

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

AN ACT relating to embalmers, funeral directors, undertakers and crematories; creating the board of funeral service practitioners; providing for regulation of funeral service practitioners and establishments; providing for licensure; providing for fees; providing penalties; providing for regulation of disposition of human remains; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 33-16-501 through 33-16-537 are created to read:

33-16-501. Short title.

This act may be cited as the "Funeral Service Practitioners Act".

33-16-502. Definitions.

(a) As used in this act:

(i) "Accredited program of funeral service education" means a funeral service education program accredited by the American Board of Funeral Service Education to teach mortuary science and other funeral service related curricula;

(ii) "Apprentice funeral service practitioner" means a person, who has been issued an apprentice funeral service practitioner license and is registered by the board to engage in funeral service practice, which includes all aspects of funeral directing, embalming and the final disposition of human remains, under the supervision of a funeral service practitioner licensed by the board;

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

(iii) "Board" means the Wyoming state board of funeral service practitioners;

(iv) "Chemical disposer" means a licensed funeral service practitioner who is also licensed by the board as a person permitted to dispose of human remains by chemical disposition;

(v) "Chemical disposition" means the process by which a deceased human body is reduced to a powder by use of materials other than heat and evaporation;

(vi) "Chemical disposition facility" means any building or facility or part thereof engaging in the chemical disposition of human remains;

(vii) "Conviction" means a finding or verdict of guilt, an admission of guilt or a plea of nolo contendere;

(viii) "Cremated remains" means all human remains recovered after the completion of a cremation, including pulverization that leaves only bone fragments reduced to unidentifiable dimensions;

(ix) "Cremation" means a technical process, using heat, which reduces human remains to bone fragments. The reduction takes place through heat and evaporation. Cremation does not include other processes of disposition, chemical or otherwise;

(x) "Cremation chamber" means an enclosed space within which a cremation process takes place;

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

(xi) "Cremation container" means a container in which the human remains are placed in a cremation chamber for a cremation;

(xii) "Crematory" means the building or portion of a building that houses the cremation chamber and the holding facility;

(xiii) "Disposition" means the final disposal of a dead human body by:

(A) Traditional burial or earth interment;

(B) Above ground burial;

(C) Cremation;

(D) Burial at sea or in any body of water, as approved by applicable law;

(E) Delivery to a medical institution or to another legally authorized person or entity as a full body donation;

(F) Chemical disposition; or

(G) Other lawful means.

(xiv) "Embalming" means the disinfecting, preparing or preserving for final disposition of dead human bodies, in whole or in part, or any attempt to do so, by the use or application of chemical substances, fluids or gases on the body, or by the introduction of the same into the body by vascular or hypodermic injection or by direct introduction into organs or cavities, or by any other method or process;

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

(xv) "Funeral director" means a person who assumes the responsibility for the operations of a particular funeral establishment or multiple funeral establishments, who ensures that the establishment complies with this chapter and all other laws under which the funeral establishment is operated, who is permitted by law to perform funeral directing and who:

(A) Has been licensed prior to July 1, 2014 by the board of embalming as a funeral director; or

(B) Is a licensed funeral service practitioner.

(xvi) "Funeral establishment," "mortuary," "funeral home" or "funeral chapel" means a place of business which has been issued a funeral establishment permit by the board to conduct business at a specific street address or location which is devoted to the embalming of dead human bodies for burial, cremation, chemical disposition, transportation or other disposition;

(xvii) "Funeral service practice," means the all-encompassing combined practice of funeral directing or undertaking, and embalming, and includes the practice of conducting and overseeing all activities related to the disposition of human remains. "Funeral service practice" includes all of the following unless exempted from this act pursuant to W.S. 33-16-529:

(A) Counseling individuals, families or next of kin about the final disposition of human remains;

(B) Directing or supervising funerals;

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

(C) Providing for or maintaining a funeral establishment;

(D) Making pre-need or at-need contractual arrangements for funerals, memorial services, celebrations of life, wakes or any similar service or activities;

(E) Removal and transportation of dead human bodies from the location of death or any other location for the purpose of final disposition;

(F) Preparing dead human bodies for viewing or final disposition, other than by embalming, cremation or chemical disposition;

(G) Maintaining a mortuary for the preparation, disposition or care of dead human bodies;

(H) Representing oneself as or using in connection with one's name the title of funeral director, mortician, funeral service practitioner or any other title implying that the person is engaged in the business of funeral directing; and

(J) Obtaining burial or removal permits or assuming other duties incidental to the practice of embalming.

