

Regular Session, 2014

HOUSE BILL NO. 1002

BY REPRESENTATIVE RITCHIE

FUNERALS & FUNERAL HOMES: Provides with respect to embalmers and funeral directors

1 AN ACT

2 To amend and reenact R.S. 37:831(60) and (84), 842, 845(8), 846(A)(introductory
3 paragraph) and (11)(a), 854(B)(5), and 877(B)(1)(a)(xi) and (b)(ii), to enact R.S.
4 37:831(88) and 854(B)(6), and to repeal R.S. 37:831(81), relative to embalmers and
5 funeral directors; to define certain terms; to provide for qualifications for a funeral
6 director license; to provide for qualifications for an embalmer and funeral director
7 license; to provide for licensure by endorsement; to provide for qualifications for
8 certain temporary licenses; to provide for the licensure of a funeral directing and
9 embalming establishment; to provide for certain fees; to provide for grounds for
10 suspension or revocation of licenses; to provide for exemptions from continuing
11 education requirements; to require funeral directors to sign and witness signatures
12 for cremations; to repeal the definition of "student intern"; and to provide for related
13 matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 37:831(60) and (84), 842, 845(8), 846(A)(introductory paragraph)
16 and (11)(a), 854(B)(5), and 877(B)(1)(a)(xi) and (b)(ii) are hereby amended and reenacted
17 and R.S. 37:831(88) and 854(B)(6) are hereby enacted to read as follows:

18 §831. Definitions

19 For purposes of this Chapter and implementation thereof, the following terms
20 shall have the meaning as defined herein, unless the context clearly indicates
21 otherwise:

22 * * *

1 (60) "Intern" means a person who is duly registered as such with the board
2 while in the employ of a funeral establishment and who is engaged in learning the
3 practice of funeral directing, or the practice of embalming, or both as the case may
4 be, under the ~~direct instruction and personal~~ supervision of a funeral director or
5 funeral director and embalmer duly ~~registered and~~ licensed by the board and
6 available on the same premises for consultation.

7 * * *

8 (84) "Unethical or unprofessional conduct" as used in this Chapter means a
9 standard of personal behavior by a funeral director, or embalmer, or both, or intern,
10 or individual working under the authority of a temporary license not conforming to
11 accepted, professional principles of the funeral service profession.

12 * * *

13 (88) "Temporary license" is a license issued for a period of not more than six
14 months to an individual who has been licensed for a period of not less than one year
15 and who has been active as an embalmer and funeral director or funeral director in
16 another state, province, or jurisdiction recognized by the board and who meets all of
17 the requirements of this Part. The license entitles the holder to practice embalming
18 and funeral directing or funeral directing in the state of Louisiana under the general
19 supervision of a licensed establishment manager. The license shall become null and
20 void if the license being endorsed is revoked, suspended, or lapsed.

21 * * *

22 §842. Minimum qualifications for license

23 A. Qualifications for a funeral director license. Any applicant ~~shall be~~ is
24 qualified for license as funeral director if he meets all of the following requirements:

- 25 (1) ~~Is twenty-one at least eighteen years of age. or at least eighteen years of~~
26 ~~age and legally emancipated.~~
27 (2) Is a graduate of a high school as evidenced by a diploma or GED.
28 (3) Is found by the board to be of good moral character and temperate habits.

1 ~~(3)(a)~~ (4) Has successfully completed a minimum of thirty semester hours
 2 in an accredited college or university, ~~as recognized by the board and evidenced by~~
 3 ~~a transcript of credits from such college or university.~~ as evidenced by a certified
 4 copy of the transcript of the college or university. The minimum subject hours shall
 5 include twenty-one semester hours of the basic freshman courses, which include but
 6 are not limited to the following: English, math, bookkeeping, accounting, business
 7 math, psychology, history, science, business administration, biology, economics,
 8 chemistry, and marketing or such other minimum hours as the law may provide.
 9 Remedial classes and courses such as music, the arts, physical education, and sports
 10 shall not be considered as accepted courses.

