

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

8 SYNOPSIS: Under existing law, the Alabama Board of
9 Funeral Service licenses and regulates funeral
10 establishments, funeral directors, and embalmers.

11 This bill would simplify language relating
12 to the various licenses, certificates, and
13 registrations issued by the board.

14 This bill would provide further for the
15 compensation of board members, would authorize the
16 board to employ additional associate executive
17 directors, and would provide further for the duties
18 of board members, the executive director, associate
19 executive directors, employees, and independent
20 contractors of the board.

21 This bill would establish the Funeral Board
22 Property Acquisition Fund and would provide for the
23 powers of the board relating to real property.

24 This bill would authorize the board to
25 establish committees and subcommittees and to adopt
26 rules relating to the sale of goods, services, and
27 merchandise by licensees of the board.

1 This bill would provide further for license
2 renewals, past due renewals, and for the
3 reactivation of licenses.

4 This bill would provide further for
5 violations subjecting a licensee to disciplinary
6 action.

7 This bill would provide further for the
8 qualifications for a funeral director's license and
9 an embalmer's license.

10 This bill would require, commencing on
11 October 1, 2023, an initial applicant for a funeral
12 or mortuary service establishment to provide proof
13 of, and maintain, a one million dollar general
14 liability insurance policy.

15 This bill would also increase the apprentice
16 application fee and would provide further for the
17 application and renewal process and disciplinary
18 action relating to a certificate of apprenticeship.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT

23
24 Relating to the Alabama Board of Funeral Service; to
25 amend Sections 34-13-1, 34-13-2, 34-13-4, 34-13-7, 34-13-9,
26 34-13-11, 34-13-12, 34-13-23, 34-13-24, 34-13-26, 34-13-27,
27 34-13-52, 34-13-53, 34-13-54, 34-13-55, 34-13-56, 34-13-56.1,

1 34-13-72, 34-13-73, 34-13-92, 34-13-94, 34-13-113, 34-13-130,
2 34-13-131, 34-13-132, and 34-13-134, Code of Alabama 1975; to
3 provide further for definitions; to simplify language relating
4 to the various licenses, certificates, and registrations
5 issued by the board; to provide further for the compensation
6 of board members; to authorize the board to employ additional
7 associate executive directors and provide further for the
8 duties of board members, the executive director, associate
9 executive directors, employees, and independent contractors;
10 to establish the Funeral Board Property Acquisition Fund and
11 provide for the powers of the board relating to real property;
12 to authorize the board to establish committees and
13 subcommittees and to adopt rules relating to the sale of
14 goods, services, and merchandise by licensees; to provide
15 further for license renewals, past due renewals, and the
16 reactivation of licenses; to provide further for violations
17 subjecting a licensee to disciplinary action; to provide
18 further for the qualifications for a funeral director's
19 license and an embalmer's license; to require, commencing on
20 October 1, 2023, an initial applicant for a funeral or
21 mortuary service establishment to provide proof of, and
22 maintain, a one million dollar general liability insurance
23 policy; to increase the apprentice application fee and provide
24 further for the application and renewal process and
25 disciplinary action relating to an apprentice.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Sections 34-13-1, 34-13-2, 34-13-4,
2 34-13-7, 34-13-9, 34-13-11, 34-13-12, 34-13-23, 34-13-24,
3 34-13-26, 34-13-27, 34-13-52, 34-13-53, 34-13-54, 34-13-55,
4 34-13-56, 34-13-56.1, 34-13-72, 34-13-73, 34-13-92, 34-13-94,
5 34-13-113, 34-13-130, 34-13-131, 34-13-132, and 34-13-134 of
6 the Code of Alabama 1975, are amended to read as follows:

7 "§34-13-1.

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

10 "(1) ACCREDITED SCHOOL or COLLEGE OF MORTUARY
11 SCIENCE. A school or college approved by the ~~Alabama~~ American
12 Board of Funeral Service ~~and Education,~~ or a successor
13 organization, which maintains a course of instruction of not
14 less than 48 calendar weeks or four academic quarters or
15 college terms and which gives a course of instruction in the
16 fundamental subjects ~~including, but not limited to, the~~
17 ~~following:~~

18 ~~"a. Mortuary management and administration.~~

19 ~~"b. Legal medicine and toxicology as it pertains to~~
20 ~~funeral directing.~~

21 ~~"c. Public health, hygiene, and sanitary science.~~

22 ~~"d. Mortuary science, to include embalming~~
23 ~~technique, in all its aspects; chemistry of embalming, color~~
24 ~~harmony; discoloration, its causes, effects, and treatment;~~
25 ~~treatment of special cases; restorative art; funeral~~
26 ~~management; and professional ethics.~~

27 ~~"e. Anatomy and physiology.~~

1 ~~"f. Chemistry, organic and inorganic.~~

2 ~~"g. Pathology.~~

3 ~~"h. Bacteriology.~~

4 ~~"i. Sanitation and hygiene.~~

5 ~~"j. Public health regulations.~~

6 ~~"k. Other related to funeral service and mortuary~~
7 ~~science education as approved by the American Board of Funeral~~
8 ~~Service Education, or a successor organization, and other~~
9 courses of instruction in fundamental subjects as may be
10 prescribed by the Alabama Board of Funeral Service.

11 (2) ALKALINE HYDROLYSIS. The technical process that
12 reduces human remains to bone fragments using heat, water, and
13 chemical agents.

14 (3) AMERICAN BOARD OF FUNERAL SERVICE EDUCATION.
15 ~~That funeral service educational organization which is an~~
16 ~~agency granted official recognition by the United States~~
17 ~~Secretary of Education and which is composed of members~~
18 ~~representing the American Association of College of Mortuary~~
19 ~~Science, the Conference of Funeral Service Examining Board of~~
20 ~~the United States, Inc., the National Association of Colleges~~
21 ~~of Mortuary Science, and the University Mortuary Science~~
22 ~~Education Association and which has as its object the~~
23 ~~furtherance of education in the field of funeral service and~~
24 ~~in fields necessary to, or allied with, the field of funeral~~
25 ~~service, and further to formulate standards of funeral service~~
26 ~~education and to grant accreditation to qualified schools and~~
27 ~~colleges of mortuary science and to do all things incidental~~

1 ~~to the foregoing~~ The national academic accreditation agency
2 for college and university programs in funeral service and
3 mortuary science education. The accrediting function of the
4 American Board of Funeral Service Education is recognized by
5 the United States Department of Education and the Council on
6 Higher Education Accreditation.

7 "(4) APPRENTICE EMBALMER or EMBALMER'S APPRENTICE.
8 Any person engaged in the study of the art of embalming under
9 the instructions and supervision of a licensed embalmer
10 practicing in this state.

11 "(5) APPRENTICE FUNERAL DIRECTOR or FUNERAL
12 DIRECTOR'S APPRENTICE. Any person operating under or in
13 association with a funeral director for the purpose of
14 learning the business or profession of funeral director, to
15 the end that he or she may become licensed under this chapter.

16 "(6) AUTHORIZING AGENT. A person at least 18 years
17 of age, except in the case of a surviving spouse or parent,
18 who is legally entitled to order the cremation or final
19 disposition of particular human remains.

