

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

*As Engrossed: H3/17/15*

# A Bill

HOUSE BILL 1711

5 By: Representative Talley  
6 By: Senator Teague  
7

## For An Act To Be Entitled

9 AN ACT TO REGULATE EMBALMING, CREMATING, FUNERAL  
10 DIRECTING, TRANSPORTING HUMAN REMAINS, THE OPERATION  
11 OF FUNERAL ESTABLISHMENTS, CREMATORIUMS, TRANSPORT  
12 SERVICES, AND THE STATE BOARD OF EMBALMERS AND  
13 FUNERAL DIRECTORS; AND FOR OTHER PURPOSES.  
14  
15

## Subtitle

16  
17 *TO REGULATE EMBALMING, CREMATING, FUNERAL*  
18 *DIRECTING, TRANSPORTING HUMAN REMAINS,*  
19 *THE OPERATION OF FUNERAL ESTABLISHMENTS,*  
20 *CREMATORIUMS, TRANSPORT SERVICES, AND THE*  
21 *STATE BOARD OF EMBALMERS AND FUNERAL*  
22 *DIRECTORS.*  
23  
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
26

27 *SECTION 1. The catchline for Arkansas Code § 17-29-201 is amended to*  
28 *read as follows:*

29 *17-29-201. Creation – Members – Duties.*  
30

31 *SECTION 2. Arkansas Code § 17-29-201, concerning the members and*  
32 *duties of the State Board of Embalmers and Funeral Directors, is amended to*  
33 *add an additional subsection to read as follows:*

34 *(g) The board shall:*

35 *(1) Administer this subchapter and § 17-29-301 et seq.; and*

36 *(2) Make the examinations required by § 17-29-301 et seq.*



1 available to applicants at least two (2) times annually at suitable locations  
2 during normal business hours.

3  
4 SECTION 3. Arkansas Code § 17-29-202(b), concerning examinations of  
5 the State Board of Embalmers and Funeral Directors, is repealed.

6 ~~(b) The board shall hold at least two (2) examinations each year at~~  
7 ~~convenient times and places.~~

8  
9 SECTION 4. Arkansas Code § 17-29-203 is amended to read as follows:  
10 17-29-203. Selection of officers.

11 (a) The State Board of Embalmers and Funeral Directors ~~appointed under~~  
12 ~~the provisions of this chapter, and each successor thereto, is authorized to~~  
13 shall select from its own membership a president, vice president, and except  
14 as provided in subsection (b) of this section, a secretary-treasurer who  
15 shall serve for one-year terms or until their successors are elected and  
16 qualified.

17 (b)(1) ~~In the event no member~~ If all members of the board ~~is able for~~  
18 ~~any reason~~ decline to serve as secretary-treasurer, then by a majority vote  
19 of the board, ~~the board~~ may employ a person who is not a member of the  
20 board to serve as secretary-treasurer, and.

21 (2) ~~that~~ A person employed by the board as secretary-treasurer  
22 under subdivision (b)(1) of this section is not required to be a licensed  
23 embalmer or funeral director.

24  
25 SECTION 5. Arkansas Code § 17-29-204(5), concerning the duties of the  
26 secretary-treasurer of the State Board of Embalmers and Funeral Directors, is  
27 amended to read as follows:

28 (5) ~~Keep~~ Maintain a record ~~in which shall be registered~~ of the  
29 licensee and business name and ~~business~~ address of every person ~~to whom~~  
30 ~~licenses have been granted in accordance with~~ licensed under § 17-29-301 et  
31 seq., including the license number, and date of the license, and the renewal  
32 ~~date of renewal~~ of the license;

33  
34 SECTION 6. Arkansas Code § 17-29-204(6), concerning the duties of the  
35 secretary-treasurer of the State Board of Embalmers and Funeral Directors, is  
36 amended to read as follows:

1           (6) Supply on request a list of every person and funeral  
 2 establishment licensed under § 17-29-301 et seq., to ~~any~~ a person licensed as  
 3 an embalmer or funeral director, to a common ~~carriers~~ carrier in this state,  
 4 to ~~hospitals~~ a hospital licensed in this state, or to any other ~~persons~~  
 5 ~~reasonably entitled to a list of all persons and funeral establishments~~  
 6 ~~holding licenses under § 17-29-301 et seq.~~ ~~The publication giving the~~  
 7 ~~information shall include all laws, rules, and regulations regarding the~~  
 8 ~~practice of embalming or funeral directing~~ person authorized by law to  
 9 receive the list;

10  
 11           SECTION 7. Arkansas Code § 17-29-204(8) through (10), concerning the  
 12 duties of the secretary-treasurer of the State Board of Embalmers and Funeral  
 13 Directors, are amended to read as follows:

14           (8) ~~Give bond to the State of Arkansas in such sum as the board~~  
 15 ~~may direct. Any premiums payable for the bond shall be paid from the funds~~  
 16 ~~of the board. The bond shall be deposited with the Auditor of State;~~

17           ~~(9)~~ Receive and be paid an annual salary not to exceed the  
 18 amount authorized by law; ~~and~~

19           ~~(10)~~(9) Be authorized to receive reimbursement for expenses  
 20 incurred in performance of duties;

21           (10) Charge and collect a criminal background check processing  
 22 fee in an amount necessary to recover the charge imposed by the Department of  
 23 Arkansas State Police to conduct a criminal background check for a person  
 24 applying for an initial license under § 17-29-301 et seq.; and

25           (11) Recommend to the board the establishment of standards of  
 26 practice and a code of ethics for a person licensed under § 17-29-301 et seq.

