

The Senate Committee on Rules offered the following substitute to SB 239:

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 a funeral establishment, organic
15 human reduction facility, or crematory; to change certain provisions concerning the
16 disposition of cremated remains; to provide for conforming cross-references and
17 terminology; to provide for related matters; 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. Such term does not
27 include a casket.

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

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

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

33 (5) 'Cremation' means the reduction of the dead human body to residue by intense heat
34 or any mechanical, chemical, thermal, or other professionally accepted process. Such
35 term also includes any other mechanical, chemical, thermal, or other professionally
36 accepted process whereby dead human bodies are pulverized, burned, recreated, or
37 otherwise further reduced in size or quantity. Such term does not include organic human
38 reduction.

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

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

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

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

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

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

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

61 (12) 'Funeral director in full and continuous charge' means a funeral director who is
62 approved by the board to assume full responsibility for the operations of a particular
63 funeral establishment, organic human reduction facility, or crematory and who shall
64 ensure that such establishment complies with this article and with all rules promulgated
65 pursuant to this article.

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

69 (14) 'Funeral merchandise' means ~~the~~ any goods that ~~may only be~~ are sold or offered for
70 sale by a funeral director ~~working in a funeral establishment, organic human reduction~~
71 ~~facility, or crematory and includes, but is not limited to, a casket or alternative container,~~
72 ~~but does not include an outer burial container or cemetery marker~~ for use in connection
73 with the memorialization, interment, entombment, or inurnment of dead human bodies.

74 (15) 'Funeral service contract' means a written ~~or oral~~ agreement between a funeral
75 director or funeral establishment, organic human reduction facility, or crematory and a
76 legally authorized person for the embalming, funeral, or final disposition of a dead human
77 body.

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

83 (16.1) 'Organic human reduction' means the contained, accelerated conversion of dead
84 human bodies to soil.

85 (16.2) 'Organic human reduction container' means a container in which organic human
86 reduction occurs.

87 (16.3) 'Organic human reduction facility' means a location where organic human
88 reduction is performed.

89 (16.4) 'Organically reduced remains' means the resulting residue of a dead human body
90 that has undergone organic human reduction.

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

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

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

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

101 (21) 'Soliciting' means the making of any uninvited contact with another person by a
 102 funeral director or by a funeral director's agent, assistant, employer, or employee for the
 103 purpose of the sale of funeral services or merchandise. Such term shall not include any
 104 advertising which is directed to the public in general."

105

SECTION 2.

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

108 "43-18-3.

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

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

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

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

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

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

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

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

130 (2) If any person fails or refuses to comply with a subpoena issued pursuant to
131 paragraph (1) of this subsection, a superior court of appropriate jurisdiction, upon
132 application of the board, may issue to the person an order requiring such person to appear
133 before the court to show cause why such person should not be held in contempt for the
134 failure or refusal to comply with the subpoena.

135 (f) Any person who violates the provisions of this Code section shall be subject to the civil
136 penalties provided in Code Section 43-1-20.1."

137 **SECTION 3.**

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

140 "43-18-4.

141 (a) The practice of embalming or funeral directing, as defined in this article, is declared
142 to be a business or profession affecting the public interest and involving the health and
143 safety of the public. Such practice by a person who is not licensed to practice in this state
144 is declared to be a public nuisance; and any citizen of this state, the board, or the

145 appropriate prosecuting attorney where such practice is carried on by such unlicensed
146 person may, on behalf of the public, bring an action in the superior court of the county
147 where such nuisance exists or is carried on to restrain and abate the same. On satisfactory
148 proof to the judge of the superior court that such illegal practice or business of funeral
149 directing or embalming is being carried on, the judge shall issue ~~a temporary~~ an injunction
150 against the party or parties operating such practice or business until they have qualified and
151 been licensed under the terms of this article.

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

156 **SECTION 4.**

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

159 "43-18-21.

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

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

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

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

169 (b) The members of the board shall be appointed by the Governor for terms of office of
170 ~~six years and all~~ four years. All vacancies occurring on the board shall be filled by the

171 Governor. When an appointment is made to fill a vacancy caused by death or resignation
 172 of a member, such appointment shall be for the remainder of the unexpired term of the
 173 member whose death or resignation caused the vacancy so filled.

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

178 ~~(c)~~(d) A majority of the members of the board may remove any member who misses three
 179 or more consecutive regular meetings of the board without a medical reason and may
 180 declare that position on the board to be vacant. A member so removed shall not be eligible
 181 for reappointment until the expiration of the term of office for which such person was
 182 serving. The Governor shall have the power to remove from office any member of the
 183 board for willful neglect of duty or for conviction of a crime involving moral turpitude.

