

1 State of Arkansas
2 90th General Assembly
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4

As Engrossed: H3/17/15 H3/20/15

A Bill

HOUSE BILL 1711

5 By: Representative Talley
6 By: Senator Teague
7

For An Act To Be Entitled

9 AN ACT TO REGULATE EMBALMING, CREMATING, FUNERAL
10 DIRECTING, TRANSPORTING HUMAN REMAINS, THE OPERATION
11 OF FUNERAL ESTABLISHMENTS, CREMATORIUMS, TRANSPORT
12 SERVICES, AND THE STATE BOARD OF EMBALMERS AND
13 FUNERAL DIRECTORS; AND FOR OTHER PURPOSES.
14
15

Subtitle

16
17 *TO REGULATE EMBALMING, CREMATING, FUNERAL*
18 *DIRECTING, TRANSPORTING HUMAN REMAINS,*
19 *THE OPERATION OF FUNERAL ESTABLISHMENTS,*
20 *CREMATORIUMS, TRANSPORT SERVICES, AND THE*
21 *STATE BOARD OF EMBALMERS AND FUNERAL*
22 *DIRECTORS.*
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 *SECTION 1. The catchline for Arkansas Code § 17-29-201 is amended to*
28 *read as follows:*

29 *17-29-201. Creation – Members – Duties.*
30

31 *SECTION 2. Arkansas Code § 17-29-201, concerning the members and*
32 *duties of the State Board of Embalmers and Funeral Directors, is amended to*
33 *add an additional subsection to read as follows:*

34 *(g) The board shall:*

35 *(1) Administer this subchapter and § 17-29-301 et seq.; and*

36 *(2) Make the examinations required by § 17-29-301 et seq.*



1 available to applicants at least two (2) times annually at suitable locations
2 during normal business hours.

3
4 SECTION 3. Arkansas Code § 17-29-202(b), concerning examinations of
5 the State Board of Embalmers and Funeral Directors, is repealed.

6 ~~(b) The board shall hold at least two (2) examinations each year at~~
7 ~~convenient times and places.~~

8
9 SECTION 4. Arkansas Code § 17-29-203 is amended to read as follows:
10 17-29-203. Selection of officers.

11 (a) The State Board of Embalmers and Funeral Directors ~~appointed under~~
12 ~~the provisions of this chapter, and each successor thereto, is authorized to~~
13 shall select from its own membership a president, vice president, and except
14 as provided in subsection (b) of this section, a secretary-treasurer who
15 shall serve for one-year terms or until their successors are elected and
16 qualified.

17 (b)(1) ~~In the event no member~~ If all members of the board ~~is able for~~
18 ~~any reason~~ decline to serve as secretary-treasurer, then by a majority vote
19 of the board, ~~the board~~ may employ a person who is not a member of the
20 board to serve as secretary-treasurer, and.

21 (2) ~~that~~ A person employed by the board as secretary-treasurer
22 under subdivision (b)(1) of this section is not required to be a licensed
23 embalmer or funeral director.

24
25 SECTION 5. Arkansas Code § 17-29-204(5), concerning the duties of the
26 secretary-treasurer of the State Board of Embalmers and Funeral Directors, is
27 amended to read as follows:

28 (5) ~~Keep~~ Maintain a record ~~in which shall be registered~~ of the
29 licensee and business name and ~~business~~ address of every person ~~to whom~~
30 ~~licenses have been granted in accordance with~~ licensed under § 17-29-301 et
31 seq., including the license number, and date of the license, and the renewal
32 ~~date of renewal~~ of the license;

33
34 SECTION 6. Arkansas Code § 17-29-204(6), concerning the duties of the
35 secretary-treasurer of the State Board of Embalmers and Funeral Directors, is
36 amended to read as follows:

1 (6) Supply on request a list of every person and funeral
 2 establishment licensed under § 17-29-301 et seq., to ~~any~~ a person licensed as
 3 an embalmer or funeral director, to a common ~~carriers~~ carrier in this state,
 4 to ~~hospitals~~ a hospital licensed in this state, or to any other ~~persons~~
 5 ~~reasonably entitled to a list of all persons and funeral establishments~~
 6 ~~holding licenses under § 17-29-301 et seq.~~ The publication giving the
 7 ~~information shall include all laws, rules, and regulations regarding the~~
 8 ~~practice of embalming or funeral directing~~ person authorized by law to
 9 receive the list;

10
 11 SECTION 7. Arkansas Code § 17-29-204(8) through (10), concerning the
 12 duties of the secretary-treasurer of the State Board of Embalmers and Funeral
 13 Directors, are amended to read as follows:

14 (8) ~~Give bond to the State of Arkansas in such sum as the board~~
 15 ~~may direct. Any premiums payable for the bond shall be paid from the funds~~
 16 ~~of the board. The bond shall be deposited with the Auditor of State;~~

17 ~~(9)~~ Receive and be paid an annual salary not to exceed the
 18 amount authorized by law; ~~and~~

19 ~~(10)~~(9) Be authorized to receive reimbursement for expenses
 20 incurred in performance of duties;

21 (10) Charge and collect a criminal background check processing
 22 fee in an amount necessary to recover the charge imposed by the Department of
 23 Arkansas State Police to conduct a criminal background check for a person
 24 applying for an initial license under § 17-29-301 et seq.; and

25 (11) Recommend to the board the establishment of standards of
 26 practice and a code of ethics for a person licensed under § 17-29-301 et seq.