27  
 28           SECTION 8. Arkansas Code § 17-29-205(c), concerning the inspector  
 29 appointed by the State Board of Embalmers and Funeral Directors, is amended  
 30 to read as follows:

31           (c)(1) The inspector, with proper identification, ~~is authorized to~~ may  
 32 enter the any office, premises, establishment, or place of business ~~of any~~  
 33 ~~business~~ in this state where the practice of embalming, ~~or~~ funeral directing,  
 34 cremation, or transportation of human remains is carried on, or where the  
 35 practice is advertised as being carried on, ~~for the purpose of inspecting to:~~

36           (A) Inspect the office, premises, crematory, or

1 ~~establishment;~~

2 ~~(B) inspecting~~ Inspect the license and registration of ~~any~~  
3 a licensee;

4 ~~(C) inspecting~~ Inspect the manner and scope of training  
5 given to ~~any~~ an apprentice ~~therein;~~ and

6 ~~(D) to ensure~~ Ensure compliance with all state laws, ~~and~~  
7 rules, and regulations pertaining to funeral service.

8 ~~(2) Acceptance of~~ By accepting a license under § 17-29-301 et  
9 seq., ~~shall be the licensee grants permission for the inspector or other~~  
10 board designee to enter his or her the licensee's business premises without  
11 legal process prior notice.

12  
13 SECTION 9. Arkansas Code § 17-29-207(a), concerning the rules of the  
14 State Board of Embalmers and Funeral Directors, is amended to read as  
15 follows:

16 (a) The State Board of Embalmers and Funeral Directors may promulgate  
17 appropriate rules for the transaction of its business ~~and,~~ for the betterment  
18 and promotion of the standards of service and practice to be followed, ~~in the~~  
19 ~~practice of~~ and the qualifications to:

20 (1) Practice embalming, and funeral directing, or cremation;

21 (2) Transport human remains; or

22 (3) Operate a funeral establishment, mortuary service,

23 crematorium, retort, or transport service firm to transport human remains in  
24 the State of Arkansas as it deems expedient and consistent with the laws of  
25 this state and for the public good.

26  
27 SECTION 10. Arkansas Code § 17-29-207(c), concerning the rules of the  
28 State Board of Embalmers and Funeral Directors, is amended to read as  
29 follows:

30 (c)(1) ~~The board may determine the qualifications necessary to~~  
31 ~~practice the science of embalming or the business of funeral directing, or~~  
32 ~~both, and shall adopt bylaws and rules in connection with the care and~~  
33 ~~disposition of dead human bodies~~ remains in this state.

34 (2) The board shall enforce compliance with ~~the laws and rules~~  
35 ~~by those engaged in the science of embalming and business of funeral~~  
36 ~~directing in this state~~ this subchapter and § 17-29-301 et seq., and may

1 transact any other business necessary for carrying out ~~the provisions of this~~  
2 subchapter and § 17-29-301 et seq.

3  
4 SECTION 11. Arkansas Code § 17-29-207, concerning the rules of the  
5 State Board of Embalmers and Funeral Directors, is amended to add an  
6 additional subsection to read as follows:

7 (f) The board shall establish the standards of practice and a code of  
8 ethics for a person or business licensed under § 17-29-301 et seq.

9  
10 SECTION 12. Arkansas Code § 17-29-209(a), concerning the continuing  
11 education for licensed funeral directors and embalmers, is amended to read as  
12 follows:

13 (a) The State Board of Embalmers and Funeral Directors may develop,  
14 ~~and establish by regulation~~ rule, and administer a program for mandatory or  
15 voluntary continuing education program and its requirements for ~~all funeral~~  
16 ~~directors and embalmers~~ a person licensed under § 17-29-301 et seq.

17  
18 SECTION 13. Arkansas Code § 17-29-211 is amended to read as follows:

19 ~~17-29-211. Administrative activities~~ Executive director – Employees –  
20 Office.

21 (a)(1)(A) The Executive Secretary of the Burial Association Board  
22 State Board of Embalmers and Funeral Directors may appoint an Executive  
23 Director of the State Board of Embalmers and Funeral Directors who shall  
24 serve at the pleasure of the board.

25 (2) The Executive Director of the State Board of Embalmers and  
26 Funeral Directors shall also be responsible for the administrative activities  
27 of the State Board of Embalmers and Funeral Directors be in charge of the  
28 board's office and devote the necessary time to the performance of the duties  
29 of the executive director as may be required.

30 (3) The duties of the executive director of the board shall  
31 include:

32 (A) Collection of fees and charges under this chapter;

33 (B) Keeping record of the proceedings of the board;

34 (C) Keeping an accurate account of all moneys received and  
35 disbursed by the board;

36 (D) Assisting or performing the duties of the Secretary-

1 Treasurer of the State Board of Embalmers and Funeral Directors; and

2 (E) Any other duties defined and designated by the board.

3 (b) The board may employ any necessary clerical and professional staff  
4 and incur any reasonable expenses necessary for the proper discharge of the  
5 duties of the board under this subchapter.

6 (c) The board shall maintain its main office location in Little Rock  
7 and transact the board's business at the main office.

