

ACT No. 264

Regular Session, 2014

HOUSE BILL NO. 1002

BY REPRESENTATIVE RITCHIE

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§831. Definitions

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

* * *

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

* * *

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

* * *

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

* * *

§842. Minimum qualifications for license

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

(1) ~~Is twenty-one at least eighteen years of age, or at least eighteen years of age and legally emancipated.~~

(2) Has obtained a high school diploma or its equivalent.

(3) Is found by the board to be of good moral character and temperate habits.

~~(3)(a)~~ (4) Has successfully completed a minimum of thirty semester hours in an accredited college or university, as recognized by the board and evidenced by

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

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

13 ~~(4) (5) Has served as an apprentice for a period of not less than one year in~~
14 ~~the State of Louisiana. Has served an internship in the state of Louisiana for a period~~
15 ~~of not less than nine months, or thirty-nine weeks, and not more than twenty-four~~
16 ~~months, or one hundred four weeks, has actively assisted in at least thirty funerals,~~
17 ~~and has completed at least one thousand five hundred sixty contact hours during the~~
18 ~~internship period. A funeral director intern may receive credit for up to two-thirds~~
19 ~~of the internship requirement prior to the completion of thirty semester hours.~~

20 ~~(5) (6) Has paid the application fee required by R.S. 37:845.~~

21 ~~(6) (7) Passes satisfactorily an examination conducted by the board relative~~
22 ~~to the practice of the profession of funeral directing as defined in R.S. 37:831.~~

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

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

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

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

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

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

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

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

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

27 ~~(2) Furnishes to the board an affidavit or affidavits of two responsible~~
28 ~~persons showing that applicant had not ceased his practice of the science of~~
29 ~~embalming or the profession of funeral directing, as the case may be, for more than~~
30 ~~one year prior to making application to the board for license in Louisiana.~~ Meets all

1 of the requirements of Paragraphs (A)(1), (2), (3), and (6) of this Section for an
2 embalmer and funeral director or funeral director license.

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

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

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

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

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

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

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

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

25 (5) Proof in the form of a statement that all of the following are true:

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

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

4 **(c) The qualifications made in the application for licensure in this state are**
5 **correct.**

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

10 **(1) Proof that he holds a valid funeral director license in good standing from**
11 **another state, province, or jurisdiction recognized by the board. The board may**
12 **waive this requirement in those cases where the recognized state, province, or**
13 **jurisdiction does not license funeral directors.**

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

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

17 **(4) Proof in the form of a statement that all of the following are true:**

18 **(a) No proceeding has been instituted against the applicant for the**
19 **cancellation, suspension, or revocation of the license in the state, province, or**
20 **jurisdiction that issued the license.**

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

24 **(c) The qualifications made in the application for licensure in this state are**
25 **correct.**

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

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

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

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

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

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

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

~~E.~~ H. Every license issued hereunder shall be signed by the president and secretary of the board, and bear the imprint of the board's seal. The board shall register each license holder as being duly licensed for the purpose covered by such license.

* * *

§845. Fees

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

* * *

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

* * *

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

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

* * *

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

* * *

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

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

* * *

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

(6) Interns.

* * *

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

* * *

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

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

3 * * *

4 (xi) The signature of the authorizing agent, attesting to the accuracy of all
5 representations contained on the cremation authorization form, except for those
6 representations made by the funeral director pursuant to Item ~~(1)~~(b)(ii) of this
7 Paragraph. The signature of the authorizing agent shall be witnessed by a funeral
8 director of the funeral establishment arranging the cremation or otherwise executed
9 by the authorizing agent before a notary public.

10 (b)

11 * * *

12 (ii) The cremation authorization form, other than preneed cremation forms,
13 shall also be signed by a funeral director of the funeral establishment ~~that obtained~~
14 arranging the cremation ~~authorization. That~~ The funeral director ~~shall merely~~
15 ~~execute the cremation authorization form as a witness and~~ shall not be responsible
16 for any of the representations made by the authorizing agent, unless the individual
17 has actual knowledge to the contrary. However, the information requested by Item
18 (a)(i) of this Paragraph shall be considered to be a representation of the funeral
19 director or funeral establishment that the human remains delivered to the crematory
20 authority have been identified as those of the decedent listed on the cremation
21 authorization by the coroner pursuant to Item (b)(iii) of this Paragraph or positively
22 identified after a viewing of the remains by a person who is the authorizing agent or
23 a member of the class of which the authorizing agent is composed or a designated
24 representative thereof. The information requested by Item (a)(iii) of this Paragraph
25 shall be considered to be a representation of the funeral director or funeral
26 establishment of any information received by the funeral director or funeral
27 establishment pursuant to R.S. 40:1099.1.

28 * * *

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____