

1 HB101
2 156168-4
3 By Representative Brown
4 RFD: Boards, Agencies and Commissions
5 First Read: 14-JAN-14
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ENROLLED, An Act,

To amend Sections 34-13-1, 34-13-4, 34-13-6, 34-13-9, 34-13-20, 34-13-22, 34-13-23, 34-13-26, 34-13-31, 34-13-53, 34-13-56, 34-13-57, 34-13-70, 34-13-71, 34-13-72, 34-13-73, 34-13-91, 34-13-92, 34-13-93, 34-13-94, 34-13-111, 34-13-113, 34-13-132, and 34-13-134, Code of Alabama 1975, relating to the Alabama Board of Funeral Service; to provide further for definitions; to authorize the board to provide notice to applicants and licensees regarding statutory law, rules of the board, renewal dates and fees, and license examination dates and times, in electronic format; to require each funeral establishment to have the casket price clearly noted on each full-size and cut casket and on each photograph and electronic image of a casket; to allow a board member to serve until his or her successor is appointed; to authorize independent contractors of the board to enter funeral establishments for the purpose of inspection; to delete the requirement that quarterly meetings be held for the purpose of examining applicants; to authorize the board to delegate the responsibility of administering the licensure examination; to require that appeals be taken within 30 days after an order is signed by the board and to require the court to remand the case under certain circumstances; to provide further for instances where the board may refuse to grant, refuse to

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

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Sections 34-13-1, 34-13-4, 34-13-6,
 14 34-13-9, 34-13-20, 34-13-22, 34-13-23, 34-13-26, 34-13-31,
 15 34-13-53, 34-13-56, 34-13-57, 34-13-70, 34-13-71, 34-13-72,
 16 34-13-73, 34-13-91, 34-13-92, 34-13-93, 34-13-94, 34-13-111,
 17 34-13-113, 34-13-132, and 34-13-134 of the Code of Alabama
 18 1975, are amended to read as follows:

19 "§34-13-1.

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

22 "(1) ACCREDITED SCHOOL or COLLEGE OF MORTUARY
 23 SCIENCE. A school or college approved by the Alabama Board of
 24 Funeral Service and which maintains a course of instruction of
 25 not less than 48 calendar weeks or four academic quarters or

1 college terms and which gives a course of instruction in the
2 fundamental subjects including, but not limited to, the
3 following:

4 "a. Mortuary management and administration.

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

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

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

13 "e. Anatomy and physiology.

14 "f. Chemistry, organic and inorganic.

15 "g. Pathology.

16 "h. Bacteriology.

17 "i. Sanitation and hygiene.

18 "j. Public health regulations.

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

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

23 That funeral service educational organization which is an
24 agency granted official recognition by the United States
25 Secretary of Education and which is composed of members

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

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

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

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

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

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

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

1 legislative intent of this chapter that a cemetery authority,
2 to the extent that it engages in any of the activities
3 described in this subdivision, shall not be affected by this
4 chapter and shall not be deemed to have entered into or
5 engaged in the practice of funeral directing, embalming, or
6 funeral establishment operation.

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

15 "(10)(11) CREMATIONIST. A person who performs the
16 procedure of cremation.

17 "(11)(12) CREMATORY. A building or portion of a
18 building that houses a retort and that may house a holding
19 facility for purposes of cremation and as part of a funeral
20 establishment.

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

1 "~~(13)~~(14) EMBALMING. The practice, science, or
2 profession, as commonly practiced, of preserving,
3 disinfecting, and preparing by application of chemicals or
4 other effectual methods, human dead for burial, cremation, or
5 transportation.

6 "~~(14)~~(15) FUNERAL. A ceremony for celebrating,
7 sanctifying, or remembering the life of a person who has died.
8 A funeral may be divided into the following two parts:

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

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

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

1 is a funeral director or engaged in a practice described in
2 this subdivision.

