

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 278

Short Title: The Rakim Shackelford Embalming Fluid Act. (Public)

Sponsors: Representatives Fontenot, Cotham, and Winslow (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

March 7, 2023

1 A BILL TO BE ENTITLED  
2 AN ACT TO CREATE THE OFFENSE OF CRIMINAL POSSESSION AND UNLAWFUL  
3 SALE OF EMBALMING FLUID AND TO MAKE OTHER TECHNICAL REVISIONS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** This act shall be known as "The Rakim Shackelford Embalming Fluid  
6 Act."

7 **SECTION 2.** G.S. 90-210.20 reads as rewritten:

8 "**§ 90-210.20. Definitions.**

9 The following definitions apply in this Article:

10 ~~(a)(1)~~ "Advertisement" means the Advertisement. – The publication, dissemination,  
11 circulation or placing before the public, or causing directly or indirectly to be  
12 made, published, disseminated or placed before the public, any announcement  
13 or statement in a newspaper, magazine, or other publication, or in the form of  
14 a book, notice, circular, pamphlet, letter, handbill, poster, bill, sign, placard,  
15 card, label or tag, or over any radio, television station, or electronic medium.

16 ~~(b)(2)~~ "Board" means the Board. – The North Carolina Board of Funeral Service.

17 ~~(c)(3)~~ "Burial" includes Burial. – Includes interment in any form, cremation and the  
18 transportation of the dead human body as necessary therefor.

19 ~~(c1)(4)~~ "Chapel" means a Chapel. – A chapel or other facility separate from the  
20 funeral establishment premises for the primary purpose of reposing of dead  
21 human bodies, visitation or funeral ceremony that is owned, operated, or  
22 maintained by a funeral establishment under this Article, and that does not use  
23 the word "funeral" in its name, on a sign, in a directory, in advertising or in  
24 any other manner; in which or on the premises of which there is not displayed  
25 any caskets or other funeral merchandise; in which or on the premises of  
26 which there is not located any preparation room; and which no owner,  
27 operator, employee, or agent thereof represents the chapel to be a funeral  
28 establishment.

29 ~~(c2)(5)~~ "Dead human bodies", as used in this Article includes Dead human bodies. –  
30 Includes fetuses beyond the second trimester and the ashes from cremated  
31 bodies.

32 ~~(d)(6)~~ "Embalmer" means any Embalmer. – Any person engaged in the practice of  
33 embalming.

34 ~~(e)(7)~~ "Embalming" means the Embalming. – The preservation and disinfection or  
35 attempted preservation and disinfection of dead human bodies by application



1 of chemicals externally or internally or both and the practice of restorative art  
2 including the restoration or attempted restoration of the appearance of a dead  
3 human body. Embalming shall not include the washing or use of soap and  
4 water to cleanse or prepare a dead human body for disposition by the  
5 authorized agents, family, or friends of the deceased who do so privately  
6 without pay or as part of the ritual washing and preparation of dead human  
7 bodies prescribed by religious practices; provided, that no dead human body  
8 shall be handled in a manner inconsistent with G.S. 130A-395.

9 (8) Embalming fluid. – Any chemicals or substances manufactured primarily for  
10 use by licensed funeral directors, undertakers or embalmers, or registered  
11 residents to prepare, disinfect, or preserve, either hypodermically, arterially,  
12 or by any other recognized means, the body of a deceased person for burial,  
13 cremation, or other final disposition.

14 ~~(e1)~~(9) "Entry-level examination in funeral directing" means an Entry-level  
15 examination in funeral directing. – An examination (i) offered as a component  
16 of a final or capstone course in a mortuary science program approved by the  
17 Board or (ii) accredited by the American Board of Funeral Service Education  
18 or an examination equivalent to the State Board Examination-Arts in Funeral  
19 Directing to assess competency in all of the following subjects:

- 20 ~~(1)~~a. Funeral arranging and directing.  
21 ~~(2)~~b. Funeral service marketing and merchandising.  
22 ~~(3)~~c. Funeral service counseling.  
23 ~~(4)~~d. Legal and regulatory compliance.  
24 ~~(5)~~e. Cemetery and crematory operations.

25 ~~(f)~~(10) "Funeral directing" means engaging Funeral directing. – Engaging in the  
26 practice of funeral service except embalming.

27 ~~(g)~~(11) "Funeral director" means any Funeral director. – Any person engaged in the  
28 practice of funeral directing.

29 ~~(h)~~(12) "Funeral establishment" means every Funeral establishment. – Every place or  
30 premises devoted to or used in the care, arrangement and preparation for the  
31 funeral and final disposition of dead human bodies and maintained for the  
32 convenience of the public in connection with dead human bodies or as the  
33 place for carrying on the practice of funeral service.

34 ~~(i)~~(13) "Funeral service licensee" means a Funeral service licensee. – A person who  
35 is duly licensed and engaged in the practice of funeral service.

36 ~~(j)~~(14) "Funeral service" means the Funeral service. – The aggregate of all funeral  
37 service licensees and their duties and responsibilities in connection with the  
38 funeral as an organized, purposeful, time-limited, flexible, group-centered  
39 response to death.

40 ~~(k)~~(15) "Practice of funeral service" means engaging Practice of funeral service. –  
41 Engaging in the care or disposition of dead human bodies or in the practice of  
42 disinfecting and preparing by embalming or otherwise dead human bodies for  
43 the funeral service, transportation, burial or cremation, or in the practice of  
44 funeral directing or embalming as presently known, whether under these titles  
45 or designations or otherwise. "Practice of funeral service" also means  
46 engaging in making arrangements for funeral service, selling funeral supplies  
47 to the public or making financial arrangements for the rendering of such  
48 services or the sale of such supplies.

49 ~~(l)~~(16) "Resident trainee" means a Resident trainee. – A person who is engaged in  
50 preparing to become licensed for the practice of funeral directing, embalming  
51 or funeral service under the personal supervision and instruction of a person



- 1           (2)    A felony violation of G.S. 90-95(a)(3) for possession of less than one gram of  
2                    cocaine.  
3           (3)    A felony violation of G.S. 90-95(a)(3) for possession of less than one gram of  
4                    heroin.  
5           (3a)    A violation of G.S. 90-113.107 punishable as a Class I felony.  
6           (4)    A violation of G.S. 90-113.22."  
7           **SECTION 6.** This act becomes effective December 1, 2023, and applies to offenses  
8 committed on or after that date.