

1 HB48  
2 214892-2  
3 By Representative Brown (K)  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 11-JAN-22  
6 PFD: 12/07/2021

ENGROSSED

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Alabama Board of Funeral Service; to amend Sections 34-13-1, 34-13-2, 34-13-4, 34-13-7, 34-13-9, 34-13-11, 34-13-12, 34-13-23, 34-13-24, 34-13-26, 34-13-27, 34-13-52, 34-13-53, 34-13-54, 34-13-55, 34-13-56, 34-13-56.1, 34-13-72, 34-13-73, 34-13-92, 34-13-94, 34-13-113, 34-13-130, 34-13-131, 34-13-132, and 34-13-134, Code of Alabama 1975; to provide further for definitions; to simplify language relating to the various licenses, certificates, and registrations issued by the board; to provide further for the compensation of board members; to authorize the board to employ additional associate executive directors and provide further for the duties of board members, the executive director, associate executive directors, employees, and independent contractors; to establish the Funeral Board Property Acquisition Fund and provide for the powers of the board relating to real property; to authorize the board to establish committees and subcommittees and to adopt rules relating to the sale of goods, services, and merchandise by licensees; to provide further for license renewals, past due renewals, and the reactivation of licenses; to provide further for violations

1       subjecting a licensee to disciplinary action; to provide  
2       further for the qualifications for a funeral director's  
3       license and an embalmer's license; to require, commencing on  
4       October 1, 2023, an initial applicant for a funeral or  
5       mortuary service establishment to provide proof of, and  
6       maintain, a one million dollar general liability insurance  
7       policy; to increase the apprentice application fee and provide  
8       further for the application and renewal process and  
9       disciplinary action relating to an apprentice.

10      BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11               Section 1. Sections 34-13-1, 34-13-2, 34-13-4,  
12      34-13-7, 34-13-9, 34-13-11, 34-13-12, 34-13-23, 34-13-24,  
13      34-13-26, 34-13-27, 34-13-52, 34-13-53, 34-13-54, 34-13-55,  
14      34-13-56, 34-13-56.1, 34-13-72, 34-13-73, 34-13-92, 34-13-94,  
15      34-13-113, 34-13-130, 34-13-131, 34-13-132, and 34-13-134 of  
16      the Code of Alabama 1975, are amended to read as follows:

17               "§34-13-1.

18               "(a) For purposes of this chapter, the following  
19      terms shall have the following meanings:

20               "(1) ACCREDITED SCHOOL or COLLEGE OF MORTUARY  
21      SCIENCE. A school or college approved by the ~~Alabama~~ American  
22      Board of Funeral Service ~~and Education~~, or a successor  
23      organization, which maintains a course of instruction of not  
24      less than 48 calendar weeks or four academic quarters or  
25      college terms and which gives a course of instruction in the  
26      fundamental subjects ~~including, but not limited to, the~~  
27      ~~following:~~

1                   ~~"a. Mortuary management and administration.~~  
2                   ~~"b. Legal medicine and toxicology as it pertains to~~  
3 ~~funeral directing.~~  
4                   ~~"c. Public health, hygiene, and sanitary science.~~  
5                   ~~"d. Mortuary science, to include embalming~~  
6 ~~technique, in all its aspects; chemistry of embalming, color~~  
7 ~~harmony; discoloration, its causes, effects, and treatment;~~  
8 ~~treatment of special cases; restorative art; funeral~~  
9 ~~management; and professional ethics.~~  
10                  ~~"e. Anatomy and physiology.~~  
11                  ~~"f. Chemistry, organic and inorganic.~~  
12                  ~~"g. Pathology.~~  
13                  ~~"h. Bacteriology.~~  
14                  ~~"i. Sanitation and hygiene.~~  
15                  ~~"j. Public health regulations.~~  
16                  ~~"k. Other~~ related to funeral service and mortuary  
17 science education as approved by the American Board of Funeral  
18 Service Education, or a successor organization, and other  
19 courses of instruction in fundamental subjects as may be  
20 prescribed by the Alabama Board of Funeral Service.

21                  "(2) ALKALINE HYDROLYSIS. The technical process that  
22 reduces human remains to bone fragments using heat, water, and  
23 chemical agents.

24                  "(3) AMERICAN BOARD OF FUNERAL SERVICE EDUCATION.  
25 ~~That funeral service educational organization which is an~~  
26 ~~agency granted official recognition by the United States~~  
27 ~~Secretary of Education and which is composed of members~~

1 ~~representing the American Association of College of Mortuary~~  
2 ~~Science, the Conference of Funeral Service Examining Board of~~  
3 ~~the United States, Inc., the National Association of Colleges~~  
4 ~~of Mortuary Science, and the University Mortuary Science~~  
5 ~~Education Association and which has as its object the~~  
6 ~~furtherance of education in the field of funeral service and~~  
7 ~~in fields necessary to, or allied with, the field of funeral~~  
8 ~~service, and further to formulate standards of funeral service~~  
9 ~~education and to grant accreditation to qualified schools and~~  
10 ~~colleges of mortuary science and to do all things incidental~~  
11 ~~to the foregoing~~ The national academic accreditation agency  
12 for college and university programs in funeral service and  
13 mortuary science education. The accrediting function of the  
14 American Board of Funeral Service Education is recognized by  
15 the United States Department of Education and the Council on  
16 Higher Education Accreditation.

17           "(4) APPRENTICE EMBALMER or EMBALMER'S APPRENTICE.  
18 Any person engaged in the study of the art of embalming under  
19 the instructions and supervision of a licensed embalmer  
20 practicing in this state.

21           "(5) APPRENTICE FUNERAL DIRECTOR or FUNERAL  
22 DIRECTOR'S APPRENTICE. Any person operating under or in  
23 association with a funeral director for the purpose of  
24 learning the business or profession of funeral director, to  
25 the end that he or she may become licensed under this chapter.

26           "(6) AUTHORIZING AGENT. A person at least 18 years  
27 of age, except in the case of a surviving spouse or parent,

1 who is legally entitled to order the cremation or final  
2 disposition of particular human remains.

3 "(7) BOARD. The Alabama Board of Funeral Service.

4 "(8) CASH ADVANCE ITEMS. Any item of service or  
5 merchandise described to a purchaser using the term cash  
6 advance, accommodation, cash disbursement, or similar term. A  
7 cash advance item is also any item obtained from a third party  
8 and paid for by a funeral provider on behalf of a purchaser.  
9 Cash advance items include, but are not limited to, all of the  
10 following:

11 "a. Cemetery or crematory services.

12 "b. Pallbearers.

13 "c. Public, or other, transportation.

14 "d. Clergy honoraria.

15 "e. Flowers.

16 "f. Musicians or singers.

17 "g. Nurses.

18 "h. Obituary notices.

19 "i. Funeral programs.

20 "j. Gratuities.

21 "k. Death certificates.

22 "l. Outer burial containers.

23 "m. Cemetery plots.

24 "n. Escorts.

25 "(9) CASKET. A rigid container designed for the  
26 encasement of human remains.

1           "(10) CEMETERY. A place dedicated to and used or  
2 intended to be used for the permanent interment of human  
3 remains. It may be either land or earth interment; a mausoleum  
4 for vault or crypt entombment; a structure or place used or  
5 intended to be used for the interment of cremated remains;  
6 cryogenic storage; or any combination of one or more thereof.

7           "(11) CEMETERY AUTHORITY. Any individual, person,  
8 firm, profit or nonprofit corporation, trustee, partnership,  
9 society, religious society, church association or  
10 denomination, municipality, or other group or entity, however  
11 organized, insofar as they or any of them may now or hereafter  
12 establish, own, operate, lease, control, or manage one or more  
13 cemeteries, burial parks, mausoleums, columbariums, or any  
14 combination or variation thereof, or hold lands or structures  
15 for burial grounds or burial purposes in this state and engage  
16 in the operation of a cemetery, including any one or more of  
17 the following: The care and maintenance of a cemetery; the  
18 interment, entombment, and memorialization of the human dead  
19 in a cemetery; the sale, installation, care, maintenance, or  
20 any combination thereof, with respect of monuments, markers,  
21 foundations, memorials, burial vaults, urns, crypts,  
22 mausoleums, columbariums, flower vases, floral arrangements,  
23 and other cemetery accessories, for installation or use within  
24 a cemetery; and the supervision and conduct of funeral and  
25 burial services within the bounds of the cemetery.

1           "(12) CONVICTION. The entry of a plea of guilty or a  
2 guilty verdict rendered by any court of competent  
3 jurisdiction, excluding traffic violations.

4           "(13) CREMATED REMAINS. Human remains recovered  
5 after the completion of the cremation process, including  
6 pulverization, which leaves only bone fragments reduced to  
7 unidentifiable dimensions, and the residue of any foreign  
8 materials that were cremated with the human remains.

9           "(14) CREMATION. The technical irreversible process,  
10 using heat, flames, or chemical agents, that reduces human  
11 remains to bone fragments. The reduction takes place through  
12 heat and evaporation. Cremation shall include the processing,  
13 and may include the pulverization, of the bone fragments.  
14 Cremation is a process and is a method of final disposition.

15           "(15) CREMATIONIST. A person licensed by the board  
16 to perform the procedure of cremation.

17           "(16) CREMATION CHAMBER. The retort or vessel used  
18 to reduce human remains to bone fragments.

19           "(17) CREMATION CONTAINER. The container in which  
20 human remains are transported to a crematory, in which human  
21 remains are placed in upon arrival at a crematory, or for  
22 storage and placement in a cremation chamber for cremation.

23           "(18) CREMATORY. A building or portion of a building  
24 that houses a cremation chamber and that may house a holding  
25 facility for purposes of cremation and as part of a funeral  
26 establishment.



1           "(19) EMBALMER. Any person engaged, or holding  
2           himself or herself out as engaged, in the business, practice,  
3           science, or profession of embalming, whether on his or her own  
4           behalf or in the employ of a registered and licensed funeral  
5           director.