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

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

- 1 "a. Cemetery or crematory services.
- 2 "b. Pallbearers.
- 3 "c. Public, or other, transportation.
- 4 "d. Clergy honoraria.
- 5 "e. Flowers.
- 6 "f. Musicians or singers.
- 7 "g. Nurses.
- 8 "h. Obituary notices.
- 9 "i. Funeral programs.
- 10 "j. Gratuities.
- 11 "k. Death certificates.
- 12 "l. Outer burial containers.
- 13 "m. Cemetery plots.
- 14 "n. Escorts.
- 15 "(9) CASKET. A rigid container designed for the
- 16 encasement of human remains.
- 17 "(10) CEMETERY. A place dedicated to and used or
- 18 intended to be used for the permanent interment of human
- 19 remains. It may be either land or earth interment; a mausoleum
- 20 for vault or crypt entombment; a structure or place used or
- 21 intended to be used for the interment of cremated remains;
- 22 cryogenic storage; or any combination of one or more thereof.
- 23 "(11) CEMETERY AUTHORITY. Any individual, person,
- 24 firm, profit or nonprofit corporation, trustee, partnership,
- 25 society, religious society, church association or
- 26 denomination, municipality, or other group or entity, however
- 27 organized, insofar as they or any of them may now or hereafter

1 establish, own, operate, lease, control, or manage one or more
2 cemeteries, burial parks, mausoleums, columbariums, or any
3 combination or variation thereof, or hold lands or structures
4 for burial grounds or burial purposes in this state and engage
5 in the operation of a cemetery, including any one or more of
6 the following: The care and maintenance of a cemetery; the
7 interment, entombment, and memorialization of the human dead
8 in a cemetery; the sale, installation, care, maintenance, or
9 any combination thereof, with respect of monuments, markers,
10 foundations, memorials, burial vaults, urns, crypts,
11 mausoleums, columbariums, flower vases, floral arrangements,
12 and other cemetery accessories, for installation or use within
13 a cemetery; and the supervision and conduct of funeral and
14 burial services within the bounds of the cemetery.

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

18 "(13) CREMATED REMAINS. Human remains recovered
19 after the completion of the cremation process, including
20 pulverization, which leaves only bone fragments reduced to
21 unidentifiable dimensions, and the residue of any foreign
22 materials that were cremated with the human remains.

23 "(14) CREMATION. The technical irreversible process,
24 using heat, flames, or chemical agents, that reduces human
25 remains to bone fragments. The reduction takes place through
26 heat and evaporation. Cremation shall include the processing,

1 and may include the pulverization, of the bone fragments.
2 Cremation is a process and is a method of final disposition.

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

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

7 "(17) CREMATION CONTAINER. The container in which
8 human remains are transported to a crematory, in which human
9 remains are placed in upon arrival at a crematory, or for
10 storage and placement in a cremation chamber for cremation.

11 "(18) CREMATORY. A building or portion of a building
12 that houses a cremation chamber and that may house a holding
13 facility for purposes of cremation and as part of a funeral
14 establishment.

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

20 "(20) EMBALMING. The practice, science, or
21 profession, as commonly practiced, of preserving,
22 disinfecting, and preparing by application of chemicals or
23 other effectual methods, human dead for burial, cremation, or
24 transportation.

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

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

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

6 "(22) FUNERAL ARRANGEMENTS. The completing of
7 funeral service arrangements, cremation arrangements, and the
8 financial details of a funeral at the time of death. The term
9 includes the collection of vital statistic information, death
10 certificate information, obituary and funeral notice
11 completion, the completion of a statement of funeral goods and
12 services selected, organizing of funeral and memorial services
13 for families, and the ordering of cash advance items.

14 "(23) FUNERAL DIRECTING. The practice of directing
15 or supervising funerals, the practice of preparing dead human
16 bodies for burial by means other than embalming, or the
17 preparation for the disposition of dead human bodies; the
18 making of funeral arrangements or providing for funeral
19 services or the making of financial arrangements for the
20 rendering of these services; the provision or maintenance of a
21 place for the preparation for disposition of dead human
22 bodies; or the use of the terms funeral director, undertaker,
23 mortician, funeral parlor, or any other term from which can be
24 implied the practice of funeral directing; or the holding out
25 to the public that one is a funeral director or engaged in a
26 practice described in this subdivision.

1 "(24) FUNERAL DIRECTOR. A person required to be
2 licensed to practice the profession of funeral directing under
3 the laws of this state, who consults with the public, who
4 plans details of funeral services with members of the family
5 and minister or any other person responsible for such
6 planning, or who directs, is in charge, or apparent charge of,
7 and supervises funeral service in a funeral home, church, or
8 other place; who enters into the making, negotiation, or
9 completion of financial arrangements for funeral services, or
10 who uses in connection with the profession of funeral
11 directing the terms funeral director, undertaker, funeral
12 counselor, mortician, or any other term or picture or
13 combination thereof when considered in context in which used,
14 from which can be implied the practicing of the profession of
15 funeral directing or that the person using such term or
16 picture can be implied to be holding himself or herself out to
17 the public as being engaged in the profession of funeral
18 directing; and for all purposes under Alabama law, a funeral
19 director is considered a professional. For the purposes of
20 this chapter, the term does not include any cemetery
21 authority.

22 "(25) FUNERAL ESTABLISHMENTS. The term includes any
23 funeral home or mortuary service located at a specific street
24 address where the profession of funeral directing, embalming,
25 or cremation is practiced in the care, planning, and
26 preparation for burial, cremation, or transportation of human

1 dead. A funeral establishment shall consist of and maintain
2 all of the following facilities:

3 "a. A preparation room equipped with sanitary
4 nonporous floor and walls, necessary drainage and ventilation,
5 and containing operating embalming equipment, necessary
6 approved tables, instruments, hot and cold running water,
7 containers or receptacles for soiled linen or clothing, and
8 supplies for the preparation and embalming of dead human
9 bodies for burial, cremation, and transportation.

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

14 "c. At least one operating funeral coach or hearse
15 properly licensed and equipped for transporting human remains
16 in a casket or urn.

17 "d. If engaged in the practice of cremation, the
18 establishment shall satisfy all crematory requirements
19 provided in this chapter and have on site an adequate supply
20 of urns for display and sale.

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

24 "f. An office for holding arrangement conferences
25 with relatives or authorizing agents.

26 "(26) FUNERAL SUPPLIES or FUNERAL MERCHANDISE.
27 ~~Caskets made of any material for use in the burial or~~

1 ~~transportation of human dead; outer receptacles,~~ Any item
2 offered for sale, contracted for sale, or sold for use in
3 connection with funeral directing or funeral services when
4 sold by a funeral director, ~~including,~~ but not limited to,
5 caskets, alternative containers, outer burial vaults and
6 containers, urns, for cremated human remains, memorials,
7 clothing used to dress human dead when sold by a funeral
8 director, ~~and~~ and all equipment and accouterments normally
9 required for the preparation for burial or funeral and other
10 disposition of human dead.

11 "(27) GROSS IMMORALITY. Willful, flagrant, or
12 shameful immorality or showing a moral indifference to the
13 opinions of the good and respectable members of the community
14 and to the just obligations of the position held by the
15 offender.

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

17 "a. A room within a funeral establishment that
18 satisfies the requirements of a branch location as provided in
19 this chapter or board rule, for the retention of human remains
20 before disposition.

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

24 "(29) MANAGING CREMATIONIST. A licensed funeral
25 director and cremationist who has full charge, control, and
26 supervision of all activities involving cremation at a funeral
27 establishment or crematory.

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

4 "(31) MANAGING FUNERAL DIRECTOR. A licensed funeral
5 director who has full charge, control, and supervision of all
6 activities involving funeral directing for a funeral
7 establishment.

8 "(32) MORAL TURPITUDE. Any unlawful sexual or
9 violent act, or any act involving theft, theft of services,
10 extortion, receiving stolen property, identity theft, forgery,
11 fraud, tampering with records, bribery, perjury, or any
12 similar act in any jurisdiction.

13 "(33) MORTUARY SCIENCE. The scientific,
14 professional, and practical aspects, with due consideration
15 given to accepted practices, covering the care, preparation
16 for burial, or transportation of dead human bodies, which
17 shall include the preservation and sanitation of the bodies
18 and restorative art and those aspects related to public
19 health, jurisprudence, and good business administration.

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

26 "a. A preparation room equipped with sanitary
27 nonporous floor and walls, operating embalming equipment, and

1 necessary drainage and ventilation and containing necessary
2 approved tables, instruments, hot and cold running water,
3 containers or receptacles for soiled linen or clothing, and
4 supplies for the preparation and embalming of dead human
5 bodies for burial, cremation, and transportation.

6 "b. At least one operating motor vehicle properly
7 licensed and equipped for transporting human remains in a
8 casket or urn.

9 "c. If engaged in the practice of cremation, the
10 establishment shall satisfy all requirements for a crematory
11 provided in this chapter.

