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2 214892-4  
3 By Representative Brown (K)  
4 RFD: Boards, Agencies and Commissions  
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ENROLLED, 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 subjecting a licensee to disciplinary action; to provide further for the qualifications for a funeral director's license and an embalmer's license; to require, commencing on

1 October 1, 2023, an initial applicant for a funeral or  
2 mortuary service establishment to provide proof of, and  
3 maintain, a one million dollar general liability insurance  
4 policy; to increase the apprentice application fee and provide  
5 further for the application and renewal process and  
6 disciplinary action relating to an apprentice.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Sections 34-13-1, 34-13-2, 34-13-4,  
9 34-13-7, 34-13-9, 34-13-11, 34-13-12, 34-13-23, 34-13-24,  
10 34-13-26, 34-13-27, 34-13-52, 34-13-53, 34-13-54, 34-13-55,  
11 34-13-56, 34-13-56.1, 34-13-72, 34-13-73, 34-13-92, 34-13-94,  
12 34-13-113, 34-13-130, 34-13-131, 34-13-132, and 34-13-134 of  
13 the Code of Alabama 1975, are amended to read as follows:

14 "§34-13-1.

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

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

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

1           ~~"b. Legal medicine and toxicology as it pertains to~~  
2 ~~funeral directing.~~

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

4           ~~"d. Mortuary science, to include embalming~~  
5 ~~technique, in all its aspects; chemistry of embalming, color~~  
6 ~~harmony; discoloration, its causes, effects, and treatment;~~  
7 ~~treatment of special cases; restorative art; funeral~~  
8 ~~management; and professional ethics.~~

9           ~~"e. Anatomy and physiology.~~

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

11          ~~"g. Pathology.~~

12          ~~"h. Bacteriology.~~

13          ~~"i. Sanitation and hygiene.~~

14          ~~"j. Public health regulations.~~

15          ~~"k. Other related to funeral service and mortuary~~  
16 ~~science education as approved by the American Board of Funeral~~  
17 ~~Service Education, or a successor organization, and other~~  
18 ~~courses of instruction in fundamental subjects as may be~~  
19 ~~prescribed by the Alabama Board of Funeral Service.~~

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

23           (3) AMERICAN BOARD OF FUNERAL SERVICE EDUCATION.  
24 ~~That funeral service educational organization which is an~~  
25 ~~agency granted official recognition by the United States~~

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

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

22 "(5) APPRENTICE FUNERAL DIRECTOR or FUNERAL  
23 DIRECTOR'S APPRENTICE. Any person operating under or in  
24 association with a funeral director for the purpose of

1 learning the business or profession of funeral director, to  
2 the end that he or she may become licensed under this chapter.

3 "(6) AUTHORIZING AGENT. A person ~~at least 18 years~~  
4 ~~of age~~ who is at least the legal age of majority in this  
5 state, except in the case of a surviving spouse or parent, who  
6 is legally entitled to order the cremation or final  
7 disposition of particular human remains.

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

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

16 "a. Cemetery or crematory services.

17 "b. Pallbearers.

18 "c. Public, or other, transportation.

19 "d. Clergy honoraria.

20 "e. Flowers.

21 "f. Musicians or singers.

22 "g. Nurses.

23 "h. Obituary notices.

24 "i. Funeral programs.

25 "j. Gratuities.

1 "k. Death certificates.

2 "l. Outer burial containers.

3 "m. Cemetery plots.

4 "n. Escorts.

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

7 "(10) CEMETERY. A place dedicated to and used or  
8 intended to be used for the permanent interment of human  
9 remains. It may be either land or earth interment; a mausoleum  
10 for vault or crypt entombment; a structure or place used or  
11 intended to be used for the interment of cremated remains;  
12 cryogenic storage; or any combination of one or more thereof.

