



CHAPTER 90

ARTICLE 13D - PRENEED FUNERAL FUNDS

N.C.G.S. § 90-210.69.

Rulemaking; enforcement of Article; judicial review; determination of penalty amount.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2025-76, s. 4.8 — tenth act in the lineage	21 September 2026, 04:48 UTC	73254ab0b832684ad87050b3 - 34e4c8d0b27b020cd72729d0 - 3578b2e4350a68b7

§ 90-210.69(a) The Board is authorized to adopt rules for the carrying out and enforcement of the provisions of this Article. The Board may perform such other acts and exercise such other powers and duties as are authorized by this Article and by Article 13A of this Chapter to carry out its powers and duties.

§ 90-210.69(b) The Board may administer oaths and issue subpoenas requiring the attendance of persons and the production of papers and records in any investigation conducted by it. Members of the Board's staff or the sheriff or other appropriate official of any county of this State shall serve all notices, subpoenas and other papers given to them by the Board for service in the same manner as process issued by any court of record. Any person who does not obey a subpoena issued by the Board shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined or imprisoned in the discretion of the court.

§ 90-210.69(b1) Upon determining that it is necessary for the protection of the interest of a preneed contract purchaser or beneficiary, the Board may issue a written order to direct that the preneed funds of any preneed licensee on deposit in any institution operating under this Article be frozen and not paid out by such legal entity. Any legal entity freezing the preneed funds pursuant to the directive of the Board shall not be liable for freezing an account pursuant to an order of the Board.

§ 90-210.69(c)

The Board may place on probation, refuse to issue or renew, suspend, or revoke a preneed license when an owner, partner, manager, member, operator, officer, or preneed salesperson of the preneed funeral licensee violates any provision of this Article or any rules adopted by the Board, or when any agent or employee of the preneed funeral establishment, with the consent of any person, firm, or corporation operating the funeral establishment, violates any of these provisions, rules, or regulations. In accordance with the provisions of Chapter 150B of the General Statutes, if the Board finds that a licensee, an applicant for a license or an applicant for license renewal is guilty of one or more of the following, the Board may refuse to issue or renew a license or may suspend or revoke a license or place the holder thereof on probation upon conditions set by the Board, with revocation upon failure to comply with the conditions:

- (1) Offering to engage or engaging in activities for which a license is required under this Article but without having obtained such a license.
- (2) Aiding or abetting an unlicensed person, firm, partnership, association, corporation or other entity to offer to engage or engage in such activities.
- (3) Conviction of, or plea of guilty or nolo contendere to, a felony or a misdemeanor that indicates that the individual is unfit or incompetent to engage in preneed funeral service or that the individual has deceived or defrauded the public.
- (4) Fraud or misrepresentation in obtaining or receiving a license in preneed funeral planning or in the operation of a licensee's business.
- (5) False or misleading advertising.
- (6) Violating or cooperating with others to violate any provision of this Article or Article 13A, 13E, or 13F of this Chapter, the rules and regulations of the Board, or the standards set forth in Funeral Industry Practices, 16 C.F.R. 453 (1984), as amended from time to time.
- (7) Denial, suspension, or revocation of an occupational or business license by another jurisdiction.
- (8) Failure to refund any insurance proceeds received as consideration in excess of the funeral contract purchase price within 30 days of receipt; provided, however, that this provision shall not be construed to include interest or growth on funds paid toward funeral goods and services to be provided pursuant to an inflation-proof preneed contract.

- (9) Failure to provide, within a reasonable time, either the goods and services contracted for or a refund for the price of goods and services paid but not fulfilled.
- (10) Violation of G.S. 58-58-97.
- (11) Failure to respond to the Board's inquiries in a reasonable manner or time regarding any matter affecting the individual's performance of preneed funeral services.

Revocation of a funeral establishment permit granted pursuant to G.S. 90-210.25(d)(2) shall result in the automatic revocation of the firm's preneed funeral establishment permit by operation of law. Active suspension of a funeral establishment permit granted pursuant to G.S. 90-210.25(d)(2) shall result in the automatic active suspension of the firm's preneed funeral establishment permit for the same length of time by operation of law. In any case in which the Board is authorized to take any of the actions permitted under this subsection, the Board may instead accept an offer in compromise of the charges whereby the accused shall pay to the Board a penalty of not more than five thousand dollars (\$5,000). In any case in which the Board is entitled to place a licensee on a term of probation, the Board may also impose a penalty of not more than five thousand dollars (\$5,000) in conjunction with such probation. The Board may determine the length and conditions of any period of probation, revocation, suspension, or refusal to issue or renew a license.

§ 90-210.69(d) Any proceedings pertaining to or actions against a funeral establishment under this Article may be in addition to any proceedings or actions permitted by G.S. 90-210.25(d)(4). Any proceedings pertaining to or actions against a person licensed for funeral directing or funeral service may be in addition to any proceedings or actions permitted by G.S. 90-210.25 (e)(1) and (2).

§ 90-210.69(e) Judicial review shall be pursuant to Article 4 of Chapter 150B of the General Statutes.

§ 90-210.69(f) In determining the amount of any penalty imposed or assessed under Article 13 of Chapter 90 of the General Statutes, the Board shall consider:

- (1) The degree and extent of harm to the public health, safety, and welfare, or to property, or the potential for harm.
- (2) The duration and gravity of the violation.

- (3) Whether the violation was committed willfully or intentionally or reflects a continuing pattern.
- (4) Whether the violation involved elements of fraud or deception either to the public or to the Board, or both.
- (5) The violator's prior disciplinary record with the Board.
- (6) Whether and the extent to which the violator profited by the violation.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
10 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



Nº	YEAR	ACT	CHARACTER
01	1969	c. 187, s. 7	ENACTED
02	1983	c. 657, s. 4	AMENDED
03	1985	c. 12, s. 1	AMENDED
04	1985	1991 (Reg. Sess., 1992), c. 901, s. 2	AMENDED
05	1997	S.L. 1997-399, ss. 29, 30	AMENDED
06	2001	S.L. 2001-294, s. 11	AMENDED
07	2004	S.L. 2004-203, s. 7	AMENDED
08	2007	S.L. 2007-531, s. 15	AMENDED
09	2018	S.L. 2018-78, s. 12	AMENDED
10	2025	S.L. 2025-76, s. 4.8	AMENDED

APPARATUS II
4 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
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G.S. 58-58	(c)(10)	"Violation of"
G.S. 90-210.25(d)(2)	(c)	"funeral establishment permit granted pursuant to"
G.S. 90-210.25(d)(4)	(d)	"any proceedings or actions permitted by"
G.S. 90-210.25 (e)(1) and (2)	(d)	"any proceedings or actions permitted by"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 90-210.69 (2025).

PINPOINT

N.C. Gen. Stat. § 90-210.69(a) (2025).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1969, c. 187, s. 7; 1983, c. 657, s. 4; 1985, c. 12, s. 1; 1991 (Reg. Sess., 1992), c. 901, s. 2; 1997-399, ss. 29, 30; 2001-294, s. 11; 2004-203, s. 7; 2007-531, s. 15; 2018-78, s. 12; 2025-76, s. 4.8.)

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