12 "(35) OPERATOR. A person, corporation, firm, legal
13 representative, or other organization owning or operating a
14 funeral establishment.

15 "(36) PRACTICAL EMBALMER. Any person who has been
16 actively and continuously engaged or employed in the practice
17 of embalming under the supervision of a licensed embalmer for
18 four consecutive years immediately preceding May 1, 1975, and
19 has been issued a license as a practical embalmer under the
20 grandfather provisions of this chapter.

21 "(37) PROCESSING or PULVERIZATION. The reduction of
22 identifiable bone fragments after the completion of the
23 cremation process to unidentifiable bone fragments or
24 granulated particles by manual or mechanical means.

25 "(38) TEMPORARY CONTAINER. A receptacle for cremated
26 remains, usually composed of cardboard, plastic, or similar
27 material, that can be closed in a manner that prevents the

1 leakage or spillage of the cremated remains or the entrance of
2 foreign material, and is a single container of sufficient size
3 to hold the cremated remains until an urn is acquired or the
4 cremated remains are scattered or buried.

5 "(39) URN. A receptacle designed to encase cremated
6 remains.

7 "(b) Nothing in this chapter shall require a funeral
8 director or funeral establishment to have or provide a chapel
9 or to restrict the conduct of funeral services from a church
10 or chapel.

11 "§34-13-2.

12 "It is declared and established that the procedures
13 for making final disposition of human dead, including
14 embalming ~~and,~~ funeral directing, cremating, disposing, and
15 burying of deceased remains, are so affected with the public
16 interest as to require regulation and control of ~~such included~~
17 these occupations and that, additionally, ~~such~~ regulation and
18 control are necessary for the prevention of the spread of
19 infectious and contagious diseases, for the protection of the
20 health and welfare of the people of the state, ~~and that all of~~
21 ~~the provisions of~~ this chapter and ~~regulations~~ rules
22 authorized to be made are necessary to effectuate its purpose;
23 and ~~all of the provisions of~~ this chapter shall be construed
24 liberally and in a manner to carry out its obvious intents and
25 purposes.

26 "§34-13-4.

1 "Upon request, the board shall distribute to ~~funeral~~
2 ~~directors, embalmers, and apprentices~~ each licensee and such
3 other persons as may be interested therein, in hard copy form,
4 and shall maintain in electronic format on the website of the
5 board, ~~the provisions of~~ this chapter together with all rules
6 ~~and regulations prescribed, adopted, or promulgated~~ pursuant
7 to this chapter, together with a complete and current list of
8 all persons and establishments licensed under this chapter.

9 "§34-13-7.

10 "Any person who embezzles, abstracts, or willfully
11 misapplies any of the ~~moneys~~ monies, funds, security, or
12 credit of the board or who misuses any of the funds or fees so
13 collected, by virtue of this chapter, and any person who, with
14 like intent, aids or abets any person in violation of this
15 chapter shall be guilty of a felony and, upon conviction,
16 shall be punished by a fine of not less than five hundred
17 dollars (\$500) nor exceeding five thousand dollars (\$5,000)
18 and imprisonment in the penitentiary for a period of not less
19 than one year and not more than five years, and the principal
20 offenders and those aiding and abetting same may be charged in
21 the same count, and separate offenses may be charged, in
22 separate counts, in the same indictment and tried together.
23 Any person found guilty of offering or of accepting a bribe
24 whereupon any person is illegally licensed to practice
25 ~~embalming, to practice funeral directing, or to operate a~~
26 ~~funeral establishment~~ as a licensee regulated by this chapter
27 in this state shall be punished by a fine of not less than

1 five hundred dollars (\$500) nor exceeding ten thousand dollars
2 (\$10,000) and may be imprisoned in the penitentiary for a
3 period of one to three years, and the principal offenders and
4 those aiding and abetting same may be charged in the same
5 count and separate offenses may be charged in separate counts
6 in the same indictment and tried together.

7 "§34-13-9.

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

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

16 "§34-13-11.

17 "(a) A person, who is at least 18 years of age and
18 of sound mind, may enter into a contract to act as authorizing
19 agent and direct the location, manner, and conditions of
20 disposition of deceased remains and arrange for funeral and
21 burial goods and services to be provided upon death. Except as
22 otherwise provided in subsection (b), the right to control the
23 disposition of the remains of a deceased person as an
24 authorizing agent, including the location, manner, and
25 conditions of disposition and arrangements for funeral and
26 burial goods and services to be provided, shall vest in the
27 following persons in the priority listed and the order named,

1 provided the person is at least 18 years of age and of sound
2 mind:

3 "(1) The person designated by the decedent as
4 authorized to direct disposition pursuant to Public Law No.
5 109-163, Section 564, as listed on the decedent's United
6 States Department of Defense Record of Emergency Data, DD Form
7 93, or its successor form, if the decedent died while serving
8 on active duty in any branch of the United States Armed
9 Forces, United States Reserve Forces, or National Guard.

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

12 "b. Any person, at least 18 years of age and of
13 sound mind, may authorize another person to control the
14 disposition of his or her remains pursuant to an affidavit
15 executed before a notary public in substantially the following
16 form:

17 ""State of Alabama

18 "County of _____

19 "I, _____ designate _____ to
20 control the disposition of my remains upon my death. I ___ have
21 ___ have not attached specific directions concerning the
22 disposition of my remains. If specific directions are
23 attached, the designee shall substantially comply with those
24 directions, provided the directions are lawful and there are
25 sufficient resources in my estate to carry out those
26 directions.

1 "Subscribed and sworn to before me this ___ day of
2 the month of _____ of the year _____.

3 "_____ (signature of notary public)"

4 "(3) The surviving spouse.

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

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

20 "(6) The surviving parent or parents of the
21 decedent. If one surviving parent is absent, the remaining
22 parent shall be vested with the rights and duties of this
23 section after reasonable efforts in locating the absent
24 surviving parent have been unsuccessful.

25 "(7) The surviving sibling of the decedent or, if
26 there is more than one surviving sibling, a majority of the
27 surviving siblings. Less than a majority of the surviving

1 siblings may be vested with the rights and duties of this
2 section if reasonable efforts have been made to notify all
3 surviving siblings of the instructions and a majority of the
4 surviving siblings are not aware of any opposition to the
5 instructions.

6 "(8) The surviving grandparent of the decedent or,
7 if there is more than one surviving grandparent, a majority of
8 the surviving grandparents. Less than a majority of the
9 surviving grandparents may be vested with the rights and
10 duties of this section if reasonable efforts have been made to
11 notify all surviving grandparents of the instructions and a
12 majority of the surviving grandparents are not aware of any
13 opposition to the instructions.

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

16 "(10) The personal representative of the estate of
17 the decedent.

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

23 "(12) The public officer, administrator, or employee
24 responsible for arranging the final disposition of the remains
25 of the decedent if the disposition of the remains is the
26 responsibility of the state or a political subdivision of the
27 state.

1 "(13) Any other person willing to assume the
2 responsibility of acting on and arranging the final
3 disposition of the remains of the decedent, including the
4 funeral director that has custody of the body, in the absence
5 of any person specified in subdivisions (1) to (12),
6 inclusive. The person shall attest in writing that good faith
7 efforts to contact the persons specified in subdivisions (1)
8 to (12), inclusive, have been unsuccessful.

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

12 "(1) The person is charged with ~~first or second~~
13 ~~degree~~ murder or ~~voluntary~~ manslaughter in connection with the
14 death of the decedent and the charges are known by the
15 mortician. If the charges against the person are dismissed or
16 the person is acquitted of the charges, the right of
17 disposition shall be reinstated.

18 "(2) The person does not exercise his or her right
19 of disposition within two days after notification of the death
20 of the decedent or within three days after the death of the
21 decedent, whichever is earlier.

22 "(3) If the person is the spouse of the decedent and
23 a petition to dissolve the marriage was pending at the time of
24 death of the decedent.

