

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 407

Short Title: Mortuary Affairs Searches.

(Public)

Sponsors: Senators Harris; and Jordan.

Referred to: Judiciary II.

February 25, 1993

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE ANY AMBIGUITY AS TO THE SCOPE OF
INSPECTIONS OF THE BOARD OF MORTUARY AFFAIRS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-210.23(d) reads as rewritten:

"(d) Every person licensed by the Board and every resident trainee shall furnish all information required by the Board reasonably relevant to the practice of the profession or business for which he is a licensee or resident trainee, and every funeral service establishment and records thereof shall be subject to inspection by the Board at ~~all reasonable times during normal hours of operation and periods shortly before or after normal hours of operation~~ and shall furnish all information required by the Board reasonably relevant to the business therein conducted. Every licensee, resident trainee and funeral service establishment shall provide the Board with his or its current post-office address which shall be placed on the appropriate register and all notices required by law or by any rule or regulation of the Board to be mailed to any licensee, resident trainee or funeral service establishment shall be validly given when mailed to the address so provided.

The Board is empowered to hold hearings in accordance with the provisions of this Article and of Chapter 150B to subpoena witnesses and to administer oaths to or receive the affirmation of witnesses before the Board."

Sec. 2. G.S. 90-210.24(b) reads as rewritten:

"(b) To determine compliance with the provisions of this Article and regulations promulgated under this Article, inspectors may

- 1 (1) Enter the office, ~~premises,~~ establishment or place of business of any
2 funeral service licensee, funeral director or embalmer in North
3 Carolina, and any office, ~~premises,~~ establishment or place in North
4 Carolina where the practice of funeral service is carried on, or where
5 that practice is advertised as being carried on, or where a funeral is
6 being conducted, to inspect the records, office, ~~premises,~~ or
7 establishment, or to inspect the license or registration of any licensee
8 and any resident trainee operating therein;
- 9 (2) Enter any hospital, nursing home, or other institution from which a
10 dead human body has been removed by any person licensed under this
11 Article or their designated representative to inspect records pertaining
12 to the removal and its authorization; and
- 13 (3) May inspect criminal and probation records of licensees and applicants
14 for licenses under this Article to obtain evidence of their character.

15 Inspectors may serve papers and subpoenas issued by the Board or any office or
16 member thereof under authority of this Article, and shall perform other duties
17 prescribed or ordered by the Board."

18 Sec. 3. G.S. 90-210.68(a) reads as rewritten:

19 "(a) Every preneed licensee shall keep for examination by the Board accurate
20 accounts, books, and records in this State of all preneed funeral contract and
21 prearrangement insurance policy transactions, copies of all agreements, insurance
22 policies, instruments of assignment, the dates and amounts of payments made and
23 accepted thereon, the names and addresses of the contracting parties, the persons for
24 whose benefit funds are accepted, and the names of the financial institutions holding
25 preneed funeral trust funds and insurance companies issuing prearrangement insurance
26 policies. The Board, its inspectors appointed pursuant to G.S. 90-210.24 and its
27 examiners, which the Board may appoint to assist in the enforcement of this Article,
28 may at any time during normal hours of operation and periods shortly before or after
29 normal hours of operation, investigate the books, records, and accounts of any licensee
30 under this Article with respect to trust funds, preneed funeral contracts, and
31 prearrangement insurance policies. The Board may require the attendance of and
32 examine under oath all persons whose testimony it may require. Every preneed licensee
33 shall submit a written report to the Board, at least annually, in a manner and with such
34 content as established by the Board, of its preneed funeral contract sales and
35 performance of such contracts. The Board may also require other reports."

36 Sec. 4. This act is effective upon ratification.