

1 HB101
2 156168-3
3 By Representative Brown
4 RFD: Boards, Agencies and Commissions
5 First Read: 14-JAN-14
6 PFD: 01/10/2014

1 signed by the board and to require the court to remand the
2 case under certain circumstances; to provide further for
3 instances where the board may refuse to grant, refuse to
4 renew, or suspend or revoke the license of a licensee; to
5 provide further for the qualifications and interviewing of an
6 applicant for license as a funeral director and embalmer; and
7 to require the change in ownership of a funeral establishment
8 to be immediately reported to the board, and to specify a fee;
9 and in connection therewith would have as its purpose or
10 effect the requirement of a new or increased expenditure of
11 local funds within the meaning of Amendment 621 of the
12 Constitution of Alabama of 1901, now appearing as Section
13 111.05 of the Official Recompilation of the Constitution of
14 Alabama of 1901, as amended.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Sections 34-13-1, 34-13-4, 34-13-6,
17 34-13-9, 34-13-20, 34-13-22, 34-13-23, 34-13-26, 34-13-31,
18 34-13-53, 34-13-56, 34-13-57, 34-13-70, 34-13-71, 34-13-72,
19 34-13-73, 34-13-91, 34-13-92, 34-13-93, 34-13-94, 34-13-111,
20 34-13-113, 34-13-132, and 34-13-134 of the Code of Alabama
21 1975, are amended to read as follows:

22 "§34-13-1.

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

25 "(1) ACCREDITED SCHOOL or COLLEGE OF MORTUARY
26 SCIENCE. A school or college approved by the Alabama Board of
27 Funeral Service and which maintains a course of instruction of

1 not less than 48 calendar weeks or four academic quarters or
2 college terms and which gives a course of instruction in the
3 fundamental subjects including, but not limited to, the
4 following:

5 "a. Mortuary management and administration.

6 "b. Legal medicine and toxicology as it pertains to
7 funeral directing.

8 "c. Public health, hygiene, and sanitary science.

9 "d. Mortuary science, to include embalming
10 technique, in all its aspects; chemistry of embalming, color
11 harmony; discoloration, its causes, effects, and treatment;
12 treatment of special cases; restorative art; funeral
13 management; and professional ethics.

14 "e. Anatomy and physiology.

15 "f. Chemistry, organic and inorganic.

16 "g. Pathology.

17 "h. Bacteriology.

18 "i. Sanitation and hygiene.

19 "j. Public health regulations.

20 "k. Other courses of instruction in fundamental
21 subjects as may be prescribed by the Alabama Board of Funeral
22 Service.

23 "(2) AMERICAN BOARD OF FUNERAL SERVICE EDUCATION.

24 That funeral service educational organization which is an
25 agency granted official recognition by the United States
26 Secretary of Education and which is composed of members
27 representing the American Association of College of Mortuary

1 Science, the Conference of Funeral Service Examining Board of
2 the United States, Inc., the National Association of Colleges
3 of Mortuary Science, and the University Mortuary Science
4 Education Association and which has as its object the
5 furtherance of education in the field of funeral service and
6 in fields necessary to, or allied with, the field of funeral
7 service, and further to formulate standards of funeral service
8 education and to grant accreditation to qualified schools and
9 colleges of mortuary science and to do all things incidental
10 to the foregoing.

11 "(3) APPRENTICE EMBALMER or EMBALMER'S APPRENTICE.
12 Any person engaged in the study of the art of embalming under
13 the instructions and supervision of a licensed embalmer
14 practicing in this state.

15 "(4) APPRENTICE FUNERAL DIRECTOR or FUNERAL
16 DIRECTOR'S APPRENTICE. Any person operating under or in
17 association with a funeral director for the purpose of
18 learning the business or profession of funeral director, to
19 the end that he or she may become licensed under this chapter.

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

24 "(6) BOARD. The Alabama Board of Funeral Service.

25 "(7) CEMETERY. A place dedicated to and used or
26 intended to be used for the permanent interment of human
27 remains. It may be either land or earth interment; a mausoleum

1 for vault or crypt entombment; a structure or place used or
2 intended to be used for the interment of cremated remains;
3 cryogenic storage; or any combination of one or more thereof.

4 "(8) CEMETERY AUTHORITY. Any individual, person,
5 firm, profit or nonprofit corporation, trustee, partnership,
6 society, religious society, church, association or
7 denomination, municipality, or other group or entity, however
8 organized, insofar as they or any of them may now or hereafter
9 establish, own, operate, lease, control, or manage one or more
10 cemeteries, burial parks, mausoleums, columbariums, or any
11 combination or variation thereof, or hold lands or structures
12 for burial grounds or burial purposes in this state and engage
13 in the operation of a cemetery, including any one or more of
14 the following: The care and maintenance of a cemetery; the
15 interment, entombment, and memorialization of the human dead
16 in a cemetery; the sale, installation, care, maintenance, or
17 any combination thereof, with respect of monuments, markers,
18 foundations, memorials, burial vaults, urns, crypts,
19 mausoleums, columbariums, flower vases, floral arrangements,
20 and other cemetery accessories, for installation or use within
21 a cemetery; and the supervision and conduct of funeral and
22 burial services within the bounds of the cemetery. It is the
23 legislative intent of this chapter that a cemetery authority,
24 to the extent that it engages in any of the activities
25 described in this subdivision, shall not be affected by this
26 chapter and shall not be deemed to have entered into or

1 engaged in the practice of funeral directing, embalming, or
2 funeral establishment operation.

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

6 "(9)(10) CREMATION. The technical process, using
7 heat and flame, that reduces human remains to bone fragments.
8 The reduction takes place through heat and evaporation.
9 Cremation shall include the processing, and may include the
10 pulverization, of the bone fragments.

11 "(10)(11) CREMATIONIST. A person who performs the
12 procedure of cremation.

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

17 "(12)(13) EMBALMER. Any person engaged or holding
18 himself or herself out as engaged in the business, practice,
19 science, or profession of embalming, whether on his or her own
20 behalf or in the employ of a registered and licensed funeral
21 director.

22 "(13)(14) EMBALMING. The practice, science, or
23 profession, as commonly practiced, of preserving,
24 disinfecting, and preparing by application of chemicals or
25 other effectual methods, human dead for burial, cremation, or
26 transportation.

1 "~~(14)~~(15) FUNERAL. A ceremony for celebrating,
2 sanctifying, or remembering the life of a person who has died.
3 A funeral may be divided into the following two parts:

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

6 "b. The disposition, which may take place by the
7 grave, tomb, mausoleum, or crematory where the body of the
8 decedent is to be buried or cremated.

9 "~~(15)~~(16) FUNERAL DIRECTING. The practice of
10 directing or supervising funerals, the practice of preparing
11 dead human bodies for burial by means other than embalming, or
12 the preparation for the disposition of dead human bodies; the
13 making of arrangements or providing for funeral services or
14 the making of financial arrangements for the rendering of
15 these services or the sale of this merchandise or supplies;
16 the provision or maintenance of a place for the preparation
17 for disposition of dead human bodies; or the use of the terms
18 funeral director, undertaker, mortician, funeral parlor, or
19 any other term from which can be implied the practice of
20 funeral directing; or the holding out to the public that one
21 is a funeral director or engaged in a practice described in
22 this subdivision.

23 "~~(16)~~(17) FUNERAL DIRECTOR. A person required to be
24 licensed to practice the profession of funeral directing under
25 the laws of this state, who meets the public, who plans
26 details of funeral services with members of the family and
27 minister or any other person responsible for such planning, or

1 who directs, is in charge, or apparent charge of, and
2 supervises funeral service in a funeral home, church, or other
3 place; who enters into the making, negotiation, or completion
4 of financial arrangements for funerals, including, but not
5 limited to, the sale and selection of funeral supplies, or who
6 uses in connection with the profession of funeral directing
7 the terms funeral director, undertaker, funeral counselor,
8 mortician, or any other term or picture or combination thereof
9 when considered in context in which used, from which can be
10 implied the practicing of the profession of funeral directing
11 or that the person using such term or picture can be implied
12 to be holding himself or herself out to the public as being
13 engaged in the profession of funeral directing; and for all
14 purposes under Alabama law, a funeral director is considered a
15 professional. For the purposes of this chapter, the term does
16 not include any cemetery authority.

17 "~~(17)~~(18) FUNERAL ESTABLISHMENTS. The term includes
18 any funeral home or mortuary service located at a specific
19 street address where the profession of funeral directing,
20 embalming, or cremation is practiced in the care, planning,
21 and preparation for burial or cremation or transportation of
22 human dead. The term does not include any cemetery or land or
23 structure owned, operated, leased, controlled, or managed by
24 any cemetery authority as a cemetery. A funeral establishment
25 shall consist of and maintain all of the following facilities:

26 "a. A preparation room equipped with sanitary
27 nonporous floor and walls, necessary drainage and ventilation,

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

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

10 "c. At least one operating funeral coach or hearse
11 properly licensed and equipped for transporting human remains
12 in a casket or urn.

13 "d. If engaged in the practice of cremation, at
14 least one operable retort for cremation and an adequate supply
15 of urns for display and sale.

16 "e. A room suitable for public viewing or other
17 funeral services that is able to accommodate a minimum of 100
18 people.

19 "f. An office for holding arrangement conferences
20 with relatives or authorizing agents.

21 "~~(18)~~(19) FUNERAL SUPPLIES or FUNERAL MERCHANDISE.
22 Caskets made of any material for use in the burial or
23 transportation of human dead; outer receptacles, when sold by
24 a funeral director, including burial vaults and urns, for
25 cremated human remains; clothing used to dress human dead when
26 sold by a funeral director; and all equipment and

1 accouterments normally required for the preparation for burial
2 or funeral and other disposition of human dead.

3 "(20) GROSS IMMORALITY. Willful, flagrant, or
4 shameful immorality or showing a moral indifference to the
5 opinions of the good and respectable members of the community
6 and to the just obligations of the position held by the
7 offender.

8 "(19)(21) MANAGING EMBALMER. A licensed embalmer who
9 has full charge, control, and supervision of all activities
10 involving the preparation room and embalming.

11 "(20)(22) MANAGING FUNERAL DIRECTOR. A licensed
12 funeral director who has full charge, control, and supervision
13 of all activities involving funeral directing at a funeral
14 establishment.

15 "(23) 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 "(21)(24) 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
25 and restorative art and those aspects related to public
26 health, jurisprudence, and good business administration.

1 "~~(22)~~(25) MORTUARY SERVICE. A location with a
2 specific street address where embalming or cremation, or both,
3 is practiced for a licensed funeral establishment and where no
4 services or merchandise are sold directly or at retail to the
5 public. A mortuary service shall consist of and maintain all
6 of the following facilities:

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

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

17 "c. If engaged in the practice of cremation, at
18 least one operable retort for cremation.

19 "~~(23)~~(26) OPERATOR. A person, corporation, firm,
20 legal representative, or other organization owning or
21 operating a funeral establishment.

22 "~~(24)~~(27) PRACTICAL EMBALMERS. Any person who has
23 been actively and continuously engaged or employed in the
24 practice of embalming under the supervision of a licensed
25 embalmer for four consecutive years immediately preceding May
26 1, 1975, and has been issued a license as a practical embalmer
27 under the grandfather provisions of this chapter.

1 "~~(25)~~(28) PROCESSING or PULVERIZATION. The reduction
2 of identifiable bone fragments after the completion of the
3 cremation process to unidentifiable bone fragments or
4 granulated particles by manual or mechanical means.

5 "~~(26)~~(29) RETORT. An enclosed space within which the
6 cremation process takes place.

7 "~~(27)~~(30) TEMPORARY CONTAINER. A receptacle for
8 cremated remains, usually composed of cardboard, plastic, or
9 similar material, that can be closed in a manner that prevents
10 the leakage or spillage of the cremated remains or the
11 entrance of foreign material, and is a single container of
12 sufficient size to hold the cremated remains until an urn is
13 acquired or the cremated remains are scattered or buried.

14 "~~(28)~~(31) URN. A receptacle designed to encase
15 cremated remains.

16 "(b) Nothing in this chapter shall require a funeral
17 director or funeral establishment to have or provide a chapel
18 or to restrict the conduct of funeral services from a church
19 or chapel.

20 "(c) Nothing contained in the definition of funeral
21 directing, or in any other provision of this chapter, shall be
22 applicable to or regulate or restrict cemetery authorities in
23 the conduct of activities of a cemetery authority; or be
24 applicable to or regulate or restrict the carrying on by any
25 cemetery authority of any activities, functions, practices,
26 and services which may now or hereafter (1) constitute any
27 part of the operation or management of a cemetery or of the

1 property of a cemetery or (2) otherwise consist of the
2 interment or entombment of the human dead or memorialization
3 of the human dead in any manner within a cemetery property.

4 "§34-13-4.

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

13 "§34-13-6.

14 "In the event a licensee under this chapter should
15 have cause to believe that the board, or a member or members
16 thereof, has used the powers of the board to promulgate orders
17 or rulings or requirements not intended by this chapter and
18 that such orders or rulings or requirements are used to
19 subject the licensee to unreasonable and wrongful
20 interpretations of this chapter by the board or that the board
21 or a member or members thereof have imposed the powers of the
22 board or the wrongful interpretations of this chapter upon the
23 licensee to such extent that it constitutes ~~harrasment~~
24 harassment of the licensee, then the licensee may take an
25 appeal for relief to the circuit court of the county in which
26 the licensee practices embalming, funeral directing, or

1 operates a funeral establishment as prescribed in Section 34-13-31.

2 "§34-13-9.

3 "Funeral service, cemetery service, and funeral
4 merchandise pricing shall conform to rules established by the
5 Federal Trade Commission and each funeral establishment shall
6 have a card or brochure in each full-size and cut casket, and
7 a clear statement on each photograph and electronic image of a
8 casket, stating the unit price of that casket.

9 "§34-13-20.

10 "(a) There is established the Alabama Board of
11 Funeral Service, consisting of seven members, each of whom
12 shall be citizens of the United States and of the State of
13 Alabama. All members of the former Alabama Embalming Board who
14 are holding office on September 10, 1975, by virtue of that
15 office, shall become members of the Alabama Board of Funeral
16 Service for the term ending December 31, 1976. Not more than
17 one member of the Alabama Board of Funeral Service may reside
18 in the same district as created under Section 34-13-21, and if
19 more than one member of the State Embalming Board resides in
20 one district at the time of the organization of the board, the
21 Governor shall select one member of the Embalming Board to be
22 a member of the original Alabama Board of Funeral Service from
23 the district, and the other member of the Embalming Board
24 shall not be eligible for membership on the board.

25 "(b) At a special meeting called for such purpose,
26 to be held in Montgomery, within 45 days from September 10,
27 1975, the Alabama Funeral Directors Association, Incorporated,

1 and the Alabama Funeral Directors and Morticians Association,
2 Incorporated, in joint meeting, shall nominate three qualified
3 persons for each of the positions as members of the original
4 board of the Alabama Board of Funeral Service which are not
5 filled by members of the State Embalming Board. The names of
6 such persons so nominated shall be promptly certified by the
7 secretary of the Alabama Funeral Directors Association,
8 Incorporated, and the Alabama Funeral Directors and Morticians
9 Association, Incorporated, to the Governor who shall appoint
10 the members of the board from among the persons so nominated.
11 Not more than four members of the board at any time may be
12 members of the same race and the membership of the board shall
13 be inclusive and reflect the racial, gender, geographic,
14 urban/rural, and economic diversity of the state. The board
15 shall annually report to the Legislature by the second
16 legislative day of each regular session the extent to which
17 the board has complied with the diversity provisions provided
18 for in this subsection. Four members shall be appointed for a
19 term ending December 31, 1977, and the board shall be
20 constituted so that the terms of three members of the board
21 shall end December 31, 1976, and the terms of four members
22 shall end December 31, 1977. The terms of the members of the
23 State Embalming Board, who become members of the Alabama Board
24 of Funeral Service under this chapter, shall expire December
25 31, 1976, unless there are more than three such members, in
26 which event, the Governor shall designate which of the three
27 members of the State Embalming Board shall serve for terms

1 ending December 31, 1976, and which shall serve for terms
2 ending December 31, 1977.

3 "(c) After selection of the original members of the
4 Alabama Board of Funeral Service and during October of each
5 year, all embalmers and all funeral directors licensed under
6 this chapter shall meet in Montgomery, at a time and date in
7 October and at a place fixed by the board, for the purpose of
8 nominating three persons to the Governor for each vacancy on
9 the board. Not more than two nominees shall be members of the
10 same race. The Governor shall promptly appoint one of the
11 three persons so nominated. If an appointment is not made
12 before the expiration of the term of a board member, then the
13 board member may continue to serve until a successor has been
14 appointed.

15 "(d) The successors to the original members of the
16 board shall be selected for terms of two years. After the
17 terms of the original members of the board, four of the
18 members serving on the board shall be practicing and licensed
19 embalmers in Alabama for the last 10 consecutive years
20 immediately preceding their appointment and shall be licensed
21 embalmers and funeral directors in this state under this
22 chapter. Three of the members shall have been actively engaged
23 in funeral directing in Alabama for the last 10 consecutive
24 years preceding their appointment and shall be licensed
25 funeral directors of this state, under this chapter, and, at
26 the time of their appointment to the board, shall be operators
27 of funeral establishments in this state. If the license of a

1 member of the board as a funeral director or embalmer should
2 be revoked or suspended, such member shall automatically, by
3 reason of such revocation or suspension, become ineligible to
4 serve as a member of the board, and a new member, properly
5 qualified, shall be selected in the same manner provided for
6 appointment to the board. Should a member fail to qualify
7 after appointment, then he or she shall automatically become
8 ineligible to serve as a member of the board, and a new
9 member, properly qualified, shall be appointed and shall serve
10 the remainder of the term of the member so terminated. Each
11 member of the board shall remain an active practicing funeral
12 director or embalmer and funeral establishment operator during
13 his or her tenure of service on the board. Each member may
14 serve not more than four consecutive two-year terms. In no
15 event shall more than one member of the board reside in one
16 district. At each meeting where nominations are made for
17 members of the board, only one licensed funeral director or
18 licensed embalmer of each establishment shall have the right
19 to vote for nominees.

20 "(e) Any board member who is elected to the
21 International Conference of Funeral Service Examining Board,
22 upon his or her election, shall begin to serve the state board
23 in an ex officio capacity only, for the duration of his or her
24 international conference board term. A member, properly
25 qualified, shall be selected in the same manner provided for
26 appointment to the state board and shall serve the remainder

1 of the term of the member elected to the international
2 conference board.

3 "§34-13-22.

4 "The Alabama Board of Funeral Service shall hold not
5 less than one meeting quarterly ~~for the purpose of examining~~
6 ~~applicants for licenses~~, such meeting to be held at such time
7 and place as the board may determine after notice of such
8 meeting has been given in the manner prescribed herein at
9 least 15 days prior to such meeting. ~~The board shall not have~~
10 ~~power to delegate to any person who is not a member of the~~
11 ~~board the authority to conduct or administer an examination~~
12 ~~for a license.~~ The board may hold such other meetings as it
13 may deem necessary. Five or more members shall comprise a
14 quorum. The board shall not meet on the premises of any
15 embalming school or college of mortuary science; and, if any
16 such meeting is held, all the proceedings of such meeting
17 shall be void. ~~If any application for license under this~~
18 ~~chapter is pending, the applicant or applicants shall be~~
19 ~~afforded the right to take the examination required hereunder~~
20 ~~at the date and place of such quarterly meeting.~~

21 "§34-13-23.

22 "(a) (1) The board appointed under this chapter and
23 each successor thereto is authorized to select from its own
24 membership a chair and to adopt and promulgate such rules and
25 regulations for the transaction of its business and for the
26 betterment and promotion of the standards of service and
27 practice to be followed in the funeral service profession in

1 the State of Alabama as it may deem expedient and consistent
2 with the laws of this state and for the public good.

3 "(2) The chair shall preside at all meetings of the
4 board unless otherwise ordered, and he shall exercise and
5 perform all duties and functions incident to the office of
6 chair.

7 "(3) The board may select also from its own
8 membership a vice chair, a secretary, and a treasurer. No two
9 offices shall be held by the same person. The chair and vice
10 chair may not be of the same race.

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

16 "(c) Board members shall be reimbursed for their
17 necessary traveling expenses and the necessary expenses
18 incident to their attendance upon the business of the board,
19 and, in addition thereto, they shall receive the sum of fifty
20 dollars (\$50) per diem for every day not to exceed 20 days per
21 year actually spent by the member upon the business of the
22 board. The board may employ an executive secretary and
23 associate executive secretary who shall each receive and be
24 paid an annual salary to be fixed by the board, but not to
25 exceed the salary level established and paid to cabinet
26 officers in the state government. The salary shall be paid on
27 a monthly basis. In addition, the executive secretary and

1 associate executive secretary shall receive his or her
2 necessary traveling and other incidental expenses as are
3 incurred in the performance of duties, and all expenses, per
4 diem, and compensation shall be paid out of the receipts of
5 the board. At no time shall the operation of the board be an
6 expense to the state, and at no time shall expenses of the
7 board exceed the receipts of the board.

8 "(d) The executive secretary of the board shall have
9 complete supervision and be held responsible for the direction
10 of the office of the board, shall have supervision over field
11 inspection and enforcement of this chapter, and shall be
12 responsible and answerable to the board. The associate
13 executive secretary shall assist the executive secretary and
14 perform such other duties as may be assigned to him or her by
15 the board. The executive secretary and associate executive
16 secretary shall not be of the same race.

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

1 "(f) It shall be the duty of the executive secretary
2 to prepare under the direction of the board and cause to be
3 printed all forms required by this chapter to be prescribed by
4 the board. All notices required to be mailed by this chapter
5 shall be directed to the last known post office address of the
6 party to whom the notice is sent.

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

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

22 "(i) Each member of the board, the executive
23 secretary, the associate executive secretary, ~~and~~ designated
24 employees, and independent contractors of the board
25 appropriately identified are authorized at any given time on
26 complaint or for inspection purposes to enter the office,
27 premises, establishment, or place of business of any funeral

1 service licensee in the State of Alabama or any office,
2 premises, establishment, or place where the practice of
3 funeral service is carried on, or where the practice is
4 advertised as being carried on, for the purpose of inspecting
5 the office, premises, or establishment and for the purpose of
6 inspecting the license and registration of any funeral service
7 licensee and apprentice trainee operating therein.

8 "(j) All members of the board or designated
9 employees of the board are hereby authorized to serve and
10 execute any process issued by any court under this chapter and
11 to serve and execute any papers or process issued by the board
12 or any officer or member thereof under authority of this
13 chapter.

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

19 "§34-13-26.

20 "(a) The board has the power to adopt and enforce
21 for the protection of the public health, safety, and welfare
22 reasonable rules and regulations.

23 "(b) The rules and regulations of the board shall
24 not become effective until they have been published and
25 discussed at a public hearing and have been filed in the
26 office of the Secretary of State; and, when so filed, such
27 rules and regulations shall be in full force and have the

1 effect of law. The board shall mail notice of such hearing to
2 each licensee under this chapter 15 days before the date of
3 such hearing.

4 "(c) All rules and regulations adopted by the board
5 shall be referenced to the section or sections of this chapter
6 which set forth the legislative standard which it interprets
7 or to which it applies. Every rule and regulation shall be in
8 writing, promulgated by an order, state its effective date, be
9 indexed in a permanent book which shall be a permanent record,
10 and a true copy shall be filed in the office of the Secretary
11 of State of Alabama. A copy of every order promulgating a
12 rule, regulation, or other order containing a requirement of
13 general application shall be ~~mailed to each licensee by first~~
14 ~~class mail~~ provided to each licensee in electronic format and
15 available on the website of the board. The failure of a
16 licensee to receive a copy of the rule, regulation, or order
17 shall not exempt or excuse him or her from the duty of
18 compliance with the valid rules, regulations, or orders
19 lawfully issued.

20 "(d) The board shall have power to hold hearings,
21 conduct investigations, subpoena witnesses, administer oaths,
22 and take testimony in order to carry out this chapter.

23 "(e) A court of competent jurisdiction, upon
24 application of the board, may restrain violations or refusals
25 to comply with this chapter or the regulations of the board.

26 "(f) Any person, including a member of the board,
27 may initiate a complaint against a licensee of the board by

1 filing with the board a written complaint on a form prescribed
2 by the board.

3 "(1) Upon receipt of a properly verified complaint,
4 the board shall send a copy of the complaint to the affected
5 licensee by certified mail to the address of such licensee
6 appearing on record with the board. The licensee shall answer
7 the complaint in writing within 20 days after receipt of the
8 complaint. The licensee shall mail a copy of his or her
9 response to the board and the complainant. Upon receipt of the
10 response of the licensee or lapse of 20 days, the board may
11 investigate a complaint that appears to show the existence of
12 any of the causes or grounds for disciplinary action pursuant
13 to this chapter. Upon finding reasonable cause to believe that
14 the charges are not frivolous, unfounded, or filed in bad
15 faith, the board may cause a hearing to be held, at a time and
16 place fixed by the board, regarding the charges. If a hearing
17 is held, the board shall order the licensee to appear and show
18 cause why he or she should not be disciplined for a violation
19 of this chapter.

20 "(2) The board shall give the complainant and the
21 affected licensee 20 days' notice of any hearing upon a
22 complaint. Such notice shall be by United States certified
23 mail.

24 "(3) Any party appearing before the board may be
25 accompanied by counsel.

26 "(4) Before commencing a hearing, the chair or a
27 designee of the board shall determine if all parties are

1 present and ready to proceed. If the complainant does not
2 attend a hearing and does not show good cause for his or her
3 absence, the complaint shall be summarily dismissed and all
4 fees and expenses relating to the convening of the hearing
5 shall be charged to the complainant. If an affected licensee
6 does not appear for a hearing and does not show good cause for
7 his or her absence, the licensee shall be presumed to have
8 waived his or her right to appear before the board and be
9 heard.

10 "(5) Upon a determination by the chair or designee
11 that all parties are ready to proceed, the hearing shall be
12 called to order. The complainant and the licensee may offer
13 opening statements and the board may order the sequestration
14 of nonparty witnesses.

15 "(6) After opening statements, the complainant shall
16 present his or her case and the licensee, any counsel, and any
17 member or designee of the board may ask questions of
18 complainant witnesses.

19 "(7) After the complainant has completed presenting
20 his or her case, the licensee shall present his or her case
21 and the complainant, any counsel, and any member or designee
22 of the board may ask questions of licensee witnesses.

23 "(8) After both sides have completed their
24 presentations, closing statements may be given by the
25 complainant and the licensee.

26 "(9) At the conclusion of the hearing, the board may
27 render an immediate decision or take the case under advisement

1 for further deliberation. A decision of the board shall be
2 rendered within 90 days after the hearing and a copy of that
3 decision shall be mailed to the last known business or
4 residence address of the complainant and the licensee.

5 "(g) The board may file a formal complaint against a
6 licensee and may temporarily suspend a license simultaneously
7 with the institution of proceedings under this section,
8 without a hearing, if the board finds that the evidence
9 supporting the determination is clear, competent, and
10 unequivocal and that the continuation of the licensee to
11 practice would constitute a danger to public health or safety.

12 "§34-13-31.

13 "(a) Whenever, by decision, final order or other
14 final determination upon any public hearing provided for by
15 this chapter, a party to such hearing shall feel aggrieved, an
16 appeal may be taken to the circuit court for the county within
17 which such party resides or, if he or she is not a resident of
18 Alabama, then to the circuit court for the county within which
19 the hearing was held. However, if there is more than one
20 appellant, the circuit court having jurisdiction to hear the
21 appeal of the first appellant filing a notice of appeal shall
22 have jurisdiction to hear all appeals arising from the same
23 hearing, irrespective of the place of residence of the
24 appellants.

25 "(b) On taking and perfecting an appeal to the
26 circuit court having jurisdiction thereof, the court shall
27 proceed as in other cases.

1 "(c) All appeals shall be taken within 30 days from
2 the date of the ~~action or order made~~ order entered of the
3 board which is the basis of the appeal ~~being signed~~ and shall
4 be granted as a matter of right and be deemed perfected by
5 filing with the board a bond for security of costs of the
6 appeal. Upon filing of a verified petition and hearing
7 thereon, the court may, in its discretion, stay the order
8 appealed from pending final judicial review. No new or
9 additional evidence may be introduced in the circuit court
10 except as to fraud or misconduct of some person engaged in the
11 administration of this chapter and affecting the order, rule,
12 or ruling appealed from. The court shall otherwise hear the
13 case upon the record as certified to the court by the
14 executive secretary of the board and shall set aside the
15 order, rule, or action appealed from if the court finds that
16 the board erred to the prejudice of the appellant's
17 substantial rights in its application of the law; or, the
18 order, decision, or award was procured by fraud or was based
19 upon a finding of facts contrary to the substantial weight of
20 the evidence, or that the order was arbitrary, capricious, or
21 inconsistent with respect to any of the material issues
22 involved; or that the board failed in its order to find
23 sufficient facts as to each material issue involved to enable
24 the court to determine the basis for the conclusion of the
25 board. The court ~~may~~, instead of setting aside the order,
26 shall remand the case to the board for further proceedings in
27 conformity with the direction of the court. The court may, in

1 advance of judgment and upon a sufficient showing, remand the
2 cause to the board for the purpose of taking additional
3 testimony or other proceedings.

4 "(d) An appeal may be taken from the judgment decree
5 or any appealable order of the circuit court to the Supreme
6 Court of this state. Appeals to the Supreme Court shall be
7 taken, perfected, heard, and determined in the manner
8 prescribed by law and the Alabama Rules of Appellate Procedure
9 for taking, perfecting, hearing, and determining appeals to
10 the Supreme Court.

11 "§34-13-53.

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

18 "(b) All licenses granted under this chapter shall
19 expire on October 1, following their issuance or renewal, and
20 shall become invalid unless renewed as provided in this
21 section and other requirements of the board are met. There
22 shall be no proration of licenses.

23 "(c) The board shall ~~mail~~ provide in electronic
24 format on or before August 1 of each year to each licensed
25 funeral director, ~~to each~~ licensed embalmer, and ~~to each~~
26 licensed operator, ~~addressed to him or her at his or her last~~
27 ~~address,~~ a notice that his or her renewal fee is due and

1 payable and that, if such fee is not paid by October 1, the
2 license shall lapse. Information regarding license renewal
3 dates and fees shall be available in electronic format on the
4 website of the board.

5 "(d) 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, ~~on a form~~
9 ~~provided by the board~~ pursuant to a method prescribed by the
10 board, to the executive secretary.

11 "§34-13-56.

12 "(a) The board may refuse to grant, refuse to renew,
13 or suspend or revoke a license after proper hearing and notice
14 to the licensee, upon the licensee's being found guilty of any
15 of the following:

16 "(1) Conviction of a crime involving moral turpitude
17 including, but not limited to, any crime where the individual
18 has to register as a sex offender in any jurisdiction.

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

21 "a. Misrepresentation or fraud in the conduct of the
22 business or the profession of a funeral director or embalmer.

23 "b. False or misleading advertising as a funeral
24 director or embalmer or knowingly engaging in any advertising
25 which is misleading or inaccurate in any material particular.

26 "c. Solicitation of dead human bodies by the
27 licensee, his or her agents, assistants, or employees, from

1 medical professionals or clergy, whether the solicitation
2 occurs after death or while death is impending.

3 "d. Solicitation of dead human bodies by the
4 licensee, his or her agents, assistants, or employees whether
5 the solicitation occurs after death or while death is
6 impending.

7 "d.e. Employment by the licensee of a person or
8 persons to be used for the purpose of obtaining or soliciting
9 funeral directing or embalming business.

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

17 "f.g. The buying of business by the licensee, his or
18 her agents, assistants, or employees.

19 "g.h. Gross immorality.

20 "h.i. Aiding or abetting an unlicensed person to
21 practice funeral directing or embalming.

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

26 "j.k. Solicitation or acceptance by a licensee of
27 any commission or bonus or rebate in consideration of

1 recommending or causing a dead human body to be disposed of in
2 any mausoleum or cemetery.

3 "~~k~~.l. Any violation of this chapter.

4 "~~h~~.m. Any violation of state law or municipal or
5 county ordinance or regulation affecting the handling,
6 custody, care, or transportation of dead human bodies.

7 "~~m~~.n. Fraud or misrepresentation in obtaining a
8 license.

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

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

16 "~~p~~.q. Being intoxicated or under the influence of
17 illegal drugs while on duty at a funeral establishment or
18 while performing any duty or responsibility for the funeral
19 establishment.

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

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

26 "~~s~~.t. Failure to give full cooperation to the board
27 or its designees, agents, or other representatives in the

1 performance of official duties of the board. ~~Failure to give~~
2 ~~full cooperation includes, but is not limited to, any of the~~
3 ~~following:~~

4 "~~(i)~~u. Not furnishing any relevant papers or
5 documents requested by or for the board.

6 "~~(ii)~~v. Not furnishing, in writing, an adequate
7 explanation relating to a matter contained in a complaint
8 filed with the board against the licensee.

9 "~~(iii)~~w. Not responding to a subpoena issued by the
10 board, without good cause shown, whether or not the licensee
11 is the party charged in any proceeding before the board.

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

18 "~~(v)~~y. Failing to provide information within a
19 specific time as required by the board or an authorized agent
20 or representative of the board.

21 "~~(vi)~~z. Failing to cooperate with the board or an
22 authorized agent or representative of the board in the
23 investigation of any alleged misconduct or interfering with a
24 board investigation through the willful misrepresentation of
25 facts.

1 "~~(vii)~~aa. Deceiving or attempting to deceive the
2 board regarding any matter under investigation, including the
3 altering or destroying of any records.

4 "~~(viii)~~bb. Failure, without good cause, to cooperate
5 with any request from the board to appear before the board.

6 "~~(ix)~~cc. Violating any statute, ordinance, or rule
7 of the state or any board, agency, or political subdivision of
8 the state affecting the registration of deaths, ~~or~~ the
9 handling, custody, care, or transportation of dead human
10 bodies, or the sale of funeral services or funeral
11 merchandise.