27
 28 SECTION 8. Arkansas Code § 17-29-205(c), concerning the inspector
 29 appointed by the State Board of Embalmers and Funeral Directors, is amended
 30 to read as follows:

31 (c)(1) The inspector, with proper identification, ~~is authorized to~~ may
 32 ~~enter the~~ enter any office, premises, establishment, or place of business ~~of any~~
 33 ~~business~~ in this state where the practice of embalming, ~~or~~ funeral directing,
 34 cremation, or transportation of human remains is carried on, or where the
 35 practice is advertised as being carried on, ~~for the purpose of inspecting to:~~

36 (A) Inspect the office, premises, crematory, or

1 ~~establishment;~~

2 ~~(B) inspecting~~ Inspect the license and registration of ~~any~~
3 a licensee;

4 ~~(C) inspecting~~ Inspect the manner and scope of training
5 given to ~~any~~ an apprentice ~~therein;~~ and

6 ~~(D) to ensure~~ Ensure compliance with all state laws, ~~and~~
7 rules, and regulations pertaining to funeral service.

8 ~~(2) Acceptance of~~ By accepting a license under § 17-29-301 et
9 seq., ~~shall be the licensee grants permission for the inspector or other~~
10 board designee to enter his or her the licensee's business premises without
11 legal process prior notice.

12
13 SECTION 9. Arkansas Code § 17-29-207(a), concerning the rules of the
14 State Board of Embalmers and Funeral Directors, is amended to read as
15 follows:

16 (a) The State Board of Embalmers and Funeral Directors may promulgate
17 appropriate rules for the transaction of its business ~~and,~~ for the betterment
18 and promotion of the standards of service and practice to be followed, ~~in the~~
19 ~~practice of~~ and the qualifications to:

20 (1) Practice embalming, and funeral directing, or cremation;

21 (2) Transport human remains; or

22 (3) Operate a funeral establishment, mortuary service,

23 crematorium, retort, or transport service firm to transport human remains in
24 the State of Arkansas as it deems expedient and consistent with the laws of
25 this state and for the public good.

26
27 SECTION 10. Arkansas Code § 17-29-207(c), concerning the rules of the
28 State Board of Embalmers and Funeral Directors, is amended to read as
29 follows:

30 (c)(1) ~~The board may determine the qualifications necessary to~~
31 ~~practice the science of embalming or the business of funeral directing, or~~
32 ~~both, and shall adopt bylaws and rules in connection with the care and~~
33 ~~disposition of dead human bodies~~ remains in this state.

34 (2) The board shall enforce compliance with ~~the laws and rules~~
35 ~~by those engaged in the science of embalming and business of funeral~~
36 ~~directing in this state~~ this subchapter and § 17-29-301 et seq., and may

1 *transact any other business necessary for carrying out ~~the provisions of this~~*
2 *subchapter and § 17-29-301 et seq.*

3
4 *SECTION 11. Arkansas Code § 17-29-207, concerning the rules of the*
5 *State Board of Embalmers and Funeral Directors, is amended to add an*
6 *additional subsection to read as follows:*

7 *(f) The board shall establish the standards of practice and a code of*
8 *ethics for a person or business licensed under § 17-29-301 et seq.*

9
10 *SECTION 12. Arkansas Code § 17-29-209(a), concerning the continuing*
11 *education for licensed funeral directors and embalmers, is amended to read as*
12 *follows:*

13 *(a) The State Board of Embalmers and Funeral Directors may develop,*
14 *~~and establish by regulation~~ rule, and administer a program for mandatory or*
15 *voluntary continuing education program and its requirements for ~~all funeral~~*
16 *~~directors and embalmers~~ a person licensed under § 17-29-301 et seq.*

17
18 *SECTION 13. Arkansas Code § 17-29-211 is amended to read as follows:*

19 *~~17-29-211. Administrative activities~~ Executive director – Employees –*
20 *Office.*

21 *(a)(1)(A) The Executive Secretary of the Burial Association Board*
22 *State Board of Embalmers and Funeral Directors may appoint an Executive*
23 *Director of the State Board of Embalmers and Funeral Directors who shall*
24 *serve at the pleasure of the board.*

25 *(2) The Executive Director of the State Board of Embalmers and*
26 *Funeral Directors shall also be responsible for the administrative activities*
27 *of the State Board of Embalmers and Funeral Directors be in charge of the*
28 *board's office and devote the necessary time to the performance of the duties*
29 *of the executive director as may be required.*

30 *(3) The duties of the executive director of the board shall*
31 *include:*

32 *(A) Collection of fees and charges under this chapter;*

33 *(B) Keeping record of the proceedings of the board;*

34 *(C) Keeping an accurate account of all moneys received and*
35 *disbursed by the board;*

36 *(D) Assisting or performing the duties of the Secretary-*

1 Treasurer of the State Board of Embalmers and Funeral Directors; and

2 (E) Any other duties defined and designated by the board.

3 (b) The board may employ any necessary clerical and professional staff
4 and incur any reasonable expenses necessary for the proper discharge of the
5 duties of the board under this subchapter.

6 (c) The board shall maintain its main office location in Little Rock
7 and transact the board's business at the main office.

8
9 SECTION 14. Arkansas Code § 17-29-301(a)(6), concerning the
10 qualifications to practice the science of embalming, is amended to read as
11 follows:

12 (6)(A) Take and pass both parts of the National Board
13 Examination and ~~both parts of the Arkansas laws, rules, and regulations exam~~
14 and present himself or herself to the State Board of Embalmers and Funeral
15 Directors for a licensing interview.