(xviii) "Funeral service practitioner" means a person licensed under this act to practice the profession historically known as undertaking, mortuary science or embalming, including individuals formerly licensed as funeral directors or embalmers who meet the educational requirements set forth in this act required of funeral service practitioners;

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

(xix) "Human remains" means the body of a deceased person or part of a body or limb that has been removed from a deceased person, including the body, part of a body or limb in any stage of decomposition. The following are not "human remains":

(A) The cremated remains of any human;

(B) Powder resulting from chemical disposition of a human body;

(C) Any body part removed and held for testing, research or other medical or law enforcement purposes; or

(D) Hair or nail clippings.

(xx) "This act" means W.S. 33-16-501 through 33-16-537.

33-16-503. Privileges as to use of bodies for dissecting, demonstrating or teaching.

The board and schools for teaching embalming shall have extended to them the same privileges as to the use of bodies for dissecting, demonstrating or teaching as those granted in this state to medical colleges.

33-16-504. Created; designation; composition; appointment; qualifications of members; officers; removal.

The Wyoming state board of funeral service practitioners is created to regulate the practice of professional funeral service in Wyoming in order to safeguard life, health and property and to promote the public welfare. The board shall consist of five (5) persons to be appointed by the

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

governor. The governor may remove from office any member of the board as provided in W.S. 9-1-202. The director of the department of health or his designee shall be a member of the board, and the other four (4) members shall be licensed funeral service practitioners and shall serve for a term of three (3) years. The members of the board shall be citizens of the United States and residents of the state of Wyoming, and except for the director of the department of health or his designee, shall each have had at least three (3) years' experience in the practice of embalming and disposition of the dead human body and who shall each have had for two (2) years previous to their appointment an unexpired funeral service practitioners' license. The board shall elect one (1) of its members to serve as president.

33-16-505. Certificate of appointment; oath.

The governor shall furnish each person appointed to serve on the board a certificate of appointment. The appointee shall qualify by taking the usual oath of office before any person authorized to administer oaths, of the county in which the person resides, within ten (10) days after the appointment has been made, and this fact shall be noted on the certificate of appointment, and shall be filed with the state board of health.

33-16-506. Meetings; quorum.

The board shall meet at least once each year and may meet as often and at such place as the proper and efficient discharge of its duties may require. Three (3) members shall constitute a quorum.

33-16-507. Compensation of board members.

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

The members of the board shall receive mileage and per diem allowance as allowed to state employees when engaged in performing their duties as members of the board.

33-16-508. Board account.

All fees and other revenues received by the board shall be deposited by the state treasurer to the credit of the Wyoming board of funeral service account. All monies in the account may be appropriated for the use of the board. The account shall be used by the board to defray costs incurred in the administration of this act. Disbursements from the account shall not exceed the monies credited to it.

33-16-509. Duties and powers of the board.

(a) The board:

(i) Shall have the authority to issue registrations, permits and licenses to qualified persons;

(ii) Shall have the authority to enter into interstate or intrastate agreements and associations with other boards of licensure for the purpose of establishing reciprocity, developing examinations, evaluating applicants or other activities to enhance the services of the board to the state, the licensee, the registrant, the permittee and the public;

(iii) Shall adopt a seal to be affixed to all licenses, registrations and permits issued;

(iv) Shall adopt rules not inconsistent with this act or the laws of this state that are reasonable and necessary to administer this act;

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

(v) May employ a board administrator and any additional staff as necessary to administer and enforce this act and board rules;

(vi) Shall have the authority to inspect the premises in which the business of funeral service is conducted, in which the business of cremation of human remains is conducted, where embalming is practiced or where chemical disposition is practiced. For purposes of this paragraph the board may employ a funeral service practitioner licensee of the state of Wyoming as an inspector to aid in the enforcement of this act and rules adopted pursuant thereto, whose compensation and expenses shall be payable only out of the fees collected by the board;

(vii) Shall have the authority to receive and investigate complaints, hire investigators and take all appropriate action allowed by law to enforce this act;

(viii) Shall conduct hearings as recommended by the complaint investigator on complaints concerning violations of this act and the rules adopted under this act. The board shall have authority to administer oaths, take affidavits, summon witnesses and take testimony as to matters coming within the scope of its duties;

(ix) In its own name, may bring an action for an injunction, and courts of this state may enjoin any person from violation of this act. These proceedings shall be prosecuted by the attorney general's office or private counsel may be secured by the board with approval of the attorney general;

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

(x) May charge fees for application, examination, licensing, registering, permitting, renewal and any other service provided in amounts established pursuant to W.S. 33-1-201;

(xi) Shall adopt rules regulating the lease of caskets to ensure sanitary use. Notwithstanding any other provision of law, the lease of a casket for funeral and other services of a person to be cremated shall be authorized by those rules;

(xii) Shall promulgate rules and regulations necessary to regulate the practice of professional funeral service, including professional conduct, continuing education and discipline.

