 court in the county in which the death occurred.
- 29 2. If there is only one individual in a degree of relationship to the decedent described in
30 subsection 1, and a district court determines the person and the decedent were
31 estranged at the time of death, the right to control and the duty of disposition devolves

- 1 to the next degree of relationship under subsection 1. For purposes of this subsection,
2 "estranged" means having a relationship characterized by mutual enmity, hostility, or
3 indifference.
- 4 3. If an individual to whom the right to control and duty of disposition devolves under
5 subsection 1, refuses to accept or declines to act upon the right or duty, that right and
6 duty passes as follows:
- 7 a. To another individual with the same degree of relationship to the decedent as the
8 individual refusing to accept or declining to act; or
- 9 b. To the individual in the next degree of relationship to the decedent under
10 subsection 1.
- 11 4. If a dispute exists regarding the right to control or duty of disposition, the parties in
12 dispute or the mortician or funeral director may file a petition in the district court in the
13 county of residence of the decedent requesting the court make a determination in the
14 matter. If the right to control and duty of disposition devolves to more than one
15 individual with the same degree of relationship to the decedent and those individuals
16 do not, by majority vote, make a decision regarding arrangements and final disposition
17 and a district court has been petitioned to make a determination, the court shall
18 consider the following factors in making a determination:
- 19 a. The reasonableness, practicality, and resources available for payment of the
20 proposed arrangements and final disposition;
- 21 b. The degree of the personal relationship between the decedent and each of the
22 individuals in the same degree of relationship to the decedent;
- 23 c. The expressed wishes and directions of the decedent and the extent to which the
24 decedent provided resources for the purpose of carrying out the wishes or
25 directions; and
- 26 d. The degree to which the arrangements and final disposition will allow for
27 participation by all who wish to pay respect to the decedent.
- 28 5. If the individual who has the duty of burialfinal disposition does not buryarrange for
29 final disposition of the body within the time required by this chapter, the individual next
30 specified shall bury or otherwise dispose of the body within the requirements of this
31 chapter.

- 1 ~~3-6.~~ If the deceased is not survived by an individual described by subsection 1 and did not
2 leave sufficient means to defray funeral expenses, including the cost of a casket, the
3 county social service board of the county in which the deceased had residence for
4 county general assistance purposes or, if residence cannot be established, the county
5 social service board of the county in which the death occurs shall employ some person
6 to arrange for and supervise the ~~burial or cremation~~final disposition. If the deceased
7 was a resident or inmate of a public institution, the county in which the deceased was
8 a resident for county general assistance purposes immediately before entering the
9 institution shall employ a person to arrange for and supervise the ~~burial or~~
10 ~~cremation~~final disposition. Each board of county commissioners may negotiate with
11 the interested funeral directors or funeral homes regarding cremation expenses and
12 burial expenses but the total charges for burial services, including transportation of the
13 deceased to the place of burial, the grave box or vault, grave space, and grave
14 opening and closing expenses, may not be less than one thousand five hundred
15 dollars. The county social services board may provide for the use of a military casket
16 or urn, if the deceased was a veteran as defined in section 37-01-40, unless the
17 additional cost exceeds the negotiated expenses of this section or a surviving spouse
18 or the nearest of kin of the deceased elects a nonmilitary casket. The county social
19 service board shall pay the charge for funeral expenses as negotiated by the board of
20 county commissioners, less any amount left by the deceased to defray the expenses.
- 21 ~~4-7.~~ If the ~~person~~individual with the duty of ~~burial~~final disposition under this section, or the
22 personal representative of the decedent's estate, if any, is aware of the decedent's
23 instructions regarding the disposition of the remains, that person shall honor those
24 instructions, to the extent reasonable and possible, to the extent the instructions do
25 not impose an economic or emotional hardship. A decedent's instructions may be
26 reflected in a variety of methods, including pre-need funeral arrangements a deceased
27 articulated and funded in a pre-need funeral service contract, a health care directive, a
28 durable power of attorney for health care, a power of attorney, a will, a document
29 created under section 23-06-31, or a document of gift for an anatomical gift.
- 30 ~~5-8.~~ If the decedent died while serving in any branch of the United States armed forces, the
31 United States reserve forces, or the national guard, as provided by 10 U.S.C. 1481

1 section (a)(1) through (8) as effective through December 2001, and completed a
2 United States department of defense record of emergency data, DD form 93, or its
3 successor form or its equivalent branch's form, the duty to bury the decedent or to
4 provide other funeral and disposition arrangements for the decedent devolves on the
5 person authorized by the decedent pursuant to that form.

