

2019 -- H 5460

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - FUNERAL DIRECTORS/EMBALMER  
FUNERAL SERVICE ESTABLISHMENTS

Introduced By: Representatives Williams, Vella-Wilkinson, Hull, Cassar, and Lombardi

Date Introduced: February 14, 2019

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 5-33.2-6, 5-33.2-10, 5-33.2-11 and 5-33.2-21 of the General Laws  
2 in Chapter 5-33.2 entitled "Funeral Director/Embalmer Funeral Service Establishments" are  
3 hereby amended to read as follows:

4           **5-33.2-6. Qualifications of funeral director/embalmers.**

5           A funeral director or embalmer's license shall be issued only to individuals, and no  
6 corporation, partnership, association, limited liability company or organization shall be entitled to  
7 obtain the license. In order to be entitled to a funeral director/embalmer's license, an applicant  
8 must meet the following requirements:

- 9           (1) Be at least eighteen (18) years of age;
- 10           (2) Be a citizen of the United States or have lawful entry into the country;
- 11           (3) Show to the satisfaction of the division that he or she is of good moral character;
- 12           (4) Be a high school graduate or its equivalent;
- 13           (5) Have graduated from a school of mortuary science accredited by the American Board  
14 of Funeral Service Education, Inc.;
- 15           (6) Have at least an associate degree or the equivalent of sixty (60) semester hours from  
16 an approved college or university or be currently enrolled in a school accredited by the American  
17 Board of Funeral Service Education, Inc.;
- 18           (7) Have completed a registered funeral director/embalmer internship [within the state of](#)

1 [Rhode Island](#);

2 (8) Have satisfactorily passed the funeral director and embalmer portions of the written  
3 examination of the Conference of Funeral Service Examining Boards;

4 (9) Have satisfactorily passed a practical examination that the board deems proper to  
5 ascertain his or her efficiency and qualifications to engage in the business of funeral directing and  
6 embalming;

7 (10) All individuals holding an embalmer and/or funeral director license on November 1,  
8 1995 will be automatically issued a funeral director/embalmer license upon payment of the  
9 required annual license renewal fee; and

10 (11) The name and title of at least the funeral director/embalmer registered with the  
11 department as the licensee in charge of the funeral establishment or funeral establishment branch,  
12 shall appear in all printed advertising.

13 **5-33.2-10. Issuance of licenses -- Expiration and renewal of licenses.**

14 All licenses issued under the provisions of this chapter [shall contain the photographic](#)  
15 [image of the person to whom it was issued and](#) shall expire on the thirty-first day of December  
16 each year, unless previously suspended or revoked. The division shall keep a register in which is  
17 entered the names of all persons to whom licenses are issued under this chapter, and that register  
18 shall be open to public inspection at the office of the administrator of the division.

19 **5-33.2-11. Display of licenses -- Assignment of licenses prohibited.**

20 Every license issued as a funeral director/embalmer shall specify the name of the person  
21 to whom it was issued, [contain the photographic image of the person to whom it was issued](#), and  
22 shall be conspicuously displayed in his or her place of business or employment. Every license  
23 issued as a funeral establishment or branch office shall specify the name of the establishment as  
24 listed on the application. [Every funeral director/embalmer shall display and provide a copy of](#)  
25 [their license to every cemetery operator prior to the burial or interment of remains on the](#)  
26 [cemetery property.](#) Licenses issued under the provisions of this chapter shall not be assignable.

27 **5-33.2-21. Penalty for violations.**

28 [\(a\) Any person, partnership, corporation, limited liability company, association or their](#)  
29 [agents or representatives violating the provisions of §5-33.2-4 shall be guilty of a felony and upon](#)  
30 [conviction shall be punished by imprisonment not exceeding five \(5\) years or by a fine not](#)  
31 [exceeding five thousand dollars \(\\$5,000\), or by both the fine and imprisonment, within the](#)  
32 [discretion of the court.](#)

33 [\(b\) Any person, partnership, corporation, limited liability company, association or his or](#)  
34 [her or its agents or representatives violating any of the remaining](#) provisions of this chapter, or of

1 any rules or regulation of the division, is guilty of a misdemeanor and upon conviction shall be  
2 punished by imprisonment for not exceeding six (6) months, or by a fine not exceeding five  
3 hundred dollars (\$500), or by both the fine and imprisonment, within the discretion of the court.

4 SECTION 2. Chapter 5-33.2 of the General Laws entitled "Funeral Director/Embalmer  
5 Funeral Service Establishments" is hereby amended by adding thereto the following section:

6 **5-33.2-27. Funeral establishment website.**

7 Every licensed funeral establishment shall maintain a website accessible to the public  
8 which contains death notice and obituary information as authorized by the next of kin or  
9 authorized representative of the deceased for whom the funeral establishment is providing  
10 services pursuant to this chapter.

11 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO BUSINESSES AND PROFESSIONS - FUNERAL DIRECTORS/EMBALMER  
FUNERAL SERVICE ESTABLISHMENTS

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1           This act would require that funeral director or embalmer's licenses shall be issued only  
2 after completion of an internship in Rhode Island. Funeral director/embalmer licenses shall  
3 contain a photographic image of the person to whom it is issued. A copy of the funeral director  
4 license shall be displayed and provided to cemetery operators. Unlicensed practice of funeral  
5 directing and/or embalming is punishable as a felony punishable by up to five (5) years  
6 imprisonment or by a fine not exceeding five thousand dollars (\$5,000), or both. This act would  
7 also mandate funeral establishments maintain a website containing death notice/obituary  
8 information.

9           This act would take effect upon passage.

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