25 "(4) If the judge of probate court determines,
26 pursuant to subsection (c), that the person entitled to the
27 right of disposition and the decedent were estranged at the

1 time of death. For the purposes of this subdivision, estranged
2 means a physical and emotional separation that has existed for
3 such a period of time that an absence of affection, trust, and
4 regard for the decedent is clearly demonstrated.

5 "(c) Notwithstanding subsections (a) and (b), the
6 judge of probate of the county of residence of the decedent
7 may award the right of disposition to the person the judge of
8 probate determines to be the most fit and appropriate to
9 manage the right of disposition, and may make decisions
10 regarding the remains of the decedent if the persons
11 possessing the right of disposition do not agree. If two or
12 more persons who possess an equal right of disposition are not
13 able by majority vote to agree upon the disposition of the
14 remains of the decedent, any of those persons or the funeral
15 establishment with custody of the remains may file a petition
16 asking the judge of probate to make a determination in the
17 matter. In making such a determination, the judge of probate
18 shall consider all of the following:

19 "(1) The reasonableness and practicality of the
20 proposed funeral and disposition arrangements.

21 "(2) The degree of the personal relationship between
22 the decedent and each person possessing a right of
23 disposition.

24 "(3) The financial ability and willingness of each
25 person possessing a right of disposition to pay the cost of
26 the funeral and disposition arrangements.

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

5 "(5) The desires of the decedent.

6 "(d) Absent negligence, wantonness, recklessness, or
7 deliberate misconduct in the event of a dispute regarding the
8 right of disposition, a ~~funeral establishment~~ licensee may not
9 be held liable for refusing to accept remains, for interring,
10 or for otherwise disposing of the remains of a decedent or for
11 completing arrangements for the final disposition of remains
12 unless and until the ~~funeral establishment~~ licensee receives
13 an order from the judge of probate, or other written agreement
14 signed by all persons possessing a right of disposition,
15 regarding the final disposition of the remains. If a ~~funeral~~
16 ~~establishment~~ licensee retains remains for final disposition
17 during a disagreement, the ~~funeral establishment~~ licensee may
18 embalm or refrigerate and shelter the body, or both, to
19 preserve the body pending the final decision of the judge of
20 probate. The ~~funeral establishment~~ licensee may add the cost
21 of embalming or refrigeration and sheltering, or both, to the
22 final disposition cost. If a ~~funeral establishment~~ licensee
23 files a petition pursuant to subsection (c), the ~~funeral~~
24 ~~establishment~~ licensee may add any associated legal fees and
25 court costs to the cost of final disposition. This section may
26 not be construed to require or impose a duty upon a ~~funeral~~
27 ~~establishment~~ licensee to bring an action pursuant to this

1 section. A ~~funeral establishment~~ licensee and its employees
2 may not be held criminally or civilly liable for not bringing
3 an action pursuant to this section.

4 "(e) Except to the degree that it may be considered
5 by the judge of probate pursuant to subdivision (3) of
6 subsection (c), the fact that a person has paid or has agreed
7 to pay for all or a part of funeral and final disposition
8 arrangements does not give that person a greater voice in
9 right of disposition decisions than he or she would have had
10 otherwise. The personal representative of the estate of a
11 decedent, by virtue of being the personal representative, does
12 not have a greater voice in right of disposition decisions
13 than he or she would have had otherwise.

14 "§34-13-12.

15 "(a) Any person signing a funeral service agreement,
16 cremation authorization form, or any other authorization for
17 disposition by his or her signature shall attest to the
18 truthfulness of any facts set forth in the document including,
19 but not limited to, the identity of the decedent whose remains
20 are to be buried, cremated, or otherwise disposed of and the
21 authority of the person to order the disposition. A ~~funeral~~
22 ~~establishment~~ licensee may rely on a funeral service
23 agreement, contract, or disposition authorization in carrying
24 out the instructions of the person the ~~funeral establishment~~
25 licensee reasonably believes to hold the right of disposition.
26 A ~~funeral establishment~~ licensee is not responsible for
27 contacting or independently investigating the existence of any

1 next-of-kin or relative of a decedent. If there is more than
2 one person in a class with equal priority and the ~~funeral~~
3 ~~establishment licensee~~ has no knowledge of any objection by
4 any other member of that class, the ~~funeral establishment~~
5 licensee may rely upon and act according to the instructions
6 of the first person in the class to make funeral and
7 disposition arrangements.

8 "(b) Absent negligence, wantonness, recklessness, or
9 deliberate misconduct, no ~~funeral establishment or funeral~~
10 ~~director licensee~~ who relies in good faith upon the
11 instructions of a person who claims a right of disposition
12 shall be subject to criminal or civil liability, or be subject
13 to disciplinary action, for carrying out the disposition of
14 the remains in accordance with those instructions.

15 "§34-13-23.

16 "(a) (1) The board appointed under this chapter and
17 each successor thereto is authorized to select from its own
18 membership a chair and to adopt ~~and promulgate such rules and~~
19 ~~regulations~~ for the transaction of its business and for the
20 betterment and promotion of the standards of service and
21 practice to be followed in the ~~funeral service profession~~
22 death care industry in the State of Alabama as the board may
23 deem expedient and consistent with the laws of this state and
24 for the public good.

25 "(2) The chair shall preside at all meetings of the
26 board unless otherwise ordered, and he or she shall exercise

1 and perform all duties and functions incident to the office of
2 chair.

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

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

11 "(c) ~~Board members~~ A board member shall be
12 reimbursed for ~~their~~ necessary ~~traveling~~ travel expenses, per
13 diem, and the necessary expenses incident to ~~their~~ his or her
14 attendance upon the business of the board, and, in addition
15 thereto, ~~they~~ shall receive compensation in the sum of fifty
16 dollars (\$50) per diem amount of seventy-five dollars (\$75)
17 for every day not to exceed 20 days per year actually spent by
18 the member upon the business of the board. The board may
19 employ in the unclassified service an executive director and
20 up to four associate executive ~~director~~ directors who shall
21 each receive and be paid an annual salary to be fixed by the
22 board, ~~but not to exceed the salary level established and paid~~
23 ~~to cabinet officers in the state government~~ pursuant to
24 Section 36-6-6. The salary shall be paid on a semimonthly
25 basis. In addition, the executive director and associate
26 executive ~~director~~ directors shall each receive his or her
27 necessary ~~traveling~~ travel and other incidental expenses as

1 are incurred in the performance of duties, and all expenses,
2 per diem, and compensation shall be paid out of the receipts
3 of the board. At no time shall the operation of the board be
4 an expense to the state, ~~and at no time shall expenses of the~~
5 ~~board exceed the receipts of the board.~~

6 "(d) The executive director of the board shall have
7 complete supervision and be held responsible for the direction
8 of the office of the board, shall have supervision over
9 employees, field inspection inspections, audits, and
10 enforcement of this chapter, and shall be responsible and
11 answerable to the board. The associate executive ~~director~~
12 directors shall assist the executive director and perform such
13 other duties as may be assigned to him or her by the ~~board~~
14 executive director.

15 "(e) The executive director shall keep a record in
16 which shall be registered the name and business address of
17 every person to whom licenses have been granted in accordance
18 with this chapter, the number and date of the license and the
19 date of each renewal. Upon request to do so, the executive
20 director shall supply ~~each person licensed for the practice of~~
21 ~~embalming and funeral directing~~ with a list of all persons and
22 establishments holding a license under this chapter, then in
23 force, giving the names of the persons, their business
24 addresses, and the numbers of their licenses.

25 "(f) It shall be the duty of the executive director
26 to prepare under the direction of the board and cause to be
27 printed all forms required by this chapter to be prescribed by

1 the board. All notices required to be mailed by this chapter
2 shall be directed to the last known ~~post office~~ address of the
3 party to whom the notice is sent.

4 "(g) The executive director shall serve at the
5 pleasure of the board and shall perform duties as may be
6 necessary for the proper functioning of the board as the board
7 may determine or as may be prescribed in this chapter. During
8 the employment of the executive director, he or she may not be
9 employed by any funeral establishment.