33-16-510. Prohibited acts, penalties, injunctive relief.

(a) No person shall:

(i) Engage in the business practice of funeral service, cremation, chemical disposition or other activities defined as part of funeral service practice, unless licensed, registered or permitted to do so under this act or lawfully doing so as an employee of a funeral establishment under the supervision of a funeral service practitioner;

(ii) Advertise, represent or in any manner hold himself out as being licensed, registered or permitted to provide the services regulated by this act by use of any title commonly associated with one engaged in the funeral, crematory or funeral service practice without having first complied with this act;

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

(iii) Conduct, direct or supervise any service with human remains present for a fee, compensation or reimbursement without having first complied with this act;

(iv) Maintain or operate a building or structure within the state of Wyoming as a funeral establishment in violation of the provisions of this act or the rules and regulations of the board;

(v) Maintain or operate a building or structure within the state of Wyoming as a crematory or chemical disposition facility in violation of the provisions of this act or the rules and regulations of the board; or

(vi) Embalm, cremate or chemically dispose of a dead human body when any fact within the knowledge, or brought to the attention, of the licensee, registrant or permittee is sufficient to arouse suspicion of crime in connection with the cause of death of the deceased, until permission of the coroner is obtained.

33-16-511. Grounds for disciplinary action on licensees, registrations and permits, generally.

(a) The board may refuse to renew, or may deny, suspend, revoke or otherwise restrict a license, registration or permit issued under this act for any of the following acts:

(i) Unprofessional conduct, as defined by rules and regulations of the board;

(ii) Failure to make timely and proper application for renewal or failure to meet the continuing education requirements prior to the license, registration or permit expiration date;

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

(iii) Willful violation of any provision of the rules and regulations promulgated by the board;

(iv) Willful violation of any provisions of this act.

(b) In addition to the remedies in subsection (a) of this section, the board may impose a civil penalty upon any person who violates this act or a rule or order of the board. The penalty and fees may not exceed two thousand dollars (\$2,000.00) for each violation of this act or rule promulgated under this act. Fees imposed may include the board's costs and expenses for the investigation, prosecution and reasonable attorneys' fees.

(c) The board may initiate proceedings under this act on its own motion or on the written complaint of any person. All proceedings before the board shall be conducted under the rules and regulations adopted by the board and in accordance with the provisions of the Wyoming Administrative Procedure Act.

(d) Upon receipt from the department of family services of a certified copy of an order from a court to withhold, suspend or otherwise restrict a license, registration or permit issued by the board, the board shall notify the party named in the court order of the withholding, suspension or restriction of the license, registration or permit in accordance with the terms of the court order. No appeal under the Wyoming Administrative Procedure Act shall be allowed for a license, registration or permit withheld, suspended or restricted under this subsection. If a license, registration or permit is suspended or restricted under this subsection, the license, registration or permit may be reissued without a hearing if

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

the department of family services provides notice that the person has complied with the terms of the court order that resulted in the suspension or restriction of the license, registration or permit issued under this act.

(e) In addition to other remedies, the board may assess part or all of the costs of the proceeding against a disciplined licensee, registrant or permittee.

33-16-512. Limitation of practice.

All persons licensed, registered or permitted under this act shall adhere to the professional standards of practice promulgated in the rules and regulations of the board. Any person licensed, registered or permitted under this act who refuses or neglects to obey those professional standards of practice shall be subject to discipline.

33-16-513. Petition for disciplinary action; notice for hearing; review.

(a) A petition for the discipline of a licensee, registrant or permittee may be filed by the attorney general or by the county attorney of the county in which the licensee, registrant or permittee resides or has practiced. The petition shall be filed with the board and the board shall set the matter for hearing in accordance with the Wyoming Administrative Procedure Act.

(b) Petitions for review shall be in accordance with the Wyoming Administrative Procedure Act and the Wyoming Rules of Appellate Procedures.

33-16-514. Criminal penalty for violation.

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

Unless otherwise provided for in this act for specific violations, any person violating this act is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), by imprisonment for not more than six (6) months, or both. A second or subsequent conviction for violation of this act during a thirty-six (36) month period shall constitute a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than two thousand dollars (\$2,000.00), or both. Each violation shall constitute a separate offense.