6           "(20) EMBALMING. The practice, science, or  
7           profession, as commonly practiced, of preserving,  
8           disinfecting, and preparing by application of chemicals or  
9           other effectual methods, human dead for burial, cremation, or  
10          transportation.

11          "(21) FUNERAL. A ceremony for celebrating,  
12          sanctifying, or remembering the life of a person who has died.  
13          A funeral may be divided into the following two parts:

14                "a. The funeral service, which may take place at a  
15                funeral home, church, or other place.

16                "b. The committal service or disposition, which may  
17                take place by the grave, tomb, mausoleum, or crematory where  
18                the body of the decedent is to be buried or cremated.

19          "(22) FUNERAL ARRANGEMENTS. The completing of  
20          funeral service arrangements, cremation arrangements, and the  
21          financial details of a funeral at the time of death. The term  
22          includes the collection of vital statistic information, death  
23          certificate information, obituary and funeral notice  
24          completion, the completion of a statement of funeral goods and  
25          services selected, organizing of funeral and memorial services  
26          for families, and the ordering of cash advance items.

1           "(23) FUNERAL DIRECTING. The practice of directing  
2           or supervising funerals, the practice of preparing dead human  
3           bodies for burial by means other than embalming, or the  
4           preparation for the disposition of dead human bodies; the  
5           making of funeral arrangements or providing for funeral  
6           services or the making of financial arrangements for the  
7           rendering of these services; the provision or maintenance of a  
8           place for the preparation for disposition of dead human  
9           bodies; or the use of the terms funeral director, undertaker,  
10          mortician, funeral parlor, or any other term from which can be  
11          implied the practice of funeral directing; or the holding out  
12          to the public that one is a funeral director or engaged in a  
13          practice described in this subdivision.

14          "(24) FUNERAL DIRECTOR. A person required to be  
15          licensed to practice the profession of funeral directing under  
16          the laws of this state, who consults with the public, who  
17          plans details of funeral services with members of the family  
18          and minister or any other person responsible for such  
19          planning, or who directs, is in charge, or apparent charge of,  
20          and supervises funeral service in a funeral home, church, or  
21          other place; who enters into the making, negotiation, or  
22          completion of financial arrangements for funeral services, or  
23          who uses in connection with the profession of funeral  
24          directing the terms funeral director, undertaker, funeral  
25          counselor, mortician, or any other term or picture or  
26          combination thereof when considered in context in which used,  
27          from which can be implied the practicing of the profession of

1 funeral directing or that the person using such term or  
2 picture can be implied to be holding himself or herself out to  
3 the public as being engaged in the profession of funeral  
4 directing; and for all purposes under Alabama law, a funeral  
5 director is considered a professional. For the purposes of  
6 this chapter, the term does not include any cemetery  
7 authority.

8 "(25) FUNERAL ESTABLISHMENTS. The term includes any  
9 funeral home or mortuary service located at a specific street  
10 address where the profession of funeral directing, embalming,  
11 or cremation is practiced in the care, planning, and  
12 preparation for burial, cremation, or transportation of human  
13 dead. A funeral establishment shall consist of and maintain  
14 all of the following facilities:

15 "a. A preparation room equipped with sanitary  
16 nonporous floor and walls, necessary drainage and ventilation,  
17 and containing operating embalming equipment, necessary  
18 approved tables, instruments, hot and cold running water,  
19 containers or receptacles for soiled linen or clothing, and  
20 supplies for the preparation and embalming of dead human  
21 bodies for burial, cremation, and transportation.

22 "b. A display room containing a stock of adult  
23 caskets and funeral supplies displayed in full size, cuts,  
24 photographs, or electronic images. At no time shall less than  
25 eight different adult size caskets be on the premises.

1 "c. At least one operating funeral coach or hearse  
2 properly licensed and equipped for transporting human remains  
3 in a casket or urn.

4 "d. If engaged in the practice of cremation, the  
5 establishment shall satisfy all crematory requirements  
6 provided in this chapter and have on site an adequate supply  
7 of urns for display and sale.

8 "e. A room suitable for public viewing or other  
9 funeral services that is ~~able to accommodate a minimum of 100~~  
10 ~~people~~ a minimum of 1,000 square feet.

11 "f. An office for holding arrangement conferences  
12 with relatives or authorizing agents.

13 "(26) FUNERAL SUPPLIES or FUNERAL MERCHANDISE.  
14 ~~Caskets made of any material for use in the burial or~~  
15 ~~transportation of human dead; outer receptacles, Any item~~  
16 offered for sale, contracted for sale, or sold for use in  
17 connection with funeral directing or funeral services when  
18 sold by a funeral director, including, but not limited to,  
19 caskets, alternative containers, outer burial vaults and  
20 containers, urns, for cremated human remains, memorials,  
21 clothing used to dress human dead when sold by a funeral  
22 director, and all equipment and accouterments normally  
23 required for the preparation for burial or funeral and other  
24 disposition of human dead.

25 "(27) GROSS IMMORALITY. Willful, flagrant, or  
26 shameful immorality or showing a moral indifference to the  
27 opinions of the good and respectable members of the community

1 and to the just obligations of the position held by the  
2 offender.

3 "(28) HOLDING ROOM. Either of the following:

4 "a. A room within a funeral establishment that  
5 satisfies the requirements of a branch location as provided in  
6 this chapter or board rule, for the retention of human remains  
7 before disposition.

8 "b. A room within a crematory facility, designated  
9 for the retention of human remains before and after cremation,  
10 that is not accessible to the public.

11 "(29) MANAGING CREMATIONIST. A licensed funeral  
12 director and cremationist who has full charge, control, and  
13 supervision of all activities involving cremation at a funeral  
14 establishment or crematory.

15 "(30) MANAGING EMBALMER. A licensed embalmer who has  
16 full charge, control, and supervision of all activities  
17 involving the preparation room and embalming.

18 "(31) MANAGING FUNERAL DIRECTOR. A licensed funeral  
19 director who has full charge, control, and supervision of all  
20 activities involving funeral directing for a funeral  
21 establishment.

22 "(32) MORAL TURPITUDE. Any unlawful sexual or  
23 violent act, or any act involving theft, theft of services,  
24 extortion, receiving stolen property, identity theft, forgery,  
25 fraud, tampering with records, bribery, perjury, or any  
26 similar act in any jurisdiction.

1           "(33) MORTUARY SCIENCE. The scientific,  
2 professional, and practical aspects, with due consideration  
3 given to accepted practices, covering the care, preparation  
4 for burial, or transportation of dead human bodies, which  
5 shall include the preservation and sanitation of the bodies  
6 and restorative art and those aspects related to public  
7 health, jurisprudence, and good business administration.

8           "(34) MORTUARY SERVICE. A location with a specific  
9 street address where embalming or cremation, or both, is  
10 practiced for a licensed funeral establishment and where no  
11 services or merchandise are sold directly or at retail to the  
12 public. A mortuary service shall consist of and maintain all  
13 of the following facilities:

14           "a. A preparation room equipped with sanitary  
15 nonporous floor and walls, operating embalming equipment, and  
16 necessary drainage and ventilation and containing necessary  
17 approved tables, instruments, hot and cold running water,  
18 containers or receptacles for soiled linen or clothing, and  
19 supplies for the preparation and embalming of dead human  
20 bodies for burial, cremation, and transportation.

21           "b. At least one operating motor vehicle properly  
22 licensed and equipped for transporting human remains in a  
23 casket or urn.

24           "c. If engaged in the practice of cremation, the  
25 establishment shall satisfy all requirements for a crematory  
26 provided in this chapter.

1           "(35) OPERATOR. A person, corporation, firm, legal  
2 representative, or other organization owning or operating a  
3 funeral establishment.

4           "(36) PRACTICAL EMBALMER. Any person who has been  
5 actively and continuously engaged or employed in the practice  
6 of embalming under the supervision of a licensed embalmer for  
7 four consecutive years immediately preceding May 1, 1975, and  
8 has been issued a license as a practical embalmer under the  
9 grandfather provisions of this chapter.

10           "(37) PROCESSING or PULVERIZATION. The reduction of  
11 identifiable bone fragments after the completion of the  
12 cremation process to unidentifiable bone fragments or  
13 granulated particles by manual or mechanical means.

14           "(38) TEMPORARY CONTAINER. A receptacle for cremated  
15 remains, usually composed of cardboard, plastic, or similar  
16 material, that can be closed in a manner that prevents the  
17 leakage or spillage of the cremated remains or the entrance of  
18 foreign material, and is a single container of sufficient size  
19 to hold the cremated remains until an urn is acquired or the  
20 cremated remains are scattered or buried.

21           "(39) URN. A receptacle designed to encase cremated  
22 remains.

23           "(b) Nothing in this chapter shall require a funeral  
24 director or funeral establishment to have or provide a chapel  
25 or to restrict the conduct of funeral services from a church  
26 or chapel.

27           "§34-13-2.

1            "It is declared and established that the procedures  
2     for making final disposition of human dead, including  
3     embalming ~~and,~~ funeral directing, cremating, disposing, and  
4     burying of deceased remains, are so affected with the public  
5     interest as to require regulation and control of ~~such included~~  
6     these occupations and that, additionally, ~~such~~ regulation and  
7     control are necessary for the prevention of the spread of  
8     infectious and contagious diseases, for the protection of the  
9     health and welfare of the people of the state, ~~and that all of~~  
10    ~~the provisions of this chapter and regulations~~ rules  
11    authorized to be made are necessary to effectuate its purpose;  
12    and ~~all of the provisions of this chapter~~ shall be construed  
13    liberally and in a manner to carry out its obvious intents and  
14    purposes.

15            "§34-13-4.

16            "Upon request, the board shall distribute to ~~funeral~~  
17    ~~directors, embalmers, and apprentices~~ each licensee and ~~such~~  
18    other persons as may be interested therein, in hard copy form,  
19    and shall maintain in electronic format on the website of the  
20    board, ~~the provisions of this chapter together with all rules~~  
21    ~~and regulations prescribed, adopted, or promulgated~~ pursuant  
22    to this chapter, together with a complete and current list of  
23    all persons and establishments licensed under this chapter.

24            "§34-13-7.