6 **SECTION 9. AMENDMENT.** Section 23-06-04 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **23-06-04. Time within which ~~burial or cremation~~final disposition must be made -**
9 **Exceptions.**

- 10 1. The dead body of a human being must be ~~buried or cremated~~disposed of by the
11 person charged with that duty within eight days after the death of such person except
12 when any of the following occur:
- 13 ~~1.~~ a. The right to dissect the body is expressly conferred by law.
14 ~~2.~~ b. The body is being carried through this state.
15 ~~3.~~ c. The body is being removed from this state for the purpose of ~~burial or~~
16 ~~cremation~~final disposition in some other state.
17 ~~4.~~ d. A permit is obtained from the local health officer or the state department of health
18 allowing a longer time during which the body need not be ~~buried or~~
19 ~~cremated~~disposed. The permit shall state the additional length of time during
20 which the body need not be ~~buried or cremated~~disposed.
21 ~~5.~~ e. The body is being stored for an extended period of time in a vault determined
22 suitable by the state department of health, but the body may not be stored in a
23 vault for a period of more than eight days during the months of June through
24 October unless a permit is obtained from the local health officer or the state
25 department of health.
- 26 2. The date of ~~burial or cremation~~final disposition must be the date of the committal
27 service or date of placement in a storage vault or school of medicine.

28 **SECTION 10. AMENDMENT.** Section 23-06-05 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **23-06-05. Failure to ~~bury~~dispose within required time - Penalty.**

2 Any person ~~wh~~that fails to comply with or who violates any of the provisions of section
3 23-06-04, or ~~wh~~that refuses or neglects promptly to obey any order or instruction of the local
4 board of health, is guilty of a class B misdemeanor.

5 **SECTION 11. AMENDMENT.** Section 23-06-06 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **23-06-06. Neglect of ~~burial~~final disposition - Penalty.**

8 Every person upon ~~whom~~which the duty of making ~~burial~~final disposition of the remains of a
9 deceased person is imposed by law ~~wh~~that omits to perform that duty as required in this
10 chapter is guilty of a class B misdemeanor.

11 **SECTION 12. AMENDMENT.** Section 23-06-07 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **23-06-07. Regulation of ~~burial~~final disposition - Issuance of ~~burial-transit~~final**
14 **disposition-transit permit regulated.**

15 The body of any ~~pers~~onindividual whose death occurs in this state may not be interred,
16 deposited in a vault or tomb, cremated, donated to a school of medicine, or otherwise disposed
17 ~~of~~as authorized by law, until a ~~burial-transit~~final disposition-transit permit has been properly
18 issued by a subregistrar. ~~A burial-transit permit may not be issued by any subregistrar until a~~
19 ~~complete and satisfactory certificate and return of the death has been filed with the state~~
20 ~~registrar~~. If the certificate is incorrect or incomplete, the subregistrar may not issue the permit
21 until it is corrected or completed. In the case of any death outside of this state, a
22 ~~burial-transit~~final disposition-transit permit issued in accordance with the law and the health
23 regulations in force in the state where the death occurred, when accompanying a body shipped
24 through or into this state, may be accepted with the same effect as a permit from a subregistrar.
25 If the death occurred from some disease that is held to be communicable by the state
26 department of health, the subregistrar shall refuse to issue a permit for the removal or other
27 disposition of the body except under the conditions prescribed by the state department of health
28 and the local board of health.