16 (B) To be eligible to take the Arkansas laws, rules, and
17 regulations exam, an applicant shall be an active apprentice who is currently
18 registered with the board.

19
20 SECTION 15. Arkansas Code § 17-29-301(b)(3), concerning the
21 qualifications to practice the science of embalming, is amended to read as
22 follows:

23 (3)(A) ~~This An~~ apprenticeship under subsection (b) of this
24 section may be served before, during, or after attending a begin not more
25 than twelve (12) months before enrollment in an accredited college of
26 mortuary science ~~except when the applicant is receiving financial assistance~~
27 from the state to attend mortuary school, in which instance the
28 apprenticeship shall be served prior to attending mortuary school or by
29 submitting proof of graduation from an accredited college of mortuary
30 science.

31 (B) ~~This subdivision (b)(3) applies to persons who were~~
32 enrolled in mortuary school on January 1, 2000, and those who enroll after
33 that date If an apprentice fails to enroll in an accredited college of
34 mortuary science as required under subdivision (b)(3)(A) of this section, the
35 apprenticeship shall be terminated for a period to be determined by rule of
36 the State Board of Embalmers and Funeral Directors.

1
2 SECTION 16. Arkansas Code § 17-29-302(a)(5), concerning the
3 qualifications required to engage in the business of funeral directing, is
4 amended to read as follows:

5 (5)(A) ~~Present himself or herself before the board at a time and~~
6 ~~place fixed by the board and make a passing grade on both the written and~~
7 ~~oral examinations~~ Take and pass all examinations required by the board.

8 (B) To be eligible to take the Arkansas laws, rules, and
9 regulations exam, an applicant shall be an active apprentice who is currently
10 registered with the board.

11
12 SECTION 17. Arkansas Code § 17-29-302(b), concerning the
13 qualifications to engage in the business of funeral directing, is amended to
14 read as follows:

15 (b)(1)(A) ~~Any~~ Except as provided in subdivision (b)(1)(C) of this
16 section, a person desiring to engage in the business of funeral directing in
17 the State of Arkansas this state shall serve an apprenticeship in this state
18 of for two (2) years in the State of Arkansas.

19 (B) An apprentice shall:

20 (i) ~~under~~ Register with the board on forms provided
21 by the board and by attaching the fee as prescribed in § 17-29-208;

22 (ii) Be supervised by a funeral director licensed by
23 the board; and

24 (iii) ~~that person shall actively~~ Actively assist in
25 conducting arranging fifty (50) funerals services as determined by rule of
26 the board.

27 (C) A person who is a graduate of an accredited mortuary
28 program and has passed the National Board Examination may be licensed to
29 engage in the business of funeral directing after serving an apprenticeship
30 in this state for one (1) year.

31 (2) ~~Notice~~ A licensed funeral director who is supervising an
32 apprenticeship shall record a notice of the apprenticeship shall be recorded
33 with the Secretary-treasurer of the State Board of Embalmers and Funeral
34 Directors and by the licensed funeral director supervising the apprenticeship
35 not or the Executive Director of the State Board of Embalmers and Funeral
36 Directors no later than thirty (30) days after the commencement start of the

1 apprenticeship.

2 ~~(2) If any person is a graduate of an accredited mortuary~~
3 ~~program and has passed the National Board Examination, that person shall be~~
4 ~~required to serve one (1) year as an apprentice funeral director.~~

5 (3) The board ~~shall have the power to~~ may suspend or revoke a
6 ~~certificate of an applicant's~~ apprenticeship for a violation of ~~any provision~~
7 ~~of this subchapter or § 17-29-201 et seq.~~

8 (4) Within a reasonable amount of time after the effective date
9 of this subchapter, a person who is currently in an apprenticeship under this
10 section shall be subject to the provisions in this section concerning an
11 apprenticeship as determined by rules of the board.

12
13 SECTION 18. Arkansas Code § 17-29-303(a), concerning examinations and
14 certificates for embalmers and funeral directors, is amended to read as
15 follows:

16 (a) Within a reasonable time ~~and in a place reasonably accessible to~~
17 ~~the applicant, after completion and filing of an application to practice the~~
18 science of embalming or to engage in the business of funeral directing is
19 filed with the State Board of Embalmers and Funeral Directors, the board
20 shall ~~subject each~~ give the applicant ~~to~~ a written ~~and oral~~ examination ~~as to~~
21 ~~his or her~~ test the applicant's competency to act as an embalmer or a funeral
22 director, or both.

23
24 SECTION 19. Arkansas Code § 17-29-303(b), concerning examinations and
25 certificates for embalmers and funeral directors, is amended to read as
26 follows:

27 (b) If on examination the board finds that ~~the~~ an applicant possesses
28 a knowledge of funeral directing or the science of embalming, sanitation, and
29 disinfection, ~~or funeral directing,~~ or both, and meets the qualifications
30 prescribed ~~herein~~ in this subchapter, the board shall issue the applicant a
31 certificate authorizing him or her to ~~practice the science of embalming or to~~
32 ~~engage in the business of funeral directing,~~ engage in the business of
33 funeral directing or to practice the science of embalming, or both, if the
34 applicant has submitted a complete application under subsection (a) of this
35 section and attached the fee as prescribed in § 17-29-208. ~~The board shall~~
36 ~~then register the applicant as a duly certified embalmer or funeral director,~~

1 ~~or both.~~

2
3 SECTION 20. Arkansas Code § 17-29-304(a), concerning the requirements
4 to conduct a funeral establishment, is amended to read as follows:

5 (a)(1) ~~No~~ A person shall not conduct, maintain, manage, or operate a
6 funeral establishment in this state unless ~~a license for each establishment~~
7 ~~has been issued by~~ the State Board of Embalmers and Funeral Directors has
8 issued a license for the funeral establishment and the license is displayed
9 in the funeral establishment.

