

1 AN ACT relating to coroners.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) A coroner or deputy coroner shall not be employed as a funeral director during*  
6 *his or her term of office.*

7 *(2) Employment as a funeral director during his or her term of office shall constitute*  
8 *malfeasance.*

9 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 316 IS CREATED TO  
10 READ AS FOLLOWS:

11 *(1) Any person licensed by the board who is elected to the office of coroner or is*  
12 *appointed as a deputy coroner, shall report that information to the board within*  
13 *thirty (30) days, and shall place his or her license in an inactive state during the*  
14 *term of office.*

15 *(2) Failure to report to the board, or to seek inactive license status, shall constitute*  
16 *an ethical violation and subject the licensee to disciplinary action.*

17 ➔Section 3. KRS 316.030 is amended to read as follows:

18 (1) No person shall engage in, or attempt to engage in, embalming or funeral directing  
19 in the Commonwealth of Kentucky unless the person is licensed under the  
20 provisions of this chapter.

21 (2) All Kentucky-licensed persons who practice embalming or funeral directing in  
22 Kentucky shall practice from a funeral establishment that is licensed to operate  
23 under the provisions of this chapter.

24 (3) One (1) member of every firm, and one (1) officer and one (1) stockholder of every  
25 corporation, that engages in embalming and funeral directing in Kentucky, shall be  
26 a Kentucky-licensed embalmer and a Kentucky-licensed funeral director.

27 (4) The board shall issue an embalmer's license to an applicant who:

- 1 (a) Is at least eighteen (18) years of age;
- 2 (b) Is of good moral character;
- 3 (c) Possesses a high school diploma or a High School Equivalency Diploma;
- 4 (d) Has received an associate degree in funeral services from a college or
- 5 university accredited by the American Board of Funeral Service Education;
- 6 (e) Has served an apprenticeship of one (1) year in a Kentucky funeral
- 7 establishment under the supervision of a Kentucky-licensed embalmer;
- 8 (f) Has taken an active part during the apprenticeship in assisting with the
- 9 embalming of at least twenty-five (25) dead human bodies under the direct
- 10 supervision of a Kentucky-licensed embalmer;
- 11 (g) Has paid to the board an examination fee of seventy-five dollars (\$75); and
- 12 (h) Has passed an examination prepared or approved by the board.
- 13 (5) The board shall issue a funeral director's license to an applicant who:
- 14 (a) Is at least eighteen (18) years of age;
- 15 (b) Is of good moral character;
- 16 (c) Possesses a high school diploma or a High School Equivalency Diploma;
- 17 (d) Has served an apprenticeship of three (3) consecutive years in a Kentucky
- 18 funeral establishment under the supervision of a Kentucky-licensed funeral
- 19 director. An associate degree in funeral services from a college or university
- 20 accredited by the American Board of Funeral Service Education shall
- 21 substitute for two (2) years of the apprenticeship. The completion of thirty
- 22 (30) semester credit hours or the equivalent from an accredited college or
- 23 university shall substitute for one (1) year of the apprenticeship. At no time
- 24 shall more than two (2) years of the apprenticeship be substituted;
- 25 (e) Has taken an active part during the apprenticeship in assisting with the
- 26 management of at least twenty-five (25) funerals under the direct supervision
- 27 of a Kentucky-licensed funeral director;

1 (f) Has paid to the board an examination fee of seventy-five dollars (\$75); and

2 (g) Has passed an examination prepared or approved by the board.

3 (6) **(a) The board shall issue an inactive license, when requested, to an applicant**

4 **who:**

5 **(1) Is currently a licensee in good standing; and**

6 **(2) Has paid the inactive license fee of thirty-five dollars (\$35).**

7 **(b) The inactive license may be renewed annually upon:**

8 **(1) Payment of the inactive license fee of thirty-five dollars (\$35); and**

9 **(2) Maintaining continuing education hours as required by subsection (3)**

10 **of Section 4 of this Act.**

11 **(7)** An applicant may serve embalming and funeral directing apprenticeships  
12 concurrently.

13 **(8)**~~**(7)**~~ At the beginning of an apprenticeship, an applicant for an embalmer's or a  
14 funeral director's license shall:

15 (a) Appear before the board;

16 (b) Pay to the board a registration fee of thirty dollars (\$30); and

17 (c) File with the board the sworn statement of the supervising Kentucky-licensed  
18 embalmer or the Kentucky-licensed funeral director averring that the applicant  
19 will work full-time under supervision in the funeral establishment and will  
20 receive a regular salary.

21 **(9)**~~**(8)**~~ An applicant shall work full-time in the funeral establishment during the  
22 apprenticeship and shall receive a regular salary.

23 **(10)**~~**(9)**~~ An applicant shall file with the board semiannually during the apprenticeship  
24 sworn statements by the applicant and the supervising Kentucky-licensed embalmer  
25 or Kentucky-licensed funeral director setting out the number of hours worked, the  
26 number of embalmings or funerals in which the applicant has assisted, and the  
27 salary received.

1 ~~(11)~~~~(10)~~ A Kentucky-licensed embalmer or a Kentucky-licensed funeral director shall  
2 not supervise more than five (5) applicants serving apprenticeships at any one (1)  
3 time.

