

The House Committee on Regulated Industries offers 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 provide for term limits; to change certain provisions concerning the
7 education requirements for funeral directors and embalmers; to provide separate examination
8 requirements for funeral directors and embalmers; to change certain provisions relating to
9 the apprenticeship requirements of funeral directors and embalmers; to revise provisions
10 concerning the licensure of funeral directors and embalmers by reciprocity; to make the
11 provisions concerning the reinstatement of licenses applicable to embalmers; to revise
12 provisions concerning funeral establishments; to require that a funeral director in full and
13 continuous charge of a funeral establishment be licensed as both a funeral director and an
14 embalmer; to provide for responsibility of all funeral services offered at a funeral
15 establishment, organic human reduction facility, or crematory; to change certain provisions
16 concerning the disposition of cremated remains; to provide for conforming cross-references
17 and terminology; to provide for related matters; to repeal conflicting laws; and for other
18 purposes.

S. B. 239 (SUB)

- 1 -

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 **SECTION 1.**

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

24 "43-18-1.

25 As used in this article, the term:

26 (1) 'Alternative container' means any receptacle or enclosure which is of sufficient
27 strength to be used to hold and to transport a dead human body. Such term does not
28 include a casket.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

106 **SECTION 2.**

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

109 "43-18-3.

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

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

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

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

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

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

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

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

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

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

138 **SECTION 3.**

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

141 "43-18-4.

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

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

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

157 **SECTION 4.**

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

160 "43-18-21.

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

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

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

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

170 (b) The members of the board shall be appointed by the Governor for terms of office of
 171 ~~six years and all~~ four years and not to exceed two terms. All vacancies occurring on the

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

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

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

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

189 **SECTION 5.**

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

192 "43-18-23.

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

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

221 **SECTION 6.**

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

224 "43-18-40.

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

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

235 **SECTION 7.**

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

238 "43-18-41.

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

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

241 (2) Be of good moral character; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

323 **SECTION 8.**

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

326 "43-18-42.

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

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

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

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

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

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

341 or

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

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

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

351 **SECTION 9.**

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

354 "43-18-43.1.

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

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

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

368 **SECTION 10.**

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

371 "43-18-50.

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

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

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

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

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

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

409 **SECTION 11.**

410 Said article is further amended by revising Code Section 43-18-52, relating to supervision
 411 and control of apprentices and reporting hours served, as follows:
 412 "43-18-52.

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

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

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

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

433 **SECTION 12.**

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

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

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

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

447 **SECTION 13.**

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

452 "43-18-71.

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

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

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

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

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

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

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

486 **SECTION 14.**

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

490 "43-18-80.

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

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

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

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

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

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

531

SECTION 15.

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