25            "Any person who embezzles, abstracts, or willfully  
26    misapplies any of the ~~moneys~~ monies, funds, security, or  
27    credit of the board or who misuses any of the funds or fees so



1 collected, by virtue of this chapter, and any person who, with  
2 like intent, aids or abets any person in violation of this  
3 chapter shall be guilty of a felony and, upon conviction,  
4 shall be punished by a fine of not less than five hundred  
5 dollars (\$500) nor exceeding five thousand dollars (\$5,000)  
6 and imprisonment in the penitentiary for a period of not less  
7 than one year and not more than five years, and the principal  
8 offenders and those aiding and abetting same may be charged in  
9 the same count, and separate offenses may be charged, in  
10 separate counts, in the same indictment and tried together.  
11 Any person found guilty of offering or of accepting a bribe  
12 whereupon any person is illegally licensed to practice  
13 ~~embalming, to practice funeral directing, or to operate a~~  
14 ~~funeral establishment~~ as a licensee regulated by this chapter  
15 in this state shall be punished by a fine of not less than  
16 five hundred dollars (\$500) nor exceeding ten thousand dollars  
17 (\$10,000) and may be imprisoned in the penitentiary for a  
18 period of one to three years, and the principal offenders and  
19 those aiding and abetting same may be charged in the same  
20 count and separate offenses may be charged in separate counts  
21 in the same indictment and tried together.

22 "§34-13-9.

23 "(a) Funeral service, cemetery service, and funeral  
24 Pricing of services and merchandise pricing offered by a  
25 licensee shall ~~conform to~~ comply with rules established by the  
26 Federal Trade Commission ~~and each.~~

1           "(b) Each funeral establishment shall have a card or  
2 brochure in each full-size and cut casket, and a clear  
3 statement on each photograph and electronic image of a casket,  
4 stating the unit price of that casket.

5           "§34-13-11.

6           "(a) A person, who is at least 18 years of age and  
7 of sound mind, may enter into a contract to act as authorizing  
8 agent and direct the location, manner, and conditions of  
9 disposition of deceased remains and arrange for funeral and  
10 burial goods and services to be provided upon death. Except as  
11 otherwise provided in subsection (b), the right to control the  
12 disposition of the remains of a deceased person as an  
13 authorizing agent, including the location, manner, and  
14 conditions of disposition and arrangements for funeral and  
15 burial goods and services to be provided, shall vest in the  
16 following persons in the priority listed and the order named,  
17 provided the person is at least 18 years of age and of sound  
18 mind:

19           "(1) The person designated by the decedent as  
20 authorized to direct disposition pursuant to Public Law No.  
21 109-163, Section 564, as listed on the decedent's United  
22 States Department of Defense Record of Emergency Data, DD Form  
23 93, or its successor form, if the decedent died while serving  
24 on active duty in any branch of the United States Armed  
25 Forces, United States Reserve Forces, or National Guard.

26           "(2)a. The person designated by the decedent in an  
27 affidavit executed in accordance with paragraph b.

1            "b. Any person, at least 18 years of age and of  
2            sound mind, may authorize another person to control the  
3            disposition of his or her remains pursuant to an affidavit  
4            executed before a notary public in substantially the following  
5            form:

6            "State of Alabama

7            "County of \_\_\_\_\_

8            "I, \_\_\_\_\_ designate \_\_\_\_\_ to  
9            control the disposition of my remains upon my death. I \_\_\_ have  
10          \_\_\_ have not attached specific directions concerning the  
11          disposition of my remains. If specific directions are  
12          attached, the designee shall substantially comply with those  
13          directions, provided the directions are lawful and there are  
14          sufficient resources in my estate to carry out those  
15          directions.

16          "Subscribed and sworn to before me this \_\_\_ day of  
17          the month of \_\_\_\_\_ of the year \_\_\_\_\_.

18          "\_\_\_\_\_ (signature of notary public)"

19          "(3) The surviving spouse.

20          "(4) The sole surviving child of the decedent or, if  
21          there is more than one surviving child, a majority of the  
22          surviving children. Less than a majority of the surviving  
23          children may be vested with the rights of this section if  
24          reasonable efforts have been made to notify all surviving  
25          children of the instructions and a majority of the surviving  
26          children are not aware of any opposition to the instructions.

1           "(5) The sole surviving grandchild of the decedent  
2 or, if there is more than one surviving grandchild, a majority  
3 of the surviving grandchildren. Less than a majority of the  
4 surviving grandchildren may be vested with the rights of this  
5 section if reasonable efforts have been made to notify all  
6 surviving grandchildren of the instructions and a majority of  
7 the surviving grandchildren are not aware of any opposition to  
8 the instructions.

9           "(6) The surviving parent or parents of the  
10 decedent. If one surviving parent is absent, the remaining  
11 parent shall be vested with the rights and duties of this  
12 section after reasonable efforts in locating the absent  
13 surviving parent have been unsuccessful.

14           "(7) The surviving sibling of the decedent or, if  
15 there is more than one surviving sibling, a majority of the  
16 surviving siblings. Less than a majority of the surviving  
17 siblings may be vested with the rights and duties of this  
18 section if reasonable efforts have been made to notify all  
19 surviving siblings of the instructions and a majority of the  
20 surviving siblings are not aware of any opposition to the  
21 instructions.

22           "(8) The surviving grandparent of the decedent or,  
23 if there is more than one surviving grandparent, a majority of  
24 the surviving grandparents. Less than a majority of the  
25 surviving grandparents may be vested with the rights and  
26 duties of this section if reasonable efforts have been made to  
27 notify all surviving grandparents of the instructions and a

1 majority of the surviving grandparents are not aware of any  
2 opposition to the instructions.

3 "(9) The guardian of the decedent at the time of the  
4 death of the decedent, if a guardian had been appointed.

5 "(10) The personal representative of the estate of  
6 the decedent.

7 "(11) The person in the classes of the next degree  
8 of kinship, in descending order, under the laws of descent and  
9 distribution to inherit the estate of the decedent. If there  
10 is more than one person of the same degree, any person of that  
11 degree may exercise the right of disposition.

12 "(12) The public officer, administrator, or employee  
13 responsible for arranging the final disposition of the remains  
14 of the decedent if the disposition of the remains is the  
15 responsibility of the state or a political subdivision of the  
16 state.

17 "(13) Any other person willing to assume the  
18 responsibility of acting on and arranging the final  
19 disposition of the remains of the decedent, including the  
20 funeral director that has custody of the body, in the absence  
21 of any person specified in subdivisions (1) to (12),  
22 inclusive. The person shall attest in writing that good faith  
23 efforts to contact the persons specified in subdivisions (1)  
24 to (12), inclusive, have been unsuccessful.

25 "(b) The right of disposition shall be forfeited and  
26 passed to the next qualifying person listed in subsection (a),  
27 in any of the following circumstances:

1           "(1) The person is charged with ~~first or second~~  
2 ~~degree~~ murder or ~~voluntary~~ manslaughter in connection with the  
3 death of the decedent and the charges are known by the  
4 mortician. If the charges against the person are dismissed or  
5 the person is acquitted of the charges, the right of  
6 disposition shall be reinstated.

7           "(2) The person does not exercise his or her right  
8 of disposition within two days after notification of the death  
9 of the decedent or within three days after the death of the  
10 decedent, whichever is earlier.

11           "(3) If the person is the spouse of the decedent and  
12 a petition to dissolve the marriage was pending at the time of  
13 death of the decedent.

14           "(4) If the judge of probate court determines,  
15 pursuant to subsection (c), that the person entitled to the  
16 right of disposition and the decedent were estranged at the  
17 time of death. For the purposes of this subdivision, estranged  
18 means a physical and emotional separation that has existed for  
19 such a period of time that an absence of affection, trust, and  
20 regard for the decedent is clearly demonstrated.

21           "(c) Notwithstanding subsections (a) and (b), the  
22 judge of probate of the county of residence of the decedent  
23 may award the right of disposition to the person the judge of  
24 probate determines to be the most fit and appropriate to  
25 manage the right of disposition, and may make decisions  
26 regarding the remains of the decedent if the persons  
27 possessing the right of disposition do not agree. If two or

1 more persons who possess an equal right of disposition are not  
2 able by majority vote to agree upon the disposition of the  
3 remains of the decedent, any of those persons or the funeral  
4 establishment with custody of the remains may file a petition  
5 asking the judge of probate to make a determination in the  
6 matter. In making such a determination, the judge of probate  
7 shall consider all of the following:

8 "(1) The reasonableness and practicality of the  
9 proposed funeral and disposition arrangements.

10 "(2) The degree of the personal relationship between  
11 the decedent and each person possessing a right of  
12 disposition.

13 "(3) The financial ability and willingness of each  
14 person possessing a right of disposition to pay the cost of  
15 the funeral and disposition arrangements.

16 "(4) The convenience and needs of other family  
17 members and friends who wish to pay their respects and the  
18 degree to which the funeral arrangements would allow maximum  
19 participation by all who wish to pay their respects.

20 "(5) The desires of the decedent.

21 "(d) Absent negligence, wantonness, recklessness, or  
22 deliberate misconduct in the event of a dispute regarding the  
23 right of disposition, a ~~funeral establishment~~ licensee may not  
24 be held liable for refusing to accept remains, for interring,  
25 or for otherwise disposing of the remains of a decedent or for  
26 completing arrangements for the final disposition of remains  
27 unless and until the ~~funeral establishment~~ licensee receives

1 an order from the judge of probate, or other written agreement  
2 signed by all persons possessing a right of disposition,  
3 regarding the final disposition of the remains. If a ~~funeral~~  
4 ~~establishment~~ licensee retains remains for final disposition  
5 during a disagreement, the ~~funeral establishment~~ licensee may  
6 embalm or refrigerate and shelter the body, or both, to  
7 preserve the body pending the final decision of the judge of  
8 probate. The ~~funeral establishment~~ licensee may add the cost  
9 of embalming or refrigeration and sheltering, or both, to the  
10 final disposition cost. If a ~~funeral establishment~~ licensee  
11 files a petition pursuant to subsection (c), the ~~funeral~~  
12 ~~establishment~~ licensee may add any associated legal fees and  
13 court costs to the cost of final disposition. This section may  
14 not be construed to require or impose a duty upon a ~~funeral~~  
15 ~~establishment~~ licensee to bring an action pursuant to this  
16 section. A ~~funeral establishment~~ licensee and its employees  
17 may not be held criminally or civilly liable for not bringing  
18 an action pursuant to this section.