12 "~~(x)~~ Violating any statute, ordinance, or rule of
13 the state or any board, agency, or political subdivision of
14 the state affecting the registration of deaths or the
15 handling, custody, care, or transportation of dead human
16 bodies.

17 "~~(xi)~~dd. Demonstrating bad faith, incompetence, or
18 untrustworthiness or dishonest, fraudulent, or improper
19 dealing or any other violation of this chapter or any rule
20 promulgated by the board or promulgated by the Federal Trade
21 Commission relative to the practice of funeral service or
22 funeral directing.

23 "ee. Any other reason as determined by the board
24 that would render an individual unsuitable for licensure or
25 certification by the board.

26 "ff. A funeral home or funeral director accepting
27 funds for a preneed funeral contract or other prepayment of

1 funeral expenses without a certificate of authority to sell
2 preneed funeral contracts or, if registered to sell preneed
3 funeral contracts, failing to deposit the funds with a
4 qualified trustee or to timely remit premium payments from the
5 consumer to the insurer.

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

13 "§34-13-57.

14 ~~"The~~ Fifteen days before an examination, the
15 executive secretary of the board shall ~~mail notices~~ provide to
16 all applicants and all ~~established~~ funeral ~~firms~~
17 establishments in the state, in electronic format and on the
18 website of the board, a notice 15 days before an examination,
19 listing the names of all persons admitted by the board to take
20 the examination and setting out the time and place of the
21 examination.

22 "§34-13-70.

23 "(a) No person shall engage in, or attempt to engage
24 in, the practice or profession or business of a funeral
25 director unless licensed to do so by the Alabama Board of
26 Funeral Service. The board hereby is granted authority to
27 issue license to funeral directors.

1 "(b) Any person desiring to engage in the business,
2 profession, or practice of funeral director shall make
3 application to the board and shall accompany his or her
4 application by a fee to be established by the board, not to
5 exceed one hundred fifty dollars (\$150), ~~whereupon the board~~
6 ~~shall fix the time and place for the examination of the~~
7 ~~applicant and shall notify the applicant thereof.~~

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

13 "§34-13-71.

14 "An application for a license as a funeral director
15 shall be in writing and verified on a form provided by and
16 addressed to the board and filed with the secretary of the
17 board. The application must specify the address of the
18 applicant and must be accompanied by the affidavits of at
19 least two licensed embalmers or funeral directors to the
20 effect that the applicant is of good character and has
21 qualified himself or herself to become licensed as prescribed
22 by this chapter. The board may require an applicant for
23 license as a funeral director to submit to a personal
24 interview.

25 "§34-13-72.

1 "a) An applicant for a funeral director's license
2 is entitled to an examination if he or she satisfies all of
3 the following:

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

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

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

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

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

23 "b) The board may certify an applicant to take an
24 examination for a funeral director's license after verifying
25 that the applicant has completed a course of instruction in
26 funeral arts at an accredited mortuary or funeral service
27 school or college meeting the criteria or standards defined in

1 this chapter. The board may not issue a funeral director's
2 license to any applicant who has not completed a two year
3 apprenticeship.

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

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

15 "§34-13-73.

16 "(a) The applicant for a funeral director's license,
17 before the application is granted, shall successfully pass an
18 examination upon, but not limited to, the following subjects:
19 Funeral directing, the manners in which death may be
20 determined, the laws governing the preparation and disposal of
21 human dead bodies and the shipment of bodies dying from
22 infectious or contagious diseases, and local health and
23 sanitary ordinances in relation to funeral directing. The
24 examination shall be prepared and graded as prescribed by rule
25 of the board. The board may review and adopt, in whole or in
26 part, examination questions, forms, examinations, and passing
27 criteria proposed by the American Board of Funeral Service

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

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

7 "(1) Mortuary management and administration.

8 "(2) Mortuary law.

9 "(3) Basic accounting principles.

10 "(4) Funeral directing.

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

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

15 "(d) To constitute a passing grade, an applicant
16 shall earn an average score of at least 75 percent.

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

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

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

4 "§34-13-91.

5 "The applicant for an embalmer's license shall make
6 application to the board ~~and shall present himself or herself~~
7 ~~at the next meeting of the board for the examination of~~
8 ~~applicants.~~ The application must be in writing and verified on
9 a form provided by and addressed to the board and must be
10 accompanied by the prescribed fee and by affidavits of at
11 least two licensed embalmers to the effect that the applicant
12 is of good moral character and has met all qualifications
13 required for examination for license as prescribed by this
14 chapter. The board may require an applicant for an embalmer's
15 license to submit to a personal interview.

16 "§34-13-92.

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

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

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

22 "(3) Be of good character.

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

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

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

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

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

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

25 "§34-13-93.

26 "The board ~~shall~~ may hold a public examination at
27 least once each quarter for the purpose of examining

1 applicants for an embalmer's license, ~~as prescribed in Section~~
2 ~~34-13-22~~, at such time and place as the board may determine.
3 Notice of the time and place of the meeting shall be ~~sent~~
4 provided electronically to the various applicants ~~by mail and~~
5 shall be available on the website of the board at least 15
6 days before the meeting or examination.

7 "§34-13-94.

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

10 "(1) Mortuary management and administration.

11 "(2) Legal medicine and toxicology.

12 "(3) Public health, hygiene, and sanitary science.

13 "(4) Mortuary science, to include embalming
14 technique, in all aspects; chemistry of embalming, color
15 harmony; discoloration, its causes, effect, and treatment;
16 treatment of special cases; restorative art; funeral
17 management; and professional ethics.

18 "(5) Anatomy and physiology.

19 "(6) Chemistry, organic and inorganic.

20 "(7) Pathology.

21 "(8) Bacteriology.

22 "(9) Sanitation and hygiene.

23 "(10) Public health regulations.

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

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

1 "(c) To constitute a passing grade, an applicant
2 shall earn an average score of at least 75 percent.

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

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

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

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

18 "§34-13-111.