10 "(h) All fees and fines received under this chapter
11 shall be paid into a special fund in the State Treasury to be
12 known as the Alabama State Funeral ~~Directors and Embalmers~~
13 Service Fund, which is hereby created, for the necessary and
14 proper expenses of the board, and for a reasonable reserve for
15 future use by the board. All ~~moneys~~ monies in the fund are
16 hereby appropriated, as a continuing appropriation, to the
17 board to be used for carrying out this chapter.

18 "(i) Each member of the board, the executive
19 director, the associate executive ~~director~~ directors,
20 designated employees, and independent contractors of the board
21 appropriately identified are authorized at any given time ~~on~~
22 ~~complaint or for inspection purposes~~ to enter the office,
23 premises, establishment, or place of business ~~of any funeral~~
24 ~~service licensee in the State of Alabama or any office,~~
25 ~~premises, establishment, or place where the practice of~~
26 ~~funeral service is carried on, or where the practice is~~
27 ~~advertised as being carried on, for the purpose of inspecting~~

1 ~~the office, premises, records, or establishment and for the~~
2 ~~purpose of inspecting~~ where any practice or activity regulated
3 by this chapter is carried on, or advertised as being carried
4 on, to investigate complaints or perform audits or
5 inspections. Each on-site inspection shall include an
6 inspection of the license, certification, and registration of
7 ~~any funeral service~~ each licensee and apprentice trainee
8 operating therein.

9 "(j) All members of the board or designated
10 employees of the board may serve and execute any process
11 issued by any court under this chapter and ~~to serve and~~
12 execute any papers, orders, or process issued by the board or
13 any officer or member ~~thereof~~ of the board under this chapter.

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

19 "(l) (1) The board may acquire and hold, in its own
20 name, real property by purchase, gift, lease, lease with the
21 option to purchase, or other lawful means, except eminent
22 domain, which real property may be used by the board to carry
23 out its responsibilities. The board may also transfer, sell,
24 convey, or cause to be conveyed real property and any
25 improvements thereon, subject to the requirements of this
26 section. In purchasing any real property, maintaining real
27 property, or making improvements thereto, the board may expend

1 any funds contained in the Funeral Board Property Acquisition
2 Fund established in subdivision (2), and any obligations
3 created in connection with the purchase or improvement of the
4 real property shall not create debts, obligations, or
5 liabilities of the state. As used in this subsection, real
6 property shall include land, lots, and all things and
7 interests, including leasehold interests, pertaining thereto,
8 and all other things annexed or attached to the land which
9 would pass to a vendee by conveyance of the land or lot,
10 including mineral, gas, and oil interests. All sales or leases
11 made by the board of any real property owned or held by the
12 board shall be subject to the requirements of Article 3,
13 commencing with Section 9-15-70, Chapter 15, Title 9.
14 Notwithstanding the foregoing, the proceeds from the sale of
15 real property owned by the board which are distributed
16 pursuant to Section 9-15-83, shall be paid to the board and
17 deposited into the property acquisition fund.

18 "(2) There is established the Funeral Board Property
19 Acquisition Fund within the State Treasury. Any funds received
20 by the board pursuant to this section shall be deposited into
21 the property acquisition fund and shall be held by the board
22 in trust for carrying out the purposes of the property
23 acquisition fund. Amounts in the property acquisition fund
24 shall be budgeted and allotted in accordance with Sections
25 41-4-80 through 41-4-96 and Sections 41-19-1 through 41-19-12.
26 Not later than the effective date of the act adding this
27 subdivision, the executive director shall transfer from the

1 Alabama State Funeral Service Fund to the property acquisition
2 fund an amount determined by vote of the board for the
3 purchase of real property. Thereafter, the board shall
4 annually, during the month of October, transfer an amount
5 between two percent and seven percent of the receipts of the
6 board from the previous fiscal year to the property
7 acquisition fund.

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

12 "§34-13-24.

13 "~~Every~~ Each member of the board, and member of any
14 committee or subcommittee established by the board, after
15 appointment and before entering upon his or her duties, shall
16 make oath before some officer competent to administer oaths,
17 that he or she is legally qualified to become a member of the
18 board, committee, or subcommittee under ~~the provisions of~~ this
19 chapter and that he or she will faithfully perform the duties
20 of ~~such~~ the office, a copy of which shall be filed in the
21 office of the Secretary of State.

22 "§34-13-26.

23 "(a) The board shall adopt and enforce for the
24 protection of the public health, safety, and welfare
25 reasonable rules pursuant to the Alabama Administrative
26 Procedure Act.

1 "(b) The board may establish committees and
2 subcommittees, hold hearings, conduct investigations, subpoena
3 witnesses, subpoena documents, administer oaths, and take
4 testimony in order to carry out this chapter.

5 "(c) A committee or subcommittee established by the
6 board may conduct meetings, hold hearings, conduct
7 investigations, subpoena witnesses, subpoena documents,
8 administer oaths, and take testimony to carry out matters
9 related to this chapter and may perform any other duty
10 prescribed by the board. Each committee and subcommittee shall
11 report any findings and recommendations to the board for
12 approval.

13 "§34-13-27.

14 "The board shall adopt a common seal, which may be
15 altered as often as the board may desire, and may adopt and
16 enforce, for the protection of the public health, safety, and
17 welfare, reasonable rules ~~and regulations~~ relating to all of
18 the following:

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

21 "(2) The practice of the profession of funeral
22 directing, including, but not limited to, solicitation of
23 business~~7.~~

24 "(3) The sanitary condition and physical facilities
25 of funeral homes, mortuaries, and funeral establishments where
26 the profession of embalming and funeral directing is carried

1 on, with particular regard to plumbing, sewage, disinfecting,
2 ventilation, and equipment~~7~~.

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

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

8 "(6) The sale of goods, services, and merchandise
9 and the operation of entities and establishments regulated by
10 the board.

11 "§34-13-52.

12 "(a) Licenses under this chapter shall be granted to
13 individuals upon the qualification and successful examination
14 of the individual applicant and shall specify the name to whom
15 it is issued. A license, registration, or certificate granted
16 under this chapter shall be on public display.

17 "(b) A funeral establishment license issued under
18 this chapter shall include the name of the funeral
19 establishment, the name of the managing funeral director, and
20 the name of the managing embalmer, ~~and the certificate of~~
21 ~~authority license number, if applicable.~~ The license shall be
22 on public display.

23 "(c) Every license, certification, and registration
24 issued under this chapter shall be signed by the chair and
25 executive director and shall be displayed in the place of
26 business or employment of the licensee.

1 "(d) Any person engaged in ~~the~~ a business,
2 profession, or practice ~~of funeral directing~~ licensed and
3 regulated pursuant to this chapter shall do each of the
4 following:

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

10 "(2) Upon the request of a board member, the
11 executive director, ~~the~~ an associate executive director, or a
12 designated and appropriately identified employee of the board,
13 promptly produce his or her legible and current ~~Alabama~~
14 ~~funeral director~~ board issued wallet license ~~certificate~~.

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

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

20 "~~(2) Upon the request of a board member, the~~
21 ~~executive director, the associate executive director, or a~~
22 ~~designated and appropriately identified employee of the board,~~
23 ~~promptly produce his or her legible and current Alabama~~
24 ~~embalmer wallet license certificate.~~

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

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

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

9 "§34-13-53.

10 "~~(a) (1) Before October 1, 2018, every licensed~~
11 ~~funeral director, licensed embalmer, and licensed operator~~
12 ~~shall pay annually a fee for renewal of his or her license.~~
13 ~~The renewal fees shall be set by the board at a rate not to~~
14 ~~exceed one hundred fifty dollars (\$150) for licensed embalmers~~
15 ~~and funeral directors and five hundred dollars (\$500) for~~
16 ~~licensed operators.~~

17 "~~(2) Commencing on October 1, 2018, every~~(a) (1)
18 Every license, certificate, or registration issued by the
19 board under this chapter shall be renewed biennially, unless
20 otherwise provided by this chapter, upon submission by the
21 licensee or registrant of a renewal application and a renewal
22 fee established by board rule, not exceeding five hundred
23 dollars (\$500), for each ~~licensed cremationist, embalmer,~~
24 ~~funeral director, and funeral establishment~~ license or
25 certificate issued, unless otherwise provided by this chapter.