10 (2) A price list, statement of funeral goods and services,
11 publication, advertisement, or other document of a funeral establishment
12 shall accurately:

13 (A) Reflect the name and location of the funeral
14 establishment on file with the board;

15 (B) Describe each location to which the price list,
16 statement, publication, advertisement, or document applies; and

17 (C) Any additional annual requirements as determined by
18 rule of the board.

19
20 SECTION 21. Arkansas Code § 17-29-304(b), concerning the requirements
21 to conduct a funeral establishment, is amended to read as follows:

22 (b)(1)(A) ~~No license shall be issued to operate a full-service funeral~~
23 ~~establishment by~~ Except as provided in subdivision (b)(2) of this section,
24 the board shall not issue a license to operate a full-service funeral
25 establishment unless the establishment has employed a full-time person
26 manager who:

27 (i) Is a licensed ~~as a~~ funeral director;

28 (ii) Actively supervises the staff of the
29 establishment; and

30 (iii) Is not employed by a nonaffiliated funeral
31 establishment.

32 (B) A funeral establishment shall:

33 (i) Be open for business and available for
34 inspection by the board during normal business hours; and

35 (ii) Post conspicuously its hours of operation on
36 the premises of the funeral establishment.

1 (2) ~~If the~~ A funeral establishment that is a part of a multiunit
 2 enterprise within this state, may employ only one (1) establishment within
 3 the multiunit enterprise must have a full-time person manager who is licensed
 4 as a funeral director, provided the for a branch of the funeral establishment
 5 if the full-time licensed person manager:

6 (A) ~~is~~ Is reasonably accessible to the branch of the
 7 funeral establishment; and

8 (B) Resides within fifty (50) miles of the branch of the
 9 funeral establishment.

10
 11 SECTION 22. Arkansas Code § 17-29-304(e), concerning the requirements
 12 to conduct a funeral establishment, is amended to read as follows:

13 (e)(1) ~~An A funeral establishment in which embalming is conducted that~~
 14 conducts embalming shall have a preparation room with a for embalming that
 15 has:

16 (A) ~~sanitary floor~~ Sanitary floors, walls, and ceiling
 17 ceilings that are constructed from a washable surface;

18 (B) ~~adequate~~ Adequate sanitary drainage and disposal
 19 facilities, including hot and cold running water, and;

20 (C) An exhaust fans system that provides proper
 21 ventilation according to the standards and regulations of the Occupational
 22 Safety and Health Administration for the prevention of the spread of
 23 contagious, infectious, or communicable diseases; and

24 (D) A heating and cooling system that is separate from the
 25 rest of the funeral establishment.

26 (2) ~~Such an~~ The funeral establishment shall comply with the
 27 regulations rules of the Department of Health and standards and regulations
 28 of the Occupational Safety and Health Administration for the prevention of
 29 the spread of contagious, infectious, or communicable diseases.

30
 31 SECTION 23. Arkansas Code § 17-29-304(g), concerning the requirements
 32 to conduct a funeral establishment, is amended to read as follows:

33 (g) A funeral establishment shall:

34 (1) ~~contain a casket selection room with a reasonable number of~~
 35 easkets therein, Contain a separate conference room that is used to make
 36 funeral arrangements; and

1 (2) The Display on site a reasonable number of caskets shall be
2 as determined by the board. However, if an establishment is a part of a
3 multiunit enterprise, only one (1) establishment in the enterprise need have
4 a selection room if it is within a reasonable distance of other
5 establishments within the multiunit enterprise.

6
7 SECTION 24. Arkansas Code § 17-29-304, concerning the requirements to
8 conduct a funeral establishment, is amended to add additional subsections to
9 read as follows:

10 (i)(1) A funeral establishment shall provide proof of general
11 liability insurance.

12 (2) The board shall develop and promulgate rules requiring
13 sufficient and appropriate minimum levels of general liability insurance
14 coverage for licensed funeral establishments.

15 (j) Upon renewal of its license, a funeral establishment that is
16 currently operating under this section shall be subject to the provisions in
17 this section as determined by rules of the board.

18
19 SECTION 25. Arkansas Code § 17-29-305(a)(4), concerning examinations
20 and licenses for funeral establishments, is amended to read as follows:

21 (4) No A person who has filed an application for a license shall
22 not be prosecuted for a violation of this section subchapter unless it is
23 shown that this the applicant is properly notified that the application was
24 duly denied by the board before the violation occurred and that he or she was
25 duly notified of the denial.

26
27 SECTION 26. Arkansas Code § 17-29-305(b)(1), concerning a change in
28 ownership of a funeral establishment, is amended to read as follows:

29 (b)(1)(A) When an establishment changes ownership, the An owner of a
30 funeral establishment shall:

31 (i) Notify the board shall be notified in writing
32 within at least thirty (30) days before a change of ownership of the funeral
33 establishment occurs; and

34 (ii) Supply information requested by the board
35 concerning the change of ownership.