11 ~~(b) Any intern duly registered with the board shall be required to have~~
 12 ~~completed thirty semester hours in an accredited college or university, as recognized~~
 13 ~~by the board and evidenced by a certified transcript of credits from such college or~~
 14 ~~university.~~

15 ~~(4)~~ (5) Has served as an apprentice for a period of not less than one year in
 16 ~~the State of Louisiana.~~ Has served an internship in the state of Louisiana for a period
 17 of not less than nine months, or thirty-nine weeks, and not more than twenty-four
 18 months, or one hundred four weeks, actively assisted in at least thirty funerals and
 19 completed at least one thousand five hundred sixty contact hours during the
 20 internship period. A funeral director intern may receive credit for up to two-thirds
 21 of the internship requirement prior to the completion of thirty semester hours.

22 ~~(5)~~ (6) Has paid the application fee required by R.S. 37:845.

23 ~~(6)~~ (7) Passes satisfactorily an examination conducted by the board relative
 24 to the practice of the profession of funeral directing as defined in R.S. 37:831.

25 B. Qualifications for an embalmer and funeral director license. Any
 26 applicant ~~shall be~~ is qualified for license as an embalmer and funeral director if he
 27 meets all of the following requirements:

28 (1) Meets ~~foregoing~~ the requirements (1), (2), (4) and (5) set forth in
 29 Paragraphs (A)(1), (2), (3), and (6) of this Section for funeral directors.

1 (2) ~~Is a graduate of a high school as evidenced by a diploma.~~

2 (3) ~~Has successfully completed a full course of not less than fifteen full~~
3 ~~months~~ in the science of embalming and the profession of funeral directing at an
4 accredited school ~~of mortuary science or funeral service~~ recognized by the board.

5 (4) ~~(3)~~ Passes satisfactorily an examination conducted by the board relative
6 to the practice of the science of embalming and the profession of funeral directing
7 as defined in R.S. 37:831.

8 (4) Has served an internship in the state of Louisiana for a period of not less
9 than nine months, or thirty-nine weeks, and not more than twenty-four months, or
10 one hundred four weeks, actively assisted in at least thirty embalming operations and
11 thirty funerals and completed at least one thousand five hundred sixty contact hours
12 during the internship period. An embalmer and funeral director intern may receive
13 credit for up to two-thirds of the internship requirement prior to graduating from an
14 accredited school recognized by the board.

15 C. ~~Any applicant is qualified for license as an embalmer or funeral director~~
16 ~~in this state, if he:~~ Licensure by endorsement. Any applicant is qualified for license
17 as an embalmer and funeral director or funeral director by endorsement in this state
18 if he meets all of the following requirements:

19 (1) ~~Holds a valid license in full force and effect from another state or a~~
20 ~~provincial authority recognized by this board and by the Conference of Funeral~~
21 ~~Service Examining Boards, and furnishes such license, or a certified copy thereof,~~
22 ~~to the board, together with the certificate of the licensing authority of such state or~~
23 ~~province, certifying to the examination of such applicant and giving the percentage~~
24 ~~made in such examination, and his place of residence at the time of the examination.~~

25 (1) Holds a license in good standing issued by another state, province, or
26 jurisdiction recognized by the board that is substantially equivalent to the
27 requirements of this state and who meets the requirements of this Chapter.

28 (2) ~~Furnishes to the board an affidavit or affidavits of two responsible~~
29 ~~persons showing that applicant had not ceased his practice of the science of~~

1 ~~embalming or the profession of funeral directing, as the case may be, for more than~~
2 ~~one year prior to making application to the board for license in Louisiana. Meets all~~
3 ~~of the requirements of Paragraphs (A)(1), (2), (3), and (6) of this Section for an~~
4 ~~embalmer and funeral director or funeral director license.~~

5 ~~(3) Provides the board with evidence showing that he was then, and had been~~
6 ~~for at least three months, engaged in the science of embalming or the profession of~~
7 ~~funeral directing within the State of Louisiana. Has worked for a period of not less~~
8 ~~than three months within the state of Louisiana under the authority of a temporary~~
9 ~~license.~~

10 ~~(4) Has paid with his application fee required by R.S. 37:845.~~

11 ~~(5) Is found by the board to be a person of good moral character and~~
12 ~~temperate habits, and to otherwise meet the requirements of this chapter.~~

13 D. Qualifications for an embalmer and funeral director temporary license.
14 Any applicant is qualified for an embalmer and funeral director temporary license
15 by endorsement in this state if he meets the requirements of Paragraphs (A)(1), (2),
16 (3), and (6) of this Section and furnishes the board with all of the following:

17 (1) Proof that he holds a valid embalmer and funeral director license in good
18 standing from another state, province, or jurisdiction recognized by the board. The
19 board may waive this requirement in those cases where the recognized state,
20 providence, or jurisdiction does not license embalmers or funeral directors.

