

# Act 781 of 2017 Rules Report

for Department of Commerce - State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
<b>Department of Commerce - State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services</b>				
<b>Repeal</b>				
Continuing Education Rule				ID#: 1276
Statutory Authority: 17-29-207 and 17-29-209 (repealed)	09/18/1995	10/01/1995	10/01/1995	07/01/2009
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce or Repeal?: Repeal				
Agency Justification: 2018 Arkansas State Board of Embalmers & Funeral Directors Rule Summary Report• Continuing Education Ruleo Required by A. C. A. §17-29-209.				
Link to Rule Document: <a href="http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/45/Rules/1276/Final/FuneralCERule2012.pdf">http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/45/Rules/1276/Final/FuneralCERule2012.pdf</a>				
<b>Enforce</b>				
By Laws of Burial Associations				ID#: 1257
Statutory Authority: 66-1823 or 23-78-121	07/25/1967	07/25/1967	07/25/1967	08/05/1976
<input checked="" type="checkbox"/> Required under State or Federal Law: Ark. Code Ann. § 23-78-121(a) requires the Board to promulgate rules to administer the laws governing burial associations.				
Ark. Code Ann. § 23-78-115 requires burial associations to adopt bylaws in a format prescribed by the Board.				
Requirement Statement: The rule (Bylaws) were promulgated so burial associations would have the correct form of bylaws to adopt, as required by statute.				
Enforce or Repeal?: Enforce				
Agency Justification: The rule should continue because it is a Board prescribed form of bylaws which all burial associations are required by statute to adopt.				
Link to Rule Document: <a href="http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/45/Rules/1257/Final/burial-bylaws2012.pdf">http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/45/Rules/1257/Final/burial-bylaws2012.pdf</a>				
Rule 1 Rule Pertaining to Embalmers, Funeral Directors, Funeral Establishments, Crematories, Crematory Retort Operators, and Transport Services				ID#: 1274

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
Statutory Authority: Ark. Code Ann. § 17-29-207 (repealed); effective July 1, 2018, authority is found at Ark. Code Ann. §§ 23-61-1103 and 17-29-301 et seq. <input checked="" type="checkbox"/> Required under State or Federal Law: Ark. Code Ann. § 17-29-301 et seq. requires many of the provisions in the rule. Requirement Statement: § 17-29-301(b)(3)(B) requires a rule to address the failure of an embalmer apprentice to timely enroll in an accredited college of mortuary science. (See Rule 1, Section 7.A).  § 17-29-302(b)(1)(B)(iii) requires apprentice funeral directors to submit 50 case reports; and § 17-29-302(b)(4) requires apprenticeship rules (See Rule 1, Section 7).  § 17-29-304(a)(2)(C) requires a rule regarding the general price lists of funeral establishments (See Rule 1, Section 6.B.6.a and c; and Section 16.A).  § 17-29-305(b)(1)(B) requires a rule to provide for the transfer of ownership of a funeral establishment (See Rule 1, Section 6.B.18; Section 6.C.11; Section 6.D.15 and Section 6.O.10).  § 17-29-306(a)(3) and (4) require rules for the renewal of licenses (See Rule 1, Section 11).  § 17-29-309 allows the Board to adopt rules providing for the issuance of a lifetime license (See Rule 1, Section 14).  § 17-29-311(f)(1) requires a rule pertaining to embalming or refrigeration; and § 17-29-311(f)(2)(B) requires a rule requiring that the human dead to be treated with dignity and respect (See Rule 1, Section 6.B.10; Section 6.H.6.f; and Section 21.C).  § 17-29-313(c)(2)(E)(ii) requires a rule establishing minimum levels of general liability insurance coverage for licensed crematoriums (See Rule 1, Section 6.D.12).  § 17-29-314(f) requires a rule providing for the licensure of crematory retort operators (See Rule 1, Section 6.G).  § 17-29-3315(d) requires a rule providing for the licensure of transport service firms (See Rule 1, Section 6.O).  § 170-4-110 requires a rule providing for automatic licensure of veterans and spouses (See Rule 1, Section 10).  Enforce or Repeal?: Enforce Agency Justification: The rule should be continued because it provides requirements which govern the licenses of embalmers, funeral directors, funeral establishments, mortuary service forms, crematory authorities, crematory retort operators, and transport services.  Link to Rule Document: <a href="http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/45/Rules/1274/Final/Clean_Clean_Version_Rule_1.pdf">http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/45/Rules/1274/Final/Clean_Clean_Version_Rule_1.pdf</a>	08/11/1967	08/11/1967	06/04/2024	06/14/2024
<b>Rule 2 Withdrawal from Permanent Maintenance Fund</b>				<b>ID#: 11061</b>
Statutory Authority: Ark. Code Ann. §§ 23-61-1103 and 20-17-1013 <input checked="" type="checkbox"/> Required under State or Federal Law: Uncodified language contained in Section 4 of Act 343 of 2021 requires the promulgation of the rule. Requirement Statement: New language was added to Ark. Code Ann. § 20-17-1013 allowing perpetual care cemeteries to withdraw funds from the principal of the trust fund. The cemeteries need to be able to withdraw these funds so that they can make needed infrastructure repairs and capital improvements.  Enforce or Repeal?: Enforce Agency Justification: The rule should be continued because many perpetual care cemeteries in Arkansas and across the country are in dire financial status. These cemeteries are required to be maintained in perpetuity: in Arkansas, by statute, no rule against perpetuities applies to these cemeteries. Giving these cemeteries permission, once every ten years, to withdraw money from the principal will help ensure the cemeteries are being maintained properly, or at least to the best of the cemetery company's ability. The annual interest income generated from the trust fund, in almost all cases, is not enough to cover the mowing expenses for even one month.  Link to Rule Document: <a href="http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/45/Rules/11061/Final/rule_2_-_clean_final.pdf">http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/45/Rules/11061/Final/rule_2_-_clean_final.pdf</a>	12/02/2021	12/12/2021	12/02/2021	
<b>Rule 3 Licensure of Certain Individuals</b>				<b>ID#: 11062</b>

		Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
Statutory Authority:	Ark. Code Ann. §§ 17-1-109 and 23-61-1103.	04/22/2022	05/07/2022	04/27/2022	
<input checked="" type="checkbox"/> Required under State or Federal Law:	Uncodified language contained in Section 2 of Act 746 of 2021 requires occupational licensing entities to adopt such a rule.				
Requirement Statement:	The intent of the legislation is to allow those individuals who have been issued a work permit to be able to become licensed by the Board.				
Enforce or Repeal?:	Enforce				
Agency Justification:	The rule should be continued because the Board is required to adopt this rule to implement Act 746 of 2021.				
Link to Rule Document:	<a href="http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/45/Rules/11062/Final/state_board_final_rule_3.pdf">http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/45/Rules/11062/Final/state_board_final_rule_3.pdf</a>				
<b>Rule 4 Fee Waivers for Certain Individuals</b>					ID#: 11063
Statutory Authority:	Ark. Code Ann. § 17-5-105 requires licensing entities to promulgate rules to implement the law.	04/22/2022	05/07/2022	04/27/2022	
<input checked="" type="checkbox"/> Required under State or Federal Law:	Ark. Code Ann. § 17-5-105(2) requires the adoption of this rule.				
Requirement Statement:	The purpose of the rule is to waive the initial licensing fees for those individuals who are covered by the Workforce Expansion Act of 2021, and who apply to the Board for licensure.				
Enforce or Repeal?:	Enforce				
Agency Justification:	The rule should be continued because it is needed for the Board to comply with the Workforce Expansion Act of 2021.				
Link to Rule Document:	<a href="http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/45/Rules/11063/Final/state_board_final_rule_4.pdf">http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/45/Rules/11063/Final/state_board_final_rule_4.pdf</a>				
<b>Rule 5 Rule Pertaining to Perpetually Maintained Cemeteries</b>					ID#: 9856
Statutory Authority:	Ark. Code Ann. § 20-17-1006 (repealed); effective July 1, 2018, statutory authority is found at Ark. Code Ann. § 23-61-1103(a)(5)(C).	10/25/1977	01/01/1978	10/24/2023	11/03/2023
<input checked="" type="checkbox"/> Required under State or Federal Law:	Ark. Code Ann. § 20-17-1304(2) requires the Board to adopt a rule establishing a program by which insolvent cemeteries can apply for grant funds. (See Rule 30).				
Requirement Statement:	The other provisions in the rule are needed to implement the provisions of Ark. Code Ann. § 20-17-1001 et seq. The insolvent cemetery grant fund rule should continue as perpetual care cemetery companies may need these funds in the future to satisfy their obligation to maintain the cemeteries in perpetuity.				
Enforce or Repeal?:	Enforce				
Agency Justification:	The other provisions in the rule should continue because they are needed to implement the provisions of Ark. Code Ann. § 20-17-1001 et seq. The rule should be continued because it is needed to regulate perpetual care cemeteries in the state of Arkansas.				
Link to Rule Document:	<a href="http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/45/Rules/9856/Final/rule_5_clean_10_24_2023.pdf">http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/45/Rules/9856/Final/rule_5_clean_10_24_2023.pdf</a>				
<b>Rules and Regulations Governing Burial Associations</b>					ID#: 1256
Statutory Authority:	A.S.A. § 66-1823 or Ark. Code Ann. § 23-78-121	07/25/1967	07/25/1967	07/25/1967	12/04/2014
<input checked="" type="checkbox"/> Required under State or Federal Law:	Ark. Code Ann. § 23-78-121(a) requires the Board to adopt rules governing burial associations.				
Requirement Statement:	The rule is needed to comply with Ark. Code Ann. § 23-78-121(a).				
Enforce or Repeal?:	Enforce				
Agency Justification:	The rule should be continued because it is statutorily required by:Ark. Code Ann. § 23-78-111 (See Rule 48).Ark. Code Ann. § 23-78-112 (See Rule 21).Ark. Code Ann. § 23-78-113 (See Rule 25).Ark. Code Ann. § 23-78-113(b)(2) (See Rule 26).Ark. Code Ann. § 23-78-113(c) (See Rule 28).Ark. Code Ann. § 23-78-113(d) (See Rule 27).Ark. Code Ann. § 23-78-114 (See Rule 24).Ark. Code Ann. § 23-78-116 (See Rule 17).Ark. Code Ann. §§ 23-78-117, 23-78-118, and 23-78-119 (See Rule 9).Ark. Code Ann. §§ 23-78-118 and 23-78-119 (See Rules 5, 6, and 7).Ark. Code Ann. § 23-78-120 (See Rule 10).Ark. Code Ann. § 23-78-120(b)(5) (See Rule 46).Ark. Code Ann. § 23-78-122 (See Rules 2, 3, and 4).				
Link to Rule Document:	<a href="http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/45/Rules/1256/Final/burial_rules_and_regulations2014.pdf">http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/45/Rules/1256/Final/burial_rules_and_regulations2014.pdf</a>				