

The Senate Committee on Regulated Industries and Utilities offered the following substitute to SB 239:

MOOT

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 18 of Title 43 of the Official Code of Georgia Annotated,
2 relating to funeral directors and establishments, embalmers, and crematories, so as to remove
3 the requirement that funeral directors be licensed embalmers; to revise definitions; to revise
4 provisions concerning the unlicensed practice of funeral directing and embalming; to revise
5 the powers and duties of the State Board of Funeral Services; to revise membership and
6 terms of the board; to change certain provisions concerning the education requirements for
7 funeral directors and embalmers; to provide separate examination requirements for funeral
8 directors and embalmers; to change certain provisions relating to the apprenticeship
9 requirements of funeral directors and embalmers; to revise provisions concerning the
10 licensure of funeral directors and embalmers by reciprocity; to make the provisions
11 concerning the reinstatement of licenses applicable to embalmers; to revise provisions
12 concerning funeral establishments; to require that a funeral director in full and continuous
13 charge of a funeral establishment be licensed as both a funeral director and an embalmer; to
14 provide for responsibility of all funeral services offered at funeral establishments and
15 crematories; to change certain provisions concerning the disposition of cremated remains;
16 to provide for conforming cross-references and terminology; to provide for related matters;
17 to repeal conflicting laws; and for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 **SECTION 1.**

20 Article 1 of Chapter 18 of Title 43 of the Official Code of Georgia Annotated, relating to
21 funeral directors and establishments, embalmers, and crematories, is amended by revising
22 Code Section 43-18-1, relating to definitions, as follows:

23 "43-18-1.

24 As used in this article, the term:

25 (1) 'Alternative container' means any receptacle or enclosure which is of sufficient
26 strength to be used to hold and to transport a dead human body.

27 (2) 'Apprentice' means a person who practices embalming, funeral directing, or both,
28 under the direct supervision of a funeral director, embalmer, or both, in this state.

29 (3) 'Board' means the State Board of Funeral Service.

30 (4) 'Casket' means a container which is designed for the encasement and viewing of a
31 dead human body.

32 (5) 'Cremation' means the reduction of the dead human body to residue by intense heat
33 or any mechanical, chemical, thermal, or other professionally accepted process.

34 ~~Cremation~~ Such term also includes any other mechanical, chemical, thermal, or other
35 professionally accepted process whereby human remains are pulverized, burned,
36 cremated, or otherwise further reduced in size or quantity.

37 (5.1) 'Cremation device' means a retort, vat, or container in which dead human bodies
38 are cremated by traditional flame, alkaline hydrolysis, or other means approved by the
39 board.

40 (6) 'Crematory' means any place where cremation is performed, other than a hospital,
41 clinic, laboratory, or other facility authorized by the Department of Community Health
42 for such purposes.

43 (7) 'Direct supervision' means that the embalmer, funeral director, or both, are present
44 overseeing the activities of the apprentice.

45 (8) 'Embalmer' means a person who practices embalming ~~or uses in connection with that~~
46 ~~person's name the words 'embalmer,' 'licensed embalmer,' 'undertaker,' or 'mortician' or~~
47 ~~offers~~ or holds himself or herself out as offering such ~~services~~ service.

48 (9) 'Final disposition' means the final disposal of a dead human body whether it is by, but
49 not limited to, earth interment, above-ground interment, cremation, burial at sea, or
50 delivery to a medical institution for lawful dissection if the medical institution assumes
51 responsibility for disposal.

52 (10) 'Funeral' or 'funeral services' means the observances, services, or ceremonies held
53 for dead human bodies and includes any service relating to the transportation, embalming,
54 cremation, and interment of a dead human body.

55 (11) 'Funeral director' means a person who practices funeral directing ~~or uses in~~
56 ~~connection with that person's name or with a picture of that person the words 'funeral~~
57 ~~director,' 'licensed funeral director,' 'undertaker,' or 'mortician' or offers or holds himself~~
58 or herself out as offering such ~~services~~ service.

59 (12) 'Funeral director in full and continuous charge' means a funeral director who is
60 approved by the board to assume full responsibility for the operations of a particular
61 funeral establishment and who shall ensure that said establishment complies with this
62 article and with all rules promulgated pursuant thereto.