13 "(11) CEMETERY AUTHORITY. Any individual, person,  
14 firm, profit or nonprofit corporation, trustee, partnership,  
15 society, religious society, church association or  
16 denomination, municipality, or other group or entity, however  
17 organized, insofar as they or any of them may now or hereafter  
18 establish, own, operate, lease, control, or manage one or more  
19 cemeteries, burial parks, mausoleums, columbariums, or any  
20 combination or variation thereof, or hold lands or structures  
21 for burial grounds or burial purposes in this state and engage  
22 in the operation of a cemetery, including any one or more of  
23 the following: The care and maintenance of a cemetery; the  
24 interment, entombment, and memorialization of the human dead  
25 in a cemetery; the sale, installation, care, maintenance, or

1 any combination thereof, with respect of monuments, markers,  
2 foundations, memorials, burial vaults, urns, crypts,  
3 mausoleums, columbariums, flower vases, floral arrangements,  
4 and other cemetery accessories, for installation or use within  
5 a cemetery; and the supervision and conduct of funeral and  
6 burial services within the bounds of the cemetery.

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

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

15 "(14) CREMATION. The technical irreversible process,  
16 using heat, flames, or chemical agents, that reduces human  
17 remains to bone fragments. The reduction takes place through  
18 heat and evaporation. Cremation shall include the processing,  
19 and may include the pulverization, of the bone fragments.  
20 Cremation is a process and is a method of final disposition.

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

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



1           "(17) CREMATION CONTAINER. The container in which  
2 human remains are transported to a crematory, in which human  
3 remains are placed in upon arrival at a crematory, or for  
4 storage and placement in a cremation chamber for cremation.

5           "(18) CREMATORY. A building or portion of a building  
6 that houses a cremation chamber and that may house a holding  
7 facility for purposes of cremation and as part of a funeral  
8 establishment.

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

14           "(20) EMBALMING. The practice, science, or  
15 profession, as commonly practiced, of preserving,  
16 disinfecting, and preparing by application of chemicals or  
17 other effectual methods, human dead for burial, cremation, or  
18 transportation.

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

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

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

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

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

1 preparation for burial, cremation, or transportation of human  
2 dead. A funeral establishment shall consist of and maintain  
3 all of the following facilities:

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

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

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

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

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

1            "f. An office for holding arrangement conferences  
2 with relatives or authorizing agents.

3            "(26) FUNERAL SUPPLIES or FUNERAL MERCHANDISE.  
4 ~~Caskets made of any material for use in the burial or~~  
5 ~~transportation of human dead; outer receptacles, Any item~~  
6 ~~offered for sale, contracted for sale, or sold for use in~~  
7 ~~connection with funeral directing or funeral services~~ when  
8 sold by a funeral director, ~~including, but not limited to,~~  
9 ~~caskets, alternative containers, outer burial vaults and~~  
10 ~~containers, urns, for cremated human remains, memorials,~~  
11 clothing used to dress human dead when sold by a funeral  
12 director, ~~and all equipment and accouterments normally~~  
13 required for the preparation for burial or funeral and other  
14 disposition of human dead.

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

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

21            "a. A room within a funeral establishment that  
22 satisfies the requirements of a branch location as provided in  
23 this chapter or board rule, for the retention of human remains  
24 before disposition.

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

4            "(29) MANAGING CREMATIONIST. A licensed funeral  
5 director and cremationist who has full charge, control, and  
6 supervision of all activities involving cremation at a funeral  
7 establishment or crematory.

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

11            "(31) MANAGING FUNERAL DIRECTOR. A licensed funeral  
12 director who has full charge, control, and supervision of all  
13 activities involving funeral directing for a funeral  
14 establishment.

15            "(32) MORAL TURPITUDE. Any unlawful sexual or  
16 violent act, or any act involving theft, theft of services,  
17 extortion, receiving stolen property, identity theft, forgery,  
18 fraud, tampering with records, bribery, perjury, or any  
19 similar act in any jurisdiction.

20            "(33) MORTUARY SCIENCE. The scientific,  
21 professional, and practical aspects, with due consideration  
22 given to accepted practices, covering the care, preparation  
23 for burial, or transportation of dead human bodies, which  
24 shall include the preservation and sanitation of the bodies

1 and restorative art and those aspects related to public  
2 health, jurisprudence, and good business administration.

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

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

16 "b. At least one operating motor vehicle properly  
17 licensed and equipped for transporting human remains in a  
18 casket or urn.

19 "c. If engaged in the practice of cremation, the  
20 establishment shall satisfy all requirements for a crematory  
21 provided in this chapter.