33-16-515. Funeral services to be conducted in permitted funeral establishment by licensee or registrant.

The business of a funeral service practice shall be conducted in a funeral establishment that has been issued a permit by the board. Unlicensed individuals employed by a funeral establishment may assist funeral directors and funeral service practitioners in the area of funeral service practice, under the supervision of a licensed funeral service practitioner. Individuals not licensed by the board as funeral service practitioners or registered as apprentice funeral service practitioners shall not conduct other activities incidental to the practice of embalming and shall not embalm, cremate or chemically dispose of human remains.

33-16-516. Funeral establishment; permit required; qualifications.

(a) It is unlawful for any person or entity to operate a funeral establishment not permitted by the board.

(b) Every person or entity desiring to operate a funeral establishment within the state of Wyoming shall apply to the board for a funeral establishment permit, upon

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

a form and in the manner prescribed by the board, accompanied by the fee set by the board and satisfactory evidence of the following:

(i) The applicant, unless an organization, is a licensed funeral director licensed prior to July 1, 2014, or a licensed funeral service practitioner. The applicant, when an organization, shall have as an active officer or manager, a person who is a licensed funeral director licensed prior to July 1, 2014, or a licensed funeral service practitioner;

(ii) The applicant, unless an organization, has no criminal convictions which would impact upon the applicant's abilities to operate a funeral establishment in accordance with this act and the rules and regulations of the board. The applicant, when an organization, shall have as an active officer or manager, a person who has no criminal convictions which would impact upon the applicant's abilities to operate a funeral establishment in accordance with this act and the rules and regulations of the board;

(iii) The application shall designate the funeral service practitioner responsible for the funeral establishment, and, if the establishment is operated by a funeral director licensed prior to July 1, 2014, it shall set forth the name and license number of at least one (1) licensed funeral service practitioner employed by the establishment to provide funeral practice services and oversight to the employees of the funeral establishment;

(iv) The funeral establishment shall meet the standards required by the rules and regulations of the board and the provisions of this act, and receive a satisfactory inspection by the board.

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

(c) A funeral establishment engaging in embalming shall have an embalming room equipped with a sanitary floor, embalming table, necessary drainage and ventilation and containing necessary instruments and supplies for the preparation and embalming of human dead bodies for burial or transportation. The floors of the room shall be made of material that is impervious to the absorption of liquid and sanitized. The premises shall be kept in a sanitary condition providing adequate safety measures to all funeral employees and consumers.

(d) If the applicant proposes to operate more than one (1) funeral establishment, the applicant shall make a separate application and procure a separate permit for each separate location.

(e) Any funeral establishment permittee desiring to change the location of the business shall make application to the board at least thirty (30) days prior to the time that the change in location is to take effect unless an emergency change in location is authorized by the board. A fee as established by the board shall accompany the application for the change. The board shall grant the change if the location conforms to the provisions of this act.

(f) Any funeral establishment permittee desiring to change the name of the business shall make application to the board at least thirty (30) days prior to the time the change in name is to take effect. A fee as established by the board shall accompany the application for the change.

(g) Any funeral establishment permittee desiring to change the licensed funeral director or funeral service practitioner in charge of the establishment shall make application to the board immediately. A fee as established

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

by the board shall accompany the application for the change. The change shall not be effective until approved by the board. The board shall by rule and regulation provide for emergencies if a director dies or becomes incapacitated.

33-16-517. Funeral service practitioner; license required; qualifications.

(a) Persons employed by a funeral establishment may assist funeral directors and funeral service practitioners in the area of funeral directing, under the supervision of a licensed funeral service practitioner. To be licensed as a funeral service practitioner within the state of Wyoming, an applicant shall apply to the board for a funeral service practitioner license, upon a form and in the manner prescribed by the board, accompanied by the appropriate fee and satisfactory evidence of the following:

(i) The applicant has reached the age of majority;

(ii) The applicant has no criminal convictions which would impact upon the applicant's abilities to engage in the practice of funeral service in accordance with this act and the rules and regulations of the board. The board may waive this provision based on individual circumstances;

(iii) The applicant has completed sixty (60) credit hours at an accredited college or university in the United States, and has separately obtained an associates' degree in funeral service practice or mortuary science from an accredited program of funeral service education, or, in the alternative, the applicant has received a bachelor degree in funeral service practice or mortuary science. The board may accept education obtained outside the United States on a case by case basis;

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

(iv) The applicant has completed a one (1) year apprenticeship under the supervision of a Wyoming licensed funeral service practitioner, which shall include practical experience of having assisted in the embalming of at least twenty-five (25) dead human bodies and having assisted in arranging and conducting at least twenty-five (25) funeral or memorial services;

(v) The applicant has passed the National Board Examination as administered by the Conference of Funeral Service Examining Board; and

(vi) The applicant has passed an examination administered by authority of the board on the laws, rules and regulations governing the practice of funeral service in Wyoming. The examination may also contain questions relating to funeral service practice and other areas as deemed proper by the board.

