

**FUNERAL DIRECTOR AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Gregory H. Hughes**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Funeral Services Licensing Act.

**Highlighted Provisions:**

This bill:

► provides that unprofessional conduct under the Funeral Services Licensing Act includes engaging in a deceptive act or practice as described in Title 13, Chapter 11, Utah Consumer Sales Practices Act.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-9-502**, as last amended by Laws of Utah 2007, Chapter 144

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **58-9-502** is amended to read:

**58-9-502. Unprofessional conduct.**

(1) "Unprofessional conduct" includes:

(a) the failure of a funeral service director to accurately document, report, and



28 supervise the activities of a funeral service intern;

29 (b) knowingly soliciting the sale of any funeral service or funeral merchandise for a  
30 person whose death occurred or was imminent prior to the solicitation;

31 (c) paying or offering to pay a commission or anything of value to secure deceased  
32 human remains for a funeral service or disposition to:

33 (i) medical personnel;

34 (ii) a nursing home;

35 (iii) a nursing home employee;

36 (iv) a hospice;

37 (v) a hospice employee;

38 (vi) clergy;

39 (vii) a government official; or

40 (viii) any other third party; [~~and~~]

41 (d) failure to provide the following current information to the division:

42 (i) a licensee's business address;

43 (ii) a licensee's primary residence;

44 (iii) a funeral service establishment's funeral service director; or

45 (iv) a supervising funeral service director's funeral service intern's name[-]; and

46 (e) engaging in a deceptive act or practice as described in Title 13, Chapter 11, Utah

47 Consumer Sales Practices Act.

48 (2) "Unprofessional conduct" does not include:

49 (a) general advertising directed to the public at large; or

50 (b) responding to a notification of death from:

51 (i) medical personnel;

52 (ii) a nursing home;

53 (iii) a nursing home employee;

54 (iv) a hospice;

55 (v) a hospice employee;

56 (vi) clergy;

57 (vii) a government official; or

58 (viii) any authorized representative of the family of the deceased person.

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**Legislative Review Note**  
as of 3-1-13 11:13 AM

**Office of Legislative Research and General Counsel**