

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 517

Short Title: Liability Protection/Disposal of Remains. (Public)

Sponsors: Representative Alexander.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary 1, if favorable, Regulatory Reform, if favorable, Rules, Calendar, and Operations of the House

March 30, 2023

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH IMMUNITY FROM CIVIL LIABILITY FOR FUNERAL DIRECTORS UNDER THE LAWS REGULATING THE PRACTICE OF FUNERAL SERVICE AND TO ALLOW EMBALMING OR CREMATION OF HUMAN REMAINS RELATED TO COMMUNICABLE DISEASES REGARDLESS OF THE FINAL DISPOSITION OF THE REMAINS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 13A of Chapter 90 of the General Statutes is amended by adding the following new section to read:

**"§ 90-210.29C. Limitations on liability.**

(a) No person licensed to practice funeral service, funeral directing, or embalming under this Article nor any person, firm, corporation, partnership, or limited liability company issued a permit under this Article shall be liable for refusing to accept or dispose of a dead human body until the person or entity receives a court order if:

(1) The person or entity is aware of any dispute concerning the disposition of human remains.

(2) The person or entity has a reasonable basis to question whether the individual seeking to dispose of the dead human body has the statutory authority under G.S. 130A-420 to authorize disposition.

(3) Any other lawful reason for refusal exists.

(b) Any person or entity described in subsection (a) of this section is not liable if the person or entity disposes of a dead human body in accordance with any court order not stayed or enjoined by any division of the General Court of Justice or if the person or entity disposes of a dead human body in accordance with the provisions of this Article, Part 7 of Article 16 of Chapter 130A of the General Statutes, or rules adopted under either Article or Part.

(c) Limitations on liability under this section shall be in addition to the limitations under G.S. 90-210.131 and shall not apply to dispositions pursuant to a preneed funeral contract executed under Article 13D of this Chapter. Nothing in this section or under G.S. 90-210.131 shall be interpreted to limit the authority of the Board to suspend, revoke, refuse to issue or renew, place on probation, assess a civil penalty against, or seek injunctive relief against any person or entity, regardless of the person or entity's licensure or permit status."

**SECTION 2.** G.S. 90-210.129 reads as rewritten:

**"§ 90-210.129. Cremation procedures.**

...



1 (e) Human remains shall not be cremated within 24 hours after the time of death, unless  
2 such death was a result of an infectious, contagious, or communicable and dangerous disease as  
3 listed by the Commission for Public Health, pursuant to G.S. 130A-134, and unless such time  
4 requirement is waived in writing by the medical examiner, county health director, or attending  
5 physician where the death occurred.

6 (e1) Notwithstanding control measures set forth by the Commission for Public Health  
7 under G.S. 130A-144 and G.S. 130A-146 to protect public health, funeral establishments may  
8 embalm or cremate human remains if that death was the result of an infectious, contagious, or  
9 communicable and dangerous disease as listed by the Commission for Public Health, pursuant to  
10 G.S. 130A-134, regardless of the final disposition of the remains.

11 ...."

12 **SECTION 3.** This act is effective when it becomes law.