21 (2) Proof that he has graduated from an accredited program in mortuary
22 science recognized by the board.

23 (3) Proof that he has passed a nationally recognized examination.

24 (4) Proof that he has practiced the science of embalming and the profession
25 of funeral directing for a period of not less than one year during the prior three-year
26 period.

1 (5) Proof in the form of a statement that:

2 (a) No proceeding has been instituted against the applicant for the
3 cancellation, suspension, or revocation of the license in the state, province, or
4 jurisdiction that issued the license.

5 (b) No prosecution is pending against the applicant in a state or federal court
6 for an offense that, under the laws of this state, is a felony or is a misdemeanor
7 related to the science of embalming or the profession of funeral directing.

8 (c) The qualifications made in the application for licensure in this state are
9 correct.

10 E. Qualifications for a funeral director temporary license. Any applicant is
11 qualified for a funeral director temporary license by endorsement in this state if he
12 meets the requirements of Paragraphs (A)(1), (2), (3), and (6) of this Section and
13 furnishes the board with all of the following:

14 (1) Proof that he holds a valid funeral director license in good standing from
15 another state, province, or jurisdiction recognized by the board. The board may
16 waive this requirement in those cases where the recognized state, providence, or
17 jurisdiction does not license funeral directors.

18 (2) Proof that he has passed a recognized examination.

19 (3) Proof that he has practiced the profession of funeral directing for a period
20 of not less than one year during the prior three-year period.

21 (4) Proof in the form of a statement that:

22 (a) No proceeding has been instituted against the applicant for the
23 cancellation, suspension, or revocation of the license in the state, province, or
24 jurisdiction that issued the license.

25 (b) No prosecution is pending against the applicant in a state or federal court
26 for an offense that, under the laws of this state, is a felony or is a misdemeanor
27 related to the science of embalming or the profession of funeral directing.

1 (c) The qualifications made in the application for licensure in this state are
2 correct.

3 F. Any establishment where the business of funeral directing or embalming
4 as defined in R.S. 37:831 is conducted within this state ~~must~~ shall be duly licensed.
5 An establishment shall be qualified to be licensed to operate as such if it meets all
6 of the following:

7 (1) ~~It is managed or to be managed by a funeral director holding a valid~~
8 ~~license from the state of Louisiana, who must manage the establishment on a~~
9 ~~full-time basis and funeral directing must be his principal occupation.~~ It is managed
10 or is to be managed by a funeral director holding a valid license from the state of
11 Louisiana. The funeral director shall manage the establishment on a full-time basis
12 and funeral directing shall be his principal occupation.

13 (2) Embalming is performed only by an embalmer and a funeral director and
14 embalmer holding a valid license from the state of Louisiana.

15 (3) It is found, after proper investigation; to meet the requirements
16 established by ~~this~~ the board with respect to licensed personnel, registered interns,
17 and those working under the authority of a temporary license, embalming facilities
18 for the sanitation, disinfection, and preparation of a human body, adequate buildings,
19 display rooms, furnishings, or equipment and other necessary facilities to adequately
20 serve the public.

21 (4) Furnishes such further information as the board may require regarding
22 its qualifications and operations.

23 (5) Makes payment to the board of the fee required by R.S. 37:845.

24 G. Licenses issued ~~under this Subsection D~~ pursuant to Subsection F of this
25 Section shall be for a specific name and location, and amended from time to time to
26 show any change of name or location upon the payment of a charge equaling a
27 license renewal fee.

28 E. H. Every license issued hereunder shall be signed by the president and
29 secretary of the board, and bear the imprint of the board's seal. The board shall

1 register each license holder as being duly licensed for the purpose covered by such
2 license.

3 * * *

4 §845. Fees

5 The board shall require payment of fees hereunder, as follows:

6 * * *

7 (8) A fee to be determined by the board of not more than one hundred dollars
8 from each person applying for a ~~work permit~~ temporary license within this state.