63 (13) 'Funeral establishment' means a place where embalming or funeral directing is
64 practiced and which is open to the public and transacting business relating to funeral
65 services.

66 (14) 'Funeral merchandise' means ~~the~~ any goods that ~~may only be~~ are sold or offered for
67 sale by a funeral director ~~working in a funeral establishment and includes, but is not~~
68 ~~limited to, a casket or alternative container, but does not include an outer burial container~~

69 ~~or cemetery marker~~ for use in connection with the memorialization, interment,
70 entombment, or inurnment of dead human bodies.

71 (15) 'Funeral service contract' means a written ~~or oral~~ agreement between a funeral
72 director or funeral establishment and a legally authorized person for the embalming,
73 funeral, or final disposition of a dead human body.

74 (16) 'Legally authorized person' means the deceased's surviving spouse, a son or
75 daughter who is 18 years of age or older; the deceased's parent, a brother or sister who
76 is 18 years of age or older; any other person who is 18 years of age or older and who is
77 in the next degree of kinship to the deceased; the deceased's guardian or personal
78 representative; or a public health officer.

79 (17) 'Outer burial container' means an enclosure into which a casket is placed, including,
80 but not limited to, a vault made of concrete, steel, fiberglass, or copper, a sectional
81 concrete enclosure, a crypt, or a wooden enclosure.

82 (18) 'Practice of embalming' or 'embalming' means disinfecting or preserving or
83 attempting to disinfect or preserve dead human bodies by ~~replacing certain body fluids~~
84 with the internal or external application of preserving and disinfecting chemicals.

85 (19) 'Practice of funeral directing' or 'funeral directing' means making or directing, at
86 need or preneed, arrangements for the preparation and transportation of dead human
87 bodies for final disposition and the supervision and direction of all funeral services.

88 (20) 'Retort' means a furnace where dead human bodies are cremated.

89 (21) 'Soliciting' means the making of any uninvited contact with another person by a
90 funeral director or by a funeral director's agent, assistant, employer, or employee for the
91 purpose of the sale of funeral services or merchandise but shall not mean any advertising
92 which is directed to the public in general."

93

SECTION 2.

94 Said article is further amended by revising Code Section 43-18-3, relating to practice without
95 complying with article, as follows:

96 "43-18-3.

97 (a) It shall be unlawful for any person to engage in the practice of embalming or to
98 represent to the public that such person is an embalmer, ~~mortician, or undertaker~~ without
99 first complying with this article.

100 (b) It shall be unlawful for any person to engage in the business or profession of funeral
101 directing or to represent to the public that such person is a funeral director, ~~undertaker, or~~
102 ~~mortician~~ without first complying with this article.

103 (c) Any person who actively engages or participates in any way in the business or
104 profession of funeral directing, including, but not limited to, consulting with consumers
105 about potential funeral services, shall be considered to be practicing as a funeral director
106 and must be a licensed funeral director under the terms of this article.

107 (d) It shall be unlawful for any person to use in connection with such person's name or
108 with a picture of such person:

109 (1) The words 'funeral director' or 'licensed funeral director' without being a licensed
110 funeral director under the terms of this article;

111 (2) The words 'embalmer' or 'licensed embalmer' without being licensed as an embalmer
112 under the terms of this article; or

113 (3) The words 'undertaker' or 'mortician' without being licensed as either a funeral
114 director or an embalmer under the terms of this article.

115 (e)(1) The board may issue subpoenas to compel the attendance of witnesses and the
116 production of records or other documents in connection with an investigation of a
117 potential violation of this Code section.

118 (2) If any person fails or refuses to comply with a subpoena issued pursuant to
119 paragraph (1) of this subsection, a superior court of appropriate jurisdiction, upon

120 application of the board, may issue to the person an order requiring such person to appear
121 before the court to show cause why such person should not be held in contempt for the
122 failure or refusal to comply with the subpoena.
123 (f) Any person who violates the provisions of this Code section shall be subject to the civil
124 penalties provided in Code Section 43-1-20.1."

125 **SECTION 3.**

126 Said article is further amended by revising Code Section 43-18-4, relating to unlicensed
127 practice as constituting public nuisance and injunctions, as follows:

128 "43-18-4.