29 **SECTION 13. AMENDMENT.** Section 23-06-08 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **23-06-08. Burial-transitFinal disposition-transit permit - Contents.**

2 The ~~burial-transit~~final disposition-transit permit must be on the form prescribed by the state
3 registrar of vital statistics, must be signed by the subregistrar issuing it, and may be limited to a
4 statement by the subregistrar showing:

- 5 1. That a satisfactory death record has been filed with the state registrar as required by
6 law.
- 7 2. That permission is granted to inter, remove, or otherwise dispose of as authorized by
8 law the body of the deceased.
- 9 3. The name, age, and sex, ~~and the cause of death~~ of the deceased and any other
10 necessary details.

11 **SECTION 14. AMENDMENT.** Section 23-06-09 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **23-06-09. Disposition of ~~burial-transit~~final disposition-transit permit.**

14 The ~~undertaker~~funeral practitioner, or ~~person~~individual acting as ~~undertaker~~funeral
15 practitioner, shall secure the ~~burial-transit~~final disposition-transit permit from the subregistrar.
16 The ~~undertaker~~funeral practitioner, or person acting as ~~undertaker~~funeral practitioner, shall
17 deliver such permit to the sexton or person in charge of the place of ~~burial~~final disposition
18 before interring the body, cremating the body, donating the body to a medical school, or
19 otherwise disposing of the body as authorized by law, or shall attach it to the box containing the
20 corpse when the same is shipped by any transportation company. Such permit must be
21 accepted by the sexton or person in charge as authority for the ~~interment~~final disposition of the
22 body. A body may not be accepted for carriage by a common carrier unless the permit is
23 attached as required in this section.

24 **SECTION 15. AMENDMENT.** Section 23-06-10 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **23-06-10. Sextons to endorse and return ~~burial-transit~~final disposition-transit permit -**
27 **Record of burials.**

28 Each sexton or person in charge of the burial ground shall endorse the date of interment
29 upon the ~~burial-transit~~final disposition-transit permit over the person's signature, and return the
30 ~~burial-transit~~final disposition-transit permit to the ~~subregistrar~~county recorder. The subregistrar

1 or sexton shall file all completed permits, so endorsed, with the county recorder within ten days
2 after the date of interment or within the time prescribed by the local board of health.

3 The sexton shall keep a record of all interments made in the premises under the sexton's
4 charge, stating the name of the deceased ~~person~~individual, the place of death, the date of
5 burial, and the name and address of the ~~undertaker or funeral director~~practitioner. Such record
6 at all times must be open to public inspection.

7 In the absence of a sexton, the funeral director making the burial shall endorse and return
8 the ~~burial-transit~~final disposition-transit permit to the subregistrar.

9 **SECTION 16. AMENDMENT.** Section 23-06-11 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **23-06-11. Burial without ~~burial-transit~~final disposition-transit permit - Penalty.**

12 It is unlawful for a person, acting as an ~~undertaker~~funeral practitioner, to inter, remove, or
13 otherwise dispose of as authorized by law the body of any deceased ~~person~~individual without
14 having received a ~~burial-transit~~final disposition-transit permit.

15 **SECTION 17. AMENDMENT.** Section 23-06-12 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **23-06-12. Transporting body without ~~burial-transit~~final disposition-transit permit.**

18 It is unlawful for a transportation company or common carrier to transport, or accept for
19 transportation, the body of any deceased ~~person~~individual unless that body is accompanied by
20 a ~~burial-transit~~final disposition-transit permit issued in accordance with the provisions of this
21 chapter.

22 **SECTION 18. AMENDMENT.** Section 23-06-13 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **23-06-13. Dissection - When allowed.**

25 The dead body of a human being may be dissected:

- 26 1. When the death occurs under circumstances in which a coroner is authorized by law
27 to hold an inquest upon the body, and a coroner authorizes such dissection for the
28 purposes of the inquest;
- 29 2. ~~When~~If the ~~husband, wife~~spouse, or one of the next of kin of a deceased
30 ~~person~~individual, charged by law with the duty of ~~burial~~final disposition, authorizes
31 such dissection for the purposes of ascertaining the cause of death; or

1 3. When permission has been given therefor by deceased.