9 * * *

10 §846. Refusal to grant or renew licenses; revocation or suspension; grounds;
11 hearings

12 A. The board may refuse to grant, refuse to renew, ~~or may suspend,~~ or
13 revoke any license, or impose a sanction or fine in keeping with the penalty
14 provision of this Part; for any licensee or registrant when ~~the applicant or licensee~~
15 he is found guilty of any of the following acts or omissions:

16 * * *

17 (11)(a) Knowingly employing any unlicensed person or inactive licensee to
18 perform the work of actual embalming or funeral directing, except that a registered
19 ~~apprentice intern~~ intern may perform the work of actual embalming or funeral directing, as
20 long as he is under the ~~direct and constant~~ supervision of a licensed embalmer or
21 funeral director who is available on the same premises for consultation.

22 * * *

23 §854. Continuing education; requirements; enforcement; exemptions; course
24 approval; provider approval; recordkeeping; fees

25 * * *

26 B. The continuing education requirements of this Section shall not apply to:

27 * * *

28 (5) ~~Interns and student interns.~~ Temporary licensees.

1 (6) Interns.

2 * * *

3 §877. Authorization to arrange cremation; authorization to cremate; refusal to
4 arrange a cremation; refusal to cremate

5 * * *

6 B. A crematory authority shall have authority to cremate human remains
7 when they are delivered by the funeral establishment and upon receipt of all of the
8 following:

9 (1)(a) A cremation authorization form signed by an authorizing agent. Such
10 form shall contain, at a minimum, the following information:

11 * * *

12 (xi) The signature of the authorizing agent, attesting to the accuracy of all
13 representations contained on the cremation authorization form, except for those
14 representations made by the funeral director pursuant to Item (1)(b)(ii). The
15 signature of the authorizing agent shall be witnessed by a funeral director of the
16 funeral establishment arranging the cremation or otherwise executed by the
17 authorizing agent before a notary public.

18 (b)

19 * * *

20 (ii) The cremation authorization form, other than preneed cremation forms,
21 shall also be signed by a funeral director of the funeral establishment ~~that obtained~~
22 arranging the cremation authorization. ~~That~~ The funeral director ~~shall merely~~
23 ~~execute the cremation authorization form as a witness and~~ shall not be responsible
24 for any of the representations made by the authorizing agent, unless the individual
25 has actual knowledge to the contrary. However, the information requested by Item
26 (a)(i) of this Paragraph shall be considered to be a representation of the funeral
27 director or funeral establishment that the human remains delivered to the crematory
28 authority have been identified as the decedent listed on the cremation authorization
29 by the coroner pursuant to Item (b)(iii) of this Paragraph or positively identified after

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1 a viewing of the remains by a person who is the authorizing agent or a member of
2 the class of which the authorizing agent is composed or a designated representative
3 thereof. The information requested by Item (a)(iii) of this Paragraph shall be
4 considered to be a representation of the funeral director or funeral establishment of
5 any information received by the funeral director or funeral establishment pursuant
6 to R.S. 40:1099.1.

7 * * *

8 Section 2. R.S. 37:831(81) is hereby repealed in its entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Ritchie

HB No. 1002

Abstract: Amends provisions relative to the licensing of embalmers and funeral directors.

Present law defines terms.

Proposed law amends the terms "intern" and "unethical or unprofessional conduct" and adds the term "temporary license". The term "temporary license" means a license valid for no more than 6 months issued to an individual who has been licensed for less than a year and has been an active embalmer and funeral director or funeral director in another jurisdiction. Repeals the term "student intern".

Present law provides for the minimum qualifications for licensure as a funeral director; embalmer and funeral director; and embalmer or funeral director.

Proposed law changes present law to provide qualifications as follows:

For a funeral director license, the applicant must:

- (1) Be at least 18 years of age.
- (2) Be a graduate of a high school as evidenced by a diploma or GED.
- (3) Be found to be of good moral character and temperate habits.
- (4) Have completed a minimum of 30 semester hours in college or university and have taken requisite courses.
- (5) Have served an in-state internship for at least 9 months but not more than 24 months, actively assisted with at least 30 funerals and completed at least 1,560 contact hours during the internship.
- (6) Have paid the application fee.
- (7) Have passed the exam.