129 (a) The practice of embalming or funeral directing, as defined in this article, is declared
130 to be a business or profession affecting the public interest and involving the health and
131 safety of the public. Such practice by a person who is not licensed to practice in this state
132 is declared to be a public nuisance; and any citizen of this state, the board, or the
133 appropriate prosecuting attorney where such practice is carried on by such unlicensed
134 person may, on behalf of the public, bring an action in the superior court of the county
135 where such nuisance exists or is carried on to restrain and abate the same. On satisfactory
136 proof to the judge of the superior court that such illegal practice or business of funeral
137 directing or embalming is being carried on, the judge shall issue ~~a temporary~~ an injunction
138 against the party or parties operating such practice or business until they have qualified and
139 been licensed under the terms of this article.

140 (b) In any action brought pursuant to subsection (a) of this Code section or pursuant to
141 Code Section 43-1-20 where the plaintiff prevails in obtaining an injunction against the
142 unlicensed practice of funeral director or embalming, the plaintiff shall be entitled to
143 recover the costs incurred in bringing such action, including reasonable attorney's fees."

144

SECTION 4.

145 Said article is further amended by revising Code Section 43-18-21, relating to composition
146 of board, qualification of members, vacancies, and removal of members, as follows:

147 "43-18-21.

148 (a) The board shall consist of ~~six~~ seven members as follows:

149 (1) Three members who shall be licensed and practicing funeral directors and embalmers
150 with who have practiced in this state as such for a minimum of five years as such in this
151 state immediately preceding their appointment;

152 (2) Three members who shall be licensed embalmers who have practiced in this state as
153 such for a minimum of five years immediately preceding their appointment; and

154 (3) One ~~one~~ member who shall have no connection whatsoever with the funeral service
155 industry but who shall have a recognized interest in consumer affairs and in consumer
156 protection concerns.

157 (b) The members of the board shall be appointed by the Governor for terms of office of
158 ~~six years and all~~ four years. All vacancies occurring on the board shall be filled by the
159 Governor. When an appointment is made to fill a vacancy caused by death or resignation
160 of a member, such appointment shall be for the remainder of the unexpired term of the
161 member whose death or resignation caused the vacancy so filled.

162 (c) An individual who is licensed as both a funeral director and an embalmer may be
163 appointed by the Governor as one of the three members of the board provided for in
164 paragraph (1) of subsection (a) of this Code section or as one of the three members of the
165 board provided for in paragraph (2) of subsection (a) of this Code section.

166 ~~(e)~~(d) A majority of the members of the board may remove any member who misses three
167 or more consecutive regular meetings of the board without a medical reason and may
168 declare that position on the board to be vacant. A member so removed shall not be eligible
169 for reappointment until the expiration of the term of office for which such person was

170 serving. The Governor shall have the power to remove from office any member of the
171 board for willful neglect of duty or for conviction of a crime involving moral turpitude.
172 ~~(d)~~(e) Those persons serving as members of the board immediately prior to ~~April 11, 1990~~
173 July 1, 2026, shall continue to serve out the respective terms of office for which they were
174 appointed and until their respective successors are appointed and qualified."

175

SECTION 5.

176 Said article is further amended by revising Code Section 43-18-23, relating to powers and
177 duties, rules and regulations, and seal, as follows:

178 "43-18-23.

179 For the purpose of better protection of life and health, preventing the spread of contagious,
180 communicable, and infectious diseases, and regulating the practice of embalming and
181 funeral directing and the care and disposition of dead human bodies, the board is
182 authorized:

183 (1) To prescribe a standard of proficiency as to the qualifications and fitness of those
184 engaged in and who may engage in the practice of embalming or funeral directing and
185 the care and disposition of dead human bodies;

186 (2) To revoke the license of any embalmer or funeral director for incompetency,
187 conviction of a crime involving moral turpitude, violation of this article, failure to
188 observe the standards of proficiency or rules and regulations promulgated by the board,
189 or any other cause as provided in this article;

190 (3) To fix and prescribe rules and regulations governing the business or profession of
191 funeral directing and the business or profession of embalming;

192 (4) To fix and prescribe standards of sanitation to be observed in the embalming of dead
193 human bodies or cremation of dead human bodies;