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

24 "~~(17)~~(18) FUNERAL ESTABLISHMENTS. The term includes
25 any funeral home or mortuary service located at a specific

1 street address where the profession of funeral directing,
2 embalming, or cremation is practiced in the care, planning,
3 and preparation for burial or cremation or transportation of
4 human dead. The term does not include any cemetery or land or
5 structure owned, operated, leased, controlled, or managed by
6 any cemetery authority as a cemetery. A funeral establishment
7 shall consist of and maintain all of the following facilities:

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

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

19 "c. At least one operating funeral coach or hearse
20 properly licensed and equipped for transporting human remains
21 in a casket or urn.

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

1 "e. A room suitable for public viewing or other
 2 funeral services that is able to accommodate a minimum of 100
 3 people.

4 "f. An office for holding arrangement conferences
 5 with relatives or authorizing agents.

6 "~~(18)~~ (19) FUNERAL SUPPLIES or FUNERAL MERCHANDISE.
 7 Caskets made of any material for use in the burial or
 8 transportation of human dead; outer receptacles, when sold by
 9 a funeral director, including burial vaults and urns, for
 10 cremated human remains; clothing used to dress human dead when
 11 sold by a funeral director; and all equipment and
 12 accouterments normally required for the preparation for burial
 13 or funeral and other disposition of human dead.

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

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

22 "~~(20)~~ (22) MANAGING FUNERAL DIRECTOR. A licensed
 23 funeral director who has full charge, control, and supervision
 24 of all activities involving funeral directing at a funeral
 25 establishment.

1 "(23) MORAL TURPITUDE. Any unlawful sexual or
2 violent act, or any act involving theft, theft of services,
3 extortion, receiving stolen property, identity theft, forgery,
4 fraud, tampering with records, bribery, perjury, or any
5 similar act in any jurisdiction.

6 "~~(21)~~(24) MORTUARY SCIENCE. The scientific,
7 professional, and practical aspects, with due consideration
8 given to accepted practices, covering the care, preparation
9 for burial, or transportation of dead human bodies, which
10 shall include the preservation and sanitation of the bodies
11 and restorative art and those aspects related to public
12 health, jurisprudence, and good business administration.

13 "~~(22)~~(25) MORTUARY SERVICE. A location with a
14 specific street address where embalming or cremation, or both,
15 is practiced for a licensed funeral establishment and where no
16 services or merchandise are sold directly or at retail to the
17 public. A mortuary service shall consist of and maintain all
18 of the following facilities:

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

1 "b. At least one operating motor vehicle properly
2 licensed and equipped for transporting human remains in a
3 casket or urn.

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

6 "~~(23)~~ (26) OPERATOR. A person, corporation, firm,
7 legal representative, or other organization owning or
8 operating a funeral establishment.

9 "~~(24)~~ (27) PRACTICAL EMBALMERS. Any person who has
10 been actively and continuously engaged or employed in the
11 practice of embalming under the supervision of a licensed
12 embalmer for four consecutive years immediately preceding May
13 1, 1975, and has been issued a license as a practical embalmer
14 under the grandfather provisions of this chapter.

15 "~~(25)~~ (28) PROCESSING or PULVERIZATION. The reduction
16 of identifiable bone fragments after the completion of the
17 cremation process to unidentifiable bone fragments or
18 granulated particles by manual or mechanical means.

19 "~~(26)~~ (29) RETORT. An enclosed space within which the
20 cremation process takes place.

21 "~~(27)~~ (30) TEMPORARY CONTAINER. A receptacle for
22 cremated remains, usually composed of cardboard, plastic, or
23 similar material, that can be closed in a manner that prevents
24 the leakage or spillage of the cremated remains or the
25 entrance of foreign material, and is a single container of

1 sufficient size to hold the cremated remains until an urn is
 2 acquired or the cremated remains are scattered or buried.

3 "~~(28)~~ (31) URN. A receptacle designed to encase
 4 cremated remains.