22 "(35) OPERATOR. A person, corporation, firm, legal  
23 representative, or other organization owning or operating a  
24 funeral establishment.

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

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

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

18           "(39) URN. A receptacle designed to encase cremated  
19 remains.

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

24           "§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.

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

25           "§34-13-9.

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

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

9           "§34-13-11.

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

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

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

10           "b. Any person, ~~at least 18 years of age~~ who is as  
 11 least the legal age of majority in this state and of sound  
 12 mind, may authorize another person to control the disposition  
 13 of his or her remains pursuant to an affidavit executed before  
 14 a notary public in substantially the following form:

15           ""State of Alabama

16           "County of \_\_\_\_\_

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

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

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

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

19           "(10) The personal representative of the estate of  
20 the decedent.

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

1           "(12) The public officer, administrator, or employee  
2 responsible for arranging the final disposition of the remains  
3 of the decedent if the disposition of the remains is the  
4 responsibility of the state or a political subdivision of the  
5 state.

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

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

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

23           "(2) The person does not exercise his or her right  
24 of disposition within two days after notification of the death

1 of the decedent or within three days after the death of the  
2 decedent, whichever is earlier.

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

6 "(4) If the judge of probate court determines,  
7 pursuant to subsection (c), that the person entitled to the  
8 right of disposition and the decedent were estranged at the  
9 time of death. For the purposes of this subdivision, estranged  
10 means a physical and emotional separation that has existed for  
11 such a period of time that an absence of affection, trust, and  
12 regard for the decedent is clearly demonstrated.

13 "(c) Notwithstanding subsections (a) and (b), the  
14 judge of probate of the county of residence of the decedent  
15 may award the right of disposition to the person the judge of  
16 probate determines to be the most fit and appropriate to  
17 manage the right of disposition, and may make decisions  
18 regarding the remains of the decedent if the persons  
19 possessing the right of disposition do not agree. If two or  
20 more persons who possess an equal right of disposition are not  
21 able by majority vote to agree upon the disposition of the  
22 remains of the decedent, any of those persons or the funeral  
23 establishment with custody of the remains may file a petition  
24 asking the judge of probate to make a determination in the



1 matter. In making such a determination, the judge of probate  
2 shall consider all of the following:

3 "(1) The reasonableness and practicality of the  
4 proposed funeral and disposition arrangements.

5 "(2) The degree of the personal relationship between  
6 the decedent and each person possessing a right of  
7 disposition.

8 "(3) The financial ability and willingness of each  
9 person possessing a right of disposition to pay the cost of  
10 the funeral and disposition arrangements.

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

15 "(5) The desires of the decedent.

16 "(d) Absent negligence, wantonness, recklessness, or  
17 deliberate misconduct in the event of a dispute regarding the  
18 right of disposition, a ~~funeral establishment~~ licensee may not  
19 be held liable for refusing to accept remains, for interring,  
20 or for otherwise disposing of the remains of a decedent or for  
21 completing arrangements for the final disposition of remains  
22 unless and until the ~~funeral establishment~~ licensee receives  
23 an order from the judge of probate, or other written agreement  
24 signed by all persons possessing a right of disposition,  
25 regarding the final disposition of the remains. If a ~~funeral~~

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

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

1           "§34-13-12.

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

22          "(b) Absent negligence, wantonness, recklessness, or  
23          deliberate misconduct, no ~~funeral-establishment or funeral~~  
24          ~~director~~ licensee who relies in good faith upon the  
25          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.

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

23           "(d) The executive director of the board shall have  
24 complete supervision and be held responsible for the direction  
25 of the office of the board, shall have supervision over

1 employees, field ~~inspection~~ inspections, audits, and  
2 enforcement of this chapter, and shall be responsible and  
3 answerable to the board. The associate executive ~~director~~  
4 directors shall assist the executive director and perform such  
5 other duties as may be assigned to him or her by the ~~board~~  
6 executive director.

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

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

23 "(g) The executive director shall serve at the  
24 pleasure of the board and shall perform duties as may be  
25 necessary for the proper functioning of the board as the board

1 may determine or as may be prescribed in this chapter. During  
2 the employment of the executive director, he or she may not be  
3 employed by any funeral establishment.