194 (5) To regulate and control the business or profession of funeral directing or embalming;

195 (6) To fix and prescribe minimum standards of general appearance of funeral
 196 establishments or crematories;

197 (7) To adopt a common seal; and

198 (8) To make and promulgate rules and regulations not inconsistent with the laws of this
 199 state for the regulation of such board and for the practice of embalming and funeral
 200 directing within this state. All rules and regulations of the board existing immediately
 201 prior to April 11, 1990, which are not inconsistent with this article shall continue in effect
 202 until repealed, amended, or otherwise changed by the board; and

203 (9) To issue subpoenas for the attendance of witnesses before the board, administer
 204 oaths, and compel production of records or other documents and testimony of witnesses
 205 whenever, in the judgment of the board, it is necessary to do so for the effectual discharge
 206 of the duties of the board under this article."

207

SECTION 6.

208 Said article is further amended by revising Code Section 43-18-40, relating to application for
 209 license and examination, as follows:

210 "43-18-40.

211 Any person desiring to engage either in the practice of embalming or in the business or
 212 practice of funeral directing, or both, and who has not been licensed to do so shall make
 213 written application to the board through the division director for such license or licenses.
 214 Such application shall be upon such form and shall be submitted in such manner as shall
 215 be prescribed by the board and the applicant shall pay such fee or fees as may be fixed by
 216 the board. ~~Before being issued a license to practice funeral directing or embalming in this~~
 217 ~~state, all applicants shall pass an examination approved by the board which tests their~~
 218 ~~qualifications and skill in either funeral directing or embalming, or both, as the case may~~
 219 ~~be; and such examination shall be made in the manner provided for in this article and by~~
 220 ~~the board through rules and regulations."~~

221 **SECTION 7.**

222 Said article is further amended by revising Code Section 43-18-41, relating to qualifications
223 of embalmer or funeral director applicants, as follows:

224 "43-18-41.

225 (a) Each applicant for a license as either an embalmer or a funeral director shall:

226 (1) Be at least 18 years of age;

227 (2) Be of good moral character; and

228 (3) Have graduated from a high school or have earned a state approved high school
229 equivalency (HSE) certificate.

230 (b) In addition to the qualifications set out in subsection (a) of this Code section, an
231 applicant for an embalmer's license shall:

232 ~~(1) Have graduated from a program at an accredited college of funeral service or such~~
233 ~~other college as provided by board rule; and obtained an associate's degree or higher by~~
234 ~~successfully completing, at an institution of postsecondary education, a program of~~
235 ~~funeral service education that consists of not less than 60 semester hours, or equivalent~~
236 ~~quarter credit hours, and that is accredited by a national or regional accrediting~~
237 ~~organization recognized by the board, such as the American Board of Funeral Service~~
238 ~~Education;~~

239 ~~(2) Have attained a passing score, as determined by the board, on an examination~~
240 ~~approved by the board which tests the applicant's qualifications and skill in the practice~~
241 ~~of embalming, such as the science section of the national examination administered by~~
242 ~~the International Conference of Funeral Service Examining Boards;~~

243 ~~(2)(3)~~ Have completed a minimum of 3,120 hours, pursuant to rules and regulations of
244 the board, of service as an apprentice under the direct supervision of a licensed embalmer
245 as provided in Code Sections 43-18-50 through 43-18-54; and

246 (4) Furnish an affidavit stating that, as an apprentice as provided in Code
 247 Section 43-18-50, the applicant assisted in the embalming of at least 50 dead human
 248 bodies and specifying the names and dates of death relating to such dead human bodies.

