



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor
MANDY COHEN, MD, MPH • Secretary
MARK T. BENTON • Assistant Secretary for Public Health
Division of Public Health

MEMORANDUM

DATE: February 17, 2020

TO: Rulemaking Interested Persons

FROM: Virginia Niehaus, Rulemaking Coordinator, State Registrar and
Director of Regulatory and Legal Affairs, Division of Public Health

RE: Notification of Proposed Readoption:
10A NCAC 41H .1201 – Registration of Graves Removed

Pursuant to G.S. 150B-21.2, this memorandum serves as the required notice to interested persons that the State Registrar is proposing to readopt 10A NCAC 41H .1201. The proposed rule is being readopted pursuant to G.S. 150B-21.3A, Periodic Review and Expiration of Existing Rules, with non-substantive changes to clarify existing language. The State Registrar has submitted notice of the intent to readopt this rule to the NC Office of Administrative Hearings (OAH). In accordance with G.S. 150B-21.3A(d)(2), no fiscal note is required for this readoption.

The notice of text that was published in today's edition of the NC Register is attached to this memorandum and may be found on OAH's website at <https://www.oah.nc.gov/documents/nc-register>. The text of the proposed rule may be found on the NC DHHS, Vital Records website at <https://vitalrecords.nc.gov/rules.htm>.

A public hearing on the proposed rule is scheduled for Tuesday, March 31, 2020 at 2:00 p.m. in the Cardinal Conference Room, Building 3, 5605 Six Forks Road, Raleigh, NC 27609.

The State Registrar is accepting public comments on the proposed rule from February 17, 2020 – April 17, 2020. You may submit comments by email to cphcomment@lists.ncmail.net or by mail to Virginia Niehaus, Rulemaking Coordinator, State Registrar, 1931 Mail Service Center, Raleigh, NC 27699-1931. Comments will also be accepted at the public hearing. The proposed effective date of this rule is June 1, 2020.

Should you have questions related to this memorandum or the proposed rule, please contact me at (919) 707-5006.

Attachment

cc: Catherine Ryan, State Registrar and Director, Division of Public Health, Vital Records
Vickie Pierce, Deputy State Registrar, Division of Public Health, Vital Records
Mark Benton, Assistant Secretary, Division of Public Health
Kirsten Leloudis, Regulatory and Legal Affairs, Division of Public Health

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF PUBLIC HEALTH

LOCATION: 5605 Six Forks Road, Building 3, Raleigh, NC 27609
MAILING ADDRESS: 1931 Mail Service Center, Raleigh, NC 27699-1931
www.ncdhhs.gov • TEL: 919-707-5000 • FAX: 919-870-4829

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the State Registrar intends to readopt without substantive changes the rule cited as 10A NCAC 41H .1201.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://vitalrecords.nc.gov/rules.htm>

Proposed Effective Date: June 1, 2020

Public Hearing:

Date: March 31, 2020

Time: 2:00 p.m.

Location: Cardinal Conference Room, located at 5605 Six Forks Road, Raleigh, NC 27609

Reason for Proposed Action: *This rule is being readopted pursuant to G.S. 150B-21.3A, Periodic Review and Expiration of Existing Rules, with non-substantive changes to clarify existing language.*

Comments may be submitted to: Virginia Niehaus, 1931 Mail Service Center, Raleigh, NC, 27699-1931; phone (919) 707-5006; email cphcomment@lists.ncmail.net

Comment period ends: April 17, 2020

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 41 - EPIDEMIOLOGY HEALTH

SUBCHAPTER 41H - VITAL RECORDS

SECTION .1200 - REMOVAL OF GRAVES

10A NCAC 41H .1201 REGISTRATION OF GRAVES REMOVED

~~(a) Removal of Graves Certificate and Filing. Certificate. A Removal of Graves Certificate provided by the State Registrar shall be used to permanently record the facts pertaining to the relocation of graves.~~

~~(b) Preparation and Filing. The party removing or causing effecting the removal of a grave shall, shall, within 30 days of completion of the reinterment of the grave, submit to the Register of Deeds in the county of disinterment and the counties of reinterment the following:~~

- ~~(1) a Removal of Graves Certificate containing the elements set out in G.S. 65-106 and provided by the State Registrar. The Certificate shall be typed or completed in complete the certificate form by typing or writing plainly with black ink with continuation sheets of the same format if necessary to list all decedents; ink;~~
- ~~(2) list the name of each decedent if known; otherwise, enter as much identifying information as may be reasonably determined;~~
- ~~(3) use continuation sheets of the same format as the list on the certificate to list additional names as necessary;~~
- ~~(2)(4) file the certificate with maps as set forth in Paragraph (b) of this Rule; and continuation sheets attached with the register of deeds in the county of disinterment and also in the counties of reinterment within 30 days after completion of the reinterment; and~~
- ~~(3)(5) pay the register of deeds a fee set out in G.S. 161-10. of one dollar (\$1.00) for each page or portion of a page recorded.~~

~~(b)(e)~~ Maps. The party effecting removal shall prepare a map of both the disinterment and reinterment sites. The map must precisely describe the disinterment and reinterment sites in such a manner that a layman can easily identify the location of each site. The maps shall include county, nearest city or town, public road or intersection of roads in the vicinity, and any other information which would be helpful in locating the sites. The graves must be noted and numbered. The names must be listed on the certificate by number, which corresponds with the numbers on the map. ~~The map shall be prepared on the same size paper as the certificate whenever possible.~~

~~(c)(d)~~ Filing and Indexing. The register of deeds shall:

~~(1)~~ ~~place the certificate with attachments in a loose leaf binder or other appropriate medium;~~

~~(1)(2)~~ cross index the certificates by name of cemetery of disinterment and reinterment; This requirement does not preclude additional cross indexing of the Removal of Graves Certificates by name of decedent when known; provided, that such cross indexing shall be an option of the register of deeds and imposes no extra charge to the party effecting removal; and

~~(2)(3)~~ retain the certificates and attachments permanently. ~~permanently~~; In counties using microfilm for recording various documents such as deeds and deeds of trust, these certificates may be processed as the other records.

*History Note: Authority G.S. ~~65-106~~; 130A-92(7); 161-10;
Eff. February 1, 1976;
Readopted Eff. November 15, 1977;
Amended Eff. September 1, 1990.*