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

12 "(i) Each member of the board, the executive  
13 director, the associate executive ~~director~~ directors,  
14 designated employees, and independent contractors of the board  
15 appropriately identified are authorized at any given time ~~on~~  
16 ~~complaint or for inspection purposes~~ to enter the office,  
17 premises, establishment, or place of business ~~of any funeral~~  
18 ~~service licensee in the State of Alabama or any office,~~  
19 ~~premises, establishment, or place where the practice of~~  
20 ~~funeral service is carried on, or where the practice is~~  
21 ~~advertised as being carried on, for the purpose of inspecting~~  
22 ~~the office, premises, records, or establishment and for the~~  
23 ~~purpose of inspecting~~ where any practice or activity regulated  
24 by this chapter is carried on, or advertised as being carried  
25 on, to investigate complaints or perform audits or

1 inspections. Each on-site inspection shall include an  
2 inspection of the license, certification, and registration of  
3 any funeral service each licensee and apprentice trainee  
4 operating therein.

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

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

15 "(l) (1) The board may acquire and hold, in its own  
16 name, real property by purchase, gift, lease, lease with the  
17 option to purchase, or other lawful means, except eminent  
18 domain, which real property may be used by the board to carry  
19 out its responsibilities. The board may also transfer, sell,  
20 convey, or cause to be conveyed real property and any  
21 improvements thereon, subject to the requirements of this  
22 section. In purchasing any real property, maintaining real  
23 property, or making improvements thereto, the board may expend  
24 any funds contained in the Funeral Board Property Acquisition  
25 Fund established in subdivision (2), and any obligations



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

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

1 reasonable rules pursuant to the Alabama Administrative  
 2 Procedure Act.

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

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

15 "§34-13-27.

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

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

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

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

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

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

11           "(6) The sale of goods, services, and merchandise  
12 and the operation of entities and establishments regulated by  
13 the board.

14           "§34-13-52.

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

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

1           "(c) Every license, certification, and registration  
 2 issued under this chapter shall be signed by the chair and  
 3 executive director and shall be displayed in the place of  
 4 business or employment of the licensee.

5           "(d) Any person engaged in ~~the~~ a business,  
 6 profession, or practice ~~of funeral directing~~ licensed and  
 7 regulated pursuant to this chapter shall do each of the  
 8 following:

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

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

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

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

24           "~~(2) Upon the request of a board member, the~~  
 25 ~~executive director, the associate executive director, or a~~

1 ~~designated and appropriately identified employee of the board,~~  
2 ~~promptly produce his or her legible and current Alabama~~  
3 ~~embalmer wallet license certificate.~~

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

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

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

14 ~~"§34-13-53.~~

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

22 ~~"(2) Commencing on October 1, 2018, every~~(a) (1)  
23 Every license, certificate, or registration issued by the  
24 board under this chapter shall be renewed biennially, unless  
25 otherwise provided by this chapter, upon submission by the

1 licensee or registrant of a renewal application and a renewal  
2 fee established by board rule, not exceeding five hundred  
3 dollars (\$500), for each ~~licensed cremationist, embalmer,~~  
4 ~~funeral director, and funeral establishment~~ license or  
5 certificate issued, unless otherwise provided by this chapter.

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

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

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

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

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

9           "~~(4)~~ (3) Continuing education providers shall pay a  
10 biennial administrative fee established by board rule, not  
11 exceeding two hundred fifty dollars (\$250).

12           "~~(5)~~ (4) The board may ~~promulgate~~ adopt rules to  
13 implement and ensure compliance with this section.

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

24           "(e) Ninety days before the expiration date of a  
25 license, the board shall inform the licensee that his or her



1 license renewal is due. Unless otherwise provided by this  
2 chapter, a renewal is past due if the renewal application is  
3 not received and the renewal fee is not paid 30 calendar days  
4 before the expiration date of the license.

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

10 "§34-13-54.

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

15 "§34-13-55.

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

1 whom the board is considering the probation, suspension, or  
 2 revocation of a license.

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

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

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

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

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

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

23 "d. Solicitation of dead human bodies by the  
 24 licensee, his or her agents, assistants, or employees whether

1 the solicitation occurs after death or while death is  
2 impending.