33-16-518. Funeral director; license required; qualifications.

It is unlawful for any person to engage in the business of funeral directing without being granted a license as a funeral service practitioner or permitted as a funeral director under a permit originally issued prior to July 1, 2014 as provided in W.S. 33-16-520.

33-16-519. Apprentice funeral service practitioner; registration required; qualifications.

(a) Individuals apprenticing with a funeral service practitioner, shall be licensed as an apprentice funeral service practitioner by the board prior to beginning the apprenticeship. Apprentice credit shall only be given by

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

the board for time actually spent apprenticing under an apprentice license granted by the board. Every person desiring to be licensed as an apprentice, shall apply to the board upon a form and in the manner prescribed by the board, accompanied by the appropriate fee and satisfactory evidence of the following:

(i) The applicant has reached the age of majority;

(ii) The applicant has no criminal convictions which would impact upon the applicant's abilities to provide the services of an apprentice in accordance with this act and the rules and regulations of the board. The board may waive this provision based on individual circumstances; and

(iii) The applicant has passed an examination administered by authority of the board on the laws, rules and regulations governing the practice of funeral service in Wyoming. The examination may also contain questions relating to funeral service topics as deemed proper by the board.

33-16-520. Licenses, registrations and permits under prior law; recognition given; subject to this act.

(a) Persons who hold a current license in good standing as an embalmer on June 30, 2014, issued by the board of embalmers under prior laws of Wyoming shall be issued a license as a funeral service practitioner under the provisions of this act without additional requirements.

(b) Persons who hold a current permit in good standing as a funeral director on June 30, 2014, issued by the board of embalmers under prior laws of Wyoming, shall be issued a funeral director permit under the provisions of

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

this act without additional requirements, which license may be renewed year after year, unless otherwise suspended or revoked by the board or until the failure of the permittee to renew the permit under this act or the death of the permittee, whichever comes first.

(c) Persons who hold a current permit in good standing as an apprentice embalmer on June 30, 2014, issued by the board of embalmers under prior laws of Wyoming, shall be issued an apprentice permit, as an apprentice funeral service practitioner, under the provisions of this act without additional requirements.

(d) Funeral establishments which hold a current license in good standing associated with a funeral director permittee on June 30, 2014, issued by the board of embalmers under prior laws of Wyoming, shall be issued an establishment permit under the provisions of this act without additional requirements.

33-16-521. Record keeping for licensees.

The board administrator shall keep a record in which shall be registered the names and residence of all persons to whom a certificate of license has been granted, and the number and date of these licenses. A copy of each individual license shall be furnished to the licensee.

33-16-522. Out-of-state licensees; reciprocity; state of disaster or emergency; entities and individuals.

(a) The board shall have the power to issue reciprocal licenses to applicants licensed in other states which have equal or like educational requirements as required by this state or the board as follows:

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

(i) A license as a funeral service practitioner may be issued by the board to an out-of-state resident who submits to the board satisfactory evidence that the applicant has met all the requirements of this act, passes an examination determined by the board addressing Wyoming state specific funeral laws and pays the fees required by this act;

(ii) The board may issue an appropriate license without further apprenticeship to a resident of a state which has similar educational requirements necessary for reciprocity with this state, if the applicant:

(A) Has a current license to practice as a funeral service practitioner, mortician, undertaker or similar license, in the state of residence of the person;

(B) Has been an active funeral service practice licensee and has actually been engaged in funeral service practice for at least five (5) years;

(C) Has never been convicted of a felony or misdemeanor related to funeral service practice. The board may waive this provision based on individual circumstances;

(D) Has never had a funeral service practice related license revoked or suspended;

(E) Is not currently facing disciplinary action;

(F) Intends to practice in this state;

(G) Has filed documents required by the board;

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

(H) Has paid the fees as required by this act;

(J) Is a citizen or permanent resident of the United States;

(K) Is a graduate of an accredited funeral service education program;

(M) Has passed the national board examination or state board examination; and

(N) Has passed an examination determined by the board addressing Wyoming state specific funeral laws.

(b) In the event of a disaster or a state of emergency, or for the purpose of conducting a bona fide educational program, the board may grant temporary authority to practice funeral service in Wyoming, for the duration of the declared state of emergency or educational program, to an out-of-state licensee upon proof of current license in good standing in his state of residence.