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

9 "(c) Nothing contained in the definition of funeral
 10 directing, or in any other provision of this chapter, shall be
 11 applicable to or regulate or restrict cemetery authorities in
 12 the conduct of activities of a cemetery authority; or be
 13 applicable to or regulate or restrict the carrying on by any
 14 cemetery authority of any activities, functions, practices,
 15 and services which may now or hereafter (1) constitute any
 16 part of the operation or management of a cemetery or of the
 17 property of a cemetery or (2) otherwise consist of the
 18 interment or entombment of the human dead or memorialization
 19 of the human dead in any manner within a cemetery property.

20 "§34-13-4.

21 "Upon request, the board shall distribute to funeral
 22 directors, embalmers, and apprentices and such other persons
 23 as may be interested therein, in ~~pamphlet~~ hard copy form, and
 24 shall maintain in electronic format on the website of the
 25 board, the provisions of this chapter together with all rules

1 and regulations prescribed, adopted, or promulgated pursuant
2 to this chapter, together with a complete and current list of
3 all persons and establishments licensed under this chapter.

4 "§34-13-6.

5 "In the event a licensee under this chapter should
6 have cause to believe that the board, or a member or members
7 thereof, has used the powers of the board to promulgate orders
8 or rulings or requirements not intended by this chapter and
9 that such orders or rulings or requirements are used to
10 subject the licensee to unreasonable and wrongful
11 interpretations of this chapter by the board or that the board
12 or a member or members thereof have imposed the powers of the
13 board or the wrongful interpretations of this chapter upon the
14 licensee to such extent that it constitutes ~~harrasment~~
15 harassment of the licensee, then the licensee may take an
16 appeal for relief to the circuit court of the county in which
17 the licensee practices embalming, funeral directing, or
18 operates a funeral establishment as prescribed in Section
19 34-13-31.

20 "§34-13-9.

21 "Funeral service, cemetery service, and funeral
22 merchandise pricing shall conform to rules established by the
23 Federal Trade Commission and each funeral establishment shall
24 have a card or brochure in each full-size and cut casket, and

1 a clear statement on each photograph and electronic image of a
2 casket, stating the unit price of that casket.

3 "§34-13-20.

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

19 "(b) At a special meeting called for such purpose,
20 to be held in Montgomery, within 45 days from September 10,
21 1975, the Alabama Funeral Directors Association, Incorporated,
22 and the Alabama Funeral Directors and Morticians Association,
23 Incorporated, in joint meeting, shall nominate three qualified
24 persons for each of the positions as members of the original
25 board of the Alabama Board of Funeral Service which are not

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

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

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

1 appointment to the state board and shall serve the remainder
2 of the term of the member elected to the international
3 conference board.

4 "§34-13-22.

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

22 "§34-13-23.

23 "(a) (1) The board appointed under this chapter and
24 each successor thereto is authorized to select from its own
25 membership a chair and to adopt and promulgate such rules and

1 regulations for the transaction of its business and for the
2 betterment and promotion of the standards of service and
3 practice to be followed in the funeral service profession in
4 the State of Alabama as it may deem expedient and consistent
5 with the laws of this state and for the public good.

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

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

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

19 "(c) Board members shall be reimbursed for their
20 necessary traveling expenses and the necessary expenses
21 incident to their attendance upon the business of the board,
22 and, in addition thereto, they shall receive the sum of fifty
23 dollars (\$50) per diem for every day not to exceed 20 days per
24 year actually spent by the member upon the business of the
25 board. The board may employ an executive secretary and

1 associate executive secretary who shall each receive and be
2 paid an annual salary to be fixed by the board, but not to
3 exceed the salary level established and paid to cabinet
4 officers in the state government. The salary shall be paid on
5 a monthly basis. In addition, the executive secretary and
6 associate executive secretary shall receive his or her
7 necessary traveling and other incidental expenses as are
8 incurred in the performance of duties, and all expenses, per
9 diem, and compensation shall be paid out of the receipts of
10 the board. At no time shall the operation of the board be an
11 expense to the state, and at no time shall expenses of the
12 board exceed the receipts of the board.