2 **SECTION 19. AMENDMENT.** Section 23-06-26 of the North Dakota Century Code is
3 amended and reenacted as follows:

4 **23-06-26. Purchasing body forbidden - Penalty.**

5 Every person who purchases or who receives, except for the purpose of ~~burial~~final
6 disposition, any dead body of a human being, knowing that the same has been removed
7 contrary to the provisions of this chapter, is guilty of a class C felony.

8 **SECTION 20. AMENDMENT.** Subsection 8 of section 23-06.6-13 of the North Dakota
9 Century Code is amended and reenacted as follows:

10 8. Subject to subsection 9 of section 23-06.6-10 and section 23-06.6-22, the rights of the
11 person to which a part passes under section 23-06.6-10 are superior to the rights of all
12 others with respect to the part. The person may accept or reject an anatomical gift in
13 whole or in part. Subject to the terms of the document of gift and this chapter, a person
14 that accepts an anatomical gift of an entire body may allow embalming, burial or
15 cremation, whole body donation to a school of medicine, and use of remains in a
16 funeral service. If the gift is of a part, the person to which the part passes under
17 section 23-06.6-11, upon the death of the donor and before embalming, burial, whole-
18 body donation to a school of medicine, or cremation, shall cause the part to be
19 removed without unnecessary mutilation.

20 **SECTION 21. AMENDMENT.** Section 30.1-28-06 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **30.1-28-06. (5-306) Termination of guardianship.**

23 The authority and responsibility of a guardian for an incapacitated person terminates upon
24 the death of the guardian or ward, except, the guardian may arrange for a deceased ward's
25 ~~burial~~final disposition and refer the ward's estate to probate, if no other person is available to
26 perform those acts, the determination of incapacity of the guardian, or upon removal or
27 resignation as provided in section 30.1-28-07. Testamentary appointment under an informally
28 probated will terminates if the will is later denied probate in a formal proceeding. Termination
29 does not affect the guardian's liability for prior acts nor the guardian's obligation to account for
30 funds and assets of the ward.

1 **SECTION 22. AMENDMENT.** Subsection 4 of section 43-10-01 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 4. "Final disposition" means the entombment, burial in a cemetery, ~~or cremation,~~ alkaline
4 hydrolysis, removal from the state, or whole-body donation to a school of medicine of
5 a dead human body.

6 **SECTION 23. AMENDMENT.** Section 43-10-15.4 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **43-10-15.4. Intern embalmer - Application - Qualifications.**

9 The board shall issue a certificate of registration as an intern embalmer to each applicant
10 who files an application upon a form and in a manner the board prescribes, accompanied by a
11 fee not to exceed fifty dollars, and who furnishes sufficient evidence to the board that the
12 applicant:

- 13 1. Is at least eighteen years of age;
- 14 2. Is of good moral character; and
- 15 3. Has completed an accredited four-year high school course of study and ~~two years~~ one
16 year of accredited college or university studies; ~~and~~
- 17 4. ~~Has graduated from an accredited college of mortuary science.~~

18 **SECTION 24. AMENDMENT.** Section 43-10-21 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **43-10-21. Definition.**

21 As used in sections 43-10-21 through 43-10-24, the term "funeral establishment" ~~shall~~
22 ~~mean~~ means a place of business situated at a specific street address or location, and used in
23 the care and preparation for burial, transportation, or other disposition of dead human bodies, or
24 used for the purpose of conducting funeral services. ~~A branch establishment is a funeral~~
25 ~~establishment and must be independently licensed.~~

26 **SECTION 25. AMENDMENT.** Section 43-10.1-02 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **43-10.1-02. Pre-need funeral service contracts.**

29 A person may not engage in the sale or execution of a pre-need funeral service contract
30 unless that person is the operator, agent, employee, or manager of a licensed funeral
31 establishment or cemetery association. As part of the sale of a pre-need funeral service

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- 1 contract, the seller shall inform the purchaser of the extent to which the person with the duty of
- 2 burial~~final disposition~~ under section 23-06-03 might be bound by any pre-need funeral
- 3 arrangements.