(c) The board may issue an annual or occasional nonresident permit to an individual or entity who does not reside in Wyoming, but who wishes to conduct any service for a fee where human remains are present in the state of Wyoming. The board may issue the permit upon payment of a fee, the amount of which shall be determined by the board, if the applicant can establish that he resides in another state and conducts funeral service operations under the laws of that state.

(d) It is unlawful for out-of-state licensees to bury or dispose of human remains or conduct funeral services

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

within the state of Wyoming without first obtaining a permit to do so from the board.

(e) The board shall promulgate rules under which nonresident licensees shall operate which shall be designed to protect the public.

33-16-523. Investigation of applicants for license; granting or refusing license.

Upon receipt of an application for an establishment license under this act, the board may cause an investigation to be made as to the character of the applicant, including its officers or members if the application is by or in behalf of business entity, and may require a showing that will reasonably prove the good character of the applicant. The board may subpoena witnesses and administer oaths upon proper notice. After proper hearing, the board shall grant a license if it finds the applicant is of good character and the proposed funeral establishment is, or will be, constructed and equipped as required by this act. Every application shall be granted or refused within ninety (90) days from the date of the filing of the application.

33-16-524. Renewal of license; fees; penalties; continuing education.

Every licensee and permittee under this act shall pay annually a fee for the renewal of his license. All licenses and permits issued by the board shall expire annually on a date set by the board. Persons licensed and permitted under this act shall submit an application on an annual basis for license or permit renewal in the form and manner established by rules and regulations of the board. All application forms shall be accompanied with the annual fee for renewal set by the board. The amount of the renewal

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

fee, payable by a licensee of the board shall be established by the board pursuant to W.S. 33-1-201. The board shall mail on or before the first day of January of each year to each licensee, addressed to his last known address, a notice that his renewal application and renewal fee is due and payable. If the renewal application is not submitted by the expiration date, the license or permit shall be void. Within thirty (30) days after the expiration date a person may apply for renewal of his license or permit in a manner established by rules and regulations of the board. Any person whose license or permit has been voided for failure to renew shall comply with all requirements of a new applicant before a license or permit may be reissued. Upon receipt of the renewal application and full payment of fees, the board shall cause the renewal certificate to be issued. The application for renewal for funeral service practitioners, funeral directors and apprentices shall also be accompanied by satisfactory evidence of participation in continuing education activities as established by rules and regulations of the board.

33-16-525. License to be signed and displayed; business to be in name of licensee.

Every license issued under this act shall specify the name of the licensee, shall be signed by the licensee and shall be displayed conspicuously in the place of business or employment of the licensee. No funeral establishment shall be conducted or held forth as being conducted, or advertised as being conducted, under any name except the name appearing as licensee in the license issued by the board.

33-16-526. Specific prohibited conduct of licensees.

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

(a) The board may suspend or revoke licenses or impose other disciplinary action appropriate under the circumstances on licensees, permittees and registrants, after hearing by the board and after ten (10) days' notice to the licensee, upon the licensee, permittee or registrant being found by the board to have committed any of the following acts or omissions, as the acts are further defined by the board:

(i) Conviction of a felony or misdemeanor related to the licensee's ability to practice funeral services;

(ii) Unprofessional conduct, including, but not limited to:

(A) Misrepresentation or fraud in the conduct of the business or the profession of a funeral director or funeral service practitioner;

(B) False or misleading advertising as a funeral service practitioner;

(C) Solicitation of human dead bodies by the licensee, his agents, assistants or employees, whether the solicitation occurs after death or while death is impending, provided this shall not be deemed to prohibit general advertising;

(D) Aiding or abetting an unlicensed person to engage in funeral service practice, unless the unlicensed person is lawfully doing so as an employee of a funeral establishment permitted by the board under the supervision of a funeral service practitioner also employed by the same funeral establishment;

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

(E) Except as otherwise provided by rule and regulation, using any casket or part of a casket which has previously been used as a receptacle for, or in connection with, the burial or other disposition of a dead human body;

(F) Violation of any of the provisions of this act;

(G) Violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care or transportation of dead human bodies;

(H) Fraud or misrepresentation in obtaining a license;

(J) Refusing to promptly surrender the custody of a dead human body, upon the express order of the person lawfully entitled to the custody thereof.

(b) Notwithstanding any other provision of law the lease of a casket for funeral and other services of a person to be cremated is hereby authorized. The board shall adopt rules regulating the lease of caskets to ensure sanitary use.