8  
9 SECTION 14. Arkansas Code § 17-29-301(a)(6), concerning the  
10 qualifications to practice the science of embalming, is amended to read as  
11 follows:

12 (6)(A) Take and pass both parts of the National Board  
13 Examination and ~~both parts of the Arkansas laws, rules, and regulations exam~~  
14 and present himself or herself to the State Board of Embalmers and Funeral  
15 Directors for a licensing interview.

16 (B) To be eligible to take the Arkansas laws, rules, and  
17 regulations exam, an applicant shall be an active apprentice who is currently  
18 registered with the board.

19  
20 SECTION 15. Arkansas Code § 17-29-301(b)(3), concerning the  
21 qualifications to practice the science of embalming, is amended to read as  
22 follows:

23 (3)(A) ~~This An~~ apprenticeship under subsection (b) of this  
24 section may be served before, during, or after attending a begin not more  
25 than twelve (12) months before enrollment in an accredited college of  
26 mortuary science ~~except when the applicant is receiving financial assistance~~  
27 from the state to attend mortuary school, in which instance the  
28 apprenticeship shall be served prior to attending mortuary school or by  
29 submitting proof of graduation from an accredited college of mortuary  
30 science.

31 (B) ~~This subdivision (b)(3) applies to persons who were~~  
32 enrolled in mortuary school on January 1, 2000, and those who enroll after  
33 that date If an apprentice fails to enroll in an accredited college of  
34 mortuary science as required under subdivision (b)(3)(A) of this section, the  
35 apprenticeship shall be terminated for a period to be determined by rule of  
36 the State Board of Embalmers and Funeral Directors.

1  
2           SECTION 16. Arkansas Code § 17-29-302(a)(5), concerning the  
3 qualifications required to engage in the business of funeral directing, is  
4 amended to read as follows:

5           (5)(A) ~~Present himself or herself before the board at a time and~~  
6 ~~place fixed by the board and make a passing grade on both the written and~~  
7 ~~oral examinations~~ Take and pass all examinations required by the board.

8           (B) To be eligible to take the Arkansas laws, rules, and  
9 regulations exam, an applicant shall be an active apprentice who is currently  
10 registered with the board.

11  
12           SECTION 17. Arkansas Code § 17-29-302(b), concerning the  
13 qualifications to engage in the business of funeral directing, is amended to  
14 read as follows:

15           (b)(1)(A) ~~Any~~ Except as provided in subdivision (b)(1)(C) of this  
16 section, a person desiring to engage in the business of funeral directing in  
17 the State of Arkansas this state shall serve an apprenticeship in this state  
18 of for two (2) years in the State of Arkansas.

19           (B) An apprentice shall:

20           (i) under Register with the board on forms provided  
21 by the board and by attaching the fee as prescribed in § 17-29-208;

22           (ii) Be supervised by a funeral director licensed by  
23 the board; and

24           (iii) ~~that person shall actively~~ Actively assist in  
25 conducting arranging fifty (50) funerals services as determined by rule of  
26 the board.

27           (C) A person who is a graduate of an accredited mortuary  
28 program and has passed the National Board Examination may be licensed to  
29 engage in the business of funeral directing after serving an apprenticeship  
30 in this state for one (1) year.

31           (2) ~~Notice~~ A licensed funeral director who is supervising an  
32 apprenticeship shall record a notice of the apprenticeship shall be recorded  
33 with the Secretary-treasurer of the State Board of Embalmers and Funeral  
34 Directors and by the licensed funeral director supervising the apprenticeship  
35 not or the Executive Director of the State Board of Embalmers and Funeral  
36 Directors no later than thirty (30) days after the commencement start of the

1 apprenticeship.

2 ~~(2) If any person is a graduate of an accredited mortuary~~  
3 ~~program and has passed the National Board Examination, that person shall be~~  
4 ~~required to serve one (1) year as an apprentice funeral director.~~

5 (3) The board ~~shall have the power to~~ may suspend or revoke a  
6 ~~certificate of~~ an applicant's apprenticeship for a violation of ~~any provision~~  
7 ~~of this subchapter or § 17-29-201 et seq.~~

8

9 SECTION 18. Arkansas Code § 17-29-303(a), concerning examinations and  
10 certificates for embalmers and funeral directors, is amended to read as  
11 follows:

12 (a) Within a reasonable time ~~and in a place reasonably accessible to~~  
13 ~~the applicant, after completion and filing of an application to practice the~~  
14 science of embalming or to engage in the business of funeral directing is  
15 filed with the State Board of Embalmers and Funeral Directors, the board  
16 shall ~~subject each~~ give the applicant ~~to~~ a written ~~and oral~~ examination ~~as to~~  
17 ~~his or her~~ test the applicant's competency to act as an embalmer or a funeral  
18 director, or both.

19

20 SECTION 19. Arkansas Code § 17-29-303(b), concerning examinations and  
21 certificates for embalmers and funeral directors, is amended to read as  
22 follows:

23 (b) If on examination the board finds that ~~the~~ an applicant possesses  
24 a knowledge of funeral directing or the science of embalming, sanitation, and  
25 disinfection, ~~or funeral directing,~~ or both, and meets the qualifications  
26 prescribed ~~herein~~ in this subchapter, the board shall issue the applicant a  
27 certificate authorizing him or her to ~~practice the science of embalming or to~~  
28 ~~engage in the business of funeral directing,~~ engage in the business of  
29 funeral directing or to practice the science of embalming, or both, if the  
30 applicant has submitted a complete application under subsection (a) of this  
31 section and attached the fee as prescribed in § 17-29-208. ~~The board shall~~  
32 ~~then register the applicant as a duly certified embalmer or funeral director,~~  
33 ~~or both.~~

34

35 SECTION 20. Arkansas Code § 17-29-304(a), concerning the requirements  
36 to conduct a funeral establishment, is amended to read as follows:



1           (a)(1) ~~No~~ A person shall not conduct, maintain, manage, or operate a  
 2 funeral establishment in this state unless ~~a license for each establishment~~  
 3 ~~has been issued by~~ the State Board of Embalmers and Funeral Directors has  
 4 issued a license for the funeral establishment and the license is displayed  
 5 in the funeral establishment.

