

State of Arkansas  
91st General Assembly  
Regular Session, 2017

# A Bill

SENATE BILL 527

By: Senator Rapert  
By: Representatives Warren, Collins

## For An Act To Be Entitled

AN ACT TO AMEND THE EMBALMERS AND FUNERAL DIRECTORS LAW; TO REVISE THE QUALIFICATIONS TO OBTAIN A LICENSE UNDER THE EMBALMERS AND FUNERAL DIRECTORS LAW; TO MODIFY THE REQUIREMENTS OF A FUNERAL ESTABLISHMENT TO CONDUCT EMBALMING; TO AMEND THE REQUIREMENTS TO OPERATE A FUNERAL ESTABLISHMENT; TO CLARIFY THE PROCEDURE TO ISSUE A TEMPORARY WORKING NUMBER TO AN OUT-OF-STATE LICENSEE; TO REQUIRE A CREMATORIUM TO PROVIDE PROOF OF GENERAL LIABILITY INSURANCE TO THE STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND THE EMBALMERS AND FUNERAL DIRECTORS LAW.

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

SECTION 1. Arkansas Code § 17-29-301 is amended to read as follows:

17-29-301. Embalmers – Qualifications.

(a) ~~Every~~ A person who desires to practice the science of embalming in this state shall:

- (1) Be at least eighteen (18) years of age;
- (2) Be a graduate of an accredited high school or the equivalent thereof;
- (3) Be a graduate of a school of ~~embalming~~ mortuary science;



~~which that~~ is accredited by the American Board of Funeral Service Education or accredited by the State Board of Embalmers and Funeral Directors;

(4) Make a written application to the State Board of Embalmers and Funeral Directors attaching the fee as prescribed in § 17-29-208;

(5) Have served as a registered apprentice embalmer for not less than twelve (12) months in the State of Arkansas under the direct personal supervision of an Arkansas-licensed embalmer and submit at least fifty (50) case reports to the State Board of Embalmers and Funeral Directors; ~~and~~

~~(6)(A) Take and pass both parts of the National Board Examination and the Arkansas laws, rules, and regulations exam; and~~

(7)(A) Have passed an examination approved by the State Board of Embalmers and Funeral Directors.

(B) Applicants shall be given a written examination on the following:

(i) Arkansas laws;

(ii) Arkansas rules; and

(iii) Any federal regulations that the State Board of Embalmers and Funeral Directors deems necessary.

~~(C) To be eligible to take the Arkansas laws, rules, and regulations exam~~ examination described in subdivision (a)(7)(B) of this section, an applicant shall be an active apprentice who is currently registered with the ~~board~~ State Board of Embalmers and Funeral Directors.

(b)(1) ~~Any~~ A person desiring to engage in the science of embalming in this state, in addition to graduating from an approved college of mortuary science recognized by the ~~State Board of Embalmers and Funeral Directors~~ American Board of Funeral Service Education, shall serve an apprenticeship of at least one (1) year in the State of Arkansas ~~under an embalmer licensed by the State Board of Embalmers and Funeral Directors~~ and shall assist in the preparation of at least fifty (50) bodies under the direct personal supervision of an Arkansas-licensed embalmer.

(2)(A) This apprenticeship shall be registered with the State Board of Embalmers and Funeral Directors on applications provided by the State Board of Embalmers and Funeral Directors.

(B) Individual case reports shall be signed by both the apprentice and the licensed embalmer under whose supervision the work was done and filed with the State Board of Embalmers and Funeral Directors by the

tenth day of the following month.

(3)(A) An apprenticeship under this subsection may begin not more than twelve (12) months before enrollment in an accredited college of mortuary science or by submitting proof of graduation from an accredited college of mortuary science.

(B) If an apprentice fails to enroll in an accredited college of mortuary science as required under subdivision (b)(3)(A) of this section, the apprenticeship shall be terminated for a period to be determined by rule of the State Board of Embalmers and Funeral Directors.

(c) The State Board of Embalmers and Funeral Directors may suspend or revoke an applicant's apprenticeship for violating this subchapter or § 17-29-201 et seq.

SECTION 2. Arkansas Code § 17-29-302 is amended to read as follows:

17-29-302. Funeral directors – Qualifications.

(a) ~~Every~~ A person who desires to engage in the business of funeral directing in this state shall:

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

(2) Be a graduate of an accredited high school or the equivalent thereof;

(3)(A) Have served as an apprentice funeral director for not less than ~~twenty-four (24)~~ eighteen (18) months in the State of Arkansas under the direct personal supervision of an Arkansas-licensed funeral director.

(B) Completion of the requirement to be a graduate of a school of ~~embalmers~~ mortuary science as set forth in § 17-29-301(a)(3) may be substituted for ~~twelve (12)~~ six (6) of the ~~twenty-four (24)~~ eighteen (18) months' apprenticeship established in this section;

(4) Make application to the State Board of Embalmers and Funeral Directors and attach the fee as prescribed in § 17-29-208; and

(5)(A) ~~Take and pass all examinations required by the board~~ Have passed an examination approved by the board as described in § 17-29-301(a)(7).

(B) To be eligible to take the ~~Arkansas laws, rules, and regulations exam~~ examination required under subdivision (a)(5)(A) of this section, an applicant shall be an active apprentice who is currently

registered with the board.

(b)(1)(A) ~~Except as provided in subdivision (b)(1)(C) of this section,~~ a A person desiring to engage in the business of funeral directing in this state shall serve an apprenticeship in this state for ~~two (2) years~~ no less than eighteen (18) months.