26 "(b) All licenses and rcertificates granted under
27 this chapter shall expire on October 1, following their

1 issuance or renewal, unless otherwise provided by this
2 chapter, and shall become invalid unless renewed as provided
3 in this section and other requirements of the board are met.
4 In addition to payment of a renewal fee, each licensee shall
5 satisfy continuing education requirements prescribed by rule
6 of the board pursuant to subsection ~~(c)~~(d).

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

8 "~~(c)~~(d) (1) Commencing in 2014, and for each
9 licensing period thereafter, the board may require persons
10 seeking renewal of a ~~cremationist, embalmer, or funeral~~
11 ~~director~~ license, or multiple licenses, under this chapter to
12 complete board approved continuing education of not less than
13 eight hours biennially. The board may approve continuing
14 education providers and courses offered by institutions of
15 higher learning, specialty societies, associations, or
16 professional organizations or by other organizations the board
17 deems appropriate.

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

22 "~~(3) An embalmer who is also a licensed funeral~~
23 ~~director and who completes the continuing education~~
24 ~~requirements for funeral directors is not required to complete~~
25 ~~additional continuing education requirements.~~

1 "~~(4)~~(3) Continuing education providers shall pay a
2 biennial administrative fee established by board rule, not
3 exceeding two hundred fifty dollars (\$250).

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

6 "~~(d) The board shall publish on or before August 1~~
7 ~~of the expiration year, in printed form, electronic image, in~~
8 ~~an online publication, or on the website of the board that is~~
9 ~~accessible to each licensed funeral director, licensed~~
10 ~~embalmer, licensed cremationist, and licensed establishment,~~
11 ~~notice that his or her renewal fee is due and payable and~~
12 ~~that, if such fee is not paid by September 30 of that year,~~
13 ~~the license shall expire. Information regarding license~~
14 ~~renewal dates and fees shall be available in electronic format~~
15 ~~on the website of the board.~~

16 "(e) Ninety days before the expiration date of a
17 license, the board shall inform the licensee that his or her
18 license renewal is due. Unless otherwise provided by this
19 chapter, a renewal is past due if the renewal application is
20 not received and the renewal fee is not paid 30 calendar days
21 before the expiration date of the license.

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

27 "§34-13-54.

1 ~~"No license to a cremationist, an embalmer, a~~
2 ~~funeral director, or a funeral establishment~~ granted under or
3 regulated by this chapter shall be transferable or assignable,
4 unless otherwise authorized by this chapter.

5 "§34-13-55.

6 "(a) When a ~~licensee, for any reason, has allowed a~~
7 ~~license to expire, certificate, or registration renewal is~~
8 past due, the board may reinstate renew the license,
9 certificate, or registration if application for ~~reinstatement~~
10 renewal is made within a period of 30 days from the date of
11 ~~expiration becoming past due~~ and is accompanied by payment of
12 all past due penalties and fees, ~~from the time of expiration~~
13 ~~to date of reinstatement.~~ The past due penalties to be paid to
14 the board shall not exceed one hundred dollars (\$100) ~~to~~
15 ~~reinstate licenses which have expired.~~

16 "(b) After the 30-day period has elapsed, a license
17 may be reinstated ~~only by complying with the provisions of~~
18 ~~this chapter relating to the issuance of an original license~~
19 ~~in addition to payment of all fees and penalties~~ with
20 application for reactivation, payment of all fees and
21 penalties, and approval by the board. The original application
22 of the applicant seeking reactivation must be in the
23 possession of the board.

24 "§34-13-56.

25 "(a) The board may refuse to license any person,
26 entity, or establishment for violation of this chapter. If the
27 board refuses to issue, grant, or renew a license based on a

1 violation of this chapter, including, but not limited to,
2 violations listed in subsection (c), the licensee or
3 prospective licensee may request a public hearing before the
4 board to appeal the action of the board. The request for a
5 public hearing shall be submitted to the board in writing
6 within 14 calendar days after the date of the refusal. Upon
7 request, the board shall provide the licensee or prospective
8 licensee with 20 days' notice of the public hearing by United
9 States certified mail. The public hearing shall be conducted
10 pursuant to Section 34-13-26.

11 "(b) A public hearing conducted pursuant to Section
12 34-13-26 shall be provided by the board to any licensee for
13 whom the board is considering the probation, suspension, or
14 revocation of a license.

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

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

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

24 "a. Misrepresentation or fraud in the conduct of the
25 business or the profession of ~~a funeral director or embalmer~~
26 any license issued pursuant to this chapter.

1 "b. False or misleading advertising as a ~~funeral~~
2 ~~director or embalmer~~ licensee under this chapter or knowingly
3 engaging in any advertising which is misleading or inaccurate
4 ~~in any material particular.~~

5 "c. Solicitation of dead human bodies by the
6 licensee, his or her agents, assistants, or employees, from
7 medical professionals or clergy, whether the solicitation
8 occurs after death or while death is impending.

9 "d. Solicitation of dead human bodies by the
10 licensee, his or her agents, assistants, or employees whether
11 the solicitation occurs after death or while death is
12 impending.

13 "e. Employment by the licensee of a person or
14 persons to be used for the purpose of obtaining or soliciting
15 ~~funeral directing or embalming~~ business, whether the
16 solicitation occurs after death or while death is impending.

17 "f. Employment directly or indirectly of any
18 apprentice, agent, assistant, embalmer, employee, or other
19 person, on part or full time or on commission, for the purpose
20 of calling upon individuals or institutions where a death has
21 occurred or is imminent by whose influence dead human bodies
22 may be turned over to a particular funeral director or
23 embalmer or funeral establishment, or both.

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

26 "h. Gross immorality.

1 "i. Aiding or abetting an unlicensed person,
2 establishment, or entity in ~~the practice of funeral directing,~~
3 ~~embalming, cremation, or conducting business as a funeral~~
4 ~~establishment or crematory~~ violation of this chapter.

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

9 "k. Solicitation or acceptance by a licensee of any
10 commission or bonus or rebate in consideration of recommending
11 or causing a dead human body to be disposed of in any
12 mausoleum or cemetery.

13 "l. Any violation of this chapter or order or rule
14 of the board.

15 "m. Any violation of state law or municipal or
16 county ordinance or regulation affecting the handling,
17 custody, care, disposition, or transportation of dead human
18 bodies.

19 "n. Fraud or misrepresentation in obtaining a
20 license.

21 "o. Refusing to promptly surrender the custody of a
22 dead human body, upon the express order and payment for
23 services rendered of the person lawfully entitled to the
24 custody thereof.

25 "p. Performing services in a professional capacity
26 as a ~~funeral director or embalmer, or both,~~ licensee for any

1 unlicensed funeral establishment operating in violation of
2 this chapter.

3 "q. Being intoxicated or under the influence of
4 illegal drugs while on duty ~~at a funeral establishment~~ or
5 while performing any duty or responsibility ~~for the funeral~~
6 ~~establishment~~ prescribed by this chapter.

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

9 "s. Knowingly and willfully signing any
10 documentation as having embalmed or prepared a body for burial
11 when, in fact, the services were not performed by the
12 licensee.

13 "t. Failure to give full cooperation to the board or
14 its designees, agents, or other representatives in the
15 performance of official duties of the board.

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

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

21 "w. ~~Not responding~~ Failing to respond to a subpoena
22 issued by the board, without good cause shown, whether or not
23 the licensee is the party charged in any ~~preceding~~ preceding
24 before the board.

25 "x. Not providing reasonable access to the board or
26 an authorized agent or representative of the board for the
27 performance of reviews, investigations, or inspections at

1 facilities or places utilized by the licensee in the practice
2 of funeral service ~~or~~, funeral directing, or in performing any
3 other activity regulated by the board.

4 "y. Failing to provide information within a specific
5 time as required by the board or an authorized agent or
6 representative of the board.

7 "z. Failing to cooperate with the board or an
8 authorized agent or representative of the board in the
9 investigation of any alleged misconduct or interfering with a
10 board investigation through the willful misrepresentation of
11 facts.