19 "(e) Except to the degree that it may be considered  
20 by the judge of probate pursuant to subdivision (3) of  
21 subsection (c), the fact that a person has paid or has agreed  
22 to pay for all or a part of funeral and final disposition  
23 arrangements does not give that person a greater voice in  
24 right of disposition decisions than he or she would have had  
25 otherwise. The personal representative of the estate of a  
26 decedent, by virtue of being the personal representative, does



1 not have a greater voice in right of disposition decisions  
2 than he or she would have had otherwise.

3 "§34-13-12.

4 "(a) Any person signing a funeral service agreement,  
5 cremation authorization form, or any other authorization for  
6 disposition by his or her signature shall attest to the  
7 truthfulness of any facts set forth in the document including,  
8 but not limited to, the identity of the decedent whose remains  
9 are to be buried, cremated, or otherwise disposed of and the  
10 authority of the person to order the disposition. A ~~funeral~~  
11 ~~establishment~~ licensee may rely on a funeral service  
12 agreement, contract, or disposition authorization in carrying  
13 out the instructions of the person the ~~funeral establishment~~  
14 licensee reasonably believes to hold the right of disposition.  
15 A ~~funeral establishment~~ licensee is not responsible for  
16 contacting or independently investigating the existence of any  
17 next-of-kin or relative of a decedent. If there is more than  
18 one person in a class with equal priority and the ~~funeral~~  
19 ~~establishment~~ licensee has no knowledge of any objection by  
20 any other member of that class, the ~~funeral establishment~~  
21 licensee may rely upon and act according to the instructions  
22 of the first person in the class to make funeral and  
23 disposition arrangements.

24 "(b) Absent negligence, wantonness, recklessness, or  
25 deliberate misconduct, no ~~funeral establishment or funeral~~  
26 ~~director~~ licensee who relies in good faith upon the  
27 instructions of a person who claims a right of disposition

1 shall be subject to criminal or civil liability, or be subject  
2 to disciplinary action, for carrying out the disposition of  
3 the remains in accordance with those instructions.

4 "§34-13-23.

5 "(a) (1) The board appointed under this chapter and  
6 each successor thereto is authorized to select from its own  
7 membership a chair and to adopt ~~and promulgate such rules and~~  
8 ~~regulations~~ for the transaction of its business and for the  
9 betterment and promotion of the standards of service and  
10 practice to be followed in the ~~funeral service profession~~  
11 death care industry in the State of Alabama as the board may  
12 deem expedient and consistent with the laws of this state and  
13 for the public good.

14 "(2) The chair shall preside at all meetings of the  
15 board unless otherwise ordered, and he or she shall exercise  
16 and perform all duties and functions incident to the office of  
17 chair.

18 "(3) The board may select ~~also~~ from its own  
19 membership a vice chair, a secretary, and a treasurer. No two  
20 offices shall be held by the same person.

21 "(b) The treasurer shall give bond to the State of  
22 Alabama in the sum of ten thousand dollars (\$10,000), and any  
23 premium payable for the bond shall be paid from the funds of  
24 the board. The bond shall be deposited with the Treasurer of  
25 the State of Alabama.

26 "(c) ~~Board members~~ A board member shall be  
27 reimbursed for ~~their~~ necessary ~~traveling~~ travel expenses, per

1 diem, and the necessary expenses incident to ~~their~~ his or her  
2 attendance upon the business of the board, and, in addition  
3 thereto, ~~they~~ shall receive compensation in the sum of fifty  
4 ~~dollars (\$50) per diem~~ amount of seventy-five dollars (\$75)  
5 for every day not to exceed 20 days per year actually spent by  
6 the member upon the business of the board. The board may  
7 employ in the unclassified service an executive director and  
8 up to four associate executive ~~director~~ directors who shall  
9 each receive and be paid an annual salary to be fixed by the  
10 board, ~~but not to exceed the salary level established and paid~~  
11 ~~to cabinet officers in the state government pursuant to~~  
12 Section 36-6-6. The salary shall be paid on a semimonthly  
13 basis. In addition, the executive director and associate  
14 executive ~~director~~ directors shall each receive his or her  
15 necessary ~~traveling~~ travel and other incidental expenses as  
16 are incurred in the performance of duties, and all expenses,  
17 per diem, and compensation shall be paid out of the receipts  
18 of the board. At no time shall the operation of the board be  
19 an expense to the state, ~~and at no time shall expenses of the~~  
20 ~~board exceed the receipts of the board.~~

21 "(d) The executive director of the board shall have  
22 complete supervision and be held responsible for the direction  
23 of the office of the board, shall have supervision over  
24 employees, ~~field inspection~~ inspections, audits, and  
25 enforcement of this chapter, and shall be responsible and  
26 answerable to the board. The associate executive ~~director~~  
27 directors shall assist the executive director and perform such

1 other duties as may be assigned to him or her by the ~~board~~  
2 executive director.

3 "(e) The executive director shall keep a record in  
4 which shall be registered the name and business address of  
5 every person to whom licenses have been granted in accordance  
6 with this chapter, the number and date of the license and the  
7 date of each renewal. Upon request to do so, the executive  
8 director shall supply ~~each person licensed for the practice of~~  
9 ~~embalming and funeral directing with~~ a list of all persons and  
10 establishments holding a license under this chapter, then in  
11 force, giving the names of the persons, their business  
12 addresses, and the numbers of their licenses.

13 "(f) It shall be the duty of the executive director  
14 to prepare under the direction of the board and cause to be  
15 printed all forms required by this chapter to be prescribed by  
16 the board. All notices required to be mailed by this chapter  
17 shall be directed to the last known ~~post office~~ address of the  
18 party to whom the notice is sent.

19 "(g) The executive director shall serve at the  
20 pleasure of the board and shall perform duties as may be  
21 necessary for the proper functioning of the board as the board  
22 may determine or as may be prescribed in this chapter. During  
23 the employment of the executive director, he or she may not be  
24 employed by any funeral establishment.

25 "(h) All fees and fines received under this chapter  
26 shall be paid into a special fund in the State Treasury to be  
27 known as the Alabama State Funeral ~~Directors and Embalmers~~

1     Service Fund, which is hereby created, for the necessary and  
2     proper expenses of the board, and for a reasonable reserve for  
3     future use by the board. All ~~moneys~~ monies in the fund are  
4     hereby appropriated, as a continuing appropriation, to the  
5     board to be used for carrying out this chapter.

6             "(i) Each member of the board, the executive  
7     director, the associate executive ~~director~~ directors,  
8     designated employees, and independent contractors of the board  
9     appropriately identified are authorized at any given time ~~on~~  
10    ~~complaint or for inspection purposes~~ to enter the office,  
11    premises, establishment, or place of business ~~of any funeral~~  
12    ~~service licensee in the State of Alabama or any office,~~  
13    ~~premises, establishment, or place where the practice of~~  
14    ~~funeral service is carried on, or where the practice is~~  
15    ~~advertised as being carried on, for the purpose of inspecting~~  
16    ~~the office, premises, records, or establishment and for the~~  
17    ~~purpose of inspecting~~ where any practice or activity regulated  
18    by this chapter is carried on, or advertised as being carried  
19    on, to investigate complaints or perform audits or  
20    inspections. Each on-site inspection shall include an  
21    inspection of the license, certification, and registration of  
22    ~~any funeral service~~ each licensee and apprentice trainee  
23    operating therein.

24             "(j) All members of the board or designated  
25     employees of the board may serve and execute any process  
26     issued by any court under this chapter and ~~to serve and~~

1 execute any papers, orders, or process issued by the board or  
2 any officer or member ~~thereof~~ of the board under this chapter.

3 "(k) The board may employ clerical assistants and  
4 employees ~~or other help~~ as necessary to carry out this  
5 chapter, and the terms and conditions of employment shall be  
6 determined by the board. The board may establish and equip an  
7 office from which this chapter may be carried out.

8 "(l) (1) The board may acquire and hold, in its own  
9 name, real property by purchase, gift, lease, lease with the  
10 option to purchase, or other lawful means, except eminent  
11 domain, which real property may be used by the board to carry  
12 out its responsibilities. The board may also transfer, sell,  
13 convey, or cause to be conveyed real property and any  
14 improvements thereon, subject to the requirements of this  
15 section. In purchasing any real property, maintaining real  
16 property, or making improvements thereto, the board may expend  
17 any funds contained in the Funeral Board Property Acquisition  
18 Fund established in subdivision (2), and any obligations  
19 created in connection with the purchase or improvement of the  
20 real property shall not create debts, obligations, or  
21 liabilities of the state. As used in this subsection, real  
22 property shall include land, lots, and all things and  
23 interests, including leasehold interests, pertaining thereto,  
24 and all other things annexed or attached to the land which  
25 would pass to a vendee by conveyance of the land or lot,  
26 including mineral, gas, and oil interests. All sales or leases  
27 made by the board of any real property owned or held by the

1 board shall be subject to the requirements of Article 3,  
2 commencing with Section 9-15-70, Chapter 15, Title 9.  
3 Notwithstanding the foregoing, the proceeds from the sale of  
4 real property owned by the board which are distributed  
5 pursuant to Section 9-15-83, shall be paid to the board and  
6 deposited into the property acquisition fund.

