

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

As Engrossed: H3/14/11

# A Bill

HOUSE BILL 1485

5 By: Representative McLean  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND ARKANSAS LAW CONCERNING EMBALMERS,  
9 FUNERAL DIRECTORS, AND FUNERAL ESTABLISHMENTS; AND  
10 FOR OTHER PURPOSES.  
11

## Subtitle

12  
13 TO AMEND ARKANSAS LAW CONCERNING  
14 EMBALMERS, FUNERAL DIRECTORS, AND FUNERAL  
15 ESTABLISHMENTS.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 17-29-207 is amended to read as follows:  
22 17-29-207. Rules ~~and regulations~~.

23 (a) The State Board of Embalmers and Funeral Directors ~~is empowered to~~  
24 may promulgate appropriate rules ~~and regulations~~ for the transaction of its  
25 business and for the betterment and promotion of the standards of service and  
26 practice to be followed in the practice of embalming and funeral directing in  
27 the State of Arkansas as it ~~may deem~~ deems expedient and consistent with the  
28 laws of this state and for the public good.

29 (b) The board ~~is expressly authorized and empowered to~~ may promulgate  
30 rules ~~and regulations~~ reasonably necessary to reflect any changes in the law  
31 as adopted by the United States Congress or any appropriate agency of the  
32 United States Government as it affects funeral establishments, funeral  
33 directors, or embalmers and for the purpose of keeping this law consistent  
34 with, and compatible to, the laws of the United States.

35 (c)(1) The board ~~is authorized and empowered to~~ may determine the  
36 qualifications necessary to practice the science of embalming or the business



1 of funeral directing, or both, and shall adopt bylaws, and rules, ~~and~~  
2 ~~regulations~~ in connection with the care and disposition of dead human bodies  
3 in this state.

4 (2) The board shall enforce compliance with the laws, and rules,  
5 ~~and regulations~~ by those engaged in the science of embalming and business of  
6 funeral directing in this state and may transact any other business necessary  
7 for carrying out the provisions of this subchapter and § 17-29-301 et seq.

8 (d)(1) The board may promulgate reasonable ~~regulations~~ rules for the  
9 licensing of crematoriums.

10 (2)(A) Beginning January 1, 1990, ~~no~~ a crematorium may not be  
11 operated in this state unless licensed by the board, and ~~no~~ a person shall  
12 not be cremated in this state except at a licensed crematorium.

13 (B) *Violations of this subsection are Class A*  
14 *misdemeanors.*

15 (e)(1) In the interest of public health and to ensure the safe,  
16 secure, and timely transportation of dead human bodies in and through  
17 Arkansas, the board ~~is authorized to~~ may license, inspect, and promulgate  
18 reasonable ~~regulations~~ rules for any person, partnership, corporation,  
19 association, society, or other legal entity engaged in the business of  
20 transporting dead human bodies over the public streets and highways of this  
21 state.

22 (2) *Violations of ~~regulations~~ rules promulgated under this*  
23 *subsection are Class A misdemeanors.*

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25 SECTION 2. Arkansas Code § 17-29-304(c), concerning requirements for  
26 funeral establishments, is amended to read as follows:

27 (c) Application for the funeral establishment licenses shall be made  
28 on forms furnished by the board, ~~on or before January 1 of each year, and~~  
29 ~~accompanied by the specified fee.~~

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31 SECTION 3. Arkansas Code § 17-29-305(b), concerning funeral  
32 establishment licenses, is amended to read as follows:

33 (b)(1) When an establishment changes ownership, the board shall be  
34 notified in writing within thirty (30) days.

35 (2) ~~At that time~~ If there is a change in the name of the  
36 establishment, a new license shall be issued in the new name ~~of the new~~

1 establishment, ~~provided that~~ if the requirements for licenses as established  
2 herein in this section are met.

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4 SECTION 4. Arkansas Code § 17-29-306 is amended to read as follows:  
5 17-29-306. Renewal.

6 (a)~~(1)~~ Every license holder under ~~the provisions of~~ this subchapter  
7 who wishes to continue the practice of the science of embalming or the  
8 business of funeral directing, or both, shall pay a renewal fee to the  
9 Secretary-treasurer of the State Board of Embalmers and Funeral Directors on  
10 or before ~~January~~ December 31 of each year ~~a renewal fee~~.

11 ~~(2) Certificates~~ A license not renewed by ~~January~~ December 31 of  
12 any year shall be considered delinquent.

13 ~~(3)~~ Any person in arrears more than three (3) years shall ~~make~~  
14 ~~application to the board and~~ appear before the board at a regular meeting and  
15 pay a delinquency fee determined by rule of the board to be eligible for  
16 renewal of a license.

17 (b)~~(1)~~ Renewal of ~~all a~~ funeral establishment ~~licenses~~ license shall  
18 be made on or before ~~January~~ December 31 of each year and shall be  
19 accompanied by the annual renewal fee prescribed in § 17-29-208.

20 ~~(2) Licenses~~ A license not renewed by ~~January~~ December 31 of any  
21 year shall be considered delinquent and constitute grounds for disciplinary  
22 action by the board.

23 (c) Failure to receive the renewal notice shall not relieve the  
24 licensee or establishment of the duty to pay the renewal fee as prescribed.

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26 SECTION 5. Arkansas Code § 17-29-311(a)(12), concerning grounds for  
27 disciplinary action by the State Board of Embalmers and Funeral Directors, is  
28 amended to read as follows:

29 (12) Refusing to properly release a dead human body to the  
30 custody of the person or entity having the legal right to effect such a  
31 release if all other applicable laws and rules have been followed by the  
32 holder of the license;

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34 SECTION 6. Arkansas Code § 17-29-311(d), concerning the release of the  
35 remains of a deceased person, is amended to read as follows:

36 (d) ~~No~~ A public officer or employee, the official of any public

1 institution, any physician or surgeon, or any other person having a  
2 professional relationship with ~~any a~~ decedent shall not send or cause to be  
3 sent to a funeral establishment or to ~~any a~~ person licensed ~~pursuant to~~ under  
4 this subchapter the remains of any deceased person without having first made  
5 due inquiry as to the desires of ~~the next of kin and of the persons who may~~  
6 ~~be chargeable with the funeral and expenses of the decedent. If any such kin~~  
7 ~~is found, his or her authority and directions shall govern except in those~~  
8 ~~instances in which the deceased made his or her arrangements~~ the authorizing  
9 agent or agents.

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12 /s/McLean

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15 **APPROVED: 03/31/2011**  
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