249 (c) In addition to the qualifications set out in subsection (a) of this Code section, an
 250 applicant for a funeral director's license shall ~~have, prior to the issuance of said license, a~~
 251 ~~valid embalmer's license;~~ shall furnish:

252 (1) Have met the educational requirements specified in paragraph (1) of subsection (b)
 253 of this Code section;

254 (2) Have attained a passing score, as determined by the board, on an examination
 255 approved by the board which tests the applicant's qualifications and skill in the practice
 256 of funeral directing, such as the arts section of the national examination administered by
 257 the International Conference of Funeral Service Examining Boards;

258 (3) Have completed a minimum of 3,120 hours, pursuant to rules and regulations of the
 259 board, of service as an apprentice under the direct supervision of a licensed funeral
 260 director as provided in Code Sections 43-18-50 through 43-18-54;

261 ~~(4) Furnish an affidavit which lists the names of the 50 funerals at which the apprentice~~
 262 ~~assisted as provided in Code Section 43-18-50 stating that, as an apprentice as provided~~
 263 ~~in Code Section 43-18-50, the applicant assisted with at least 50 funerals and specifying~~
 264 ~~the names and dates of death for the deceased at such funerals; and, effective~~

265 (5) Effective January 1, 1991, must pass have passed an examination approved by the
 266 board which tests knowledge of the law of this state relating to funeral directors.

267 (d)(1) An individual who has met the educational requirement specified in paragraph (1)
 268 of subsection (b) of this Code section shall be eligible to take ~~the section of the~~
 269 ~~examination required under paragraph (2) of such subsection for embalmer relating~~
 270 ~~directly to scholastic training~~ without waiting until such individual meets the additional
 271 requirements for licensure specified in ~~paragraph (2)~~ paragraphs (3) and (4) of said such

272 subsection; provided, however, that such individual must submit a proper application and
273 pay the required fees as determined by the board.

274 (2) An individual who has met the educational requirement specified in paragraph (1) of
275 subsection (c) of this Code section shall be eligible to take the examination required
276 under paragraph (2) of such subsection without waiting until such individual meets the
277 additional requirements for licensure specified in paragraphs (3), (4), and (5) of such
278 subsection.

279 (3) Notwithstanding the passing of either or both of the examinations required under
280 paragraph (2) of subsection (b) or paragraph (2) of subsection (c) of this Code section,
281 an An applicant for licensure as an embalmer or funeral director who shall have
282 successfully completed the section of the examination for embalmer relating directly to
283 scholastic training shall have no status as an embalmer or funeral director until such
284 applicant meets all other requirements for licensure as outlined in this article and has
285 received a license as an embalmer or funeral director from the board.

286 (e)(1) An applicant may satisfy the requirements specified in paragraph (3) of
287 subsection (b) and paragraph (3) of subsection (c) of this Code section simultaneously
288 by completing a minimum of 3,120 hours of service as an apprentice under the direct
289 supervision of a licensed funeral director and a licensed embalmer, or an individual
290 licensed as both a funeral director and an embalmer, as provided in Code
291 Sections 43-18-50 through 43-18-54; provided, however, that such individual shall,
292 during such service as an apprentice, assist in the embalming of at least 50 dead human
293 bodies and assist with at least 50 funerals as required under paragraph (4) of
294 subsection (b) and paragraph (4) of subsection (c) of this Code section.

295 (2) An applicant for an embalmer's license who is licensed as a funeral director in this
296 state and who has not satisfied the requirements specified in paragraph (3) of subsection
297 (b) of this Code section may satisfy the requirements of such paragraph by assisting, as
298 an apprentice under the direct supervision of a licensed embalmer, in the embalming of

299 at least 50 dead human bodies as provided in paragraph (1) of subsection (d) of Code
 300 Section 43-18-50; provided, however, that such applicant shall be required to satisfy all
 301 other requirements for an embalmer's license as set forth in this Code section.

302 (3) An applicant for a funeral director's license who is licensed as an embalmer in this
 303 state and who has not satisfied the requirements specified in paragraph (3) of subsection
 304 (c) of this Code section may satisfy the requirements of such paragraph by assisting, as
 305 an apprentice under the direct supervision of a licensed funeral director, with at least 50
 306 funerals as provided in paragraph (2) of subsection (d) of Code Section 43-18-50;
 307 provided, however, that such applicant shall be required to satisfy all other requirements
 308 for a funeral director's license as set forth in this Code section."

309

SECTION 8.

310 Said article is further amended by revising Code Section 43-18-42, relating to reciprocity and
 311 examination upon meeting qualifications, as follows:

312 "43-18-42.

313 (a) The board may, in its discretion and in accordance with regulations adopted by the
 314 board, grant to any person licensed in another state, territory, or country; or the District of
 315 Columbia full privileges to engage in equivalent practice authorized by this article without
 316 taking ~~a national examination~~ the examination required under paragraph (2) of
 317 subsection (b) or paragraph (2) of subsection (c) of Code Section 43-18-41 if:

318 ~~(1)(A) On or after January 1, 1991, such person successfully passes an examination~~
 319 ~~approved by the board which tests knowledge of the law of this state relating to funeral~~
 320 ~~directors; and~~

321 ~~(B)~~ Such person satisfied in another state, territory, or country; or the District of
 322 Columbia the requirements for licensure which are:

323 (i) In effect in Georgia on the date of application; or

324 (ii) Substantially equal to the requirements for a similar license in Georgia; and

325 (B) Such person, if seeking a funeral director's license, passes an examination approved
 326 by the board which tests knowledge of the law of this state relating to funeral directors;
 327 or

328 (2) Such person seeking a license pursuant to this Code section has, in another state,
 329 territory, or country or the District of Columbia, engaged in the active practice of funeral
 330 service funeral directing as a licensed funeral director and or the active practice of
 331 embalming as a licensed embalmer, as applicable, for three years immediately preceding
 332 his or her application for a such license in Georgia.

333 (b) Nothing in this Code section shall be construed to prevent an applicant denied pursuant
 334 to this Code section from ~~taking the examination for licensure pursuant to this article~~ being
 335 issued a license as a funeral director or embalmer under this article if that applicant
 336 otherwise meets the qualifications set out in Code Section 43-18-41."

337

SECTION 9.

338 Said article is further amended by revising Code Section 43-18-43.1, relating to application
 339 for reinstatement of licensure, as follows:

340 "43-18-43.1.

341 If a licensee who has passed ~~the examination for licensure as a funeral director required~~
 342 ~~under this part~~ either or both of the examinations required under paragraph (2) of
 343 subsection (b) or paragraph (2) of subsection (c) of Code Section 43-18-41 and who has
 344 not been subject to disciplinary action by the board allows or has allowed his or her license
 345 to lapse for a period of not more than ten years, the board shall reinstate such ~~funeral~~
 346 ~~director's~~ license upon such applicant for reinstatement:

347 (1) Paying the total amount of all renewal fees for the period during which the license
 348 was lapsed, plus a reinstatement fee not to exceed the amount of the biennial renewal fee;
 349 and

350 (2) Successfully completing continuing education hours as the board may require under
351 Code Section 43-18-55 or 43-18-56, unless such continuing education hours would be
352 waived under subsection (c) of Code Section 43-18-55 or subsection (c) of Code
353 Section 43-18-56, if such applicant for reinstatement had not let the license lapse."

354 **SECTION 10.**

355 Said article is further amended by revising Code Section 43-18-50, relating to application for
356 funeral service apprenticeship and period of apprenticeship, as follows:
357 "43-18-50.

358 (a) Every person desiring to serve as an apprentice shall make application as a funeral
359 service apprentice to the board upon a form provided by the board. The applicant must be
360 at least 18 years of age and have either graduated from high school or have a state approved
361 high school equivalency (HSE) certificate. The apprenticeship shall be served at an
362 approved establishment and under the direct supervision of a funeral director, embalmer,
363 or both. The application must be verified by oath of applicant and be accompanied by a
364 fee to be established by the board. The application shall be submitted to the board and may
365 be accepted or rejected by a majority of the board.

366 (b) An apprenticeship shall be approved for a specific establishment and under a specific
367 supervising funeral director, embalmer, or both. Any change in establishment or
368 supervising funeral director, embalmer, or both shall terminate that apprenticeship and shall
369 require submission of a new application.

370 (c) ~~The~~ Except as provided in subsection (d) of this Code section, the total period of
371 apprenticeship shall be 3,120 hours and must be served in a minimum of 18 months, but
372 the minimum period shall be in addition to the time required to ~~graduate from a college of~~
373 ~~funeral service or other college pursuant to~~ complete the education requirements provided
374 for in paragraph (1) of subsection (b) or paragraph (1) of subsection (c) of Code
375 Section 43-18-41. An apprentice shall be authorized to earn apprenticeship hours in an

376 amount to be determined by the board while attending a postgraduate school or a program
377 at an accredited college of funeral service or other college approved by the board.

378 (d)(1) An individual who is licensed as a funeral director in this state, who is seeking
379 licensure as an embalmer, and who did not simultaneously satisfy the apprenticeship
380 requirements of both licenses pursuant to paragraph (1) of subsection (e) of Code Section
381 43-18-41 shall not be required, in connection with obtaining an embalmer's license, to
382 complete a specified number of hours in service as an apprentice over a specified period
383 of time; provided, however, that such individual shall still be required to apply for and
384 obtain an apprentice registration under this article and, as an apprentice under the direct
385 supervision of a licensed embalmer, assist in the embalming of at least 50 dead human
386 bodies.

387 (2) An individual who is licensed as an embalmer in this state, who is seeking licensure
388 as a funeral director, and who did not simultaneously satisfy the apprenticeship
389 requirements of both licenses pursuant to paragraph (1) of subsection (e) of Code
390 Section 43-18-41 shall not be required, in connection with obtaining a funeral director's
391 license, to complete a specified number of hours in service as an apprentice over a
392 specified period of time; provided, however, that such individual shall still be required
393 to apply for and obtain an apprentice registration under this article and, as an apprentice
394 under the direct supervision of a licensed funeral director, assist with at least 50 funerals."

395

SECTION 11.

396 Said article is further amended by revising Code Section 43-18-52, relating to supervision
397 and control of apprentices and reporting hours served, as follows:
398 "43-18-52.

399 (a) All apprentices shall be under the supervision and control of the board and shall submit
400 reports to the board every six months, in a form and manner provided by the board,
401 detailing the hours spent and activities performed in service as an apprentice and, upon

402 application for licensure, submit to the board proof of having ~~served the required number~~
403 ~~of hours~~ satisfied the applicable apprenticeship requirements provided for in this article on
404 forms provided by the board. ~~After completing the~~
405 (b) An apprentice who is required to complete 3,120 hours for of apprenticeship within the
406 specified period, they shall, upon completing such hours, send the last a final report to the
407 board regardless of the date indicating that such hours have been completed. The
408 information contained in the final report shall be certified as correct by the funeral director
409 in full and continuous charge and by the supervising funeral director, and embalmer, or
410 both.
411 (c) An apprentice who is not required to complete a specified number of hours of service
412 as an apprentice over a specified period of time pursuant to subsection (d) of Code
413 Section 43-18-50 shall, upon assisting in the embalming of at least 50 dead human bodies
414 or assisting with at least 50 funerals, whichever is applicable, send a final report to the
415 board regardless of the date indicating that such assistance has been given. The
416 information contained in the final report shall be certified as correct by the funeral director
417 in full and continuous charge and by the supervising funeral director or embalmer,
418 whichever is applicable."

419 **SECTION 12.**

420 Said article is further amended by revising Code Section 43-18-70, relating to practice at
421 licensed funeral establishment or crematory, facilities, and living quarters, by adding a new
422 subsection to read as follows:

423 "(e) Each funeral establishment shall maintain, and make available to the board upon
424 request:

425 (1) A general price list for all funeral services offered and funeral merchandise sold at
426 the funeral establishment; and

427 (2) Invoices, contracts, or other records evidencing all agreements entered into by legally
428 authorized persons and the funeral establishment, or a funeral director offering funeral
429 services at the funeral establishment, for funeral services or funeral merchandise during
430 the previous 12 months."

431 **SECTION 13.**

432 Said article is further amended by revising Code Section 43-18-71, relating to funeral
433 establishments and crematories to be licensed, employment of licensed funeral directors, and
434 the display of name and license of funeral director, as follows:

435 "43-18-71.

436 (a) It shall be unlawful for any person, firm, corporation, or association to operate a funeral
437 establishment or crematory engaged in the business of funeral directing or embalming or
438 cremating without first obtaining a license from the board in accordance with this article.