33-16-527. Duty to ascertain cause of death; funeral service practitioner to prepare body for transportation or removal if death due to communicable, contagious or infectious disease.

It shall be the duty of every funeral director and funeral service practitioner, when called to take charge of a dead body, to first ascertain the cause of death from the coroner or medical professional. If death has occurred from any communicable, contagious or infectious disease,

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

the funeral director or funeral service practitioner shall not remove or transport the body until after the body has been prepared for transportation or removal by a licensed funeral service practitioner of this state.

33-16-528. Persons barred from embalming room; exceptions.

It shall be the duty of every funeral director and funeral service practitioner, not to permit any person or persons to enter any room in any funeral establishment where dead bodies are being embalmed, except licensed funeral service practitioners and their assistants, funeral directors and their apprentices, public officers in the discharge of their official duties, and attending physicians and their assistants, unless by direct permission of the immediate family.

33-16-529. Exemptions from this act; limitation.

(a) Any duly authorized representative of any church, fraternal order or other association or organization honoring the dead who performs a religious ceremony under the authority of and pursuant to the religious tenets or practices of the organization is hereby exempted from the terms and provisions of this act and from the enforcement of the provisions hereof related to performing of religious ceremonies except for providing the presence of human remains at the religious service.

(b) Any person may:

(i) Counsel individuals, families or next of kin about the final disposition of human remains and about the selection and purchase of funeral goods and services;

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

(ii) Conduct a memorial service or provide a setting for a memorial service and any goods or assistance needed for a memorial service, except providing for the presence of human remains at the memorial service.

(c) Any person licensed pursuant to title 26 of Wyoming statutes may sell insurance or pre-need funeral contracts authorized by that license.

(d) Any person licensed pursuant to title 33 of Wyoming statutes while practicing within the scope of his license is exempt from the provisions of this act.

(e) Any health care institution licensed pursuant to title 35 of Wyoming statutes when operating within the scope of its license is exempt from the provisions of this act.

33-16-530. Crematory operator; chemical disposer; permit required; qualifications.

(a) It is unlawful for any person or entity to operate a crematory disposing of human remains without the crematory being first granted a permit by the board as a crematory, or to chemically dispose of human remains in a chemical disposition facility, unless the chemical disposition facility is first granted a permit by the board to operate as a chemical disposition facility.

(b) The board shall examine the premises and structure of any crematory or chemical disposition facility and shall issue the permit only if the applicant and the structure meet the standards required by rules and regulations of the board and the provisions of this act.

(c) Every person desiring to operate a crematory or chemically dispose of human remains within the state of

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

Wyoming shall apply to the board for a crematory permit or a chemical disposition facility permit, upon a form and in the manner prescribed by the board, accompanied by the appropriate fee and satisfactory evidence of the following:

(i) The applicant, unless an organization, shall be a licensed funeral service practitioner who is a shareholder or officer in or is directly employed by a licensed funeral establishment. The applicant, when an organization, shall be a funeral establishment permitted by the board that employs at least one (1) licensed funeral service practitioner assigned as the funeral service licensee responsible for the crematory or chemical disposition facility;

(ii) The application shall designate a licensed funeral service practitioner as the funeral service practitioner responsible for the crematory or chemical disposition facility; and

(iii) The crematory or chemical disposition facility shall meet the standards required by the rules and regulations of the board and the provisions of this act, and receive a satisfactory inspection by the board.

(d) If the applicant proposes to operate more than one (1) crematory or chemical disposition facility, the applicant shall make a separate application and procure a separate license for each separate location.

(e) Any crematory or chemical disposer licensee desiring to change the location of the business shall make application to the board at least thirty (30) days prior to the time that the change in location is to take effect. A fee as established by the board shall accompany the application for the change. The board shall grant the

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

change provided the location conforms to the provisions of this act.

(f) Any crematory or chemical disposition facility desiring to change the name of the business shall make application to the board at least thirty (30) days prior to the time that the change in name is to take effect. A fee as established by the board shall accompany the application for the change.

(g) Any crematory or chemical disposition facility desiring to change the licensed funeral service practitioner responsible for the crematory or chemical disposition facility shall make application to the board immediately. A fee as established by the board shall accompany the application for the change.

33-16-531. Records of crematories and chemical disposition facilities; crematory and chemical disposition authorization.