4 ➔Section 4. KRS 316.130 is amended to read as follows:

- 5 (1) No license granted under this chapter shall be issued or renewed for a period  
6 exceeding one (1) year. Every license and renewal shall expire on July 31 following  
7 the date of its issuance unless sooner revoked, surrendered, or canceled.
- 8 (2) A person may renew an embalmer's license or a funeral director's license by paying  
9 to the board a renewal fee, not to exceed one hundred dollars (\$100), as set out in  
10 administrative regulations promulgated by the board.
- 11 (3) Except for the first licensure renewal following the issuance of an original license  
12 by the board, as a prerequisite for license renewal, including inactive licenses,  
13 every Kentucky-licensed embalmer and every Kentucky-licensed funeral director  
14 shall attend a minimum of twelve (12) hours every two (2) years in a continuing  
15 education program or programs approved by the board. Of these twelve (12) hours,  
16 a minimum of six (6) hours shall be attained from programs attended in a live,  
17 interactive, in-person format. Upon application to the board, the board may exempt  
18 a licensee from the continuing education requirements of this section if the  
19 applicant demonstrates that meeting the continuing education requirements of this  
20 section would work an undue hardship because of disability, illness, or other clearly  
21 mitigating circumstances, or if the applicant is seventy (70) years of age or older  
22 and is not actively involved in embalming or funeral directing. The board may use a  
23 portion of the annual license renewal fees for the purpose of contracting with  
24 accredited educational institutions, professional organizations, or other qualified  
25 persons to provide educational programs that meet this continuing education  
26 requirement.
- 27 (4) A licensed funeral establishment may renew its license by paying to the board a

1 renewal fee equal to the establishment license fee.

2 (5) Any renewal not received by the board prior to July 31 will be assessed a late fee,  
3 not to exceed the amount of the renewal fee, as set out in administrative regulations  
4 promulgated by the board.

5 (6) A license granted under this chapter shall not be transferable.

6 ➔Section 5. KRS 316.150 is amended to read as follows:

7 (1) The board may refuse to issue or renew, may revoke, or suspend and impose  
8 probationary conditions on the license of any Kentucky-licensed embalmer or  
9 Kentucky-licensed funeral director, and may issue a written reprimand and impose a  
10 fine, for:

11 (a) Violating any provision of this chapter, any lawful order of the board, or any  
12 administrative regulation promulgated by the board pursuant to this chapter;

13 (b) Being convicted of any felony, or any misdemeanor if the misdemeanor relates  
14 to the practice of embalming or funeral directing, if in accordance with KRS  
15 Chapter 335B. For purposes of this subsection, a conviction includes a finding  
16 or verdict of guilt or an entry of a guilty plea or a plea of no contest;

17 (c) Paying or offering to pay, directly or indirectly, any consideration of value to  
18 secure a funeral, prior to or after an individual's death, or allowing the  
19 applicant's or licensee's employee or immediate family member to pay  
20 anything of value to secure a funeral;

21 (d) Soliciting business in any way by offering or giving any service which is not a  
22 normal function of a licensed embalmer or a licensed funeral director in a  
23 regular service;

24 (e) Permitting any person who is not a Kentucky-licensed embalmer or Kentucky-  
25 licensed funeral director to perform any service pertaining to embalming or  
26 funeral directing required by law of a licensed embalmer or a licensed funeral  
27 director, from the time of death until interment;

- 1 (f) Misrepresenting or concealing a material fact in obtaining a license or an  
2 apprentice registration;
- 3 (g) Assisting any applicant for an embalmer's or a funeral director's license in  
4 obtaining the license by misrepresentation or concealment of a material fact in  
5 registering for an apprenticeship, or during the period of serving an  
6 apprenticeship, or in taking or passing the examination for an embalmer's or a  
7 funeral director's license;
- 8 (h) Being sanctioned for a violation of any state or federal statute or  
9 administrative regulation governing the funeral industry or its practice for  
10 which a plan of correction or remedial action was not accepted by the state or  
11 federal authority; ~~{or}~~
- 12 (i) **Violating the provisions of Section 1 or 2 of this Act; or**
- 13 **(j)** Committing any act which constitutes unprofessional, fraudulent, misleading,  
14 corrupt, deceptive, or dishonest conduct. If the act constitutes a crime,  
15 conviction in a criminal proceeding shall not be a condition precedent to a  
16 disciplinary action.
- 17 (2) The board may refuse to issue, may revoke, or suspend and impose probationary  
18 conditions on the registration of an apprentice, and may issue a written reprimand  
19 and impose a fine, for:
- 20 (a) Violating any of the provisions set out in paragraphs (a) to ~~(j)~~~~(i)~~ of  
21 subsection (1) of this section; or
- 22 (b) Disobeying the proper orders or instructions of a superior.
- 23 (3) The board may refuse to issue or renew, may revoke, or suspend and impose  
24 probationary conditions on the license of any funeral establishment, and may issue a  
25 written reprimand and impose a fine, for:
- 26 (a) Misrepresenting or concealing a material fact in obtaining a funeral  
27 establishment license;

- 1 (b) Operating a funeral establishment in violation of any lawful order of the board  
2 or any state or federal statute or administrative regulation governing the  
3 operation of a funeral establishment; ~~{or}~~
- 4 (c) Operating a funeral establishment without the supervision of a Kentucky-  
5 licensed embalmer or a Kentucky-licensed funeral director; or
- 6 (d) Violating the provisions of Section 1 or 2 of this Act.