For an embalmer and funeral director license, the applicant must:

- (1) Be at least 18 years of age.
- (2) Be a graduate of a high school as evidenced by a diploma or GED.
- (3) Be found to be of good moral character and temperate habits.
- (4) Have paid the application fee.
- (5) Have completed a full course in the science of embalming and the profession of funeral directing at an accredited school.
- (6) Have passed the exam.
- (7) Have served an in-state internship for at least 9 months but not more than 24 months, actively assisted in at least 30 embalming operations and 30 funerals, and completed at least 1,560 contact hours during the internship.

For licensure by endorsement, the applicant must:

- (1) Hold a license in good standing from another jurisdiction recognized by the board.
- (2) Be at least 18 years of age.
- (3) Be a graduate of a high school as evidenced by a diploma or GED.
- (4) Be found to be of good moral character and temperate habits.
- (5) Have paid the application fee.
- (6) Have worked for at least 3 months in state under a temporary license.

For an embalmer and funeral director temporary license, the applicant must:

- (1) Be at least 18 years of age.
- (2) Be a graduate of a high school as evidenced by a diploma or GED.
- (3) Be found to be of good moral character and temperate habits.
- (4) Have paid the application fee.
- (5) Furnish the board with the following:
 - (a) Proof of a valid embalmer and funeral director license in good standing from another jurisdiction.
 - (b) Proof that he has graduated from an accredited mortuary science program.
 - (c) Proof that he has passed a nationally recognized examination.
 - (d) Proof that he has practiced for at least 1 year within the prior 3-year period the science of embalming and the profession of funeral directing.
 - (e) Proof that no proceeding has been instituted for suspension or revocation of his license in another jurisdiction; no prosecution is pending in another jurisdiction for a felony or misdemeanor relating to the science of embalming

or the profession of funeral directing; and the qualifications in his application are correct.

For a funeral director temporary license, the applicant must:

- (1) Be at least 18 years of age.
- (2) Be a graduate of a high school as evidenced by a diploma or GED.
- (3) Be found to be of good moral character and temperate habits.
- (4) Have paid the application fee.
- (5) Have passed the exam.
- (6) Proof that he has practiced for at least 1 year within the prior 3-year period the profession of funeral directing.
- (7) Proof that no proceeding has been instituted for suspension or revocation of his license in another jurisdiction; no prosecution is pending in another jurisdiction for a felony or misdemeanor relating to the science of embalming or the profession of funeral directing; and the qualifications in his application are correct.

Proposed law requires any establishment where the business of funeral directing or embalming is conducted to be licensed. Proposed law provides all requirements for licensure.

Present law provides that licenses shall be for a specific name and location, and amended to reflect any change of name or location as needed. Present law requires the license to be signed by the president and secretary of the board and bear the board's seal.

Proposed law retains present law.

Present law provides grounds for refusal to grant, refusal to renew, or suspension or revocation of a license. Present law also allows the board to impose a sanction or fine.

Proposed law retains present law but updates references to terms.

Present law provides as cause for refusal to grant, suspend, or revoke a license knowingly employing an unlicensed person or inactive licensee to perform the work of actual embalming or funeral directing. Present law allows an exception for a registered apprentice as long as he is under direct and constant supervision of a licensed embalmer or funeral director.

Proposed law changes present law by changing the exception from apprentice to intern and deleting the requirement that the supervision of the intern be direct and constant but instead requires the licensed embalmer or funeral to be available on the same premises for consultation.

Present law requires continuing education of its licensees. Present law also provides exceptions to those requirements.

Proposed law provides that the continuing education requirements do not apply to temporary licensees and interns.

Present law allows a crematory authority to have authority to cremate human remains when they are delivered by a funeral establishment. Further requires certain information to be

received with regards to the remains including the signature of the authorizing agent attesting to the accuracy of all information on the cremation authorization form.

Proposed law adds to present law the requirement that the signature of the authorizing agent be witnessed by a funeral director of the funeral establishment arranging the cremation or otherwise executed by the authorizing agent before a notary public.

Present law requires that the authorization form also be signed by a funeral director of the funeral establishment that obtained the cremation authorization. Proposed law changes present law by requiring the signature of the funeral director of the establishment that arranges the cremation.

(Amends R.S. 37:831(60) and (84), 842, 845(8), 846(A)(intro. para.) and (11)(a), 854(B)(5), and 877(B)(1)(a)(xi) and (b)(ii); Adds R.S. 37:831(88) and 854(B)(6); Repeals R.S. 37:831(81))