36 (B) The board shall develop and promulgate rules to

1 provide a transfer of ownership of a funeral establishment including the
2 transferability of a license issued under this subchapter.

3
4 SECTION 27. Arkansas Code § 17-29-306(a), concerning the procedure to
5 renew a license, is amended to read as follows:

6 (a)(1) Every license holder under this subchapter who wishes to
7 continue the practice of the science of embalming or the business of funeral
8 directing, or both, shall pay a renewal fee to the Secretary-treasurer of the
9 State Board of Embalmers and Funeral Directors ~~on or before~~ annually by
10 December 31 of each year.

11 (2) A license not renewed by December 31 of any year ~~shall be~~
12 considered is delinquent.

13 (3) ~~Any person in arrears more than three (3) years shall appear~~
14 ~~before the~~ The board at a regular meeting and pay a may renew a license after
15 December 31 if during the first twelve (12) months of delinquency a licensee
16 submits a renewal form, renewal fee, and any delinquency fee fees as
17 determined by rule of the board to be eligible for renewal of a license.

18 (4) A person whose license is delinquent under subdivision
19 (a)(2) of this section for at least thirteen (13) months may apply to the
20 board for reinstatement of the delinquent license by submitting a
21 reinstatement application and attaching any applicable fees as determined by
22 rule of the board.

23
24 SECTION 28. Arkansas Code § 17-29-307 is amended to read as follows:
25 17-29-307. Revocation.

26 (a) The State Board of Embalmers and Funeral Directors may refuse to
27 renew, or may suspend or revoke, a license issued under this subchapter if it
28 finds, after a hearing, that a person or a ~~the~~ funeral establishment licensed
29 under this subchapter does not meet any ~~one (1) or all of the requirements~~
30 ~~set forth in~~ requirement under this subchapter or § 17-29-201 et seq.

31 (b) ~~No~~ A new license shall not be issued to an individual or the an
32 owner of a funeral establishment or to a corporation controlled by that owner
33 for at least one (1) year after the revocation of the license.

34 (c)(1) ~~Before any action can be taken under this section, the~~
35 ~~procedure for notice and hearing prescribed by the Arkansas Administrative~~
36 ~~Procedure Act, § 25-15-201 et seq., shall be followed~~ The board may

1 temporarily suspend a license without a hearing if the board determines that
2 the public health, safety, or welfare requires immediate action.

3 (2) If the board temporarily suspends a license under
4 subdivision (c)(1) of this section, the board shall notify the licensee
5 immediately by certified mail of the temporary suspension and the date, time,
6 and location of the hearing to be held under subdivision (c)(3) of this
7 section.

8 (3) If a license is temporarily suspended under subdivision
9 (c)(1) of this section, a hearing on the suspension of the license shall be
10 held within ten (10) days of the temporary suspension of the license.

11 (d)(1) Based on the information contained in the complaint submitted
12 against a licensee, the board may suspend the license issued under this
13 subchapter without a hearing five (5) days after sending written notice by
14 certified mail, nonrestricted delivery, to the licensee if the licensee:

15 (A) Does not have the required proof of general liability
16 insurance on file with the board; or

17 (B) Refuses to submit to an audit or inspection by the
18 board under this chapter.

19 (2) A suspension of a license under subdivision (c)(1) of this
20 section shall not exceed sixty (60) days without a hearing.

21 (e) A hearing under this section and an appeal of the board's decision
22 to suspend a license under this section is governed by the Arkansas
23 Administrative Procedure Act, § 25-15-201 et seq.

24
25 SECTION 29. Arkansas Code § 17-29-309 is amended to read as follows:

26 17-29-309. ~~Retired~~ Lifetime embalmers or funeral directors.

27 The State Board of Embalmers and Funeral Directors ~~shall have the power~~
28 ~~to~~ may adopt appropriate rules ~~and regulations~~ regarding the issuance ~~and~~
29 ~~renewal~~ of a lifetime license to ~~individuals who shall have retired from the~~
30 ~~active practice of embalming or funeral directing~~ an individual based upon
31 ~~the age of the individuals or~~ number of years of licensure.

32
33 SECTION 30. Arkansas Code § 17-29-310 is amended to read as follows:

34 17-29-310. License requirements for out-of-state licenses.

35 (a) Any A person holding a valid, ~~unrevoked, and unexpired~~ license as
36 an embalmer or funeral director in another state, United States territory, or

1 provincial authority for an appropriate time as determined by the State Board
2 of Embalmers and Funeral Directors may apply for a license to practice in
3 this state as an embalmer or a funeral director, or both.

4 ~~(b)(1) Application~~ An application shall be made by filing with the
5 Secretary-treasurer of the State Board of Embalmers and Funeral Directors or
6 the Executive Director of the State Board of Embalmers and Funeral Directors
7 a certified statement from the secretary of the examining board of the state,
8 United States territory, or provincial authority in which the applicant holds
9 his or her license, showing the basis upon which the license was issued.

10 (2) Upon receipt of the application and fee, the Secretary-
11 ~~treasurer~~ secretary-treasurer of the board or the executive director of the
12 board may issue a temporary working ~~numbers, which are~~ number that is valid
13 for one (1) year from the date of issuance.

14 (c)(1) To obtain a license, the applicant shall pass an exam to prove
15 his or her proficiency, including ~~at least, but not limited to,~~ a knowledge
16 of the laws, and rules, ~~and regulations~~ of this state pertaining to funeral
17 service.