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

22 "(e) The executive secretary shall keep a record in
23 which shall be registered the name and business address of
24 every person to whom licenses have been granted in accordance
25 with this chapter, the number and date of the license and the

1 date of each renewal. Upon request to do so, the executive
2 secretary shall supply each person licensed for the practice
3 of embalming and funeral directing with a list of all persons
4 and establishments holding a license under this chapter, then
5 in force, giving the names of the persons, their business
6 addresses, and the numbers of their licenses.

7 "(f) It shall be the duty of the executive secretary
8 to prepare under the direction of the board and cause to be
9 printed all forms required by this chapter to be prescribed by
10 the board. All notices required to be mailed by this chapter
11 shall be directed to the last known post office address of the
12 party to whom the notice is sent.

13 "(g) The executive secretary shall serve at the
14 pleasure of the board and shall perform duties as may be
15 necessary for the proper functioning of the board as the board
16 may determine or as may be prescribed in this chapter. During
17 the employment of the executive secretary he or she may not be
18 employed by any funeral establishment.

19 "(h) All fees and fines received under this chapter
20 shall be paid into a special fund in the State Treasury to be
21 known as the Alabama State Funeral Directors and Embalmers
22 Fund, which is hereby created, for the necessary and proper
23 expenses of the board, and for a reasonable reserve for future
24 use by the board. All moneys in the fund are hereby
25 appropriated, as a continuing appropriation, to the Alabama

1 Board of Funeral Service to be used for carrying out this
2 chapter.

3 "(i) Each member of the board, the executive
4 secretary, the associate executive secretary, ~~and~~ designated
5 employees, and independent contractors of the board
6 appropriately identified are authorized at any given time on
7 complaint or for inspection purposes to enter the office,
8 premises, establishment, or place of business of any funeral
9 service licensee in the State of Alabama or any office,
10 premises, establishment, or place where the practice of
11 funeral service is carried on, or where the practice is
12 advertised as being carried on, for the purpose of inspecting
13 the office, premises, or establishment and for the purpose of
14 inspecting the license and registration of any funeral service
15 licensee and apprentice trainee operating therein.

16 "(j) All members of the board or designated
17 employees of the board are hereby authorized to serve and
18 execute any process issued by any court under this chapter and
19 to serve and execute any papers or process issued by the board
20 or any officer or member thereof under authority of this
21 chapter.

22 "(k) The board may employ clerical assistants and
23 employees or other help as may be necessary to carry out this
24 chapter, and the terms and conditions of employment shall be

1 determined by the board. The board may establish and equip an
2 office from which this chapter may be carried out.

3 "§34-13-26.

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

7 "(b) The rules and regulations of the board shall
8 not become effective until they have been published and
9 discussed at a public hearing and have been filed in the
10 office of the Secretary of State; and, when so filed, such
11 rules and regulations shall be in full force and have the
12 effect of law. The board shall mail notice of such hearing to
13 each licensee under this chapter 15 days before the date of
14 such hearing.

15 "(c) All rules and regulations adopted by the board
16 shall be referenced to the section or sections of this chapter
17 which set forth the legislative standard which it interprets
18 or to which it applies. Every rule and regulation shall be in
19 writing, promulgated by an order, state its effective date, be
20 indexed in a permanent book which shall be a permanent record,
21 and a true copy shall be filed in the office of the Secretary
22 of State of Alabama. A copy of every order promulgating a
23 rule, regulation, or other order containing a requirement of
24 general application shall be ~~mailed to each licensee by first~~
25 ~~class mail~~ provided to each licensee in electronic format and

1 available on the website of the board. The failure of a
2 licensee to receive a copy of the rule, regulation, or order
3 shall not exempt or excuse him or her from the duty of
4 compliance with the valid rules, regulations, or orders
5 lawfully issued.