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

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

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

16 "h. Gross immorality.

17 "i. Aiding or abetting an unlicensed person,  
18 establishment, or entity in ~~the practice of funeral directing,~~  
19 ~~embalming, cremation, or conducting business as a funeral~~  
20 ~~establishment or crematory~~ violation of this chapter.

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

1            "k. Solicitation or acceptance by a licensee of any  
 2            commission or bonus or rebate in consideration of recommending  
 3            or causing a dead human body to be disposed of in any  
 4            mausoleum or cemetery.

5            "l. Any violation of this chapter or order or rule  
 6            of the board.

7            "m. Any violation of state law or municipal or  
 8            county ordinance or regulation affecting the handling,  
 9            custody, care, disposition, or transportation of dead human  
 10           bodies.

11           "n. Fraud or misrepresentation in obtaining a  
 12           license.

13           "o. Refusing to promptly surrender the custody of a  
 14           dead human body, upon the express order and payment for  
 15           services rendered of the person lawfully entitled to the  
 16           custody thereof.

17           "p. Performing services in a professional capacity  
 18           as a ~~funeral director or embalmer, or both,~~ licensee for any  
 19           unlicensed funeral establishment operating in violation of  
 20           this chapter.

21           "q. Being intoxicated or under the influence of  
 22           illegal drugs while on duty ~~at a funeral establishment~~ or  
 23           while performing any duty or responsibility ~~for the funeral~~  
 24           ~~establishment~~ prescribed by this chapter.

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

3           "s. Knowingly and willfully signing any  
4 documentation as having embalmed or prepared a body for burial  
5 when, in fact, the services were not performed by the  
6 licensee.

7           "t. Failure to give full cooperation to the board or  
8 its designees, agents, or other representatives in the  
9 performance of official duties of the board.

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

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

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

19          "x. Not providing reasonable access to the board or  
20 an authorized agent or representative of the board for the  
21 performance of reviews, investigations, or inspections at  
22 facilities or places utilized by the licensee in the practice  
23 of funeral service ~~or~~ funeral directing, or in performing any  
24 other activity regulated by the board.

1           "y. Failing to provide information within a specific  
2 time as required by the board or an authorized agent or  
3 representative of the board.

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

9           "aa. Deceiving or attempting to deceive the board  
10 regarding any matter under investigation, including the  
11 altering or destroying of any records.

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

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

20           "dd. Demonstrating bad faith, incompetence, or  
21 untrustworthiness or dishonest, fraudulent, or improper  
22 dealing or any other violation of this chapter or any rule  
23 ~~promulgated~~ adopted by the board or ~~promulgated~~ by the Federal  
24 Trade Commission relative to the practice of ~~funeral service~~  
25 ~~or funeral directing~~ any activity regulated by the board.

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

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

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

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

24           "§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.

1           "~~(3) Has had practical experience as an apprentice~~  
2 ~~for not less than two years within a period of three~~  
3 ~~consecutive years, excluding time lost by interruptions caused~~  
4 ~~by the active duty of the applicant in the military service of~~  
5 ~~the United States or its allies during war or national~~  
6 ~~emergency, and excluding time lost by interruptions which the~~  
7 ~~board deems excusable as caused by circumstances beyond the~~  
8 ~~control of the applicant~~ completed an apprenticeship in  
9 accordance with this chapter and rule of the board.

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

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

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

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

1 ~~license to any applicant who has not completed a two-year~~  
2 ~~apprenticeship.~~

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

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

14 "§34-13-73.

15 "(a) The applicant for a funeral director's license,  
16 before the application is granted, shall successfully pass an  
17 examination upon, but not limited to, the following subjects:  
18 ~~Funeral directing, the manners in which death may be~~  
19 ~~determined, the laws governing the preparation and disposal of~~  
20 ~~human dead bodies and the shipment of bodies dying from~~  
21 ~~infectious or contagious diseases, and local health and~~  
22 ~~sanitary ordinances in relation to funeral directing; funeral~~  
23 ~~service management and administration; merchandising;~~  
24 ~~cremation and other forms of disposition; funeral service~~  
25 ~~psychology and counseling; funeral service law and ethics; any~~

1 other courses of instruction related to the American Board of  
2 Funeral Service Education curriculum; and other courses of  
3 instruction in fundamental subjects as may be prescribed by  
4 the board. The examination shall be prepared and graded as  
5 prescribed by rule of the board. The board may review and  
6 adopt, in whole or in part, examination questions, forms,  
7 examinations, and passing criteria proposed by the American  
8 Board of Funeral Service Education, or a successor  
9 organization, and may use the uniform nationwide conditions of  
10 the International Conference of Funeral Service Examining  
11 Boards, or other organization approved by the board.