(B) An apprentice shall:

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

(ii) ~~Be~~ Upon registration with the board, be supervised by a funeral director licensed by the board; ~~and~~

(iii) Actively assist in arranging fifty (50) services as determined by rule of the board; and

(iv) File with the board individual case reports for services arranged by the apprentice, signed by the apprentice and the licensed funeral director under whose supervision the work was done, by the tenth day of the following month.

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

(2) A Before the start of the apprenticeship, a licensed funeral director who is supervising an apprenticeship shall record a notice of the apprenticeship with the Secretary-treasurer of the State Board of Embalmers and Funeral Directors or the Executive Secretary of the State Board of Embalmers and Funeral Directors ~~no later than thirty (30) days after the start of the apprenticeship.~~

(3) The board may suspend or revoke an applicant's apprenticeship for a funeral director for a violation of this subchapter or § 17-29-201 et seq.

(4) Within a reasonable amount of time after the effective date of this subchapter, a person who is currently in an apprenticeship under this section shall be subject to the provisions in this section concerning an apprenticeship as determined by rules of the board.

(c)(1) The board ~~may~~ shall require applicants for licensure as funeral directors to successfully complete up to twenty (20) hours of classroom instruction in funeral service practices and ethics, and laws, rules, and

regulations affecting funeral service.

(2) Only courses of instruction approved by the board shall satisfy ~~this~~ the requirement in subdivision (c)(1) of this section.

SECTION 3. Arkansas Code § 17-29-303(d), concerning examinations and certificates for embalmers and funeral directors, is amended to read as follows:

(d) Every license ~~holder~~ or certificate issued by the board under subsection (b) of this section shall ~~be maintain his or her license in a convenient place in his or her office or~~ displayed in each place of business of the licensee.

SECTION 4. Arkansas Code § 17-29-304(a), concerning the requirements to conduct a funeral establishment, is amended to add additional subdivisions to read as follows:

(3) A funeral establishment shall:

(A) Establish a permanent place of business;

(B) Maintain a working telephone number for the funeral establishment;

(C) Maintain working public utilities, including running water, electricity, and a functioning heating and cooling system; and

(D) Ensure that the interior of the funeral establishment is protected from exposure to outside elements.

(4) A funeral establishment may display a sign at each location of the funeral establishment that indicates the registered name of the funeral establishment on file with the board.

SECTION 5. Arkansas Code § 17-29-304(e)(1), concerning a preparation room for embalming, is amended to add additional subdivisions to read as follows:

(e)(1) A funeral establishment that conducts embalming shall have a preparation room for embalming that has:

(A) Sanitary floors, walls, and ceilings that are constructed from a washable surface;

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

(C) An exhaust system that provides proper ventilation according to the standards and regulations of the United States Occupational Safety and Health Administration for the prevention of the spread of contagious, infectious, or communicable diseases; ~~and~~

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

(E) Privacy coverings on doorways and windows that prevent viewing of the preparation room and the contents of the preparation room;

(F) A functional lock that prevents unauthorized entrance to the preparation room;

(G) A biohazard waste disposal system that is compliant with § 20-32-101 et seq. and as may be permitted by the rules of the Department of Health pertaining to the segregation, packaging, storage, transportation, treatment, and disposal of commercial medical waste from healthcare-related facilities; and

(H) Other requirements as described by rule of the board.

SECTION 6. Arkansas Code § 17-29-304(g), concerning the requirements to operate a funeral establishment, is amended to add additional subdivisions to read as follows:

(g) A funeral establishment shall:

(1) Contain a separate conference room that is used to make funeral arrangements; ~~and~~

(2) Display on site a reasonable number of caskets as determined by the board;

(3) Maintain proper care and maintenance of the interior and exterior of the funeral establishment; and

(4) Maintain the interior and exterior of the funeral establishment in a manner that does not present a potential or actual hazard to the health, safety, or welfare of the public.

SECTION 7. Arkansas Code § 17-29-304, concerning the operation of a funeral establishment, is amended to add additional subsections to read as follows:

(k) Multiple funeral establishments are not permitted to share the same physical location without the prior approval of the board.

(1)(1) A funeral establishment shall maintain at least one (1) refrigeration unit or have access to a refrigeration unit within a reasonable time after death as determined by rule of the board.

(2) Accessibility to a refrigeration unit by a funeral establishment shall be reported as determined by rule of the board.

(3) A multiunit funeral establishment enterprise is required to maintain at least one (1) refrigeration unit in this state.

SECTION 8. Arkansas Code § 17-29-310(b), concerning the license requirements for out-of-state licensees, is amended to read as follows:

(b)(1) An application shall be made by filing with the Secretary-treasurer of the State Board of Embalmers and Funeral Directors or the Executive Secretary of the State Board of Embalmers and Funeral Directors a certified statement from the secretary of the examining board of the state, United States territory, or provincial authority in which the applicant holds his or her license, showing the basis upon which the license was issued.

(2) Upon receipt of the application and fee, the secretary-treasurer of the board or the executive ~~director~~ secretary of the board may issue a temporary working number that is valid for one (1) year from the date of issuance.

SECTION 9. Arkansas Code § 17-29-313(c)(2), concerning requirements for operation of a crematorium, is amended to add an additional subdivision to read as follows:

(E)(i) Provide proof of general liability insurance.

(ii) The board shall develop and promulgate rules requiring sufficient and appropriate minimum levels of general liability insurance coverage for licensed crematoriums.