

SENATE BILL 1675

By Southerland

AN ACT to amend Tennessee Code Annotated, Title 62,
Chapter 5, Part 2, relative to the board of
funeral directors and embalmers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 5, Part 2, is amended by
adding the following language as a new section:

62-5-208.

(a) Notwithstanding any provision of this chapter or rule to the contrary,
the board is authorized to conduct inspections and investigate complaints as it
deems necessary to enforce the provisions of this chapter.

(b) The board shall utilize an authorized representative who is licensed
as a funeral director and embalmer to:

(1) Inspect a funeral establishment making application to the
board for initial licensure, change of ownership, or change of location,
prior to approving the application; and

(2) Conduct an unannounced inspection of every funeral
establishment each year. The following provisions apply to inspections
required by this subdivision (b)(2):

(A) Inspections shall be conducted on weekdays between
the hours of eight o'clock a.m. (8:00 a.m.) and four-thirty p.m.
(4:30 p.m.);

(B) A list of items to be inspected shall be published on the board's website; provided, however, violations of other items that are plainly visible may be documented; and

(C) If a funeral establishment is unable to participate due to factors not reasonably within its control, the authorized representative may defer the inspection, or a portion thereof, and the funeral establishment shall not incur a reinspection fee.

(c) During the course of inspections, reasonable care shall be used to avoid disruption to invitees being served by the funeral establishment.

(d) A licensee shall not unreasonably fail to cooperate with an authorized representative acting in accordance with this chapter.

(e) The board is authorized to promulgate rules pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, as it deems necessary, to effectuate the purposes of this chapter.

SECTION 2. Tennessee Code Annotated, Section 62-5-508(c), is amended by deleting the language "for inspection during normal business hours" and by substituting instead the language "for inspection on weekdays between the hours of eight o'clock a.m. (8:00 a.m.) and four-thirty p.m. (4:30 p.m.)".

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.