6                   (2) A price list, statement of funeral goods and services,  
 7 publication, advertisement, or other document of a funeral establishment  
 8 shall accurately:

9                           (A) Reflect the name and location of the funeral  
 10 establishment on file with the board;

11                           (B) Describe each location to which the price list,  
 12 statement, publication, advertisement, or document applies; and

13                           (C) Any additional annual requirements as determined by  
 14 rule of the board.

15  
 16           SECTION 21. Arkansas Code § 17-29-304(b), concerning the requirements  
 17 to conduct a funeral establishment, is amended to read as follows:

18           (b)(1)~~(A) No license shall be issued to operate a full-service funeral~~  
 19 ~~establishment by~~ Except as provided in subdivision (b)(2) of this section,  
 20 the board shall not issue a license to operate a full-service funeral  
 21 establishment unless the establishment has employed a full-time ~~person~~  
 22 manager who:

23                                   (i) Is a licensed ~~as a~~ funeral director;

24                                   (ii) Actively supervises the staff of the  
 25 establishment; and

26                                   (iii) Is not employed by a nonaffiliated funeral  
 27 establishment.

28                           (B) A funeral establishment shall:

29                                   (i) Be open for business and available for  
 30 inspection by the board during normal business hours; and

31                                   (ii) Post conspicuously its hours of operation on  
 32 the premises of the funeral establishment.

33           (2) ~~If the~~ A funeral establishment that is a part of a multiunit  
 34 enterprise within this state, may employ only one (1) ~~establishment within~~  
 35 ~~the multiunit enterprise must have a full-time ~~person~~ manager who is~~ licensed  
 36 as a funeral director, provided the for a branch of the funeral establishment

1 if the full-time licensed person manager:

2 (A) ~~is~~ Is reasonably accessible to the branch of the  
3 funeral establishment; and

4 (B) Resides within fifty (50) miles of the branch of the  
5 funeral establishment.

6  
7 SECTION 22. Arkansas Code § 17-29-304(e), concerning the requirements  
8 to conduct a funeral establishment, is amended to read as follows:

9 (e)(1) ~~An A funeral establishment in which embalming is conducted that~~  
10 conducts embalming shall have a preparation room with a for embalming that  
11 has:

12 (A) ~~sanitary floor~~ Sanitary floors, walls, and ceiling  
13 ceilings that are constructed from a washable surface;

14 (B) ~~adequate~~ Adequate sanitary drainage and disposal  
15 facilities, including hot and cold running water, and;

16 (C) An exhaust fans system that provides proper  
17 ventilation according to the standards and regulations of the Occupational  
18 Safety and Health Administration for the prevention of the spread of  
19 contagious, infectious, or communicable diseases; and

20 (D) A heating and cooling system that is separate from the  
21 rest of the funeral establishment.

22 (2) ~~Such an~~ The funeral establishment shall comply with the  
23 regulations rules of the Department of Health and standards and regulations  
24 of the Occupational Safety and Health Administration for the prevention of  
25 the spread of contagious, infectious, or communicable diseases.

26  
27 SECTION 23. Arkansas Code § 17-29-304(g), concerning the requirements  
28 to conduct a funeral establishment, is amended to read as follows:

29 (g) A funeral establishment shall:

30 (1) ~~contain a casket selection room with a reasonable number of~~  
31 caskets therein, Contain a separate conference room that is used to make  
32 funeral arrangements; and

33 (2) The Display on site a reasonable number of caskets shall be  
34 as determined by the board. However, if an establishment is a part of a  
35 multiunit enterprise, only one (1) establishment in the enterprise need have  
36 a selection room if it is within a reasonable distance of other

1 ~~establishments within the multiunit enterprise.~~

2  
3 SECTION 24. Arkansas Code § 17-29-304, concerning the requirements to  
4 conduct a funeral establishment, is amended to add an additional subsection  
5 to read as follows:

6 (i)(1) A funeral establishment shall provide proof of general  
7 liability insurance.

8 (2) The board shall develop and promulgate rules requiring  
9 sufficient and appropriate minimum levels of general liability insurance  
10 coverage for licensed funeral establishments.

11  
12 SECTION 25. Arkansas Code § 17-29-305(a)(4), concerning examinations  
13 and licenses for funeral establishments, is amended to read as follows:

14 (4) ~~No~~ A person who has filed an application for a license shall  
15 not be prosecuted for a violation of this ~~section~~ subchapter unless ~~it is~~  
16 ~~shown that this~~ the applicant is properly notified that the application was  
17 ~~duly denied by the board before the violation occurred and that he or she was~~  
18 ~~duly notified of the denial.~~

19  
20 SECTION 26. Arkansas Code § 17-29-305(b)(1), concerning a change in  
21 ownership of a funeral establishment, is amended to read as follows:

22 (b)(1)~~(A) When an establishment changes ownership, the~~ An owner of a  
23 funeral establishment shall:

24 (i) Notify the board ~~shall be notified~~ in writing  
25 ~~within~~ at least thirty (30) days before a change of ownership of the funeral  
26 establishment occurs; and

27 (ii) Supply information requested by the board  
28 concerning the change of ownership.