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

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

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

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

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

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

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

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

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

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

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

13           "§34-13-92.

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

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

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

19           "(3) Be of good character.

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

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

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

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

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

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

1                   "§34-13-94.

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

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

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

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

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

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

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

21                   "~~(7) Pathology.~~

22                   "~~(8) Bacteriology.~~

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

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

1           "~~(11)~~(5) Other courses of instruction related to the  
2 American Board of Funeral Service Education curriculum or  
3 other courses of instruction in fundamental subjects as may be  
4 prescribed by the board.

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

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

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

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

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

22          "(g) An applicant may take the required license  
23 examination during the time that his or her application for  
24 license is pending.

25          "§34-13-113.



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

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

11           "(2) That the establishment is operated by a  
12 managing funeral director and a managing embalmer or a person  
13 licensed both as a funeral director and embalmer.

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

16           "(4) That the establishment has a sanitary, properly  
17 equipped embalming room, a room suitable for public viewing or  
18 other funeral services that is ~~able to accommodate a minimum~~  
19 ~~of 100 people~~ a minimum of 1,000 square feet, an office for  
20 arrangement conferences with relatives or authorized  
21 representatives, and a display room containing a stock of  
22 adult caskets and funeral supplies displayed in full size,  
23 cuts, photographs, or electronic images. At no time shall less  
24 than eight different adult full size caskets and at least one  
25 operating and properly licensed funeral coach or hearse

1 equipped for transporting human remains in a casket or urn be  
2 on the premises. A funeral establishment, that has more than  
3 one location under the same ownership wherein the profession  
4 of funeral directing is practiced, is not required to maintain  
5 more than one preparation room upon satisfying requirements  
6 prescribed by the board.

7 "(5) Such other information as may be required by  
8 the board.

9 "(b) Upon receipt of the application, the board  
10 shall make inspection of the funeral establishment. If the  
11 board determines that the establishment meets the  
12 qualifications prescribed by law, it shall issue a license to  
13 operate a funeral establishment.

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

23 "(1) The name and address of the proposed mortuary  
24 service.

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

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

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

8           "(5) Such other information as may be required by  
9 the board.

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

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

22          "§34-13-130.

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

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

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

20                 "(3) Hold a high school certificate or the  
21          equivalent.

22                 "(4) Be of good moral character.

23                 "(b) ~~The~~ Each application shall be verified by the  
24          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.~~

1           ~~"(h) An apprentice shall be enrolled in the funeral~~  
2 ~~service program at an accredited mortuary school within one~~  
3 ~~year after the original start date of his or her~~  
4 ~~apprenticeship. If an apprentice is not enrolled in mortuary~~  
5 ~~school within that time period, then the apprenticeship may~~  
6 ~~not be renewed and the apprenticeship may not be reactivated~~  
7 ~~until the apprentice provides proof of enrollment.~~

8           "§34-13-131.

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

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

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

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

11           "§34-13-132.

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

1           "§34-13-134.

2           "~~(a)~~ The board has power to suspend, revoke, or  
3 place on probation a certificate of apprenticeship where the  
4 apprentice is guilty of any of the following acts or  
5 omissions:

6           "(1) Failure to devote not less than an average of  
7 30 hours per week to the duties of his or her apprenticeship.

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

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

13           "(4) Gross immorality.

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

16           "(6) Disobedience of proper orders or instructions  
17 of his or her superiors.

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

20           "(8) Soliciting business for a funeral director or  
21 for any embalmer.

22           "(9) Fraud or misrepresentation in obtaining a  
23 certificate as an apprentice.

24           "~~(b) An apprentice who has failed to renew his or  
25 her certificate, or who has had his or her certificate of~~



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

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