18 (2) The ~~After the application is submitted, the~~ exam may be
19 ~~taken at one (1) of the regularly scheduled exam sessions set by the~~
20 scheduled with an exam provider by mail or electronic means as determined by
21 the board.

22 (3) If the board is satisfied with the proficiency of the
23 applicant, upon receipt of the prescribed fees in § 17-29-208, a license may
24 be granted.

25 (4) Failure to meet testing requirements shall result in
26 revocation of the temporary working ~~numbers~~ number, and the applicant ~~must~~
27 shall reapply and pay the appropriate fee to be licensed under this
28 subchapter.

29
30 SECTION 31. Arkansas Code § 17-29-311, the catchline for Arkansas Code
31 § 17-29-311 is amended to read as follows:

32 17-29-311. ~~Violations—Prohibitions~~ Prohibited conduct – Sanctions.
33

34 SECTION 32. Arkansas Code § 17-29-311(a)(7), concerning causes for
35 sanctions against embalmers and funeral directors, is amended to read as
36 follows:

1 (7) ~~Allowing personnel unlicensed pursuant to a person who is~~
2 ~~not licensed under this subchapter to execute a contracts contract for~~
3 ~~funeral ~~service~~ arrangements;~~
4

5 SECTION 33. Arkansas Code § 17-29-311(b), concerning causes for
6 sanctions against embalmers and funeral directors, is amended to read as
7 follows:

8 (b) ~~No~~ A routine sale of a prearranged or a prefinanced funeral or of
9 funeral merchandise in the ordinary course of business is not a violation of
10 subdivisions ~~(a)(4)-(a)(7)~~ (a)(4)-(7) of this section shall be deemed to have
11 ~~occurred when in the ordinary course of business a routine sale of a~~
12 ~~prearranged or a prefinanced funeral or of funeral merchandise shall have~~
13 ~~been made.~~
14

15 SECTION 34. Arkansas Code § 17-29-311(f), concerning causes for
16 sanctions against embalmers and funeral directors, is amended to read as
17 follows:

18 (f) ~~All~~ A dead human ~~bodies~~ body that is not buried or otherwise
19 disposed of within ~~twenty-four (24) hours after death~~ an allotted time to be
20 determined by rule of the board shall be embalmed as prescribed in this
21 subchapter or § 17-29-201 et seq. or stored under refrigeration as determined
22 by the ~~State Board of~~ Department of Health.
23

24 SECTION 35. Arkansas Code § 17-29-311(h), concerning causes for
25 sanctions against embalmers and funeral directors, is amended to read as
26 follows:

27 (h) ~~It shall be unlawful and~~ is a violation of this chapter for ~~any~~ a
28 person to engage in the practice of embalming or funeral directing or to hold
29 himself or herself out to the public as a licensed practicing embalmer or
30 funeral director ~~within the State of Arkansas~~ in this state without ~~being the~~
31 ~~holder of a license.~~
32

33 SECTION 36. Arkansas Code § 17-29-311, concerning causes for sanctions
34 against an embalmer or funeral director, is amended to add an additional
35 subsection to read as follows:

36 (i) A person or entity shall not be issued a license to practice the

1 science of embalming or to engage in the business of funeral directing for
 2 one (1) year after the license of the person or entity is revoked.

3
 4 SECTION 37. Arkansas Code § 17-29-313 is amended to read as follows:

5 17-29-313. ~~Permit required for crematorium~~ Crematorium construction
 6 - Operation of crematorium.

7 (a)(1) ~~No crematoriums~~ A crematorium shall not be constructed in this
 8 state without a permit issued by the State Board of Embalmers and Funeral
 9 Directors.

10 (2) In order to receive a permit to construct a crematorium, a
 11 person shall:

12 (A)(i) Publish a notice in a newspaper of general
 13 circulation in the county where the crematorium is proposed to be constructed
 14 stating that the applicant intends to construct a crematorium at a designated
 15 location.

16 (ii) The notice shall:

17 (a) Be published on the Sunday and Wednesday
 18 no more than fifteen (15) days nor less than seven (7) days before submitting
 19 an application to the board; and

20 (b) Invite members of the public to submit
 21 written protest to the construction of the proposed crematorium to the board
 22 at the address designated by the board; and

23 (B)(i) Submit an application to the board for a permit to
 24 construct a crematorium.

25 (ii) The application for a permit to construct a
 26 crematorium shall include:

27 (a) Proof of publication of the notice
 28 required under subdivision (a)(2)(A) of this section;

29 (b) A copy of the permit issued by the
 30 Arkansas Department of Environmental Quality under § 8-4-203 to construct the
 31 crematorium; and

32 (c) The fee as prescribed in § 17-29-208.

33 (b)(1) Upon receiving ~~an~~ a written protest to an application for the
 34 construction of a crematorium, the board shall:

35 (A) Schedule a public hearing on the application; and

36 (B)(i) ~~cause~~ Direct the applicant to ~~be published~~ publish

1 in a newspaper having general circulation within the county ~~wherein~~ where the
2 crematorium is proposed to be constructed a notice of the date and time of a
3 public hearing on the application.

4 ~~(2)(ii)~~ The notice ~~must~~ shall be published on the
5 Sunday and Wednesday no more than ~~two (2) weeks~~ fifteen (15) days nor less
6 than ~~one (1) week~~ prior to seven (7) days before the public hearing.

7 ~~(3)~~ The owners of property located within two hundred fifty feet
8 (250') of the proposed site of the crematorium shall be notified by the board
9 by registered mail.

