

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

SENATE BILL 527

5 By: Senator Rapert  
6 By: Representatives Warren, Collins  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE EMBALMERS AND FUNERAL DIRECTORS  
10 LAW; TO REVISE THE QUALIFICATIONS TO OBTAIN A LICENSE  
11 UNDER THE EMBALMERS AND FUNERAL DIRECTORS LAW; TO  
12 MODIFY THE REQUIREMENTS OF A FUNERAL ESTABLISHMENT TO  
13 CONDUCT EMBALMING; TO AMEND THE REQUIREMENTS TO  
14 OPERATE A FUNERAL ESTABLISHMENT; TO CLARIFY THE  
15 PROCEDURE TO ISSUE A TEMPORARY WORKING NUMBER TO AN  
16 OUT-OF-STATE LICENSEE; TO REQUIRE A CREMATORIUM TO  
17 PROVIDE PROOF OF GENERAL LIABILITY INSURANCE TO THE  
18 STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS; AND  
19 FOR OTHER PURPOSES.  
20

## Subtitle

21  
22 TO AMEND THE EMBALMERS AND FUNERAL  
23 DIRECTORS LAW.  
24  
25  
26

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
28

29 SECTION 1. Arkansas Code § 17-29-301 is amended to read as follows:  
30 17-29-301. Embalmers – Qualifications.

31 (a) ~~Every~~ A person who desires to practice the science of embalming in  
32 this state shall:

- 33 (1) Be at least eighteen (18) years of age;
- 34 (2) Be a graduate of an accredited high school or the equivalent  
35 thereof;
- 36 (3) Be a graduate of a school of ~~embalming~~ mortuary science.



1 ~~which that~~ is accredited by the American Board of Funeral Service Education  
2 ~~or accredited by the State Board of Embalmers and Funeral Directors;~~

3 (4) Make a written application to the State Board of Embalmers  
4 and Funeral Directors attaching the fee as prescribed in § 17-29-208;

5 (5) Have served as a registered apprentice embalmer for not less  
6 than twelve (12) months in the State of Arkansas under the direct personal  
7 supervision of an Arkansas-licensed embalmer and submit at least fifty (50)  
8 case reports to the State Board of Embalmers and Funeral Directors; ~~and~~

9 (6)~~(A)~~ Take and pass both parts of the National Board  
10 Examination ~~and the Arkansas laws, rules, and regulations exam; and~~

11 (7)(A) Have passed an examination approved by the State Board of  
12 Embalmers and Funeral Directors.

13 (B) Applicants shall be given a written examination on the  
14 following:

15 (i) Arkansas laws;

16 (ii) Arkansas rules; and

17 (iii) Any federal regulations that the State Board  
18 of Embalmers and Funeral Directors deems necessary.

19 (C) To be eligible to take the ~~Arkansas laws, rules, and~~  
20 ~~regulations exam~~ examination described in subdivision (a)(7)(B) of this  
21 section, an applicant shall be an active apprentice who is currently  
22 registered with the ~~board~~ State Board of Embalmers and Funeral Directors.

23 (b)(1) ~~Any~~ A person desiring to engage in the science of embalming in  
24 this state, in addition to graduating from an approved college of mortuary  
25 science recognized by the ~~State Board of Embalmers and Funeral Directors~~  
26 American Board of Funeral Service Education, shall serve an apprenticeship of  
27 at least one (1) year in the State of Arkansas ~~under an embalmer licensed by~~  
28 ~~the State Board of Embalmers and Funeral Directors~~ and shall assist in the  
29 preparation of at least fifty (50) bodies under the direct personal  
30 supervision of an Arkansas-licensed embalmer.

31 (2)(A) This apprenticeship shall be registered with the State  
32 Board of Embalmers and Funeral Directors on applications provided by the  
33 State Board of Embalmers and Funeral Directors.

34 (B) Individual case reports shall be signed by both the  
35 apprentice and the licensed embalmer under whose supervision the work was  
36 done and filed with the State Board of Embalmers and Funeral Directors by the

1 tenth day of the following month.

2 (3)(A) An apprenticeship under this subsection may begin not  
 3 more than twelve (12) months before enrollment in an accredited college of  
 4 mortuary science or by submitting proof of graduation from an accredited  
 5 college of mortuary science.