184 ~~(d)~~(e) Those persons serving as members of the board immediately prior to ~~April 11, 1990~~
 185 July 1, 2026, shall continue to serve out the respective terms of office for which they were
 186 appointed and until their respective successors are appointed and qualified."

187

SECTION 5.

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

190 "43-18-23.

191 For the purpose of better protection of life and health, preventing the spread of contagious,
 192 communicable, and infectious diseases, and regulating the practice of embalming and
 193 funeral directing and the care and disposition of dead human bodies, the board is
 194 authorized:

- 195 (1) To prescribe a standard of proficiency as to the qualifications and fitness of those
196 engaged in and who may engage in the practice of embalming or funeral directing and
197 the care and disposition of dead human bodies;
- 198 (2) To revoke the license of any embalmer or funeral director for incompetency,
199 conviction of a crime involving moral turpitude, violation of this article, failure to
200 observe the standards of proficiency or rules and regulations promulgated by the board,
201 or any other cause as provided in this article;
- 202 (3) To fix and prescribe rules and regulations governing the business or profession of
203 funeral directing and the business or profession of embalming;
- 204 (4) To fix and prescribe standards of sanitation to be observed in the embalming of dead
205 human bodies or cremation of dead human bodies;
- 206 (5) To regulate and control the business or profession of funeral directing or embalming;
- 207 (6) To fix and prescribe minimum standards of general appearance of funeral
208 establishments or crematories;
- 209 (7) To adopt a common seal; ~~and~~
- 210 (8) To make and promulgate rules and regulations not inconsistent with the laws of this
211 state for the regulation of such board and for the practice of embalming and funeral
212 directing within this state. All rules and regulations of the board existing immediately
213 prior to April 11, 1990, which are not inconsistent with this article shall continue in effect
214 until repealed, amended, or otherwise changed by the board; and
- 215 (9) To issue subpoenas for the attendance of witnesses before the board, administer
216 oaths, and compel production of records or other documents and testimony of witnesses
217 whenever, in the judgment of the board, it is necessary to do so for the effectual discharge
218 of the duties of the board under this article."

219 **SECTION 6.**

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

222 "43-18-40.

223 Any person desiring to engage either in the practice of embalming or in the business or
224 practice of funeral directing, or both, and who has not been licensed to do so shall make
225 written application to the board through the division director for such license or licenses.

226 Such application shall be upon such form and shall be submitted in such manner as shall
227 be prescribed by the board and the applicant shall pay such fee or fees as may be fixed by
228 the board. ~~Before being issued a license to practice funeral directing or embalming in this~~
229 ~~state, all applicants shall pass an examination approved by the board which tests their~~
230 ~~qualifications and skill in either funeral directing or embalming, or both, as the case may~~
231 ~~be, and such examination shall be made in the manner provided for in this article and by~~
232 ~~the board through rules and regulations."~~

233 **SECTION 7.**

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

236 "43-18-41.

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

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

239 (2) Be of good moral character; and

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

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

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

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

255 ~~(2)~~(3) Have completed a minimum of 3,120 hours, pursuant to rules and regulations of
256 the board, of service as an apprentice under the direct supervision of a licensed embalmer
257 as provided in Code Sections 43-18-50 through 43-18-54; and

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

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

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

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

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

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

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

279 (d)(1) An individual who has met the educational requirement specified in paragraph (1)
280 of subsection (b) of this Code section shall be eligible to take ~~the section of the~~
281 examination required under paragraph (2) of such subsection for embalmer relating
282 directly to scholastic training without waiting until such individual meets the additional
283 requirements for licensure specified in ~~paragraph (2)~~ paragraphs (3) and (4) of said such
284 subsection; provided, however, that such individual must submit a proper application and
285 pay the required fees as determined by the board.

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

291 (3) Notwithstanding the passing of either or both of the examinations required under
292 paragraph (2) of subsection (b) or paragraph (2) of subsection (c) of this Code section,
293 an An applicant for licensure as an embalmer or funeral director who shall have
294 successfully completed the section of the examination for embalmer relating directly to
295 scholastic training shall have no status as an embalmer or funeral director until such

296 applicant meets all other requirements for licensure as outlined in this article and has
297 received a license as an embalmer or funeral director from the board.

298 (e)(1) An applicant may satisfy the requirements specified in paragraph (3) of
299 subsection (b) and paragraph (3) of subsection (c) of this Code section simultaneously
300 by completing a minimum of 3,120 hours of service as an apprentice under the direct
301 supervision of a licensed funeral director and a licensed embalmer, or an individual
302 licensed as both a funeral director and an embalmer, as provided in Code
303 Sections 43-18-50 through 43-18-54; provided, however, that such individual shall,
304 during such service as an apprentice, assist in the embalming of at least 50 dead human
305 bodies and assist with at least 50 funerals as required under paragraph (4) of
306 subsection (b) and paragraph (4) of subsection (c) of this Code section.