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

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

12 "(f) Any person, including a member of the board,
13 may initiate a complaint against a licensee of the board by
14 filing with the board a written complaint on a form prescribed
15 by the board.

16 "(1) Upon receipt of a properly verified complaint,
17 the board shall send a copy of the complaint to the affected
18 licensee by certified mail to the address of such licensee
19 appearing on record with the board. The licensee shall answer
20 the complaint in writing within 20 days after receipt of the
21 complaint. The licensee shall mail a copy of his or her
22 response to the board and the complainant. Upon receipt of the
23 response of the licensee or lapse of 20 days, the board may
24 investigate a complaint that appears to show the existence of
25 any of the causes or grounds for disciplinary action pursuant

1 to this chapter. Upon finding reasonable cause to believe that
2 the charges are not frivolous, unfounded, or filed in bad
3 faith, the board may cause a hearing to be held, at a time and
4 place fixed by the board, regarding the charges. If a hearing
5 is held, the board shall order the licensee to appear and show
6 cause why he or she should not be disciplined for a violation
7 of this chapter.

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

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

14 "(4) Before commencing a hearing, the chair or a
15 designee of the board shall determine if all parties are
16 present and ready to proceed. If the complainant does not
17 attend a hearing and does not show good cause for his or her
18 absence, the complaint shall be summarily dismissed and all
19 fees and expenses relating to the convening of the hearing
20 shall be charged to the complainant. If an affected licensee
21 does not appear for a hearing and does not show good cause for
22 his or her absence, the licensee shall be presumed to have
23 waived his or her right to appear before the board and be
24 heard.

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

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

10 "(7) After the complainant has completed presenting
11 his or her case, the licensee shall present his or her case
12 and the complainant, any counsel, and any member or designee
13 of the board may ask questions of licensee witnesses.

14 "(8) After both sides have completed their
15 presentations, closing statements may be given by the
16 complainant and the licensee.

17 "(9) At the conclusion of the hearing, the board may
18 render an immediate decision or take the case under advisement
19 for further deliberation. A decision of the board shall be
20 rendered within 90 days after the hearing and a copy of that
21 decision shall be mailed to the last known business or
22 residence address of the complainant and the licensee.

23 "(g) The board may file a formal complaint against a
24 licensee and may temporarily suspend a license simultaneously
25 with the institution of proceedings under this section,

1 without a hearing, if the board finds that the evidence
2 supporting the determination is clear, competent, and
3 unequivocal and that the continuation of the licensee to
4 practice would constitute a danger to public health or safety.

5 "§34-13-31.

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

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

21 "(c) All appeals shall be taken within 30 days from
22 the date of the ~~action or order made~~ order entered of the
23 board which is the basis of the appeal ~~being signed~~ and shall
24 be granted as a matter of right and be deemed perfected by
25 filing with the board a bond for security of costs of the

1 appeal. Upon filing of a verified petition and hearing
2 thereon, the court may, in its discretion, stay the order
3 appealed from pending final judicial review. No new or
4 additional evidence may be introduced in the circuit court
5 except as to fraud or misconduct of some person engaged in the
6 administration of this chapter and affecting the order, rule,
7 or ruling appealed from. The court shall otherwise hear the
8 case upon the record as certified to the court by the
9 executive secretary of the board and shall set aside the
10 order, rule, or action appealed from if the court finds that
11 the board erred to the prejudice of the appellant's
12 substantial rights in its application of the law; or, the
13 order, decision, or award was procured by fraud or was based
14 upon a finding of facts contrary to the substantial weight of
15 the evidence, or that the order was arbitrary, capricious, or
16 inconsistent with respect to any of the material issues
17 involved; or that the board failed in its order to find
18 sufficient facts as to each material issue involved to enable
19 the court to determine the basis for the conclusion of the
20 board. The court ~~may~~, instead of setting aside the order,
21 shall remand the case to the board for further proceedings in
22 conformity with the direction of the court. The court may, in
23 advance of judgment and upon a sufficient showing, remand the
24 cause to the board for the purpose of taking additional
25 testimony or other proceedings.