439 The board shall not issue a license to any funeral establishment or crematory unless such
440 funeral establishment or crematory shall employ the service of a funeral director licensed
441 in accordance with this article, who shall be the funeral director in full and continuous
442 charge of the establishment and who is a resident of this state. There shall be
443 conspicuously displayed in each funeral establishment and crematory the name and license
444 of the funeral director in full and continuous charge. A funeral director ~~who is~~ in full and
445 continuous charge shall:

446 (1) Assume full responsibility for the supervision and operation of the funeral
447 establishment or crematory for which that person has been designated as the funeral
448 director in full and continuous charge;

449 (2) Act as funeral director for only one funeral establishment or crematory, or at only one
450 funeral establishment that is separately licensed as a crematory; and

451 (3) Spend a minimum of 40 hours per week in the employ and operation of the funeral
452 establishment or crematory and be accessible and available to the community; and

453 (4) If serving as a funeral director in full and continuous charge of a funeral
454 establishment, be licensed as both a funeral director and an embalmer.

455 (b) When there is a change in the funeral director in full and continuous charge, such
456 change shall be reported to the board in writing within five days of the effective date of
457 such change. The board may request the new funeral director in full and continuous charge
458 and owner to appear before the board to determine if the requirements for a funeral director
459 in full and continuous charge have been met.

460 (c) Each funeral establishment and crematory, and the funeral director in full and
461 continuous charge of such funeral establishment or crematory, shall be responsible for all
462 funeral services offered or provided to consumers at the funeral establishment or crematory
463 and for ensuring that all such funeral services are offered or provided in a manner that
464 complies with the provisions of this article and the rules and regulations of the board."

465

SECTION 14.

466 Said article is further amended by revising Code Section 43-18-80, relating to authorizing
467 agent, statement specifying disposition of cremated remains, and shipment of remains, as
468 follows:

469 "43-18-80.

470 (a) ~~For the purposes of~~ As used in this Code section, the term 'authorizing agent' means
471 a person legally entitled to authorize the cremation of human remains.

472 (b) The authorizing agent shall provide to the funeral establishment or crematory in which
473 the cremation arrangements are made a signed statement specifying the ultimate disposition
474 of the cremated remains, if known. A copy of this statement shall be retained by the
475 funeral establishment or crematory offering or conducting the cremation.

476 (c) Cremated remains shall be shipped only by a method that has an internal tracking
477 system available and that provides a receipt signed by the person accepting delivery.

478 (d) The authorizing agent shall be responsible for the disposition of the cremated remains.
479 If, after 60 days from the date of cremation, the authorizing agent or his or her
480 representative has not specified the ultimate disposition or claimed the cremated remains,
481 the funeral establishment, crematory, or entity in possession of the cremated remains shall
482 send a notification to the authorizing agent notifying him or her that, pursuant to this
483 subsection, failure to respond to such notification and specify the final disposition of the
484 ~~cremains~~ cremated remains within 30 days of the transmission of such notice shall
485 authorize the funeral establishment, crematory, or entity in possession of the cremated
486 remains to make arrangements for the disposition of the ~~cremains~~ cremated remains. If,
487 after 30 days, the funeral establishment, crematory, or entity in possession of the cremated
488 remains has not received instructions from the authorizing agent describing a specific
489 method of disposing of the ~~cremains~~ cremated remains, the funeral establishment,
490 crematory, or entity in possession of the ~~cremains~~ cremated remains shall be authorized to
491 dispose of the cremated remains in a dignified and humane manner by ~~entombing such~~
492 ~~cremains in a crypt or underground~~ the interment, entombment, or scattering of such
493 cremated remains in accordance with local and state law or by storage in the funeral
494 establishment, crematory, or entity in possession of the cremated remains. The final resting
495 place of the ~~cremains~~ cremated remains shall be clearly marked and recorded by the funeral
496 establishment ~~entombing the cremains~~, crematory, or entity that disposed of such cremated
497 remains. Any costs or fees incurred to scatter, entomb, inter, or disinter the ~~cremains~~
498 cremated remains shall be the responsibility of the authorizing agent; ~~provided, however,~~
499 ~~that such cost shall not exceed \$100.00.~~

500 (e) Any funeral establishment, crematory, or entity in possession of cremated remains that
501 disposes of cremated remains in accordance with subsection (d) of this Code section shall
502 be discharged from any legal obligation or liability concerning such cremated remains."

503

SECTION 15.

504 All laws and parts of laws in conflict with this Act are repealed.