(a) Upon the receipt of a human body for cremation or chemical disposition, the crematory or chemical disposition facility shall deliver to the funeral director, funeral service practitioner or his agent who delivers the body to the crematory or chemical disposition facility, a receipt therefor, showing the date of delivery, name of the funeral director or funeral service practitioner from whom the body is received and the name of the deceased. Each crematory or chemical disposition facility shall maintain a record of each cremation or chemical disposition of human remains, submitted to it by the person authorizing cremation or chemical disposition disclosing, at a minimum:

(i) The name of the person cremated or chemically disposed;

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

(ii) The name of the person authorizing the cremation or chemical disposition;

(iii) A statement that the person authorizing cremation or chemical disposition has the right of disposition with regard to the person being cremated or chemically disposed;

(iv) The date the body was received;

(v) The date the cremation or chemical disposition was performed;

(vi) Whether the person being cremated or chemically disposed has been implanted with medical devices; and

(vii) Any other information as the board may require.

(b) The record of each cremation or chemical disposition shall be signed by the owner or operator of the crematorium or chemical disposition facility and by the funeral service practitioner or other authorized person having charge of the preparation of the human remains for cremation or chemical disposition. The record shall be kept at the crematory or chemical disposition facility for inspection by the board which may also require copies thereof to be filed with it containing such information as may be necessary for the use of the board.

33-16-532. Cremation chambers and crematories for disposition of human remains.

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

Cremation chambers of crematoriums and facilities of chemical disposition permitted by this act shall be used exclusively for the cremation or chemical disposition of human remains.

33-16-533. Cremation of human remains; chemical disposition.

The funeral director, funeral service practitioner, or other person having charge of the preparation of human remains for burial or the last rites and committal services thereof shall have the right to be present either in person or by his employees, at any stage of the cremation or chemical disposition of such human remains. No crematorium or other appropriately licensed entity conducting chemical disposition shall accept human remains for cremation or chemical disposition until it has received a burial-transit permit required by law.

33-16-534. Inspection of crematories and facilities for chemical disposition; rules and regulations.

The board shall promulgate reasonable rules and regulations governing the cremation and chemical disposition of human remains. The rules shall provide minimum standards of sanitation, required equipment and fire and environmental protection which the board deems necessary for the protection of the public. The board shall inspect all crematoriums and other appropriately permitted entities conducting chemical disposition at least once each year.

33-16-535. Removal of human remains from casket or other container; use of container.

Human remains delivered to a crematorium or other appropriately permitted entity conducting chemical

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

disposition shall not be removed from the casket or other container without the written authorization of the person giving the consent to or requesting the cremation or chemical disposition of the human remains. Notwithstanding any other provision of law the lease of a casket for funerals and other services of a person to be cremated is authorized.

33-16-536. Violation declared public nuisance; enforcement; criminal penalties.

Maintenance or operation of a building or structure within the state of Wyoming as a crematorium or chemical disposition facility in violation of the provisions of this act or the rules and regulations of the board is a public nuisance and may be abated as provided by law. A person violating this section or rules and regulations promulgated by the board related to crematories, cremation or chemical disposition is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), by imprisonment for not more than six (6) months, or both. A second or subsequent conviction for violation of this act during a thirty-six (36) month period shall constitute a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than two thousand dollars (\$2,000.00), or both. Each violation shall constitute a separate offense.

33-16-537. Cremation containers.

(a) A cremation container shall meet substantially all of the following standards:

(i) Be composed of readily combustible materials suitable for cremation;

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

(ii) Be able to be closed in order to provide a complete covering for the human remains;

(iii) Be resistant to leakage and spillage;

(iv) Be rigid enough for handling with ease; and

(v) Provide protection for the health, safety, and integrity of crematory personnel and the cremation facility.

Section 2. W.S. 33-16-101 through 33-16-111, 33-16-201 through 33-16-207, 33-16-301 through 33-16-318 and 33-16-401 through 33-16-409 are repealed.

Section 3.

(a) The initial board of funeral service shall consist of the members of the former board of embalming as of June 30, 2014. As the current terms of board members expire, the members of the board shall be appointed as provided in W.S. 33-16-504.

(b) All duties of the board of embalmers shall be transferred to the board of funeral service.

(c) All unexpended funds not otherwise obligated and any other property, if any, of the board of embalmers shall be transferred to the board of funeral service.

(d) Any contract, agreement or obligation entered into or assumed by the board of embalmers, if the execution or assumption was within the lawful powers of the board of embalmers, shall be assumed by the board of funeral service.

ORIGINAL HOUSE
BILL NO. 0025

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

(e) Any policy, rule or regulation adopted by the board of embalmers shall remain in effect unaltered as policy, rule or regulation of the board of funeral service until amended or repealed by the board of funeral service.

Section 4. This act is effective July 1, 2014.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk