

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

SENATE BILL 526

5 By: Senator Rapert
6 By: Representatives Warren, Collins
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE RULES OF CONDUCT OF EMBALMERS
10 AND FUNERAL DIRECTORS; TO PROVIDE FOR THE PROPER
11 HANDLING OF HUMAN REMAINS WITH DIGNITY; AND FOR OTHER
12 PURPOSES.
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Subtitle

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15 CONCERNING THE RULES OF CONDUCT OF
16 EMBALMERS AND FUNERAL DIRECTORS; AND TO
17 PROVIDE FOR THE PROPER HANDLING OF HUMAN
18 REMAINS WITH DIGNITY.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 17-29-311(f), concerning prohibited conduct
25 of embalmers and funeral directors, is amended to read as follows:

26 (f)(1) A dead human body that is not buried or otherwise disposed of
27 within an allotted time ~~to be~~ as determined by rule of the board shall be
28 embalmed as prescribed in this subchapter or § 17-29-201 et seq. or stored
29 under refrigeration as determined by the Department of Health or its
30 successor or successors concerning the preservation of bodies.

31 (2)(A) When taking custody of the dead human body as prescribed
32 in this subchapter or § 17-29-201 et seq. or when the dead human body is
33 stored under refrigeration as determined by the department, a funeral
34 establishment or crematory shall maintain the dead human body in a manner
35 that provides for complete coverage of the dead human body and prevents
36 leakage or spillage by properly storing the dead human body in a



1 refrigeration or preparation room at all times except during:

2 (i) Identification, embalming, or preparation of an
3 unembalmed dead human body for final disposition;

4 (ii) Restoration and dressing of a dead human body
5 in preparation for final disposition; or

6 (iii) Viewing during a visitation or funeral
7 service.

8 (B) The funeral establishment or crematory shall treat the
9 dead human body with dignity and respect as determined by rule of the board.

10 (3)(A) If a funeral establishment or crematory is unable to
11 secure or store a dead human body as required under subdivision (f)(1) of
12 this section due to an unforeseen circumstance, the funeral establishment or
13 crematory shall transfer the dead human body and notify the board and the
14 person or entity having the legal right to arrange for the final disposition
15 of the dead human body.

16 (B) The notice required under subdivision (f)(3)(A) of
17 this section shall:

18 (i) Be provided within twenty-four (24) hours after
19 the occurrence of the unforeseen circumstance; and

20 (ii) Include the:

21 (a) Name and location of the facility where a
22 dead human body is being transferred;

23 (b) Reason for the transfer; and

24 (c) Method of storage.

25 (4) A dead human body shall not be embalmed or artificially
26 preserved without:

27 (A) The express permission of a person or entity with the
28 legal right to arrange for the final disposition of the dead human body under
29 the Arkansas Final Disposition Rights Act of 2009, § 20-17-102; or

30 (B) A court order.

31 (5) A funeral establishment or crematory shall not store a dead
32 human body until final disposition at a funeral establishment or crematory
33 without a license under this subchapter or § 17-29-201 et seq.

34 (6) A funeral establishment, crematory, or a transport service
35 of human remains licensed under this subchapter shall not transport or store
36 a dead human body together with animal remains in the same confined space.