7 "(2) There is established the Funeral Board Property  
8 Acquisition Fund within the State Treasury. Any funds received  
9 by the board pursuant to this section shall be deposited into  
10 the property acquisition fund and shall be held by the board  
11 in trust for carrying out the purposes of the property  
12 acquisition fund. Amounts in the property acquisition fund  
13 shall be budgeted and allotted in accordance with Sections  
14 41-4-80 through 41-4-96 and Sections 41-19-1 through 41-19-12.  
15 Not later than the effective date of the act adding this  
16 subdivision, the executive director shall transfer from the  
17 Alabama State Funeral Service Fund to the property acquisition  
18 fund an amount determined by vote of the board for the  
19 purchase of real property. Thereafter, the board shall  
20 annually, during the month of October, transfer an amount  
21 between two percent and seven percent of the receipts of the  
22 board from the previous fiscal year to the property  
23 acquisition fund.

24 "(3) At the end of each fiscal year, any  
25 unencumbered and unexpended balance in the property  
26 acquisition fund shall not revert to the State General Fund  
27 but shall carry over to the next fiscal year.

1                   "§34-13-24.

2                   "~~Every~~ Each member of the board, and member of any  
3 committee or subcommittee established by the board, after  
4 appointment and before entering upon his or her duties, shall  
5 make oath before some officer competent to administer oaths,  
6 that he or she is legally qualified to become a member of the  
7 board, committee, or subcommittee under ~~the provisions of this~~  
8 chapter and that he or she will faithfully perform the duties  
9 of ~~such~~ the office, a copy of which shall be filed in the  
10 office of the Secretary of State.

11                   "§34-13-26.

12                   "(a) The board shall adopt and enforce for the  
13 protection of the public health, safety, and welfare  
14 reasonable rules pursuant to the Alabama Administrative  
15 Procedure Act.

16                   "(b) The board may establish committees and  
17 subcommittees, hold hearings, conduct investigations, subpoena  
18 witnesses, subpoena documents, administer oaths, and take  
19 testimony in order to carry out this chapter.

20                   "(c) A committee or subcommittee established by the  
21 board may conduct meetings, hold hearings, conduct  
22 investigations, subpoena witnesses, subpoena documents,  
23 administer oaths, and take testimony to carry out matters  
24 related to this chapter and may perform any other duty  
25 prescribed by the board. Each committee and subcommittee shall  
26 report any findings and recommendations to the board for  
27 approval.



1               "§34-13-27.

2               "The board shall adopt a common seal, which may be  
3 altered as often as the board may desire, and may adopt and  
4 enforce, for the protection of the public health, safety, and  
5 welfare, reasonable rules ~~and regulations~~ relating to all of  
6 the following:

7               "(1) The practice of the profession of embalming,  
8 including, but not limited to, solicitation of business~~7.~~

9               "(2) The practice of the profession of funeral  
10 directing, including, but not limited to, solicitation of  
11 business~~7.~~

12              "(3) The sanitary condition and physical facilities  
13 of funeral homes, mortuaries, and funeral establishments where  
14 the profession of embalming and funeral directing is carried  
15 on, with particular regard to plumbing, sewage, disinfecting,  
16 ventilation, and equipment~~7.~~

17              "(4) Carrying out generally the various provisions  
18 of this chapter for the protection of the peace, health,  
19 safety, and welfare of the public~~7. and.~~

20              "(5) Carrying out a program for training of  
21 apprentice embalmers and apprentice funeral directors.

22              "(6) The sale of goods, services, and merchandise  
23 and the operation of entities and establishments regulated by  
24 the board.

25              "§34-13-52.

26              "(a) Licenses under this chapter shall be granted to  
27 individuals upon the qualification and successful examination

1 of the individual applicant and shall specify the name to whom  
2 it is issued. A license, registration, or certificate granted  
3 under this chapter shall be on public display.

4 "(b) A funeral establishment license issued under  
5 this chapter shall include the name of the funeral  
6 establishment, the name of the managing funeral director, and  
7 the name of the managing embalmer, ~~and the certificate of~~  
8 ~~authority license number, if applicable.~~ The license shall be  
9 on public display.

10 "(c) Every license, certification, and registration  
11 issued under this chapter shall be signed by the chair and  
12 executive director and shall be displayed in the place of  
13 business or employment of the licensee.

14 "(d) Any person engaged in ~~the~~ a business,  
15 profession, or practice ~~of funeral directing~~ licensed and  
16 regulated pursuant to this chapter shall do each of the  
17 following:

18 "(1) Possess on his or her person, or be able to  
19 promptly produce, a legible and current ~~Alabama funeral~~  
20 ~~director's~~ board issued wallet license when performing ~~the~~  
21 ~~duties of a funeral director~~ any duty regulated pursuant to  
22 this chapter.

23 "(2) Upon the request of a board member, the  
24 executive director, ~~the~~ an associate executive director, or a  
25 designated and appropriately identified employee of the board,  
26 promptly produce his or her legible and current ~~Alabama~~  
27 ~~funeral director~~ board issued wallet license ~~certificate.~~

1           ~~"(e) Any person engaged in the business, profession,~~  
2 ~~or practice of embalming shall do each of the following:~~

3           ~~"(1) Possess on his or her person, or be able to~~  
4 ~~promptly produce, a legible and current Alabama embalmer's~~  
5 ~~wallet license when performing the duties of an embalmer.~~

6           ~~"(2) Upon the request of a board member, the~~  
7 ~~executive director, the associate executive director, or a~~  
8 ~~designated and appropriately identified employee of the board,~~  
9 ~~promptly produce his or her legible and current Alabama~~  
10 ~~embalmer wallet license certificate.~~

11           ~~"(f) Any person engaged in the business, profession,~~  
12 ~~or practice of cremation shall do each of the following:~~

13           ~~"(1) Possess on his or her person, or be able to~~  
14 ~~promptly produce, a legible and current Alabama cremationist's~~  
15 ~~wallet license when performing the duties of a cremationist.~~

16           ~~"(2) Upon the request of a board member, the~~  
17 ~~executive director, the associate executive director, or a~~  
18 ~~designated and appropriately identified employee of the board,~~  
19 ~~promptly produce his or her legible and current Alabama~~  
20 ~~cremationist wallet license certificate.~~

21           ~~"§34-13-53.~~

22           ~~"(a) (1) Before October 1, 2018, every licensed~~  
23 ~~funeral director, licensed embalmer, and licensed operator~~  
24 ~~shall pay annually a fee for renewal of his or her license.~~  
25 ~~The renewal fees shall be set by the board at a rate not to~~  
26 ~~exceed one hundred fifty dollars (\$150) for licensed embalmers~~

1 ~~and funeral directors and five hundred dollars (\$500) for~~  
2 ~~licensed operators.~~

3 ~~"(2) Commencing on October 1, 2018, every~~(a) (1)  
4 Every license, certificate, or registration issued by the  
5 board under this chapter shall be renewed biennially, unless  
6 otherwise provided by this chapter, upon submission by the  
7 licensee or registrant of a renewal application and a renewal  
8 fee established by board rule, not exceeding five hundred  
9 dollars (\$500), for each ~~licensed cremationist, embalmer,~~  
10 ~~funeral director, and funeral establishment~~ license or  
11 certificate issued, unless otherwise provided by this chapter.

12 "(b) All licenses and ~~rcertificates~~ certificates  
13 granted under this chapter shall expire on October 1,  
14 following their issuance or renewal, unless otherwise provided  
15 by this chapter, and shall become invalid unless renewed as  
16 provided in this section and other requirements of the board  
17 are met. In addition to payment of a renewal fee, each  
18 licensee shall satisfy continuing education requirements  
19 prescribed by rule of the board pursuant to subsection ~~(c)~~(d).

20 "(c) There shall be no proration of licenses.

21 ~~"(c)(d)~~(d) (1) Commencing in 2014, and for each  
22 licensing period thereafter, the board may require persons  
23 seeking renewal of a ~~cremationist, embalmer, or funeral~~  
24 ~~director~~ license, or multiple licenses, under this chapter to  
25 complete board approved continuing education of not less than  
26 eight hours biennially. The board may approve continuing  
27 education providers and courses offered by institutions of

1 higher learning, specialty societies, associations, or  
2 professional organizations or by other organizations the board  
3 deems appropriate.

4 "(2) Any person who holds an inactive license or who  
5 is over the age of 65, with at least 10 years of experience in  
6 the funeral service industry, is exempt from the continuing  
7 education requirement.

8 ~~"(3) An embalmer who is also a licensed funeral~~  
9 ~~director and who completes the continuing education~~  
10 ~~requirements for funeral directors is not required to complete~~  
11 ~~additional continuing education requirements.~~

12 ~~"(4)~~ (3) Continuing education providers shall pay a  
13 biennial administrative fee established by board rule, not  
14 exceeding two hundred fifty dollars (\$250).

15 ~~"(5)~~ (4) The board may ~~promulgate~~ adopt rules to  
16 implement and ensure compliance with this section.

17 ~~"(d) The board shall publish on or before August 1~~  
18 ~~of the expiration year, in printed form, electronic image, in~~  
19 ~~an online publication, or on the website of the board that is~~  
20 ~~accessible to each licensed funeral director, licensed~~  
21 ~~embalmer, licensed cremationist, and licensed establishment,~~  
22 ~~notice that his or her renewal fee is due and payable and~~  
23 ~~that, if such fee is not paid by September 30 of that year,~~  
24 ~~the license shall expire. Information regarding license~~  
25 ~~renewal dates and fees shall be available in electronic format~~  
26 ~~on the website of the board.~~

1           "(e) Ninety days before the expiration date of a  
2 license, the board shall inform the licensee that his or her  
3 license renewal is due. Unless otherwise provided by this  
4 chapter, a renewal is past due if the renewal application is  
5 not received and the renewal fee is not paid 30 calendar days  
6 before the expiration date of the license.

7           ~~"(e)~~ (f) At the time, or before, a licensee changes  
8 place of employment, residence address, or makes any other  
9 change in status which is of record at the board office, the  
10 licensee shall report such change of status, by a method  
11 prescribed by the board, to the executive director.

12           "§34-13-54.

13           ~~"No license to a cremationist, an embalmer, a~~  
14 ~~funeral director, or a funeral establishment~~ granted under or  
15 regulated by this chapter shall be transferable or assignable,  
16 unless otherwise authorized by this chapter.

17           "§34-13-55.