29 (B) The board shall develop and promulgate rules to  
30 provide a transfer of ownership of a funeral establishment including the  
31 transferability of a license issued under this subchapter.

32  
33 SECTION 27. Arkansas Code § 17-29-306(a), concerning the procedure to  
34 renew a license, is amended to read as follows:

35 (a)(1) Every license holder under this subchapter who wishes to  
36 continue the practice of the science of embalming or the business of funeral

1 directing, or both, shall pay a renewal fee to the Secretary-treasurer of the  
2 State Board of Embalmers and Funeral Directors ~~on or before~~ annually by  
3 December 31 of each year.

4 (2) A license not renewed by December 31 of any year ~~shall be~~  
5 considered is delinquent.

6 (3) ~~Any person in arrears more than three (3) years shall appear~~  
7 ~~before the~~ The board at a regular meeting and pay a may renew a license after  
8 December 31 if during the first twelve (12) months of delinquency a licensee  
9 submits a renewal form, renewal fee, and any delinquency fee fees as  
10 determined by rule of the board to be eligible for renewal of a license.

11 (4) A person whose license is delinquent under subdivision  
12 (a)(2) of this section for at least thirteen (13) months may apply to the  
13 board for reinstatement of the delinquent license by submitting a  
14 reinstatement application and attaching any applicable fees as determined by  
15 rule of the board.

16  
17 SECTION 28. Arkansas Code § 17-29-307 is amended to read as follows:  
18 17-29-307. Revocation.

19 (a) The State Board of Embalmers and Funeral Directors may refuse to  
20 renew, or may suspend or revoke, a license issued under this subchapter if it  
21 finds, after a hearing, that a person or a the funeral establishment licensed  
22 under this subchapter does not meet any one (1) or all of the requirements  
23 set forth in requirement under this subchapter or § 17-29-201 et seq.

24 (b) ~~No~~ A new license shall not be issued to an individual or the an  
25 owner of a funeral establishment or to a corporation controlled by that owner  
26 for at least one (1) year after the revocation of the license.

27 (c)(1) ~~Before any action can be taken under this section, the~~  
28 ~~procedure for notice and hearing prescribed by the Arkansas Administrative~~  
29 ~~Procedure Act, § 25-15-201 et seq., shall be followed~~ The board may  
30 temporarily suspend a license without a hearing if the board determines that  
31 the public health, safety, or welfare requires immediate action.

32 (2) If the board temporarily suspends a license under  
33 subdivision (c)(1) of this section, the board shall notify the licensee  
34 immediately by certified mail of the temporary suspension and the date, time,  
35 and location of the hearing to be held under subdivision (c)(3) of this  
36 section.

1           (3) If a license is temporarily suspended under subdivision  
 2 (c)(1) of this section, a hearing on the suspension of the license shall be  
 3 held within ten (10) days of the temporary suspension of the license.

4           (d)(1) Based on the information contained in the complaint submitted  
 5 against a licensee, the board may suspend the license issued under this  
 6 subchapter without a hearing five (5) days after sending written notice by  
 7 certified mail, nonrestricted delivery, to the licensee if the licensee:

8           (A) Does not have the required proof of general liability  
 9 insurance on file with the board; or

10           (B) Refuses to submit to an audit or inspection by the  
 11 board under this chapter.

12           (2) A suspension of a license under subdivision (c)(1) of this  
 13 section shall not exceed sixty (60) days without a hearing.

14           (e) A hearing under this section and an appeal of the board's decision  
 15 to suspend a license under this section is governed by the Arkansas  
 16 Administrative Procedure Act, § 25-15-201 et seq.

17  
 18           SECTION 29. Arkansas Code § 17-29-309 is amended to read as follows:  
 19           17-29-309. ~~Retired~~ Lifetime embalmers or funeral directors.

20           The State Board of Embalmers and Funeral Directors ~~shall have the power~~  
 21 ~~to~~ may adopt appropriate rules ~~and regulations~~ regarding the issuance ~~and~~  
 22 ~~renewal~~ of a lifetime license to ~~individuals who shall have retired from the~~  
 23 ~~active practice of embalming or funeral directing~~ an individual based upon  
 24 ~~the age of the individuals or~~ number of years of licensure.

25  
 26           SECTION 30. Arkansas Code § 17-29-310 is amended to read as follows:  
 27           17-29-310. License requirements for out-of-state licenses.

28           (a) Any A person holding a valid, ~~unrevoked, and unexpired~~ license as  
 29 an embalmer or funeral director in another state, United States territory, or  
 30 provincial authority for an appropriate time as determined by the State Board  
 31 of Embalmers and Funeral Directors may apply for a license to practice in  
 32 this state as an embalmer or a funeral director, or both.

33           (b)(1) Application ~~An application~~ shall be made by filing with the  
 34 Secretary-treasurer of the State Board of Embalmers and Funeral Directors or  
 35 the Executive Director of the State Board of Embalmers and Funeral Directors  
 36 a certified statement from the secretary of the examining board of the state,

1 United States territory, or provincial authority in which the applicant holds  
2 his or her license, showing the basis upon which the license was issued.

