

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1437

Short Title: Immunity/Civil Liability/Funeral Directors. (Public)

Sponsors: Representatives Boles and K. Alexander (Primary Sponsors).

Referred to: Commerce, Small Business, and Entrepreneurship, if favorable, Judiciary III.

April 13, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT ESTABLISHING IMMUNITY FROM CIVIL LIABILITY FOR FUNERAL  
3 DIRECTORS UNDER THE LAWS REGULATING THE PRACTICE OF FUNERAL  
4 SERVICE.

5 The General Assembly of North Carolina enacts:

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

8 "**§ 90-210.29C. Limitations on liability.**

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

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

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

18 (3) Any other lawful reason for refusal exists.

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

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

31 **SECTION 2.** This act is effective when it becomes law.