10 ~~(4)(2)~~ The public hearing shall be held in the city or county
11 wherein in which the proposed crematorium is to be located.

12 (c)(1) A crematorium shall not be operated in this state without a
13 license issued by the board.

14 (2) A person that desires to operate a crematorium in this state
15 shall:

16 (A) Make application to the board on forms furnished by
17 the board;

18 (B) Provide the necessary information as determined by the
19 board;

20 (C) Attach the fee as prescribed in § 17-29-208; and

21 (D) Satisfy the requirements of the board for the safe and
22 sanitary operation of a crematorium as determined by the board.

23 (3) The board shall grant the application if the board finds
24 that the proposed crematorium:

25 (A) Complies with all state and federal laws concerning
26 environmental and public health; and

27 (B) Will serve the public interest.

28
29 SECTION 38. Arkansas Code Title 17, Chapter 29, Subchapter 3, is
30 amended to add additional sections to read as follows:

31 17-29-314. Crematory retort operator – Qualifications.

32 (a) A person who desires to have a license as a crematory retort
33 operator in this state shall:

34 (1) Be at least eighteen (18) years of age;

35 (2) Have received a high school diploma or a General Educational
36 Development Test certificate;

1 (3) Make written application to the State Board of Embalmers and
2 Funeral Directors and attach the fee prescribed by § 17-29-208;

3 (4) Take and pass the appropriate exams as determined by the
4 board; and

5 (5) Provide the information required by the board.

6 (b) Application for a crematory retort operator license shall be made
7 on forms furnished by the board.

8 (c) Each crematory retort operator shall be required to submit initial
9 Occupational Safety and Health Administration blood borne pathogen training.

10 (d)(1) The board shall grant the application if the board finds that
11 the applicant:

12 (A) Possesses a knowledge of the operation of a
13 crematorium retort; and

14 (B) Meets the qualifications under this section.

15 (e)(1) The board may require an applicant for licensure as a crematory
16 retort operator to successfully complete up to twenty (20) hours of classroom
17 instruction in crematory operation practices and ethics, and laws and rules
18 affecting cremations and operating a crematory retort.

19 (2) The board shall approve all courses that satisfy this
20 requirement.

21 (f) Within a reasonable amount of time after the effective date of
22 this subchapter, a crematory retort operator who is operating a crematory
23 retort in this state shall be licensed as determined by rules of the board.

24 17-29-315. Transporting human remains – Operating a transport service
25 – Qualifications.

26 (a) A person who desires to transport human remains or operate a
27 transport service to transport human remains in this state shall:

28 (1) Be at least eighteen (18) years of age;

29 (2) Possess a valid Arkansas driver's license appropriate for
30 the operation of the motor vehicle as determined by the State Board of
31 Embalmers and Funeral Directors;

32 (3) Make written application to the board for each transport
33 service firm to register as a driver on forms provided by the board and
34 attaching the fee as prescribed in § 17-29-208 for the transport service;

35 (4) Own an appropriate and acceptable motor vehicle determined
36 by the board to transport human remains;

1 (5) Each driver shall be required to submit initial Occupational
 2 Safety and Health Administration blood borne pathogen training for an initial
 3 registration; and

4 (6) Provide the information required by the board.

5 (b) Application for a transport service license shall be made on forms
 6 furnished by the board.

7 (c) The board shall grant the application if the board finds that the
 8 applicant:

9 (1) Has an acceptable driving record; and

10 (2) Meets the qualifications under this section.

11 (d) Within a reasonable amount of time after the effective date of
 12 this subchapter, an individual who is currently transporting human remains in
 13 this state shall be licensed as determined by rules of the board.

14
 15 SECTION 39. Arkansas Code § 17-29-401 is amended to read as follows:
 16 17-29-401. Criminal penalties.

17 ~~Any A person who, after February 28, 1985, practices the science of~~
 18 ~~embalming, engages in the business of funeral directing, or conducts,~~
 19 ~~maintains, manages, or operates a funeral establishment, operates a~~
 20 ~~crematorium, conducts cremations, transports human remains, or operates a~~
 21 ~~transport service without a license issued under any provision of § 17-29-201~~
 22 ~~et seq. and § 17-29-301 et seq., shall be is guilty of a Class A misdemeanor~~
 23 ~~Class D felony~~ and subject to the punishment prescribed for ~~Class A~~
 24 ~~misdemeanors~~ Class D felonies in the Arkansas Criminal Code.

25
 26 SECTION 40. Arkansas Code § 17-29-402 is amended to read as follows:
 27 17-29-402. Injunctions.

28 Without posting bond, the State Board of Embalmers and Funeral
 29 Directors may petition the circuit court of the county where the violation
 30 occurred to enjoin violations of § 17-29-201 et seq., ~~and~~ § 17-29-301 et
 31 seq., or any rules promulgated by the board ~~regulations promulgated~~
 32 ~~thereunder.~~

33
 34 SECTION 41. Arkansas Code § 17-29-403(a), concerning a civil penalty
 35 for certain violations, is amended to read as follows:

36 (a) Whenever the State Board of Embalmers and Funeral Directors, after

1 a hearing conducted in accordance with the Arkansas Administrative Procedure
2 Act, § 25-15-201 et seq., determines that a person has violated any provision
3 of § 17-29-201 et seq., ~~and § 17-29-301 et seq., or any regulations~~ the rules
4 promulgated by the board pursuant thereto, the board may impose a civil
5 penalty on ~~such a~~ that person not to exceed ten thousand dollars (\$10,000)
6 per violation.

