

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

SENATE BILL 526

By: Senator Rapert
By: Representatives Warren, Collins

For An Act To Be Entitled

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

Subtitle

CONCERNING THE RULES OF CONDUCT OF
EMBALMERS AND FUNERAL DIRECTORS; AND TO
PROVIDE FOR THE PROPER HANDLING OF HUMAN
REMAINS WITH DIGNITY.

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

SECTION 1. Arkansas Code § 17-29-311(f), concerning prohibited conduct of embalmers and funeral directors, is amended to read as follows:

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

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



refrigeration or preparation room at all times except during:

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

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

(iii) Viewing during a visitation or funeral service.

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

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

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

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

(ii) Include the:

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

(b) Reason for the transfer; and

(c) Method of storage.

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

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

(B) A court order.

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

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