12 "aa. Deceiving or attempting to deceive the board
13 regarding any matter under investigation, including the
14 altering or destroying of any records.

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

17 "cc. Violating any statute, ordinance, or rule of
18 the state or any board, agency, or political subdivision of
19 the state affecting the registration of deaths, the handling,
20 custody, care, disposition, or transportation of dead human
21 bodies, or the sale of funeral services or funeral
22 merchandise.

23 "dd. Demonstrating bad faith, incompetence, or
24 untrustworthiness or dishonest, fraudulent, or improper
25 dealing or any other violation of this chapter or any rule
26 ~~promulgated~~ adopted by the board or ~~promulgated~~ by the Federal

1 Trade Commission relative to the practice of ~~funeral service~~
2 ~~or funeral directing~~ any activity regulated by the board.

3 "ee. Any other reason as determined by the board
4 that would render an individual unsuitable for licensure or
5 certification by the board.

6 "ff. A ~~funeral home or funeral director~~ licensee
7 accepting funds for a preneed ~~funeral~~ contract or other
8 prepayment of funeral or disposition expenses without a
9 certificate of authority to sell preneed ~~funeral~~ contracts or,
10 if registered to sell preneed ~~funeral~~ contracts, failing to
11 deposit the funds with a qualified trustee or to timely remit
12 premium payments from the consumer to the insurer.

13 "gg. Using any funeral merchandise previously sold
14 without prior written permission of the person selecting or
15 paying for the use of the merchandise. A previously used
16 casket shell may be used for the viewing of remains if a new
17 interior or interior insert is installed before each usage of
18 the casket shell.

19 "(d) In addition to the disciplinary actions
20 authorized in subsection (c), the board may levy and collect
21 administrative fines for violations of this chapter or the
22 rules ~~or regulations~~ of the board in an amount not less than
23 five hundred dollars (\$500) nor more than two thousand five
24 hundred dollars (\$2,500) for each violation, unless otherwise
25 provided for in this chapter or by rule of the board.

26 "§34-13-56.1.

1 "(a) It is unlawful for any person or entity, for
2 hire or profit, to engage in, or hold himself, herself, or
3 itself out as qualified to engage in any ~~of the following~~
4 business, profession, or practice regulated and licensed under
5 this chapter without a valid license, certification, or
6 registration issued by the board:.

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

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

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

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

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

12 "(b) Any person or entity who has been found to have
13 engaged in the unlawful unlicensed practice of ~~funeral~~
14 ~~directing, embalming, apprenticing, operating a crematory, or~~
15 ~~cremating~~ any activity regulated by the board pursuant to this
16 chapter shall be subject to a fine of not more than two
17 thousand five hundred dollars (\$2,500) for each violation and
18 other sanctions authorized by this chapter.

19 "§34-13-72.

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

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

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

26 "~~(3) Has had practical experience as an apprentice~~
27 ~~for not less than two years within a period of three~~

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

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

11 ~~"(5)(4) Has completed a course of instruction in an~~
12 ~~accredited mortuary or funeral service school or college which~~
13 ~~has been approved by the board pursuant to Section 34-13-50,~~
14 ~~or has completed a bachelor's degree program from an~~
15 ~~accredited school.~~

16 ~~"(5) Has completed an examination on state funeral~~
17 ~~service laws and rules.~~

18 ~~"(b) The board may certify an applicant to take an~~
19 ~~examination for a funeral director's license after verifying~~
20 ~~that the applicant has completed a course of instruction ~~in~~~~
21 ~~funeral arts at an accredited mortuary or funeral service~~
22 ~~school or college meeting the criteria or standards as defined~~
23 ~~in this chapter. The board may not issue a funeral director's~~
24 ~~license to any applicant who has not completed a two-year~~
25 ~~apprenticeship.~~

26 ~~"(c) An applicant has two years from the expiration~~
27 ~~date of his or her last active apprentice certification to~~

1 ~~successfully complete the examination for a funeral director's~~
2 ~~license pursuant to this chapter. Any applicant who fails to~~
3 ~~successfully pass the examination is required to serve a new~~
4 ~~apprenticeship in accordance with this chapter.~~

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

10 "§34-13-73.

11 "(a) The applicant for a funeral director's license,
12 before the application is granted, shall successfully pass an
13 examination upon, but not limited to, the following subjects:
14 ~~Funeral directing, the manners in which death may be~~
15 ~~determined, the laws governing the preparation and disposal of~~
16 ~~human dead bodies and the shipment of bodies dying from~~
17 ~~infectious or contagious diseases, and local health and~~
18 ~~sanitary ordinances in relation to funeral directing; funeral~~
19 ~~service management and administration; merchandising;~~
20 cremation and other forms of disposition; funeral service
21 psychology and counseling; funeral service law and ethics; any
22 other courses of instruction related to the American Board of
23 Funeral Service Education curriculum; and other courses of
24 instruction in fundamental subjects as may be prescribed by
25 the board. The examination shall be prepared and graded as
26 prescribed by rule of the board. The board may review and
27 adopt, in whole or in part, examination questions, forms,

1 examinations, and passing criteria proposed by the American
2 Board of Funeral Service Education, or a successor
3 organization, and may use the uniform nationwide conditions of
4 the International Conference of Funeral Service Examining
5 Boards, or other organization approved by the board.

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

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

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

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

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

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

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

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

19 ~~"(e)~~ (d) If the board is satisfied that an applicant
20 has the requisite qualifications to practice the occupation of
21 funeral directing, a license shall be issued authorizing the
22 applicant to practice such occupation until October 1 of that
23 year, at which time the license may be renewed as prescribed
24 in this chapter.

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

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

4 "§34-13-92.

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

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

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

10 "(3) Be of good character.

11 "(4) Have completed ~~a two-year course of~~
12 ~~apprenticeship under an embalmer or embalmers licensed and~~
13 ~~engaged in practice as an embalmer in this state, and shall~~
14 ~~have completed the required course of apprenticeship within a~~
15 ~~period of three consecutive years, excluding time lost by~~
16 ~~interruption caused by the active duty of the applicant in the~~
17 ~~military service of the United States or its allies during war~~
18 ~~or national emergency, and excluding time lost by~~
19 ~~interruptions which the board deems excusable as caused by~~
20 ~~circumstances beyond the control of the applicant an~~
21 ~~apprenticeship in accordance with this chapter or rule of the~~
22 ~~board.~~

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

26 "~~(6) Have completed the course of apprenticeship not~~
27 ~~more than two years before the date of examination, excluding~~

1 ~~time lost under the circumstances mentioned in subdivision~~
2 ~~(4).~~

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

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

15 "§34-13-94.

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

18 "~~(1) Mortuary management and administration~~
19 Embalming.

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

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

24 "~~(4) Mortuary science, to include embalming~~
25 ~~technique, in all aspects; chemistry of embalming, color~~
26 ~~harmony; discoloration, its causes, effect, and treatment;~~
27 ~~treatment of special cases; restorative art; funeral~~

1 ~~management; and professional ethics~~ The preparation of
2 unembalmed human remains for final disposition, including the
3 removal of medical devices, and identification viewing for
4 cremation or other forms of disposition that do not require
5 embalming.

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

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

8 ~~"(7) Pathology.~~

9 ~~"(8) Bacteriology.~~

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

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

12 ~~"(11)~~ (5) Other courses of instruction related to the
13 American Board of Funeral Service Education curriculum or
14 other courses of instruction in fundamental subjects as may be
15 prescribed by the board.

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

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

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

24 "(e) If the board is satisfied that the applicant
25 has the requisite qualifications to practice the occupation of
26 embalming, a license shall be issued to him or her authorizing
27 him or her to practice such occupation until October 1 of that

1 year, at which time the license may be renewed as prescribed
2 in this chapter.

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

6 "(g) An applicant may take the required license
7 examination during the time that his or her application for
8 license is pending.

9 "§34-13-113.

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

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

20 "(2) That the establishment is operated by a
21 managing funeral director and a managing embalmer or a person
22 licensed both as a funeral director and embalmer.