7
8 SECTION 42. Arkansas Code § 17-29-404 is amended to read as follows:
9 17-29-404. Civil appeals.

10 ~~Any~~ A person aggrieved by the action of the State Board of Embalmers
11 and Funeral Directors' imposing civil penalties or any adverse action,
12 including the denial of a permit or license, may appeal such a decision in
13 the manner ~~and under the procedure~~ prescribed in the Arkansas Administrative
14 Procedure Act, § 25-15-201 et seq., for appeals from administrative
15 decisions.

16
17 SECTION 43. Arkansas Code § 17-29-501 is amended to read as follows:
18 17-29-501. Definition.

19 As used in this subchapter, "funeral home" means ~~and embraces all~~
20 ~~functions pertaining to or connected with~~ an establishment that satisfies the
21 requirements of § 17-29-503 that is suitable for:

22 (1) ~~the~~ The preparation of human bodies for interment; and
23 (2) ~~together with all the~~ The rights, services, and ceremonies
24 ~~usually attendant~~ customarily associated with ~~such~~ an interment.

25
26 SECTION 44. Arkansas Code § 17-29-502 is amended to read as follows:
27 17-29-502. Status of funeral homes.

28 A funeral home is declared to be:

29 (1) A service institution ~~and, when conducted upon and in the~~
30 ~~manner hereinafter set forth, shall be so rated and considered in connection~~
31 ~~with~~ for the purpose of:

32 (A) Zoning;
33 (B) The occupation and enjoyment of property; and
34 (C) ~~The engaging in the~~ conduct and management ~~thereof~~ of
35 the funeral home; and

36 (2) A An establishment for practicing a skilled profession.

1
2 SECTION 45. Arkansas Code Title 17, Chapter 29, Subchapter 6, is
3 repealed.

4 ~~17-29-601.— Purpose.~~

5 ~~The purpose of this subchapter is to establish a permanent program to~~
6 ~~provide financial assistance to qualified Arkansas citizens attending~~
7 ~~accredited colleges of funeral service education outside of Arkansas.~~

8
9 ~~17-29-602.— Definition.~~

10 ~~As used in this subchapter, an “accredited college of funeral service~~
11 ~~education” means a college accredited by the American Board of Funeral~~
12 ~~Service Education.~~

13
14 ~~17-29-603.— Program establishment— Authority of Department of Health.~~

15 ~~(a) There is established within the Department of Health a program to~~
16 ~~provide financial assistance to residents of Arkansas attending accredited~~
17 ~~colleges of funeral service education outside of Arkansas.~~

18 ~~(b) The department is authorized and designated as the state agency to~~
19 ~~administer the program established in this subchapter and to accept~~
20 ~~applications therefor and make grants to applicants to assist in defraying~~
21 ~~the cost of attending accredited colleges of funeral service education~~
22 ~~outside of Arkansas.~~

23
24 ~~17-29-604.— Application— Certification— Priorities.~~

25 ~~(a) Any resident of the State of Arkansas desiring to obtain an~~
26 ~~assistance grant under the provisions of this subchapter may make application~~
27 ~~to the Department of Health containing such information as the department~~
28 ~~shall deem necessary to determine the eligibility of the applicant to~~
29 ~~participate in the program.~~

30 ~~(b) In order to qualify for an assistance grant, the applicant shall~~
31 ~~have served a one year apprenticeship in the State of Arkansas under the~~
32 ~~supervision of an Arkansas licensed funeral director and licensed embalmer~~
33 ~~prior to enrollment in an accredited college of funeral service education.~~

34 ~~(c) If the applicant is found to be a bona fide resident of Arkansas~~
35 ~~and has served the apprenticeship, the department shall certify the student~~
36 ~~as qualified to participate under the program established in this subchapter~~

1 ~~to the extent that funds are available.~~

2 ~~(d) The names of all qualified applicants shall be kept on a register~~
3 ~~in the order in which their application was received by the board of~~
4 ~~trustees. Applicants who have been accepted for admission by accredited~~
5 ~~colleges of funeral service education outside the state shall be given~~
6 ~~priority in receiving benefits under the provisions of this subchapter, to~~
7 ~~the extent that funds are available therefor, in the order in which the~~
8 ~~applications appear on the register maintained by the department.~~

9
10 ~~17-29-605. Limitation on assistance.~~

11 ~~In no case shall an assistance grant made to an applicant under this~~
12 ~~program exceed the normal student tuition charge made by the accredited~~
13 ~~colleges of funeral service education in which the applicant is or will be~~
14 ~~enrolled or one thousand two hundred dollars (\$1,200) per individual,~~
15 ~~whichever is less.~~

16
17 ~~17-29-606. Program administration.~~

18 ~~The Department of Health shall be the administering and disbursing~~
19 ~~agency for the State of Arkansas for making assistance grants to mortician~~
20 ~~students under the provisions of this subchapter. As disbursing agent, the~~
21 ~~department may expend sums that are specifically appropriated for the~~
22 ~~operation and administration of the program, but such expenditures shall be~~
23 ~~limited to the amount specifically appropriated for the program, and the~~
24 ~~award of any particular grant shall not obligate the State of Arkansas to~~
25 ~~maintain the program provided for in this subchapter except to the extent~~
26 ~~that specific appropriation is made for the program.~~

27
28 /s/Talley
29
30
31
32
33
34
35
36