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

8 "§34-13-53.

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

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

20 "(c) The board shall ~~mail~~ provide in electronic
21 format on or before August 1 of each year to each licensed
22 funeral director, ~~to each~~ licensed embalmer, and ~~to each~~
23 licensed operator, ~~addressed to him or her at his or her last~~
24 ~~address,~~ a notice that his or her renewal fee is due and
25 payable and that, if such fee is not paid by October 1, the

1 license shall lapse. Information regarding license renewal
 2 dates and fees shall be available in electronic format on the
 3 website of the board.

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

10 "§34-13-56.

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

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

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

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

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

1 "c. Solicitation of dead human bodies by the
 2 licensee, his or her agents, assistants, or employees, from
 3 medical professionals or clergy, whether the solicitation
 4 occurs after death or while death is impending.

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

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

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

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

21 "g.h. Gross immorality.

22 "h.i. Aiding or abetting an unlicensed person to
 23 practice funeral directing or embalming.

24 "i.j. Using profane, indecent, or obscene language
 25 in the presence of a dead human body, or within the immediate

1 hearing of the family or relative of a deceased whose body has
 2 not yet been interred or otherwise disposed of.

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

7 "k.l. Any violation of this chapter.

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

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

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

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

20 "p.q. Being intoxicated or under the influence of
 21 illegal drugs while on duty at a funeral establishment or
 22 while performing any duty or responsibility for the funeral
 23 establishment.

24 "q.r. Willfully retaining or willfully failing to
 25 account for any property of a decedent.

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

5 "~~s.t.~~ t. Failure to give full cooperation to the board
 6 or its designees, agents, or other representatives in the
 7 performance of official duties of the board. ~~Failure to give~~
 8 ~~full cooperation includes, but is not limited to, any of the~~
 9 ~~following:~~

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

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

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

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

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

4 "~~(vi)~~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 "~~(vii)~~aa. Deceiving or attempting to deceive the
 10 board regarding any matter under investigation, including the
 11 altering or destroying of any records.

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

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

20 "~~(x)~~ Violating any statute, ordinance, or rule of
 21 the state or any board, agency, or political subdivision of
 22 the state affecting the registration of deaths or the
 23 handling, custody, care, or transportation of dead human
 24 bodies.

1 "~~(xi)~~dd. Demonstrating bad faith, incompetence, or
 2 untrustworthiness or dishonest, fraudulent, or improper
 3 dealing or any other violation of this chapter or any rule
 4 promulgated by the board or promulgated by the Federal Trade
 5 Commission relative to the practice of funeral service or
 6 funeral directing.

7 "ee. Any other reason as determined by the board
 8 that would render an individual unsuitable for licensure or
 9 certification by the board.

10 "ff. A funeral home or funeral director accepting
 11 funds for a preneed funeral contract or other prepayment of
 12 funeral expenses without a certificate of authority to sell
 13 preneed funeral contracts or, if registered to sell preneed
 14 funeral contracts, failing to deposit the funds with a
 15 qualified trustee or to timely remit premium payments from the
 16 consumer to the insurer.

17 "(b) In addition to the disciplinary actions
 18 authorized in subsection (a), 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 "§34-13-57.

1 ~~"The~~ Fifteen days before an examination, the
2 executive secretary of the board shall ~~mail notices~~ provide to
3 all applicants and all ~~established~~ funeral ~~firms~~
4 establishments in the state, in electronic format and on the
5 website of the board, a notice ~~15 days before an examination,~~
6 listing the names of all persons admitted by the board to take
7 the examination and setting out the time and place of the
8 examination.

9 "§34-13-70.