6 (B) If an apprentice fails to enroll in an accredited  
 7 college of mortuary science as required under subdivision (b)(3)(A) of this  
 8 section, the apprenticeship shall be terminated for a period to be determined  
 9 by rule of the State Board of Embalmers and Funeral Directors.

10 (c) The State Board of Embalmers and Funeral Directors may suspend or  
 11 revoke an applicant’s apprenticeship for violating this subchapter or § 17-  
 12 29-201 et seq.

13  
 14 SECTION 2. Arkansas Code § 17-29-302 is amended to read as follows:

15 17-29-302. Funeral directors – Qualifications.

16 (a) ~~Every~~ A person who desires to engage in the business of funeral  
 17 directing in this state shall:

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

19 (2) Be a graduate of an accredited high school or the equivalent  
 20 thereof;

21 (3)(A) Have served as an apprentice funeral director for not  
 22 less than ~~twenty-four (24)~~ eighteen (18) months in the State of Arkansas  
 23 under the direct personal supervision of an Arkansas-licensed funeral  
 24 director.

25 (B) Completion of the requirement to be a graduate of a  
 26 school of ~~embalmers~~ mortuary science as set forth in § 17-29-301(a)(3) may be  
 27 substituted for ~~twelve (12)~~ six (6) of the ~~twenty-four (24)~~ eighteen (18)  
 28 months’ apprenticeship established in this section;

29 (4) Make application to the State Board of Embalmers and Funeral  
 30 Directors and attach the fee as prescribed in § 17-29-208; and

31 (5)(A) ~~Take and pass all examinations required by the board~~ Have  
 32 passed an examination approved by the board as described in § 17-29-  
 33 301(a)(7).

34 (B) To be eligible to take the ~~Arkansas laws, rules, and~~  
 35 ~~regulations exam~~ examination required under subdivision (a)(5)(A) of this  
 36 section, an applicant shall be an active apprentice who is currently

1 registered with the board.

2 (b)(1)(A) ~~Except as provided in subdivision (b)(1)(C) of this section,~~  
3 a A person desiring to engage in the business of funeral directing in this  
4 state shall serve an apprenticeship in this state for ~~two (2) years~~ no less  
5 than eighteen (18) months.

6 (B) An apprentice shall:

7 (i) Register with the board on forms provided by the  
8 board and by attaching the fee as prescribed in § 17-29-208;

9 (ii) ~~Be~~ Upon registration with the board, be  
10 supervised by a funeral director licensed by the board; ~~and~~

11 (iii) Actively assist in arranging fifty (50)  
12 services as determined by rule of the board; and

13 (iv) File with the board individual case reports for  
14 services arranged by the apprentice, signed by the apprentice and the  
15 licensed funeral director under whose supervision the work was done, by the  
16 tenth day of the following month.

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

21 (2) A Before the start of the apprenticeship, a licensed funeral  
22 director who is supervising an apprenticeship shall record a notice of the  
23 apprenticeship with the Secretary-treasurer of the State Board of Embalmers  
24 and Funeral Directors or the Executive Secretary of the State Board of  
25 Embalmers and Funeral Directors ~~no later than thirty (30) days after the~~  
26 ~~start of the apprenticeship.~~

27 (3) The board may suspend or revoke an applicant's  
28 apprenticeship for a funeral director for a violation of this subchapter or §  
29 17-29-201 et seq.

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

34 (c)(1) The board ~~may~~ shall require applicants for licensure as funeral  
35 directors to successfully complete up to twenty (20) hours of classroom  
36 instruction in funeral service practices and ethics, and laws, rules, and

1 regulations affecting funeral service.

2 (2) Only courses of instruction approved by the board shall  
3 satisfy ~~this~~ the requirement in subdivision (c)(1) of this section.

4  
5 SECTION 3. Arkansas Code § 17-29-303(d), concerning examinations and  
6 certificates for embalmers and funeral directors, is amended to read as  
7 follows:

8 (d) Every license ~~holder~~ or certificate issued by the board under  
9 subsection (b) of this section shall be maintain his or her license in a  
10 convenient place in his or her office or displayed in each place of business  
11 of the licensee.

