

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

*As Engrossed: H3/19/99*

# A Bill

Act 1138 of 1999  
SENATE BILL 772

5 By: Senator Wooldridge  
6 By: Representatives Biggs, House, Bookout  
7

## For An Act To Be Entitled

10 "AN ACT TO AMEND VARIOUS PROVISIONS OF THE ARKANSAS  
11 CODE PERTAINING TO EMBALMERS AND FUNERAL DIRECTORS;  
12 AND FOR OTHER PURPOSES. "

### Subtitle

15 "TO AMEND VARIOUS PROVISIONS OF THE  
16 ARKANSAS CODE PERTAINING TO EMBALMERS  
17 AND FUNERAL DIRECTORS. "

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19  
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code 17-29-202(b) is amended to read as follows:

23 "(b) The board shall hold at least two (2) examinations each year at  
24 convenient times and places. "

25  
26 SECTION 2. Arkansas Code 17-29-301(a) is amended to read as follows:

27 "(a) Every person who desires to practice the science of embalming in  
28 this state shall:

29 (1) Be ~~of good moral character and~~ at least eighteen (18) years  
30 of age;

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

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

36 (4) Make a written application to the board attaching the fee as

1 prescribed in § 17-29-208;

2 (5) Have served as a registered apprentice embalmer for not less  
3 than twelve (12) months in the State of Arkansas under the direct supervision  
4 of an Arkansas-licensed embalmer and submit at least fifty (50) case reports  
5 to the board; and

6 ~~Present himself before the board at a time and place fixed by~~  
7 ~~the board and make a passing grade on both the written and oral examinations~~  
8 Take and pass both parts of the National Board Examination and the Arkansas  
9 laws, rules and regulations exam and present himself or herself to the board  
10 for a licensing interview."

11  
12 SECTION 3. Arkansas Code 17-29-302(a) and (b) are amended to read as  
13 follow:

14 "(a) Every person who desires to engage in the business of funeral  
15 directing in this state shall:

16 (1) ~~Be of good moral character and~~ at least eighteen (18) years  
17 of age;

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

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

26 (4) Make application to the board attaching fee as prescribed in  
27 § 17-29-208; and

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

31 (b)(1) Any person desiring to engage in the business of funeral  
32 directing in the State of Arkansas shall serve an apprenticeship of two (2)  
33 years in the State of Arkansas under a funeral director licensed by this  
34 board, and that person shall actively assist in conducting fifty (50)  
35 funerals. Notice of the apprenticeship shall be recorded with the secretary of  
36 the board, and by the licensed funeral director supervising the

1 apprenticeship, not later than thirty (30) days after the commencement of the  
2 apprenticeship.

3 (2) If any person is a graduate of an accredited mortuary college  
4 program and has passed ~~both written and oral examinations given by the board~~  
5 the National Board Examination, that person shall be required to serve one (1)  
6 year as an apprentice funeral director.

7 (3) The board shall have the power to suspend or revoke a  
8 certificate of apprenticeship for violation of any provision of this  
9 subchapter or subchapter 2 of this chapter."  
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11 SECTION 4. Arkansas Code 17-29-304(h) is amended to read as follows:

12 "*(h) Mobile homes or mobile units are prohibited for use as a funeral*  
13 *establishment or branch thereof. No mobile home or mobile units shall be used*  
14 *for the performance of any function or service of a funeral establishment*  
15 *except in case of emergency as prescribed by the board. Mobile homes, modular*  
16 *units, manufactured homes, and similar mobile units may be granted a*  
17 *replacement license on a case by case basis.*"  
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19 SECTION 5. Arkansas Code 17-29-305(b) is amended to read as follows:

20 "*(b) When an establishment changes ownership, the ~~license then in force~~*  
21 *~~and effect shall be honored for the new owner until that license has expired~~*  
22 *board shall be notified, in writing, within thirty (30) days. At that time, a*  
23 *new license shall be issued in the name of the new establishment, providing*  
24 *that the requirements for licenses as established herein are met."*  
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26 SECTION 6. Arkansas Code 17-29-310 is amended to read as follows:

27 "17-29-310. License requirements for out-of-state licenses.

28 Any person holding a valid, unrevoked, and unexpired license as an  
29 embalmer or funeral director in another state, territory, or provincial  
30 authority, may apply for license to practice in this state as an embalmer or  
31 funeral director, or both. Application shall be made by filing with the  
32 secretary-treasurer of the board a certified statement from the secretary of  
33 the examining board of the state, U.S. territory or provincial authority in  
34 which the applicant holds his or her license showing the basis upon which the  
35 license was issued. Upon receipt of the application, the secretary of the  
36 board may issue temporary working numbers, which are valid for one year from

1 the date of issuance. To obtain a license, the applicant shall pass an exam to  
 2 prove his or her proficiency, including at least, but not limited to, a  
 3 knowledge of the laws, rules and regulations of this state pertaining to  
 4 funeral service. The exam may be taken at one of the regularly scheduled exam  
 5 sessions set by the board. If the board is satisfied with the proficiency of  
 6 the applicant, upon receipt of the prescribed fees in § 17-29-208, a license  
 7 may be granted. Failure to meet testing requirements shall result in  
 8 revocation of the temporary working numbers and the applicant must reapply and  
 9 pay the appropriate fee."

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

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 15 SECTION 8. If any provision of this act or the application thereof to  
 16 any person or circumstance is held invalid, such invalidity shall not affect  
 17 other provisions or applications of the act which can be given effect without  
 18 the invalid provision or application, and to this end the provisions of this  
 19 act are declared to be severable.

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 21 SECTION 9. All laws and parts of laws in conflict with this act are  
 22 hereby repealed.

23 */s/ Woolbridge, et al*

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 26 APPROVED: 4/6/1999  
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