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

25 "(4) That the establishment has a sanitary, properly
26 equipped embalming room, a room suitable for public viewing or
27 other funeral services that is ~~able to accommodate a minimum~~

1 ~~of 100 people~~ a minimum of 1,000 square feet, an office for
2 arrangement conferences with relatives or authorized
3 representatives, and a display room containing a stock of
4 adult caskets and funeral supplies displayed in full size,
5 cuts, photographs, or electronic images. At no time shall less
6 than eight different adult full size caskets and at least one
7 operating and properly licensed funeral coach or hearse
8 equipped for transporting human remains in a casket or urn be
9 on the premises. A funeral establishment, that has more than
10 one location under the same ownership wherein the profession
11 of funeral directing is practiced, is not required to maintain
12 more than one preparation room upon satisfying requirements
13 prescribed by the board.

14 "(5) Such other information as may be required by
15 the board.

16 "(b) Upon receipt of the application, the board
17 shall make inspection of the funeral establishment. If the
18 board determines that the establishment meets the
19 qualifications prescribed by law, it shall issue a license to
20 operate a funeral establishment.

21 "(c) Application for a license to operate a mortuary
22 service shall be made in writing on a form provided by the
23 board. The application shall be verified by the applicant or,
24 if the applicant is a corporation, firm, or other
25 organization, by an officer or member thereof, and shall be
26 accompanied by an application fee established by the board not
27 to exceed five hundred dollars (\$500) and proof of liability

1 insurance as provided in subsection (e). The application shall
2 disclose all of the following:

3 "(1) The name and address of the proposed mortuary
4 service.

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

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

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

12 "(5) Such other information as may be required by
13 the board.

14 "(d) Upon receipt of the application, the board
15 shall make inspection of the premises of the mortuary service
16 applicant. If the board determines that the mortuary service
17 applicant meets the qualifications prescribed by law, the
18 board shall issue a license to operate a mortuary service.

19 "(e) Commencing on October 1, 2023, each application
20 for a license to operate a funeral establishment or to operate
21 a mortuary service shall include proof of general liability
22 insurance in an amount of at least one million dollars
23 (\$1,000,000). Upon request of the board, proof of continuing
24 coverage shall also be provided for the renewal of either
25 license.

26 "§34-13-130.

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

3 "(1) Make application as a funeral director's
4 apprentice or an embalmer's apprentice to the board upon a
5 form provided by the board. The applicant shall submit to the
6 board a form, sworn to by the applicant, that contains the
7 name, date of birth, and Social Security number of the
8 applicant, and two complete sets of fingerprints, for
9 completion of a criminal history background check. The board
10 shall submit the fingerprints to the Alabama State Law
11 Enforcement Agency for a state criminal history record check.
12 The fingerprints shall be forwarded by the agency to the
13 Federal Bureau of Investigation for a national criminal
14 history record check. Costs associated with conducting a
15 criminal history background check shall be paid by the
16 applicant. The board shall keep information received pursuant
17 to this subsection confidential, except that information
18 received and relied upon in denying the issuance of an
19 apprentice certification may be disclosed if necessary to
20 support the denial.

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

22 "(3) Hold a high school certificate or the
23 equivalent.

24 "(4) Be of good moral character.

25 "(b) ~~The~~ Each application shall be verified by the
26 oath of the applicant and be accompanied by a fee to be

1 established by the board, not to exceed ~~twenty dollars (\$20)~~
2 fifty dollars (\$50).

3 "(c) The executive director, whenever it appears to
4 him or her that no reason exists for the denial of an
5 application and that the application is regular upon its face,
6 may issue to the applicant a certificate of apprenticeship,
7 without submitting the application to the board. If, however,
8 any doubt exists as to the qualifications of the applicant,
9 the application shall be submitted to the board and may be
10 accepted or rejected by a majority of the board.

11 "(d) The ~~period~~ course of an apprenticeship ~~of a~~
12 ~~funeral director's apprentice or an embalmer's apprentice~~
13 shall be in accordance with this chapter or prescribed by rule
14 of the board and performed in Alabama under the supervision of
15 a funeral director or embalmer, respectively, licensed by the
16 board.

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

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

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

26 "~~(h) An apprentice shall be enrolled in the funeral~~
27 ~~service program at an accredited mortuary school within one~~

1 ~~year after the original start date of his or her~~
2 ~~apprenticeship. If an apprentice is not enrolled in mortuary~~
3 ~~school within that time period, then the apprenticeship may~~
4 ~~not be renewed and the apprenticeship may not be reactivated~~
5 ~~until the apprentice provides proof of enrollment.~~

6 "§34-13-131.

7 "(a) A certificate of apprenticeship issued as
8 ~~provided for in accordance with~~ this chapter shall be signed
9 ~~by the apprentice and shall be renewable annually upon the~~
10 ~~payment by the holder by October 1 of each year of an annual~~
11 ~~renewal fee to be established by the board, not to exceed~~
12 ~~twenty dollars (\$20). Failure to pay the renewal fee by the~~
13 ~~prescribed date of any year shall cause the certificate to~~
14 ~~become delinquent, in which case it shall be renewed only for~~
15 ~~good cause shown. No person may be granted a certificate of~~
16 ~~apprenticeship as funeral director's apprentice or embalmer's~~
17 ~~apprentice, respectively, for more than three consecutive~~
18 ~~years, excepting as provided. The board shall send, on or~~
19 ~~before August 1 of each year, to each registered apprentice at~~
20 ~~his or her last known address, a notice that his or her~~
21 ~~renewal fee is due and payable and that, if not paid by~~
22 ~~October 1, his or her license shall lapse renewed annually in~~
23 ~~accordance with Section 34-13-53.~~

24 "(b) (1) If an apprentice fails to renew their
25 apprentice certification in accordance with this chapter, the
26 certification may be reinstated with application for

1 reactivation, payment of all fees and penalties, and approval
2 by the board within a period prescribed by the board.

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

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

8 "§34-13-132.

9 "All apprentices registered as provided in this
10 chapter shall be under the supervision and control of the
11 board and shall ~~be required to report to the board annually on~~
12 ~~October 1, upon forms provided by the board, showing the work~~
13 ~~which such apprentices have performed during the annual period~~
14 ~~preceding the first of the month on which the report is made,~~
15 ~~including the number of hours served and the number of bodies~~
16 ~~the apprentice has assisted in embalming or otherwise prepared~~
17 ~~for disposition during such period~~ include with their annual
18 renewal case reports, an annual report and skills evaluation
19 on a form prescribed by the board. The information contained
20 in the report shall be certified to as correct by the funeral
21 director or embalmer by whom the apprentice has been employed
22 during his or her apprenticeship period.

23 "§34-13-134.

24 "~~(a)~~ The board has power to suspend, revoke, or
25 place on probation a certificate of apprenticeship where the
26 apprentice is guilty of any of the following acts or
27 omissions:

1 "(1) Failure to devote not less than an average of
2 30 hours per week to the duties of his or her apprenticeship.

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

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

8 "(4) Gross immorality.

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

11 "(6) Disobedience of proper orders or instructions
12 of his or her superiors.

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

15 "(8) Soliciting business for a funeral director or
16 for any embalmer.

17 "(9) Fraud or misrepresentation in obtaining a
18 certificate as an apprentice.

19 ~~"(b) An apprentice who has failed to renew his or~~
20 ~~her certificate, or who has had his or her certificate of~~
21 ~~apprenticeship suspended or revoked, within one year after~~
22 ~~such expiration, suspension, or revocation, may make~~
23 ~~application for reactivation. Not more than two reactivations~~
24 ~~shall be allowed by the board. The board, when the~~
25 ~~circumstances warrant, may allow an apprentice credit under a~~
26 ~~reactivation for time actually served under a previous~~
27 ~~certificate; except, that if the previous certificate has been~~

1 ~~suspended or revoked upon any of the grounds set forth in~~
2 ~~subsection (a), not more than 75 percent of the time~~
3 ~~previously served shall be credited on the reactivation."~~

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