18           ~~"(a) When a licensee, for any reason, has allowed a~~  
19 ~~license to expire,~~ certificate, or registration renewal is  
20 past due, the board may ~~reinstate~~ renew the license,  
21 certificate, or registration if application for ~~reinstatement~~  
22 renewal is made within a period of 30 days from the date of  
23 ~~expiration~~ becoming past due and is accompanied by payment of  
24 all past due penalties and fees, ~~from the time of expiration~~  
25 ~~to date of reinstatement.~~ The past due penalties to be paid to  
26 the board shall not exceed one hundred dollars (\$100) ~~to~~  
27 ~~reinstate licenses which have expired.~~

1           "(b) After the 30-day period has elapsed, a license  
2 may be reinstated ~~only by complying with the provisions of~~  
3 ~~this chapter relating to the issuance of an original license~~  
4 ~~in addition to payment of all fees and penalties with~~  
5 application for reactivation, payment of all fees and  
6 penalties, and approval by the board. The original application  
7 of the applicant seeking reactivation must be in the  
8 possession of the board.

9           "§34-13-56.

10           "(a) The board may refuse to license any person,  
11 entity, or establishment for violation of this chapter. If the  
12 board refuses to issue, grant, or renew a license based on a  
13 violation of this chapter, including, but not limited to,  
14 violations listed in subsection (c), the licensee or  
15 prospective licensee may request a public hearing before the  
16 board to appeal the action of the board. The request for a  
17 public hearing shall be submitted to the board in writing  
18 within 14 calendar days after the date of the refusal. Upon  
19 request, the board shall provide the licensee or prospective  
20 licensee with 20 days' notice of the public hearing by United  
21 States certified mail. The public hearing shall be conducted  
22 pursuant to Section 34-13-26.

23           "(b) A public hearing conducted pursuant to Section  
24 34-13-26 shall be provided by the board to any licensee for  
25 whom the board is considering the probation, suspension, or  
26 revocation of a license.

1           "(c) The board may suspend, revoke, or place on  
2 probation a license if the licensee is found guilty of any of  
3 the following:

4           "(1) Conviction of a crime involving moral  
5 turpitude, as defined by this chapter, including, but not  
6 limited to, any crime where the individual has to register as  
7 a sex offender in any jurisdiction.

8           "(2) Unprofessional conduct, which is defined to  
9 include any of the following:

10           "a. Misrepresentation or fraud in the conduct of the  
11 business or the profession of ~~a funeral director or embalmer~~  
12 any license issued pursuant to this chapter.

13           "b. False or misleading advertising as a ~~funeral~~  
14 ~~director or embalmer~~ licensee under this chapter or knowingly  
15 engaging in any advertising which is misleading or inaccurate  
16 ~~in any material particular~~.

17           "c. Solicitation of dead human bodies by the  
18 licensee, his or her agents, assistants, or employees, from  
19 medical professionals or clergy, whether the solicitation  
20 occurs after death or while death is impending.

21           "d. Solicitation of dead human bodies by the  
22 licensee, his or her agents, assistants, or employees whether  
23 the solicitation occurs after death or while death is  
24 impending.

25           "e. Employment by the licensee of a person or  
26 persons to be used for the purpose of obtaining or soliciting



1 ~~funeral directing or embalming business, whether the~~  
2 ~~solicitation occurs after death or while death is impending.~~

3 "f. Employment directly or indirectly of any  
4 apprentice, agent, assistant, embalmer, employee, or other  
5 person, on part or full time or on commission, for the purpose  
6 of calling upon individuals or institutions where a death has  
7 occurred or is imminent by whose influence dead human bodies  
8 may be turned over to a particular funeral director or  
9 embalmer or funeral establishment, or both.

10 "g. The buying of business by the licensee, his or  
11 her agents, assistants, or employees.

12 "h. Gross immorality.

13 "i. Aiding or abetting an unlicensed person,  
14 establishment, or entity in ~~the practice of funeral directing,~~  
15 ~~embalming, cremation, or conducting business as a funeral~~  
16 ~~establishment or crematory~~ violation of this chapter.

17 "j. Using profane, indecent, or obscene language in  
18 the presence of a dead human body, or within the immediate  
19 hearing of the family or relative of a deceased whose body has  
20 not yet been interred or otherwise disposed of.

21 "k. Solicitation or acceptance by a licensee of any  
22 commission or bonus or rebate in consideration of recommending  
23 or causing a dead human body to be disposed of in any  
24 mausoleum or cemetery.

25 "l. Any violation of this chapter or order or rule  
26 of the board.

1            "m. Any violation of state law or municipal or  
2 county ordinance or regulation affecting the handling,  
3 custody, care, disposition, or transportation of dead human  
4 bodies.

5            "n. Fraud or misrepresentation in obtaining a  
6 license.

7            "o. Refusing to promptly surrender the custody of a  
8 dead human body, upon the express order and payment for  
9 services rendered of the person lawfully entitled to the  
10 custody thereof.

11           "p. Performing services in a professional capacity  
12 as a ~~funeral director or embalmer, or both,~~ licensee for any  
13 unlicensed funeral establishment operating in violation of  
14 this chapter.

15           "q. Being intoxicated or under the influence of  
16 illegal drugs while on duty ~~at a funeral establishment or~~  
17 while performing any duty or responsibility ~~for the funeral~~  
18 ~~establishment~~ prescribed by this chapter.

19           "r. Willfully retaining or willfully failing to  
20 account for any property of a decedent.

21           "s. Knowingly and willfully signing any  
22 documentation as having embalmed or prepared a body for burial  
23 when, in fact, the services were not performed by the  
24 licensee.

25           "t. Failure to give full cooperation to the board or  
26 its designees, agents, or other representatives in the  
27 performance of official duties of the board.

1           "u. ~~Not furnishing~~ Failing to furnish any relevant  
2 papers or documents requested by or for the board.

3           "v. ~~Not furnishing~~ Failing to furnish, in writing,  
4 an adequate explanation relating to a matter contained in a  
5 complaint filed with the board against the licensee.

6           "w. ~~Not responding~~ Failing to respond to a subpoena  
7 issued by the board, without good cause shown, whether or not  
8 the licensee is the party charged in any ~~preceding~~ proceeding  
9 before the board.

10           "x. Not providing reasonable access to the board or  
11 an authorized agent or representative of the board for the  
12 performance of reviews, investigations, or inspections at  
13 facilities or places utilized by the licensee in the practice  
14 of funeral service ~~or,~~ funeral directing, or in performing any  
15 other activity regulated by the board.

16           "y. Failing to provide information within a specific  
17 time as required by the board or an authorized agent or  
18 representative of the board.

19           "z. Failing to cooperate with the board or an  
20 authorized agent or representative of the board in the  
21 investigation of any alleged misconduct or interfering with a  
22 board investigation through the willful misrepresentation of  
23 facts.

24           "aa. Deceiving or attempting to deceive the board  
25 regarding any matter under investigation, including the  
26 altering or destroying of any records.

1           "bb. Failure, without good cause, to cooperate with  
2 any request from the board to appear before the board.

3           "cc. Violating any statute, ordinance, or rule of  
4 the state or any board, agency, or political subdivision of  
5 the state affecting the registration of deaths, the handling,  
6 custody, care, disposition, or transportation of dead human  
7 bodies, or the sale of funeral services or funeral  
8 merchandise.

9           "dd. Demonstrating bad faith, incompetence, or  
10 untrustworthiness or dishonest, fraudulent, or improper  
11 dealing or any other violation of this chapter or any rule  
12 ~~promulgated~~ adopted by the board or ~~promulgated~~ by the Federal  
13 Trade Commission relative to the practice of ~~funeral service~~  
14 ~~or funeral directing~~ any activity regulated by the board.

15           "ee. Any other reason as determined by the board  
16 that would render an individual unsuitable for licensure or  
17 certification by the board.

18           "ff. A ~~funeral home or funeral director~~ licensee  
19 accepting funds for a preneed ~~funeral~~ contract or other  
20 prepayment of funeral or disposition expenses without a  
21 certificate of authority to sell preneed ~~funeral~~ contracts or,  
22 if registered to sell preneed ~~funeral~~ contracts, failing to  
23 deposit the funds with a qualified trustee or to timely remit  
24 premium payments from the consumer to the insurer.

25           "gg. Using any funeral merchandise previously sold  
26 without prior written permission of the person selecting or  
27 paying for the use of the merchandise. A previously used

1 casket shell may be used for the viewing of remains if a new  
2 interior or interior insert is installed before each usage of  
3 the casket shell.

4 "(d) In addition to the disciplinary actions  
5 authorized in subsection (c), the board may levy and collect  
6 administrative fines for violations of this chapter or the  
7 rules ~~or regulations~~ of the board in an amount not less than  
8 five hundred dollars (\$500) nor more than two thousand five  
9 hundred dollars (\$2,500) for each violation, unless otherwise  
10 provided for in this chapter or by rule of the board.

11 "§34-13-56.1.

12 "(a) It is unlawful for any person or entity, for  
13 hire or profit, to engage in, or hold himself, herself, or  
14 itself out as qualified to engage in any ~~of the following~~  
15 business, profession, or practice regulated and licensed under  
16 this chapter without a valid license, certification, or  
17 registration issued by the board.

18 "~~(1) The practice of funeral directing.~~

19 "~~(2) The practice of embalming.~~

20 "~~(3) Practicing as an apprentice.~~

21 "~~(4) Operating a crematory.~~

22 "~~(5) Practicing as a cremationist.~~

23 "(b) Any person or entity who has been found to have  
24 engaged in the unlawful unlicensed practice of ~~funeral~~  
25 ~~directing, embalming, apprenticing, operating a crematory, or~~  
26 ~~cremating~~ any activity regulated by the board pursuant to this  
27 chapter shall be subject to a fine of not more than two

1 thousand five hundred dollars (\$2,500) for each violation and  
2 other sanctions authorized by this chapter.

3 "§34-13-72.

4 "(a) An applicant for a funeral director's license  
5 is entitled to an examination if he or she satisfies all of  
6 the following:

7 "(1) Is a citizen of the United States or legally  
8 present in this state.