3 (2) Upon receipt of the application and fee, the Secretary-  
4 treasurer secretary-treasurer of the board or the executive director of the  
5 board may issue a temporary working numbers, which are number that is valid  
6 for one (1) year from the date of issuance.

7 (c)(1) To obtain a license, the applicant shall pass an exam to prove  
8 his or her proficiency, including at least, but not limited to, a knowledge  
9 of the laws, and rules, and regulations of this state pertaining to funeral  
10 service.

11 (2) The After the application is submitted, the exam may be  
12 taken at one (1) of the regularly scheduled exam sessions set by the  
13 scheduled with an exam provider by mail or electronic means as determined by  
14 the board.

15 (3) If the board is satisfied with the proficiency of the  
16 applicant, upon receipt of the prescribed fees in § 17-29-208, a license may  
17 be granted.

18 (4) Failure to meet testing requirements shall result in  
19 revocation of the temporary working numbers number, and the applicant must  
20 shall reapply and pay the appropriate fee to be licensed under this  
21 subchapter.

22  
23 SECTION 31. Arkansas Code § 17-29-311, the catchline for Arkansas Code  
24 § 17-29-311 is amended to read as follows:

25 17-29-311. ~~Violations—Prohibitions~~ Prohibited conduct – Sanctions.  
26

27 SECTION 32. Arkansas Code § 17-29-311(a)(7), concerning causes for  
28 sanctions against embalmers and funeral directors, is amended to read as  
29 follows:

30 (7) Allowing personnel unlicensed pursuant to a person who is  
31 not licensed under this subchapter to execute a ~~contracts~~ contract for  
32 funeral service arrangements;  
33

34 SECTION 33. Arkansas Code § 17-29-311(b), concerning causes for  
35 sanctions against embalmers and funeral directors, is amended to read as  
36 follows:

1           (b) ~~No~~ A routine sale of a prearranged or a prefinanced funeral or of  
 2 funeral merchandise in the ordinary course of business is not a violation of  
 3 subdivisions (a)(4)-(a)(7) (a)(4)-(7) of this section shall be deemed to have  
 4 occurred when in the ordinary course of business a routine sale of a  
 5 prearranged or a prefinanced funeral or of funeral merchandise shall have  
 6 been made.

7  
 8           SECTION 34. Arkansas Code § 17-29-311(f), concerning causes for  
 9 sanctions against embalmers and funeral directors, is amended to read as  
 10 follows:

11           (f) ~~All~~ A dead human bodies body that is not buried or otherwise  
 12 disposed of within twenty-four (24) hours after death an allotted time to be  
 13 determined by rule of the board shall be embalmed as prescribed in this  
 14 subchapter or § 17-29-201 et seq. or stored under refrigeration as determined  
 15 by the State Board of Department of Health.

16  
 17           SECTION 35. Arkansas Code § 17-29-311(h), concerning causes for  
 18 sanctions against embalmers and funeral directors, is amended to read as  
 19 follows:

20           (h) ~~It shall be unlawful and is~~ is a violation of this chapter for any a  
 21 person to engage in the practice of embalming or funeral directing or to hold  
 22 himself or herself out to the public as a licensed practicing embalmer or  
 23 funeral director within the State of Arkansas in this state without being the  
 24 holder of a license.

25  
 26           SECTION 36. Arkansas Code § 17-29-311, concerning causes for sanctions  
 27 against an embalmer or funeral director, is amended to add an additional  
 28 subsection to read as follows:

29           (i) A person or entity shall not be issued a license to practice the  
 30 science of embalming or to engage in the business of funeral directing for  
 31 one (1) year after the license of the person or entity is revoked.

32  
 33           SECTION 37. Arkansas Code § 17-29-313 is amended to read as follows:  
 34           17-29-313. ~~Permit required for crematorium~~ Crematorium construction  
 35 - Operation of crematorium.

36           (a)(1) ~~No crematoriums~~ A crematorium shall not be constructed in this

1 state without a permit issued by the State Board of Embalmers and Funeral  
2 Directors.

3 (2) In order to receive a permit to construct a crematorium, a  
4 person shall:

5 (A)(i) Publish a notice in a newspaper of general  
6 circulation in the county where the crematorium is proposed to be constructed  
7 stating that the applicant intends to construct a crematorium at a designated  
8 location.

9 (ii) The notice shall:

10 (a) Be published on the Sunday and Wednesday  
11 no more than fifteen (15) days nor less than seven (7) days before submitting  
12 an application to the board; and

13 (b) Invite members of the public to submit  
14 written protest to the construction of the proposed crematorium to the board  
15 at the address designated by the board; and

16 (B)(i) Submit an application to the board for a permit to  
17 construct a crematorium.

18 (ii) The application for a permit to construct a  
19 crematorium shall include:

20 (a) Proof of publication of the notice  
21 required under subdivision (a)(2)(A) of this section;

22 (b) A copy of the permit issued by the  
23 Arkansas Department of Environmental Quality under § 8-4-203 to construct the  
24 crematorium; and

25 (c) The fee as prescribed in § 17-29-208.

26 (b)(1) Upon receiving ~~an~~ a written protest to an application for the  
27 construction of a crematorium, the board shall:

28 (A) Schedule a public hearing on the application; and

29 (B)(i) ~~cause~~ Direct the applicant to ~~be published~~ publish  
30 in a newspaper having general circulation within the county ~~wherein~~ where the  
31 crematorium is proposed to be constructed a notice of the date and time of a  
32 public hearing on the application.