307 (2) An applicant for an embalmer's license who is licensed as a funeral director in this
308 state and who has not satisfied the requirements specified in paragraph (3) of subsection
309 (b) of this Code section may satisfy the requirements of such paragraph by assisting, as
310 an apprentice under the direct supervision of a licensed embalmer, in the embalming of
311 at least 50 dead human bodies as provided in paragraph (1) of subsection (d) of Code
312 Section 43-18-50; provided, however, that such applicant shall be required to satisfy all
313 other requirements for an embalmer's license as set forth in this Code section.

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

321

SECTION 8.

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

324 "43-18-42.

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

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

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

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

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

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

339 or

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

345 (b) Nothing in this Code section shall be construed to prevent an applicant denied pursuant
346 to this Code section from ~~taking the examination for licensure pursuant to this article~~ being

347 issued a license as a funeral director or embalmer under this article if that applicant
348 otherwise meets the qualifications set out in Code Section 43-18-41."

349 **SECTION 9.**

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

352 "43-18-43.1.

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

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

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

366 **SECTION 10.**

367 Said article is further amended by revising Code Section 43-18-50, relating to application for
368 funeral service apprenticeship and period of apprenticeship, as follows:

369 "43-18-50.

370 (a) Every person desiring to serve as an apprentice shall make application as a funeral
371 service apprentice to the board upon a form provided by the board. The applicant must be

372 at least 18 years of age and have either graduated from high school or have a state approved
373 high school equivalency (HSE) certificate. The apprenticeship shall be served at an
374 approved establishment and under the direct supervision of a funeral director, embalmer,
375 or both. The application must be verified by oath of applicant and be accompanied by a
376 fee to be established by the board. The application shall be submitted to the board and may
377 be accepted or rejected by a majority of the board.

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

382 (c) ~~The~~ Except as provided in subsection (d) of this Code section, the total period of
383 apprenticeship shall be 3,120 hours and must be served in a minimum of 18 months, but
384 the minimum period shall be in addition to the time required to graduate from a college of
385 funeral service or other college pursuant to complete the education requirements provided
386 for in paragraph (1) of subsection (b) or paragraph (1) of subsection (c) of Code
387 Section 43-18-41. An apprentice shall be authorized to earn apprenticeship hours in an
388 amount to be determined by the board while attending a postgraduate school or a program
389 at an accredited college of funeral service or other college approved by the board.

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

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

407 **SECTION 11.**

408 Said article is further amended by revising Code Section 43-18-52, relating to supervision
 409 and control of apprentices and reporting hours served, as follows:
 410 "43-18-52.

411 (a) All apprentices shall be under the supervision and control of the board and shall submit
 412 reports to the board every six months, in a form and manner provided by the board,
 413 detailing the hours spent and activities performed in service as an apprentice and, upon
 414 application for licensure, submit to the board proof of having served the required number
 415 of hours satisfied the applicable apprenticeship requirements provided for in this article on
 416 forms provided by the board. After completing the

417 (b) An apprentice who is required to complete 3,120 hours for of apprenticeship within the
 418 specified period; they shall, upon completing such hours, send the last a final report to the
 419 board regardless of the date indicating that such hours have been completed. The
 420 information contained in the final report shall be certified as correct by the funeral director
 421 in full and continuous charge and by the supervising funeral director, and embalmer, or
 422 both.

423 (c) An apprentice who is not required to complete a specified number of hours of service
 424 as an apprentice over a specified period of time pursuant to subsection (d) of Code

425 Section 43-18-50 shall, upon assisting in the embalming of at least 50 dead human bodies
426 or assisting with at least 50 funerals, whichever is applicable, send a final report to the
427 board regardless of the date indicating that such assistance has been given. The
428 information contained in the final report shall be certified as correct by the funeral director
429 in full and continuous charge and by the supervising funeral director or embalmer,
430 whichever is applicable."

431

SECTION 12.

432 Said article is further amended by revising Code Section 43-18-70, relating to practice at
433 licensed funeral establishment or crematory, facilities, and living quarters, requirement to
434 only practice at licensed funeral establishment, organic human reduction facility, or
435 crematory and requirements of funeral establishments, by adding a new subsection to read
436 as follows:

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

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

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

445

SECTION 13.

446 Said article is further amended by revising Code Section 43-18-71, relating to funeral
447 establishments, organic human reduction facilities, and crematories to be licensed and to
448 employ a licensed funeral director to be in full and continuous charge and display of name
449 and license of funeral director, as follows:

450 "43-18-71.

