

State of Arkansas
88th General Assembly
Regular Session, 2011

A Bill

HOUSE BILL 1485

By: Representative McLean

For An Act To Be Entitled

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

Subtitle

TO AMEND ARKANSAS LAW CONCERNING
EMBALMERS, FUNERAL DIRECTORS, AND FUNERAL
ESTABLISHMENTS.

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

SECTION 1. Arkansas Code § 17-29-207 is amended to read as follows:

17-29-207. Rules ~~and regulations~~.

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

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

(c)(1) The board ~~is authorized and empowered to~~ may determine the
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 promulgated under this subsection~~
 23 ~~are Class A misdemeanors.~~

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.~~

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.

3
 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.

25
 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;

33
 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.

10
 11 SECTION 7. Arkansas Code § 17-29-401 is amended to read as follows:

12 17-29-401. Criminal penalties.

13 Any person who, after February 28, 1985, practices the science of embalming,
 14 engages in the business of funeral directing, or conducts, maintains,
 15 manages, or operates a funeral establishment without a license issued under
 16 ~~any provision of~~ § 17-29-201 et seq. and § 17-29-301 et seq. shall be guilty
 17 of a ~~Class A misdemeanor~~ Class D felony and subject to the punishment
 18 prescribed for ~~Class A misdemeanors~~ Class D felonies in the Arkansas Criminal
 19 Code.