12  
13 SECTION 4. Arkansas Code § 17-29-304(a), concerning the requirements  
14 to conduct a funeral establishment, is amended to add additional subdivisions  
15 to read as follows:

- 16 (3) A funeral establishment shall:
- 17 (A) Establish a permanent place of business;
- 18 (B) Maintain a working telephone number for the funeral  
19 establishment;
- 20 (C) Maintain working public utilities, including running  
21 water, electricity, and a functioning heating and cooling system; and
- 22 (D) Ensure that the interior of the funeral establishment  
23 is protected from exposure to outside elements.

24 (4) A funeral establishment may display a sign at each location  
25 of the funeral establishment that indicates the registered name of the  
26 funeral establishment on file with the board.

27  
28 SECTION 5. Arkansas Code § 17-29-304(e)(1), concerning a preparation  
29 room for embalming, is amended to add additional subdivisions to read as  
30 follows:

- 31 (e)(1) A funeral establishment that conducts embalming shall have a  
32 preparation room for embalming that has:
- 33 (A) Sanitary floors, walls, and ceilings that are  
34 constructed from a washable surface;
- 35 (B) Adequate sanitary drainage and disposal facilities,  
36 including hot and cold running water;

1 (C) An exhaust system that provides proper ventilation  
2 according to the standards and regulations of the United States Occupational  
3 Safety and Health Administration for the prevention of the spread of  
4 contagious, infectious, or communicable diseases; ~~and~~

5 (D) A heating and cooling system that is separate from the  
6 rest of the funeral establishment;

7 (E) Privacy coverings on doorways and windows that prevent  
8 viewing of the preparation room and the contents of the preparation room;

9 (F) A functional lock that prevents unauthorized entrance  
10 to the preparation room;

11 (G) A biohazard waste disposal system that is compliant  
12 with § 20-32-101 et seq. and as may be permitted by the rules of the  
13 Department of Health pertaining to the segregation, packaging, storage,  
14 transportation, treatment, and disposal of commercial medical waste from  
15 healthcare-related facilities; and

16 (H) Other requirements as described by rule of the board.  
17

18 SECTION 6. Arkansas Code § 17-29-304(g), concerning the requirements  
19 to operate a funeral establishment, is amended to add additional subdivisions  
20 to read as follows:

21 (g) A funeral establishment shall:

22 (1) Contain a separate conference room that is used to make  
23 funeral arrangements; ~~and~~

24 (2) Display on site a reasonable number of caskets as determined  
25 by the board;

26 (3) Maintain proper care and maintenance of the interior and  
27 exterior of the funeral establishment; and

28 (4) Maintain the interior and exterior of the funeral  
29 establishment in a manner that does not present a potential or actual hazard  
30 to the health, safety, or welfare of the public.  
31

32 SECTION 7. Arkansas Code § 17-29-304, concerning the operation of a  
33 funeral establishment, is amended to add additional subsections to read as  
34 follows:

35 (k) Multiple funeral establishments are not permitted to share the  
36 same physical location without the prior approval of the board.

1           (1)(1) A funeral establishment shall maintain at least one (1)  
2 refrigeration unit or have access to a refrigeration unit within a reasonable  
3 time after death as determined by rule of the board.

4           (2) Accessibility to a refrigeration unit by a funeral  
5 establishment shall be reported as determined by rule of the board.

6           (3) A multiunit funeral establishment enterprise is required to  
7 maintain at least one (1) refrigeration unit in this state.

8  
9           SECTION 8. Arkansas Code § 17-29-310(b), concerning the license  
10 requirements for out-of-state licensees, is amended to read as follows:

11           (b)(1) An application shall be made by filing with the Secretary-  
12 treasurer of the State Board of Embalmers and Funeral Directors or the  
13 Executive Secretary of the State Board of Embalmers and Funeral Directors a  
14 certified statement from the secretary of the examining board of the state,  
15 United States territory, or provincial authority in which the applicant holds  
16 his or her license, showing the basis upon which the license was issued.

17           (2) Upon receipt of the application and fee, the secretary-  
18 treasurer of the board or the executive ~~director~~ secretary of the board may  
19 issue a temporary working number that is valid for one (1) year from the date  
20 of issuance.

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22           SECTION 9. Arkansas Code § 17-29-313(c)(2), concerning requirements  
23 for operation of a crematorium, is amended to add an additional subdivision  
24 to read as follows:

25                   (E)(i) Provide proof of general liability insurance.

26                           (ii) The board shall develop and promulgate rules  
27 requiring sufficient and appropriate minimum levels of general liability  
28 insurance coverage for licensed crematoriums.