

Act 106 of the 1989 Regular Session.

Act 106

SB23

By: Senator Bradford

"AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE
PERTAINING TO EMBALMERS AND FUNERAL DIRECTORS."

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

SECTION 1. Arkansas Code 17-26-203 is hereby amended to read as follows:

"17-26-203. Selection of Officers.

(a) The board appointed under the provisions of this chapter, and each successor thereto, is authorized to select from its own membership a president, vice-president, and secretary-treasurer who shall serve for a one-year term or until their successors are elected and qualified.

(b) In the event no member of the board is able, for any reason, to serve as secretary-treasurer, then by a majority vote of the board, it may employ a person to serve as secretary-treasurer and that person is not required to be a licensed embalmer or funeral director."

SECTION 2. Subsection (a) of Arkansas Code 17-26-205 is hereby amended to read as follows:

"(a) There may be appointed by the board an agent or agents whose title shall be Inspector of the Board of Embalmers and Funeral Directors of the State of Arkansas. No person shall be eligible for appointment to the office unless he or she has not less than five (5) consecutive years of active experience as an embalmer and funeral director licensed in this State. The Board may appoint an investigator who need not be a licensed embalmer or funeral director."

SECTION 3. Arkansas Code 17-26-208 is hereby amended to read as follows:

"17-26-208. Fees. The board shall establish and collect reasonable fees."

SECTION 4. Arkansas Code 17-26-302 is hereby amended by adding at the end thereof the following new subsection:

"(c) The Board may require applicants for licensure as funeral directors to successfully complete up to twenty (20) hours of classroom instruction in funeral service practices, and ethics, and laws, rules and regulations affecting funeral service. Only courses of instruction approved by the Board shall satisfy this requirement."

SECTION 5. Arkansas Code 17-26-403 is hereby amended by adding at the end thereof the following new subsection:

"(d) Upon determination by the Board that a licensee has committed malpractice, the Board may suspend or revoke the license or impose the civil penalty provided in subsection (a) of this Section or impose the civil penalty in addition to the suspension or revocation. Furthermore, the Board may promulgate a code of conduct for its licensees, the violation of which may result in the imposition of the penalties prescribed in this subsection."

SECTION 6. Arkansas Code 17-26-207 is hereby amended by adding at the end thereof the following new subsections:

"(d) The Board may promulgate reasonable regulations for the licensing of crematoriums. Beginning January 1, 1990 no crematorium may be operated in this State unless licensed by the Board, and no person shall be cremated in this State except at a licensed crematorium. Violations of this subsection are class A misdemeanors.

(e) In the interest of public health and to insure the safe, secure and timely transportation of dead human bodies in and through Arkansas the Board is authorized to license, inspect and promulgate reasonable regulations for any person, partnership, corporation, association, society or other legal entity engaged in the business of transporting dead human bodies over the public streets and highways of this State. Violations of regulations promulgated under this subsection are class A misdemeanors."

SECTION 7. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 8. All laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED: February 20, 1989