10 "(a) No person shall engage in, or attempt to engage
11 in, the practice or profession or business of a funeral
12 director unless licensed to do so by the Alabama Board of
13 Funeral Service. The board hereby is granted authority to
14 issue license to funeral directors.

15 "(b) Any person desiring to engage in the business,
16 profession, or practice of funeral director shall make
17 application to the board and shall accompany his or her
18 application by a fee to be established by the board, not to
19 exceed one hundred fifty dollars (\$150), ~~whereupon the board~~
20 ~~shall fix the time and place for the examination of the~~
21 ~~applicant and shall notify the applicant thereof.~~

22 "~~(c) In addition, the board shall establish and~~
23 ~~charge a reasonable examination fee, based on actual costs,~~
24 ~~for each applicant who sits for an examination. In no event~~

1 ~~shall the fee exceed fifty dollars (\$50) above the actual cost~~
 2 ~~of preparing and administering such exam.~~

3 "§34-13-71.

4 "An application for a license as a funeral director
 5 shall be in writing and verified on a form provided by and
 6 addressed to the board and filed with the secretary of the
 7 board. The application must specify the address of the
 8 applicant and must be accompanied by the affidavits of at
 9 least two licensed embalmers or funeral directors to the
 10 effect that the applicant is of good character and has
 11 qualified himself or herself to become licensed as prescribed
 12 by this chapter. The board may require an applicant for
 13 license as a funeral director to submit to a personal
 14 interview.

15 "§34-13-72.

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

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

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

22 "(3) Has had practical experience as an apprentice
 23 for not less than two years within a period of three
 24 consecutive years, excluding time lost by interruptions caused
 25 by the active duty of the applicant in the military service of

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

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

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

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

21 "(c) An applicant has two years from the expiration
22 date of his or her last active apprentice certification to
23 successfully complete the examination for a funeral director's
24 license pursuant to this chapter. Any applicant who fails to

1 successfully pass the examination, is required to serve a new
2 apprenticeship in accordance with this chapter.

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

8 "§34-13-73.

9 "(a) The applicant for a funeral director's license,
10 before the application is granted, shall successfully pass an
11 examination upon, but not limited to, the following subjects:
12 Funeral directing, the manners in which death may be
13 determined, the laws governing the preparation and disposal of
14 human dead bodies and the shipment of bodies dying from
15 infectious or contagious diseases, and local health and
16 sanitary ordinances in relation to funeral directing. The
17 examination shall be prepared and graded as prescribed by rule
18 of the board. The board may review and adopt, in whole or in
19 part, examination questions, forms, examinations, and passing
20 criteria proposed by the American Board of Funeral Service
21 Education, or a successor organization, and may use the
22 uniform nationwide conditions of the International Conference
23 of Funeral Service Examining Boards, or other organization
24 approved by the board.

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

3 "(1) Mortuary management and administration.

4 "(2) Mortuary law.

5 "(3) Basic accounting principles.

6 "(4) Funeral directing.

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

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

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

13 "(e) If the board is satisfied that an applicant has
14 the requisite qualifications to practice the occupation of
15 funeral directing, a license shall be issued authorizing the
16 applicant 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 "§34-13-91.

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

12 "§34-13-92.

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

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

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

18 "(3) Be of good character.

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

1 or national emergency, and excluding time lost by
2 interruptions which the board deems excusable as caused by
3 circumstances beyond the control of the applicant.

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

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

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

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

23 "§34-13-93.

24 "The board ~~shall~~ may hold a public examination at
25 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.

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

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

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

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

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

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

20 "§34-13-111.

21 "(a) No funeral establishment or branch thereof for
22 the preparation, disposition, and care of dead human bodies
23 shall be opened or maintained unless duly licensed by the
24 board. No funeral establishment or branch shall be moved

1 without obtaining a new funeral establishment license from the
2 board.

3 "(b) Every funeral service, memorial service, or
4 interment, or part thereof, that is conducted in Alabama shall
5 be in the actual charge and shall be under the direct
6 supervision of a funeral director who is licensed by the
7 board.

