

GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2007

Legislative Fiscal Note

BILL NUMBER: House Bill 1400 (Second Edition)

SHORT TITLE: Tissue Bank Referrals/Funeral Directors.

SPONSOR(S): Representatives Faison and Holloway

FISCAL IMPACT					
	Yes ()	No (X)	No Estimate Available ()		
	<u>FY 2007-08</u>	<u>FY 2008-09</u>	<u>FY 2009-10</u>	<u>FY 2010-11</u>	<u>FY 2011-12</u>
EXPENDITURES:	\$0	\$0	\$0	\$0	\$0
POSITIONS (cumulative):	0	0	0	0	0
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: None					
EFFECTIVE DATE: This act is effective when it becomes law and applies to deaths that occur on or after that date.					

BILL SUMMARY: This bill establishes a new G.S. 90-210.25(e1) to prohibit the taking or recovery of human tissue from a dead human body in the custody or control of a funeral establishment by any person except the following: (1) a licensee under G.S. Chapter 90, Article 1, that performs embalming or otherwise prepares a dead human body in the ordinary course of business; and (2) the Chief Medical Examiner or anyone acting under the Chief Medical Examiner's authority. The bill specifies that the term "tissue" includes an eye.

Source: Bill Digest H.B. 1400 (04/11/0200)

ASSUMPTIONS AND METHODOLOGY: The North Carolina Board of Funeral Services divides its licenses into two categories: Individual and Establishment Licenses. There are currently 2,537 active Individual licensees in the State. Of these, 881 are Funeral Director licensees, 1,643 are Funeral Services licensees, and 13 are Embalming licensees. There are currently 188 inactive Individual licensees in the State. There are currently 845 Establishment licensees in the State, with 740 Funeral Homes, 78 Crematories, 15 Chapels, and 12 Unaffiliated licensees.

Because the bill does not include a criminal penalty, it does not require an incarceration note. The penalty for violating the bill would be loss of licensure for a funeral home. Thus, the enforcement responsibility falls on the occupational licensing board that regulates funeral homes. The board would be required to investigate any claims under this bill and exercise its authority to revoke a funeral home's license if it found the facility in violation. It would consequently lose the license fee revenue from that funeral as well. Fiscal Research determines there to be no fiscal impact to the State as a result of this legislation.

SOURCES OF DATA: North Carolina Board of Funeral Services, an Independent Licensing Board.

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Brian Reynolds and Doug Holbrook

APPROVED BY: Lynn Muchmore, Director
Fiscal Research Division

DATE: May 21, 2007



Signed Copy Located in the NCGA Principal Clerk's Offices