9 "(2) Is at least 18 years of age.

10 ~~"(3) Has had practical experience as an apprentice~~  
11 ~~for not less than two years within a period of three~~  
12 ~~consecutive years, excluding time lost by interruptions caused~~  
13 ~~by the active duty of the applicant in the military service of~~  
14 ~~the United States or its allies during war or national~~  
15 ~~emergency, and excluding time lost by interruptions which the~~  
16 ~~board deems excusable as caused by circumstances beyond the~~  
17 ~~control of the applicant completed an apprenticeship in~~  
18 ~~accordance with this chapter and rule of the board.~~

19 ~~"(4) Has completed apprenticeship not more than two~~  
20 ~~years prior to taking the examination, excluding time lost~~  
21 ~~under the circumstances mentioned in subdivision (3).~~

22 ~~"(5)~~ (4) Has completed a course of instruction in an  
23 accredited mortuary or funeral service school or college which  
24 has been approved by the board pursuant to Section 34-13-50,  
25 or has completed a bachelor's degree program from an  
26 accredited school.

1           "(5) Has completed an examination on state funeral  
2           service laws and rules.

3           "(b) The board may certify an applicant to take an  
4           examination for a funeral director's license after verifying  
5           that the applicant has completed a course of instruction ~~in~~  
6           ~~funeral arts at an accredited mortuary or funeral service~~  
7           ~~school or college meeting the criteria or standards~~ as defined  
8           in this chapter. ~~The board may not issue a funeral director's~~  
9           ~~license to any applicant who has not completed a two-year~~  
10          ~~apprenticeship.~~

11          ~~"(c) An applicant has two years from the expiration~~  
12          ~~date of his or her last active apprentice certification to~~  
13          ~~successfully complete the examination for a funeral director's~~  
14          ~~license pursuant to this chapter. Any applicant who fails to~~  
15          ~~successfully pass the examination is required to serve a new~~  
16          ~~apprenticeship in accordance with this chapter.~~

17          ~~"(d)~~ (c) The board shall establish and charge a  
18          reasonable examination fee, based on actual costs, for each  
19          applicant who sits for an examination. In no event shall the  
20          fee exceed fifty dollars (\$50) above the actual cost of  
21          preparing and administering the examination.

22          "§34-13-73.

23          "(a) The applicant for a funeral director's license,  
24          before the application is granted, shall successfully pass an  
25          examination upon, but not limited to, the following subjects:  
26          Funeral directing, ~~the manners in which death may be~~  
27          ~~determined, the laws governing the preparation and disposal of~~

1 ~~human dead bodies and the shipment of bodies dying from~~  
2 ~~infectious or contagious diseases, and local health and~~  
3 ~~sanitary ordinances in relation to funeral directing; funeral~~  
4 ~~service management and administration; merchandising;~~  
5 ~~cremation and other forms of disposition; funeral service~~  
6 ~~psychology and counseling; funeral service law and ethics; any~~  
7 ~~other courses of instruction related to the American Board of~~  
8 ~~Funeral Service Education curriculum; and other courses of~~  
9 ~~instruction in fundamental subjects as may be prescribed by~~  
10 ~~the board.~~ The examination shall be prepared and graded as  
11 prescribed by rule of the board. The board may review and  
12 adopt, in whole or in part, examination questions, forms,  
13 examinations, and passing criteria proposed by the American  
14 Board of Funeral Service Education, or a successor  
15 organization, and may use the uniform nationwide conditions of  
16 the International Conference of Funeral Service Examining  
17 Boards, or other organization approved by the board.

18 ~~"(b) The board shall examine applicants for a~~  
19 ~~funeral director's license in all of the following subjects:~~

20 ~~"(1) Mortuary management and administration.~~

21 ~~"(2) Mortuary law.~~

22 ~~"(3) Basic accounting principles.~~

23 ~~"(4) Funeral directing.~~

24 ~~"(5) Other courses of instruction in fundamental~~  
25 ~~subjects as may be prescribed by the board.~~

26 ~~"(c)~~ (b) All examination papers shall be kept on file  
27 by the board for at least three years.



1           "~~(d)~~ (c) To constitute a passing grade, an applicant  
2 shall earn ~~an average~~ a score of at least 75 percent adopted  
3 by rule of the board.

4           "~~(e)~~ (d) If the board is satisfied that an applicant  
5 has the requisite qualifications to practice the occupation of  
6 funeral directing, a license shall be issued authorizing the  
7 applicant to practice such occupation until October 1 of that  
8 year, at which time the license may be renewed as prescribed  
9 in this chapter.

10           "~~(f)~~ (e) The board may delegate the responsibility of  
11 conducting or administering a license examination to any  
12 qualified person or entity who is not a member of the board.

13           "~~(g)~~ (f) An applicant may take the required license  
14 examination during the time that his or her application for  
15 license is pending.

16           "§34-13-92.

17           "(a) In order to qualify for a license as an  
18 embalmer, the applicant shall satisfy all of the following:

19           "(1) Be a citizen of the United States or legally  
20 present in this state.

21           "(2) Be over 18 years of age.

22           "(3) Be of good character.

23           "(4) Have completed ~~a two-year course of~~  
24 ~~apprenticeship under an embalmer or embalmers licensed and~~  
25 ~~engaged in practice as an embalmer in this state, and shall~~  
26 ~~have completed the required course of apprenticeship within a~~  
27 ~~period of three consecutive years, excluding time lost by~~

1 ~~interruption caused by the active duty of the applicant in the~~  
2 ~~military service of the United States or its allies during war~~  
3 ~~or national emergency, and excluding time lost by~~  
4 ~~interruptions which the board deems excusable as caused by~~  
5 ~~circumstances beyond the control of the applicant an~~  
6 ~~apprenticeship in accordance with this chapter or rule of the~~  
7 ~~board.~~

8           "(5) Have completed a course of instruction in an  
9 embalming school or college which has been approved by the  
10 board as defined in Section 34-13-50.

11           ~~"(6) Have completed the course of apprenticeship not~~  
12 ~~more than two years before the date of examination, excluding~~  
13 ~~time lost under the circumstances mentioned in subdivision~~  
14 ~~(4).~~

15           "(b) The board may certify an applicant to take an  
16 examination for an embalmer's license after verifying that the  
17 applicant has graduated from an accredited mortuary or funeral  
18 service school or college meeting the criteria or standards  
19 defined in this chapter. ~~The board may not issue an embalmer's~~  
20 ~~license to any applicant who has not completed a two-year~~  
21 ~~apprenticeship.~~

22           "(c) The board shall establish and charge a  
23 reasonable examination fee, based on actual costs, for each  
24 applicant who sits for an examination. In no event shall the  
25 fee exceed fifty dollars (\$50) above the actual cost of  
26 preparing and administering the examination.

27           "§34-13-94.

1           "(a) The board shall examine applicants for an  
2           embalmer's license in all of the following subjects:

3           "~~(1) Mortuary management and administration~~  
4           Embalming.

5           "~~(2) Legal medicine and toxicology~~ Restorative Art.

6           "~~(3) Public health, hygiene, and sanitary science~~  
7           Sciences related to embalming including, but not limited to:  
8           Pathology, anatomy, physiology, microbiology, and chemistry.

9           "~~(4) Mortuary science, to include embalming~~  
10          ~~technique, in all aspects; chemistry of embalming, color~~  
11          ~~harmony; discoloration, its causes, effect, and treatment;~~  
12          ~~treatment of special cases; restorative art; funeral~~  
13          ~~management; and professional ethics~~ The preparation of  
14          unembalmed human remains for final disposition, including the  
15          removal of medical devices, and identification viewing for  
16          cremation or other forms of disposition that do not require  
17          embalming.

18          "~~(5) Anatomy and physiology.~~

19          "~~(6) Chemistry, organic and inorganic.~~

20          "~~(7) Pathology.~~

21          "~~(8) Bacteriology.~~

22          "~~(9) Sanitation and hygiene.~~

23          "~~(10) Public health regulations.~~

24          "~~(11)~~ (5) Other courses of instruction related to the  
25          American Board of Funeral Service Education curriculum or  
26          other courses of instruction in fundamental subjects as may be  
27          prescribed by the board.

1           "(b) All examination papers shall be kept on file by  
2 the board for at least three years.

3           "(c) To constitute a passing grade, an applicant  
4 shall earn ~~an average~~ a score of at least 75 percent adopted  
5 by rule of the board.

6           "(d) The board may issue an embalmer's license to an  
7 applicant who receives a passing grade on a recognized  
8 national embalmer's examination approved by the board.

9           "(e) If the board is satisfied that the applicant  
10 has the requisite qualifications to practice the occupation of  
11 embalming, a license shall be issued to him or her authorizing  
12 him or her to practice such occupation until October 1 of that  
13 year, at which time the license may be renewed as prescribed  
14 in this chapter.

15           "(f) The board may delegate the responsibility of  
16 conducting or administering a license examination to any  
17 qualified person or entity who is not a member of the board.

18           "(g) An applicant may take the required license  
19 examination during the time that his or her application for  
20 license is pending.

21           "§34-13-113.

22           "(a) Application for a license to operate a funeral  
23 establishment shall be made in writing on a form provided by  
24 the board. The application shall be verified by the applicant  
25 or, if the applicant is a corporation, firm, or other  
26 organization, by an officer or member thereof, and shall be  
27 accompanied by an application fee established by the board not

1 to exceed five hundred dollars (\$500) and proof of liability  
2 insurance as provided in subsection (e). The application shall  
3 disclose all of the following:

4 "(1) The name and address of the establishment.

5 "(2) That the establishment is operated by a  
6 managing funeral director and a managing embalmer or a person  
7 licensed both as a funeral director and embalmer.

8 "(3) A description and photographs of the buildings,  
9 equipment, and facilities of the establishment.