451 (a) It shall be unlawful for any person, firm, corporation, or association to operate a funeral
452 establishment, organic human reduction facility, or crematory engaged in the business of
453 providing funeral services without first obtaining a license from the board in accordance
454 with this article. The board shall not issue a license to any funeral establishment, organic
455 human reduction facility, or crematory unless such funeral establishment or crematory shall
456 employ the service of a funeral director licensed in accordance with this article, who shall
457 be the funeral director in full and continuous charge of the establishment and who is a
458 resident of this state. There shall be conspicuously displayed in each funeral establishment,
459 organic human reduction facility, and crematory the name and license of the funeral
460 director in full and continuous charge. A funeral director in full and continuous charge
461 shall:

462 (1) Assume full responsibility for the supervision and operation of the funeral
463 establishment, organic human reduction facility, or crematory for which that person has
464 been designated as the funeral director in full and continuous charge;

465 (2) Act as funeral director for only one funeral establishment, organic human reduction
466 facility, or crematory, or at only one funeral establishment that is separately licensed as
467 an organic human reduction facility or crematory; and

468 (3) Spend a minimum of 40 hours per week in the employ and operation of the
469 establishment and be accessible and available to the community; and

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

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

477 (c) Each funeral establishment, organic human reduction facility, or crematory, and the
478 funeral director in full and continuous charge of such funeral establishment, organic human
479 reduction facility, or crematory, shall be responsible for all funeral services offered or
480 provided to consumers at the funeral establishment, organic human reduction facility, or
481 crematory and for ensuring that all such funeral services are offered or provided in a
482 manner that complies with the provisions of this article and the rules and regulations of the
483 board."

484

SECTION 14.

485 Said article is further amended by revising Code Section 43-18-80, relating to authorizing
486 agent, statement specifying disposition of cremated or organically reduced remains, and
487 shipment of remains, as follows:

488 "43-18-80.

489 (a) As used in this Code section, the term 'authorizing agent' means a person legally
490 entitled to authorize the organic human reduction or cremation of a dead human body.

491 (b) The authorizing agent shall provide to the funeral establishment, organic human
492 reduction facility, or crematory in which the organic human reduction or cremation
493 arrangements are made a signed statement specifying the ultimate disposition of the
494 organically reduced remains or cremated remains, if known. A copy of such statement
495 shall be retained by the funeral establishment, organic human reduction facility, or
496 crematory offering or conducting the organic human reduction or cremation.

497 (c) Organically reduced remains or cremation remains shall be shipped only by a method
498 that has an internal tracking system available and that provides a receipt signed by the
499 person accepting delivery.

500 (d) The authorizing agent shall be responsible for the disposition of the organically
501 reduced remains or cremated remains. If, after 60 days from the date the organic human
502 reduction is completed or the date of cremation, the authorizing agent or his or her

503 representative has not specified the ultimate disposition or claimed the organically reduced
504 or cremated remains, the funeral establishment, organic human reduction facility,
505 crematory, or other entity in possession of the organically reduced remains or cremated
506 remains shall send a notification to the authorizing agent notifying him or her that, pursuant
507 to this subsection, failure to respond to such notification and specify the ultimate
508 disposition of the organically reduced remains or cremated remains within 30 days of the
509 transmission of such notice shall authorize the funeral establishment, organic human
510 reduction facility, crematory, or other entity to make arrangements for the disposition of
511 such remains. If, after 30 days, the funeral establishment, organic human reduction facility,
512 crematory or entity in possession of the organically reduced remains or cremated remains
513 has not received instructions from the authorizing agent describing a specific method of
514 disposing of such remains, the funeral establishment, organic human reduction facility,
515 crematory or entity in possession of such remains shall be authorized to dispose of the
516 organically reduced remains or cremated remains in a dignified and humane manner by the
517 entombment, internment, or scattering of such remains in accordance with local and state
518 law or by storage in the funeral establishment, organic human reduction facility, crematory,
519 or location of the entity in possession of the remains. The final resting place of the
520 organically reduced remains or cremated remains shall be clearly marked, unless such
521 remains are scattered, and recorded by the funeral establishment, organic human reduction
522 facility, crematory, or entity that disposed of such remains. Any costs or fees incurred to
523 entomb, inter, scatter, or disinter such remains shall be the responsibility of the authorizing
524 agent; ~~provided, however, that such cost shall not exceed \$100.00.~~

525 (e) Any funeral establishment, organic human reduction facility, or crematory, or entity
526 in possession of cremated remains that disposes of cremated remains in accordance with
527 subsection (d) of this Code section shall be discharged from any legal obligation or liability
528 concerning such cremated remains."

529

SECTION 15.

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