33 ~~(2)(ii)~~ The notice ~~must~~ shall be published on the  
34 Sunday and Wednesday no more than ~~two (2) weeks~~ fifteen (15) days nor less  
35 than ~~one (1) week prior to~~ seven (7) days before the public hearing.

36 ~~(3) The owners of property located within two hundred fifty feet~~



1 ~~(250)~~ of the proposed site of the crematorium shall be notified by the board  
2 by registered mail.

3 ~~(4)~~(2) The public hearing shall be held in the city or county  
4 ~~wherein~~ in which the proposed crematorium is to be located.

5 (c)(1) A crematorium shall not be operated in this state without a  
6 license issued by the board.

7 (2) A person that desires to operate a crematorium in this state  
8 shall:

9 (A) Make application to the board on forms furnished by  
10 the board;

11 (B) Provide the necessary information as determined by the  
12 board;

13 (C) Attach the fee as prescribed in § 17-29-208; and

14 (D) Satisfy the requirements of the board for the safe and  
15 sanitary operation of a crematorium as determined by the board.

16 (3) The board shall grant the application if the board finds  
17 that the proposed crematorium:

18 (A) Complies with all state and federal laws concerning  
19 environmental and public health; and

20 (B) Will serve the public interest.

21  
22 SECTION 38. Arkansas Code Title 17, Chapter 29, Subchapter 3, is  
23 amended to add additional sections to read as follows:

24 17-29-314. Crematory retort operator – Qualifications.

25 (a) A person who desires to have a license as a crematory retort  
26 operator in this state shall:

27 (1) Be at least eighteen (18) years of age;

28 (2) Have received a high school diploma or a General Educational  
29 Development Test certificate;

30 (3) Make written application to the State Board of Embalmers and  
31 Funeral Directors and attach the fee prescribed by § 17-29-208;

32 (4) Take and pass the appropriate exams as determined by the  
33 board; and

34 (5) Provide the information required by the board.

35 (b) Application for a crematory retort operator license shall be made  
36 on forms furnished by the board.

1 (c) Each crematory retort operator shall be required to submit initial  
2 Occupational Safety and Health Administration blood borne pathogen training.

3 (d)(1) The board shall grant the application if the board finds that  
4 the applicant:

5 (A) Possesses a knowledge of the operation of a  
6 crematorium retort; and

7 (B) Meets the qualifications under this section.

8  
9 17-29-315. Transporting human remains – Operating a transport service  
10 – Qualifications.

11 (a) A person who desires to transport human remains or operate a  
12 transport service to transport human remains in this state shall:

13 (1) Be at least eighteen (18) years of age;

14 (2) Possess a valid Arkansas driver's license appropriate for  
15 the operation of the motor vehicle as determined by the State Board of  
16 Embalmers and Funeral Directors;

17 (3) Make written application to the board for each transport  
18 service firm to register as a driver on forms provided by the board and  
19 attaching the fee as prescribed in § 17-29-208 for the transport service;

20 (4) Own an appropriate and acceptable motor vehicle determined  
21 by the board to transport human remains;

22 (5) Each driver shall be required to submit initial Occupational  
23 Safety and Health Administration blood borne pathogen training for an initial  
24 registration; and

25 (6) Provide the information required by the board.

26 (b) Application for a transport service license shall be made on forms  
27 furnished by the board.

28 (c) The board shall grant the application if the board finds that the  
29 applicant:

30 (1) Has an acceptable driving record; and

31 (2) Meets the qualifications under this section.

32 (d) Within a reasonable amount of time after the effective date of  
33 this subchapter, an individual who is currently transporting human remains in  
34 this state shall be licensed as determined by rules the board.

35  
36 SECTION 39. Arkansas Code § 17-29-401 is amended to read as follows:

1 17-29-401. Criminal penalties.

2 ~~Any A person who, after February 28, 1985, practices the science of~~  
3 ~~embalming, engages in the business of funeral directing, or conducts,~~  
4 ~~maintains, manages, or operates a funeral establishment, operates a~~  
5 ~~crematorium, conducts cremations, transports human remains, or operates a~~  
6 ~~transport service without a license issued under any provision of § 17-29-201~~  
7 ~~et seq. and § 17-29-301 et seq., shall be is guilty of a Class A misdemeanor~~  
8 ~~Class D felony~~ and subject to the punishment prescribed for ~~Class A~~  
9 ~~misdemeanors~~ Class D felonies in the Arkansas Criminal Code.

10  
11 SECTION 40. Arkansas Code § 17-29-402 is amended to read as follows:  
12 17-29-402. Injunctions.

13 Without posting bond, the State Board of Embalmers and Funeral  
14 Directors may petition the circuit court of the county where the violation  
15 occurred to enjoin violations of § 17-29-201 et seq., ~~and~~ § 17-29-301 et  
16 seq., or any rules promulgated by the board ~~regulations promulgated~~  
17 ~~thereunder.~~

18  
19 SECTION 41. Arkansas Code § 17-29-403(a), concerning a civil penalty  
20 for certain violations, is amended to read as follows:

21 (a) Whenever the State Board of Embalmers and Funeral Directors, after  
22 a hearing conducted in accordance with the Arkansas Administrative Procedure  
23 Act, § 25-15-201 et seq., determines that a person has violated any provision  
24 of § 17-29-201 et seq., ~~and~~ § 17-29-301 et seq., or ~~any regulations~~ the rules  
25 promulgated by the board pursuant thereto, the board may impose a civil  
26 penalty on ~~such a~~ that person not to exceed ten thousand dollars (\$10,000)  
27 per violation.

