

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

Act 367 of 2003
HOUSE BILL 1415

5 By: Representative P. Bookout
6 By: Senator J. Bookout
7

For An Act To Be Entitled

10 AN ACT TO REVISE CERTAIN PROVISIONS CONCERNING
11 EMBALMERS AND FUNERAL DIRECTORS; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14 AN ACT TO REVISE CERTAIN PROVISIONS
15 CONCERNING EMBALMERS AND FUNERAL
16 DIRECTORS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 17-29-301(a), concerning the qualifications
23 of embalmers, is amended to read as follows:

24 (a) Every person who desires to practice the science of embalming in
25 this state shall:

26 (1) Be at least eighteen (18) years of age;

27 (2) Be a graduate of an accredited high school or the equivalent
28 thereof;

29 (3) Be a graduate of a school of embalming, which is accredited
30 by the American Board of Funeral Service Education or accredited by the State
31 Board of Embalmers and Funeral Directors;

32 (4) Make a written application to the State Board of Embalmers
33 and Funeral Directors attaching the fee as prescribed in § 17-29-208;

34 (5) Have served as a registered apprentice embalmer for not less
35 than twelve (12) months in the State of Arkansas under the direct personal
36 supervision of an Arkansas-licensed embalmer and submit at least fifty (50)



1 case reports to the State Board of Embalmers and Funeral Directors; and

2 (6) Take and pass both parts of the National Board Examination
3 and both parts of the Arkansas laws, rules, and regulations exam and present
4 himself or herself to the State Board of Embalmers and Funeral Directors for
5 a licensing interview.

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7 SECTION 2. Arkansas Code § 17-29-302(a), concerning the qualifications
8 of funeral directors, is amended to read as follows:

9 (a) Every person who desires to engage in the business of funeral
10 directing in this state shall:

11 (1) Be at least eighteen (18) years of age;

12 (2) Be a graduate of an accredited high school or the equivalent
13 thereof;

14 (3) Have served as an apprentice funeral director for not less
15 than twenty-four (24) months in the State of Arkansas under the direct
16 personal supervision of an Arkansas-licensed funeral director. Completion of
17 the requirement to be a graduate of a school of embalmers as set forth in §
18 17-29-301(a)(3) may be substituted for twelve (12) of the twenty-four (24)
19 months' apprenticeship established herein;

20 (4) Make application to the State Board of Embalmers and Funeral
21 Directors and attach the fee as prescribed in § 17-29-208; and

22 (5) Present himself or herself before the board at a time and
23 place fixed by the board and make a passing grade on both the written and
24 oral examinations.

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26 SECTION 3. Arkansas Code § 17-29-304(b), concerning the requirements
27 of funeral directors, is amended to read as follows:

28 (b)(1) No license shall be issued to operate a full service funeral
29 establishment by the board unless the establishment has employed a full-time
30 person licensed as a funeral director.

31 (2) If the establishment is a part of a multiunit enterprise
32 within this state, only one (1) establishment within the multiunit enterprise
33 must have a full-time person licensed as funeral director, provided the full-
34 time licensed person is reasonably accessible to the branch establishment.

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36 SECTION 4. Arkansas Code § 17-29-311(a), concerning violations, is

1 amended to read as follows:

2 (a) The State Board of Embalmers and Funeral Directors may issue
 3 letters of reprimand or caution, refuse to issue or renew a license, ~~or may~~
 4 suspend or revoke any license for the practice of embalming or funeral
 5 directing, or may place the holder thereof on a term of probation after
 6 proper hearing upon finding the holder of the license to be guilty of acts of
 7 commission or omission, including the following:

8 (1) Conviction of a felony;

9 (2) Misrepresentations made or fraud committed as a holder of a
 10 license;

11 (3) False or misleading advertising;

12 (4) Solicitation of dead human bodies by the licensee, his or
 13 her agents, assistants, or employees, whether the solicitation occurs after
 14 death or while death is impending, providing that this prohibition shall not
 15 be deemed to prohibit general advertising;

16 (5) Employment directly or indirectly of an apprentice, agent,
 17 assistant, employee, or other person, on a part-time or full-time basis or on
 18 a commission for the purpose of calling upon individuals or institutions by
 19 whose influence dead human bodies may be turned over to a particular funeral
 20 establishment;

21 (6) The direct or indirect payment or offer of payment of a
 22 commission by the licensee, his or her agents, assistants, or employees for
 23 the purpose of securing business;

24 (7) Allowing personnel unlicensed pursuant to this subchapter to
 25 execute contracts for funeral service;

26 (8) Aiding or abetting an unlicensed person to practice
 27 embalming or funeral directing;

28 (9) Violation of any provision of this subchapter and § 17-29-
 29 201 et seq.;

30 (10) Violation of any state law or municipal or county ordinance
 31 or regulation affecting the handling, custody, care, transportation, or final
 32 disposition of dead human bodies;

33 (11) Fraud or misrepresentation in obtaining or renewing a
 34 license;

35 (12) Refusing to properly release a dead human body to the
 36 custody of the person or entity having the legal right to effect such a

1 release;

2 (13) Willful failure to secure a permit for the removal or
3 burial or other disposition of a dead human body;

4 (14) Knowingly making a false statement on a certificate of
5 death;

6 (15) Violations of applicable law or regulation with regard to
7 prearranged or prepaid funeral services or funeral merchandise. However, the
8 proper regulatory agency for prearranged or prepaid funeral services or
9 funeral merchandise shall have determined that such a violation has occurred;

10 (16) Discriminating in services because of race, creed, color,
11 or national origin;

12 (17) Failure to meet continuing education requirements; or

13 (18) Failure to answer a complaint within the fifteen-day time
14 period.

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17 APPROVED: 3/13/2003
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