19 "(a) No funeral establishment or branch thereof for
20 the preparation, disposition, and care of dead human bodies
21 shall be opened or maintained unless duly licensed by the
22 board. No funeral establishment or branch shall be moved
23 without obtaining a new funeral establishment license from the
24 board.

25 "(b) Every funeral service, memorial service, or
26 interment, or part thereof, that is conducted in Alabama shall
27 be in the actual charge and shall be under the direct

1 supervision of a funeral director who is licensed by the
2 board.

3 ~~"(b)(c)~~ The board shall set a fee, not exceeding one
4 hundred fifty dollars (\$150), that shall be in addition to the
5 license fee for the first inspection of any funeral
6 establishment seeking a license under Section 34-13-72 made
7 for the purpose of determining whether such funeral
8 establishment has fulfilled the requirements for licensure
9 pursuant to this chapter. The board shall set a fee, not
10 exceeding one hundred fifty dollars (\$150), for each
11 reinspection necessitated by failure of any funeral
12 establishment to pass such first inspection. The board, or a
13 representative of the board, shall annually conduct a minimum
14 of one unannounced inspection of funeral establishments and
15 branches, with an inspection fee of not more than one hundred
16 dollars (\$100). The inspection fee shall be submitted to the
17 board within 45 days after the inspection. Any funeral
18 establishment that does not submit the inspection fee within
19 45 days shall be charged a late penalty fee, as established by
20 the board. A funeral establishment, or branch thereof, that is
21 used for the preparation, disposition, and care of dead human
22 bodies shall meet and conform to this chapter and to such
23 other lawful standards and requirements as may be determined
24 by rule of the board in furtherance of this chapter; and, for
25 failure to do so, the board may revoke such license in
26 accordance with the procedure set forth in this chapter.

1 "~~(c)~~(d) Applications for transfer of a license to
2 another location in the same county shall be made upon ~~blanks~~
3 a form furnished by the board and shall be accompanied by a
4 fee of not more than seventy-five dollars (\$75). ~~The fee for a~~
5 ~~new branch or location for a funeral establishment shall be~~
6 ~~\$250. Any change in ownership shall be immediately reported to~~
7 ~~the board.~~

8 (e) Any change in ownership of a funeral
9 establishment shall be immediately reported to the board on a
10 form provided by the board. The new owner of the establishment
11 shall comply with Section 34-13-112 and Section 34-13-113 and
12 shall provide to the board a signed copy of the asset purchase
13 agreement with dollar amounts redacted. The fee for a change
14 of ownership application is two hundred fifty dollars (\$250).

15 "§34-13-113.

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

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

25 "(2) That the establishment is operated by a
26 licensed funeral director and a licensed embalmer or a person
27 licensed both as a funeral director and embalmer.

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

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

19 "(5) Such other information as may be required by
20 the board.

21 "(b) Upon receipt of the application, the board
22 shall make inspection of the funeral establishment. If the
23 board determines that the establishment meets the
24 qualifications prescribed by law, it shall issue a license to
25 operate a funeral establishment.

26 "(c) Application for a license to operate a mortuary
27 service shall be made in writing on a form provided by the

1 board. The application shall be verified by the applicant or,
2 if the applicant is a corporation, firm, or other
3 organization, by an officer or member thereof, and shall be
4 accompanied by an application fee established by the board not
5 to exceed five hundred dollars (\$500). The application shall
6 disclose all of the following:

7 "(1) The name and address of the proposed mortuary
8 service.

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

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

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

16 "(5) Such other information as may be required by
17 the board.

18 "(d) Upon receipt of the application, the board
19 shall make inspection of the premises of the mortuary service
20 applicant. If the board determines that the mortuary service
21 applicant meets the qualifications prescribed by law, it shall
22 issue a license to operate a mortuary service.

23 "§34-13-132.

24 "All apprentices registered as provided in this
25 chapter shall be under the supervision and control of the
26 board and shall be required to report to the board annually on
27 January 1, upon forms provided by the board, showing the work

1 which such apprentices have performed during the annual period
2 preceding the first of the month on which the report is made,
3 including the number of hours served and the number of bodies
4 the apprentice has assisted in embalming or otherwise prepared
5 for disposition during such period. The information contained
6 in the report shall be certified to as correct by the funeral
7 director or embalmer by whom the apprentice has been employed
8 during such period.

9 "§34-13-134.

10 "(a) The board has power to suspend or revoke a
11 certificate of apprenticeship, after notice and upon hearing,
12 where the apprentice is guilty of any of the following acts or
13 omissions:

14 "(1) Failure to devote not less than an average of
15 30 hours per week to the duties of his or her apprenticeship;

16 "(2) Failure to make an annual report to the board
17 as required by this chapter;

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

21 "(4) Gross immorality;

22 "(5) Being on duty as an apprentice while under the
23 influence of liquor or illegal drugs;

24 "(6) Disobedience of proper orders or instructions
25 of his or her superiors;

26 "(7) Violation of any provision of this chapter or
27 any rule or regulation of the board made under this chapter;

1 "(8) Soliciting business for a funeral director or
2 for any embalmer; or

3 "(9) Fraud or misrepresentation in obtaining a
4 certificate of registration as an apprentice.

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

19 Section 2. Although this bill would have as its
20 purpose or effect the requirement of a new or increased
21 expenditure of local funds, the bill is excluded from further
22 requirements and application under Amendment 621, now
23 appearing as Section 111.05 of the Official Recompilation of
24 the Constitution of Alabama of 1901, as amended, because the
25 bill defines a new crime or amends the definition of an
26 existing crime.

1 Section 3. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Boards, Agencies
and Commissions..... 14-JAN-14

Read for the second time and placed
on the calendar..... 22-JAN-14

Read for the third time and passed
as amended..... 11-FEB-14

Yeas 90, Nays 1, Abstains 1

Jeff Woodard
Clerk