8 ~~"(b)~~ (c) The board shall set a fee, not exceeding one
9 hundred fifty dollars (\$150), that shall be in addition to the
10 license fee for the first inspection of any funeral
11 establishment seeking a license under Section 34-13-72 made
12 for the purpose of determining whether such funeral
13 establishment has fulfilled the requirements for licensure
14 pursuant to this chapter. The board shall set a fee, not
15 exceeding one hundred fifty dollars (\$150), for each
16 reinspection necessitated by failure of any funeral
17 establishment to pass such first inspection. The board, or a
18 representative of the board, shall annually conduct a minimum
19 of one unannounced inspection of funeral establishments and
20 branches, with an inspection fee of not more than one hundred
21 dollars (\$100). The inspection fee shall be submitted to the
22 board within 45 days after the inspection. Any funeral
23 establishment that does not submit the inspection fee within
24 45 days shall be charged a late penalty fee, as established by
25 the board. A funeral establishment, or branch thereof, that is

1 used for the preparation, disposition, and care of dead human
2 bodies shall meet and conform to this chapter and to such
3 other lawful standards and requirements as may be determined
4 by rule of the board in furtherance of this chapter; and, for
5 failure to do so, the board may revoke such license in
6 accordance with the procedure set forth in this chapter.

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

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

21 "§34-13-113.

22 "(a) Application for a license to operate a funeral
23 establishment shall be made in writing on a form provided by
24 the board. The application shall be verified by the applicant
25 or, if the applicant is a corporation, firm, or other

1 organization, by an officer or member thereof, and shall be
 2 accompanied by an application fee established by the board not
 3 to exceed five hundred dollars (\$500). The application shall
 4 disclose all of the following:

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

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

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

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

1 preparation room upon satisfying requirements prescribed by
2 the board.

3 "(5) Such other information as may be required by
4 the board.

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

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

18 "(1) The name and address of the proposed mortuary
19 service.

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

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

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

3 "(5) Such other information as may be required by
4 the board.

5 "(d) Upon receipt of the application, the board
6 shall make inspection of the premises of the mortuary service
7 applicant. If the board determines that the mortuary service
8 applicant meets the qualifications prescribed by law, it shall
9 issue a license to operate a mortuary service.

10 "§34-13-132.

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

23 "§34-13-134.

24 "(a) The board has power to suspend or revoke a
25 certificate of apprenticeship, after notice and upon hearing,

1 where the apprentice is guilty of any of the following acts or
2 omissions:

3 "(1) Failure to devote not less than an average of
4 30 hours per week to the duties of his or her apprenticeship;

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

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

10 "(4) Gross immorality;

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

13 "(6) Disobedience of proper orders or instructions
14 of his or her superiors;

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

17 "(8) Soliciting business for a funeral director or
18 for any embalmer; or

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

21 "(b) An apprentice who has ~~allowed his or her~~
22 ~~certificate of apprenticeship to lapse~~ failed to renew his or
23 her registration, or who has had his or her certificate of
24 apprenticeship suspended or revoked may, within one year after
25 such expiration, suspension, or revocation, make application

1 for registration but not more than two such registrations
2 shall be allowed by the board. The board may, when the
3 circumstances warrant, allow an apprentice credit under a
4 reregistration for time actually served under a previous
5 registration; except, that if the previous registration has
6 been suspended or revoked upon any of the grounds set forth in
7 subsection (a) of this section, not more than 75 percent of
8 the time previously served shall be credited on the
9 reregistration."

10 Section 2. Although this bill would have as its
11 purpose or effect the requirement of a new or increased
12 expenditure of local funds, the bill is excluded from further
13 requirements and application under Amendment 621, now
14 appearing as Section 111.05 of the Official Recompilation of
15 the Constitution of Alabama of 1901, as amended, because the
16 bill defines a new crime or amends the definition of an
17 existing crime.

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