28  
29 SECTION 42. Arkansas Code § 17-29-404 is amended to read as follows:  
30 17-29-404. Civil appeals.

31 ~~Any A person aggrieved by the action of the State Board of Embalmers~~  
32 ~~and Funeral Directors' imposing civil penalties~~ or any adverse action,  
33 including the denial of a permit or license, may appeal such a decision in  
34 the manner ~~and under the procedure~~ prescribed in the Arkansas Administrative  
35 Procedure Act, § 25-15-201 et seq., for appeals from administrative  
36 decisions.

1  
2       SECTION 43. Arkansas Code § 17-29-501 is amended to read as follows:  
3       17-29-501. Definition.

4       As used in this subchapter, "funeral home" means ~~and embraces all~~  
5 ~~functions pertaining to or connected with~~ an establishment that satisfies the  
6 requirements of § 17-29-503 that is suitable for:

7             (1) ~~the~~ The preparation of human bodies for interment; and  
8             (2) ~~together with all the~~ The rights, services, and ceremonies  
9 ~~usually attendant~~ customarily associated with such an interment.

10  
11       SECTION 44. Arkansas Code § 17-29-502 is amended to read as follows:  
12       17-29-502. Status of funeral homes.

13       A funeral home is declared to be:

14             (1) A service institution ~~and, when conducted upon and in the~~  
15 ~~manner hereinafter set forth, shall be so rated and considered in connection~~  
16 ~~with~~ for the purpose of:

17                     (A) Zoning;  
18                     (B) The occupation and enjoyment of property; and  
19                     (C) ~~The engaging in the conduct and management thereof of~~  
20 the funeral home; and

21             (2) A An establishment for practicing a skilled profession.

22  
23       SECTION 45. Arkansas Code Title 17, Chapter 29, Subchapter 6, is  
24 repealed.

25       ~~17-29-601. Purpose.~~

26       ~~The purpose of this subchapter is to establish a permanent program to~~  
27 ~~provide financial assistance to qualified Arkansas citizens attending~~  
28 ~~accredited colleges of funeral service education outside of Arkansas.~~

29  
30       ~~17-29-602. Definition.~~

31       ~~As used in this subchapter, an "accredited college of funeral service~~  
32 ~~education" means a college accredited by the American Board of Funeral~~  
33 ~~Service Education.~~

34  
35       ~~17-29-603. Program establishment—Authority of Department of Health.~~

36       ~~(a) There is established within the Department of Health a program to~~

1 ~~provide financial assistance to residents of Arkansas attending accredited~~  
2 ~~colleges of funeral service education outside of Arkansas.~~

3 ~~(b) The department is authorized and designated as the state agency to~~  
4 ~~administer the program established in this subchapter and to accept~~  
5 ~~applications therefor and make grants to applicants to assist in defraying~~  
6 ~~the cost of attending accredited colleges of funeral service education~~  
7 ~~outside of Arkansas.~~

8  
9 ~~17-29-604. Application—Certification—Priorities.~~

10 ~~(a) Any resident of the State of Arkansas desiring to obtain an~~  
11 ~~assistance grant under the provisions of this subchapter may make application~~  
12 ~~to the Department of Health containing such information as the department~~  
13 ~~shall deem necessary to determine the eligibility of the applicant to~~  
14 ~~participate in the program.~~

15 ~~(b) In order to qualify for an assistance grant, the applicant shall~~  
16 ~~have served a one-year apprenticeship in the State of Arkansas under the~~  
17 ~~supervision of an Arkansas-licensed funeral director and licensed embalmer~~  
18 ~~prior to enrollment in an accredited college of funeral service education.~~

19 ~~(c) If the applicant is found to be a bona fide resident of Arkansas~~  
20 ~~and has served the apprenticeship, the department shall certify the student~~  
21 ~~as qualified to participate under the program established in this subchapter~~  
22 ~~to the extent that funds are available.~~

23 ~~(d) The names of all qualified applicants shall be kept on a register~~  
24 ~~in the order in which their application was received by the board of~~  
25 ~~trustees. Applicants who have been accepted for admission by accredited~~  
26 ~~colleges of funeral service education outside the state shall be given~~  
27 ~~priority in receiving benefits under the provisions of this subchapter, to~~  
28 ~~the extent that funds are available therefor, in the order in which the~~  
29 ~~applications appear on the register maintained by the department.~~

30  
31 ~~17-29-605. Limitation on assistance.~~

32 ~~In no case shall an assistance grant made to an applicant under this~~  
33 ~~program exceed the normal student tuition charge made by the accredited~~  
34 ~~colleges of funeral service education in which the applicant is or will be~~  
35 ~~enrolled or one thousand two hundred dollars (\$1,200) per individual,~~  
36 ~~whichever is less.~~

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~~17-29-606. Program administration.~~  
~~The Department of Health shall be the administering and disbursing agency for the State of Arkansas for making assistance grants to mortician students under the provisions of this subchapter. As disbursing agent, the department may expend sums that are specifically appropriated for the operation and administration of the program, but such expenditures shall be limited to the amount specifically appropriated for the program, and the award of any particular grant shall not obligate the State of Arkansas to maintain the program provided for in this subchapter except to the extent that specific appropriation is made for the program.~~

/s/Talley