10 "(4) That the establishment has a sanitary, properly  
11 equipped embalming room, a room suitable for public viewing or  
12 other funeral services that is ~~able to accommodate a minimum~~  
13 ~~of 100 people~~ a minimum of 1,000 square feet, an office for  
14 arrangement conferences with relatives or authorized  
15 representatives, and a display room containing a stock of  
16 adult caskets and funeral supplies displayed in full size,  
17 cuts, photographs, or electronic images. At no time shall less  
18 than eight different adult full size caskets and at least one  
19 operating and properly licensed funeral coach or hearse  
20 equipped for transporting human remains in a casket or urn be  
21 on the premises. A funeral establishment, that has more than  
22 one location under the same ownership wherein the profession  
23 of funeral directing is practiced, is not required to maintain  
24 more than one preparation room upon satisfying requirements  
25 prescribed by the board.

26 "(5) Such other information as may be required by  
27 the board.

1           "(b) Upon receipt of the application, the board  
2 shall make inspection of the funeral establishment. If the  
3 board determines that the establishment meets the  
4 qualifications prescribed by law, it shall issue a license to  
5 operate a funeral establishment.

6           "(c) Application for a license to operate a mortuary  
7 service shall be made in writing on a form provided by the  
8 board. The application shall be verified by the applicant or,  
9 if the applicant is a corporation, firm, or other  
10 organization, by an officer or member thereof, and shall be  
11 accompanied by an application fee established by the board not  
12 to exceed five hundred dollars (\$500) and proof of liability  
13 insurance as provided in subsection (e). The application shall  
14 disclose all of the following:

15           "(1) The name and address of the proposed mortuary  
16 service.

17           "(2) That the mortuary service applicant is operated  
18 by a licensed embalmer or a person licensed both as a funeral  
19 director and embalmer.

20           "(3) A description and photographs of the buildings,  
21 equipment, and facilities of the mortuary service applicant.

22           "(4) That the mortuary service applicant has a  
23 sanitary, properly equipped embalming room.

24           "(5) Such other information as may be required by  
25 the board.

26           "(d) Upon receipt of the application, the board  
27 shall make inspection of the premises of the mortuary service

1 applicant. If the board determines that the mortuary service  
2 applicant meets the qualifications prescribed by law, the  
3 board shall issue a license to operate a mortuary service.

4 "(e) Commencing on October 1, 2023, each application  
5 for a license to operate a funeral establishment or to operate  
6 a mortuary service shall include proof of general liability  
7 insurance in an amount of at least one million dollars  
8 (\$1,000,000). Upon request of the board, proof of continuing  
9 coverage shall also be provided for the renewal of either  
10 license.

11 "§34-13-130.

12 "(a) Every person desiring to engage as an  
13 apprentice shall satisfy all of the following:

14 "(1) Make application as a funeral director's  
15 apprentice or an embalmer's apprentice to the board upon a  
16 form provided by the board. The applicant shall submit to the  
17 board a form, sworn to by the applicant, that contains the  
18 name, date of birth, and Social Security number of the  
19 applicant, and two complete sets of fingerprints, for  
20 completion of a criminal history background check. The board  
21 shall submit the fingerprints to the Alabama State Law  
22 Enforcement Agency for a state criminal history record check.  
23 The fingerprints shall be forwarded by the agency to the  
24 Federal Bureau of Investigation for a national criminal  
25 history record check. Costs associated with conducting a  
26 criminal history background check shall be paid by the  
27 applicant. The board shall keep information received pursuant

1 to this subsection confidential, except that information  
2 received and relied upon in denying the issuance of an  
3 apprentice certification may be disclosed if necessary to  
4 support the denial.

5 "(2) Be over the age of 18.

6 "(3) Hold a high school certificate or the  
7 equivalent.

8 "(4) Be of good moral character.

9 "(b) ~~The~~ Each application shall be verified by the  
10 oath of the applicant and be accompanied by a fee to be  
11 established by the board, not to exceed ~~twenty dollars (\$20)~~  
12 fifty dollars (\$50).

13 "(c) The executive director, whenever it appears to  
14 him or her that no reason exists for the denial of an  
15 application and that the application is regular upon its face,  
16 may issue to the applicant a certificate of apprenticeship,  
17 without submitting the application to the board. If, however,  
18 any doubt exists as to the qualifications of the applicant,  
19 the application shall be submitted to the board and may be  
20 accepted or rejected by a majority of the board.

21 "(d) The ~~period~~ course of an apprenticeship ~~of a~~  
22 ~~funeral director's apprentice or an embalmer's apprentice~~  
23 shall be in accordance with this chapter or prescribed by rule  
24 of the board and performed in Alabama under the supervision of  
25 a funeral director or embalmer, respectively, licensed by the  
26 board.



1           ~~"(e) A licensed funeral director or a licensed~~  
2 ~~embalmer may supervise no more than three apprentices at any~~  
3 ~~given time, unless otherwise provided for by the board.~~

4           ~~"(f) Only a licensed funeral director or licensed~~  
5 ~~embalmer, whose license is in good standing, may supervise an~~  
6 ~~apprentice.~~

7           ~~"(g) The regular course of apprenticeship shall be~~  
8 ~~two years, but the apprentice is entitled to two weeks time~~  
9 ~~off each year, without leave of absence from the board.~~

10          ~~"(h) An apprentice shall be enrolled in the funeral~~  
11 ~~service program at an accredited mortuary school within one~~  
12 ~~year after the original start date of his or her~~  
13 ~~apprenticeship. If an apprentice is not enrolled in mortuary~~  
14 ~~school within that time period, then the apprenticeship may~~  
15 ~~not be renewed and the apprenticeship may not be reactivated~~  
16 ~~until the apprentice provides proof of enrollment.~~

17           ~~"§34-13-131.~~

18          ~~"(a) A certificate of apprenticeship issued as~~  
19 ~~provided for in accordance with this chapter shall be signed~~  
20 ~~by the apprentice and shall be renewable annually upon the~~  
21 ~~payment by the holder by October 1 of each year of an annual~~  
22 ~~renewal fee to be established by the board, not to exceed~~  
23 ~~twenty dollars (\$20). Failure to pay the renewal fee by the~~  
24 ~~prescribed date of any year shall cause the certificate to~~  
25 ~~become delinquent, in which case it shall be renewed only for~~  
26 ~~good cause shown. No person may be granted a certificate of~~  
27 ~~apprenticeship as funeral director's apprentice or embalmer's~~

1 ~~apprentice, respectively, for more than three consecutive~~  
2 ~~years, excepting as provided. The board shall send, on or~~  
3 ~~before August 1 of each year, to each registered apprentice at~~  
4 ~~his or her last known address, a notice that his or her~~  
5 ~~renewal fee is due and payable and that, if not paid by~~  
6 ~~October 1, his or her license shall lapse~~ renewed annually in  
7 accordance with Section 34-13-53.

8 "(b) (1) If an apprentice fails to renew their  
9 apprentice certification in accordance with this chapter, the  
10 certification may be reinstated with application for  
11 reactivation, payment of all fees and penalties, and approval  
12 by the board within a period prescribed by the board.

13 "(2) Only one course of apprenticeship shall be  
14 allowed, and not more than two reactivations shall be granted  
15 by the board during the course of the apprenticeship.

16 "(3) The board may allow an apprentice credit under  
17 a reactivation for time served under a previous certificate.

18 "§34-13-132.

19 "All apprentices registered as provided in this  
20 chapter shall be under the supervision and control of the  
21 board and shall be required to report to the board annually on  
22 October 1, upon forms provided by the board, showing the work  
23 which such apprentices have performed during the annual period  
24 preceding the first of the month on which the report is made,  
25 including the number of hours served and the number of bodies  
26 the apprentice has assisted in embalming or otherwise prepared  
27 for disposition during such period include with their annual

1 renewal case reports, an annual report and skills evaluation  
2 on a form prescribed by the board. The information contained  
3 in the report shall be certified to as correct by the funeral  
4 director or embalmer by whom the apprentice has been employed  
5 during his or her apprenticeship period.

6 "§34-13-134.

7 "~~(a)~~ The board has power to suspend, revoke, or  
8 place on probation a certificate of apprenticeship where the  
9 apprentice is guilty of any of the following acts or  
10 omissions:

11 "(1) Failure to devote not less than an average of  
12 30 hours per week to the duties of his or her apprenticeship.

13 "(2) Failure to make an annual report to the board  
14 as required by this chapter.

15 "(3) Absence from duty except on vacation for an  
16 aggregate of more than 10 days in any six months or 20 days in  
17 any year, without leave of absence granted by the board.

18 "(4) Gross immorality.

19 "(5) Being on duty as an apprentice while under the  
20 influence of liquor or illegal drugs.

21 "(6) Disobedience of proper orders or instructions  
22 of his or her superiors.

23 "(7) Violation of this chapter or any rule of the  
24 board adopted pursuant to this chapter.

25 "(8) Soliciting business for a funeral director or  
26 for any embalmer.

1           "(9) Fraud or misrepresentation in obtaining a  
2       certificate as an apprentice.

3           ~~"(b) An apprentice who has failed to renew his or~~  
4 ~~her certificate, or who has had his or her certificate of~~  
5 ~~apprenticeship suspended or revoked, within one year after~~  
6 ~~such expiration, suspension, or revocation, may make~~  
7 ~~application for reactivation. Not more than two reactivations~~  
8 ~~shall be allowed by the board. The board, when the~~  
9 ~~circumstances warrant, may allow an apprentice credit under a~~  
10 ~~reactivation for time actually served under a previous~~  
11 ~~certificate; except, that if the previous certificate has been~~  
12 ~~suspended or revoked upon any of the grounds set forth in~~  
13 ~~subsection (a), not more than 75 percent of the time~~  
14 ~~previously served shall be credited on the reactivation."~~

15           Section 2. This act shall become effective on the  
16       first day of the first month following its passage and  
17       approval by the Governor, or its otherwise becoming law.

1  
2  
3  
  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
  
15  
16  
17  
18

House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Boards, Agencies  
and Commissions..... 11-JAN-22

Read for the second time and placed  
on the calendar 1 amendment ..... 16-FEB-22

Read for the third time and passed  
as amended..... 02-MAR-22

Yeas 88, Nays 6, Abstains 3

Jeff Woodard  
Clerk