

2017 Regular Session

SENATE BILL NO. 193

BY SENATOR CORTEZ

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

EMBALMERS/FUNERAL DIRECT. Provides relative to certificate renewals by the Louisiana State Board of Embalmers and Funeral Directors. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 37:844 and to enact R.S. 37:874(C) and (D), relative to  
3 embalming and funeral directing; to provide for certificate renewals; to provide for  
4 notice; to provide for a time frame for compliance; to provide for refunds of certain  
5 reinstatement fees; to provide for an effective date; and to provide for related  
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 37:844 is hereby amended and reenacted and R.S. 37:874(C) and (D)  
9 are hereby enacted to read as follows:

10 §844. Renewals

11 A. Every certificate holder under this Chapter who ~~wishes to continue~~  
12 **continues** the practice of the science of embalming, ~~or~~ the practice of funeral  
13 directing, **or continues to operate a funeral establishment in this state** shall  
14 **renew its license by paying** pay to the secretary of the board on or before December  
15 31 of each year the renewal fee ~~provided in~~ **set forth by rule in accordance with**  
16 R.S. 37:845. **Any certificate holder whose renewal fee is not received by the**  
17 **board by December 31 shall be deemed delinquent and shall be so notified by**



1 and shall be so notified by the board in writing sent to the crematory retort  
 2 operator or crematory authority by certified mail. The notice shall state that the  
 3 deadline for renewal has lapsed and that if the crematory retort operator or  
 4 crematory authority intends to renew, the renewal fee, the renewal application,  
 5 and, if applicable, annual report shall be submitted to the board within five  
 6 business days of receipt of the notice. No penalties, reinstatement fees, or late  
 7 fees shall be assessed and no reinspection shall be required if the crematory  
 8 retort operator or crematory authority submits the renewal fee, the renewal  
 9 application, and, if applicable, the annual report within five business days of  
 10 receipt of the notice. If the board does not receive the renewal fee, the renewal  
 11 application, and, if applicable, annual report within the five days provided for  
 12 by this Subsection, such crematory retort operator or crematory authority shall  
 13 be subject to any penalty, reinstatement fees, or late fees authorized by law.

14 D. A renewal fee, application, or annual report sent through the mail  
 15 shall be deemed timely received if mailed on or before the due date. If received  
 16 by the board after the due date, the timeliness of the mailing shall be shown by  
 17 an official United States postmark or by official receipt or certificate from the  
 18 United States Postal Service or a commercial mail service, made at the time of  
 19 mailing that indicates the date thereof.

20 Section 2. This Act shall become effective upon signature by the governor or, if not  
 21 signed by the governor, upon expiration of the time for bills to become law without signature  
 22 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 23 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 24 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Christine Arbo Peck.

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Present law provides that certificate holders shall renew their certificate by December 31 of  
 each year and such certificate shall be considered automatically revoked for failure to pay.

Proposed law repeals the provision for automatic revocation of certificate for failure to pay and establishes a process requiring the board to issue notice of failure to pay by certified mail, provide the opportunity for the certificate holder to pay within five days of receipt of the certified mail, and issue a refund to any certificate holders who were assessed a reinstatement fee in January 2017, to include the reinstatement fee less the annual renewal fee. The refund must be issued by September 1, 2017.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 37:844; adds R.S. 37:847(C) and (D))