HB212

181344-1

By Representative Brown

RFD: Boards, Agencies and Commissions

First Read: 14-FEB-17
SYNOPSIS: Under existing law, the Alabama Board of Funeral Service licenses and regulates funeral establishments, funeral directors, and embalmers in the state.

This bill would: provide further for definitions; revise the membership of the board; change the name of the executive secretary of the board to the executive director of the board; include the grandchildren of the decedent in the priority list of those persons eligible to act as an authorizing agent for the decedent; require all appeals of public hearing determinations to be taken to the Circuit Court of Montgomery County; require criminal history background checks of all prospective licensees of the board; require a managing funeral director to live within 75 miles of the funeral establishment; require the biennial renewal of all licenses; impose a biennial administrative fee on all continuing education providers; shorten the time frame in which an
expired license may be reinstated from six months to 30 days; provide further for the public hearing process; provide further for the advertising of the presence of a crematory; would require a managing funeral director or managing embalmer to be employed at each funeral establishment; provide for the licensing and regulation of crematories and the licensure of cremationists; provide further for apprenticeships; and make additional technical and nonsubstantive changes.

Amendment 621 of the Constitution of Alabama of 1901 prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of Amendment 621. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in Amendment 621.
A BILL
TO BE ENTITLED
AN ACT

require the biennial renewal of all licenses; to impose a biennial administrative fee on all continuing education providers; to shorten the time frame in which an expired license may be reinstated from six months to 30 days; to provide further for the public hearing process; to provide further for the advertising of the presence of a crematory; to require a managing funeral director or managing embalmer to be employed at each funeral establishment; to provide for the licensing and regulation of crematories and the licensure of cremationists; to provide further for apprenticeships; to make technical corrections; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:


"§34-13-1.

"(a) For purposes of this chapter, the following terms shall have the following meanings:
"(1) ACCREDITED SCHOOL or COLLEGE OF MORTUARY

SCIENCE. A school or college approved by the Alabama Board of
Funeral Service and which maintains a course of instruction of
not less than 48 calendar weeks or four academic quarters or
college terms and which gives a course of instruction in the
fundamental subjects including, but not limited to, the
following:

"a. Mortuary management and administration.
"b. Legal medicine and toxicology as it pertains to
funeral directing.
"c. Public health, hygiene, and sanitary science.
"d. Mortuary science, to include embalming
technique, in all its aspects; chemistry of embalming, color
harmony; discoloration, its causes, effects, and treatment;
treatment of special cases; restorative art; funeral
management; and professional ethics.
"e. Anatomy and physiology.
"f. Chemistry, organic and inorganic.
"g. Pathology.
"h. Bacteriology.
"i. Sanitation and hygiene.
"j. Public health regulations.
"k. Other courses of instruction in fundamental
subjects as may be prescribed by the Alabama Board of Funeral
Service.
"(2) ALKALINE HYDROLYSIS. The technical process that
reduces human remains to bone fragments using heat, water, and
chemical agents.

"(3) AMERICAN BOARD OF FUNERAL SERVICE EDUCATION. That funeral service educational organization which is an
agency granted official recognition by the United States
Secretary of Education and which is composed of members
representing the American Association of College of Mortuary
Science, the Conference of Funeral Service Examining Board of
the United States, Inc., the National Association of Colleges
of Mortuary Science, and the University Mortuary Science
Education Association and which has as its object the
furtherance of education in the field of funeral service and
in fields necessary to, or allied with, the field of funeral
service, and further to formulate standards of funeral service
education and to grant accreditation to qualified schools and
colleges of mortuary science and to do all things incidental
to the foregoing.

"(4) APPRENTICE EMBALMER or EMBALMER'S
APPRENTICE. Any person engaged in the study of the art of
embalming under the instructions and supervision of a licensed
embalmer practicing in this state.

"(5) APPRENTICE FUNERAL DIRECTOR or FUNERAL
DIRECTOR'S APPRENTICE. Any person operating under or in
association with a funeral director for the purpose of
learning the business or profession of funeral director, to
the end that he or she may become licensed under this chapter.
"(6) AUTHORIZING AGENT. A person at least 18 years of age, except in the case of a surviving spouse or parent, who is legally entitled to order the cremation or final disposition of particular human remains.

"(7) BOARD. The Alabama Board of Funeral Service.

"(8) CASH ADVANCE ITEMS. Any item of service or merchandise described to a purchaser using the term cash advance, accommodation, cash disbursement, or similar term. A cash advance item is also any item obtained from a third party and paid for by a funeral provider on behalf of a purchaser. Cash advance items include, but are not limited to, all of the following:

"a. Cemetery or crematory services.

"b. Pallbearers.

c. Public, or other, transportation.

d. Clergy honoraria.

e. Flowers.

f. Musicians or singers.

"g. Nurses.

"h. Obituary notices.

"i. Funeral programs.

"j. Gratuities.

"k. Death certificates.

"l. Outer burial containers.

"m. Cemetery plots.

"n. Escorts.
"(9) CASKET. A rigid container designed for the encasement of human remains.

"(10) CEMETERY. A place dedicated to and used or intended to be used for the permanent interment of human remains. It may be either land or earth interment; a mausoleum for vault or crypt entombment; a structure or place used or intended to be used for the interment of cremated remains; cryogenic storage; or any combination of one or more thereof.

"(11) CEMETERY AUTHORITY. Any individual, person, firm, profit or nonprofit corporation, trustee, partnership, society, religious society, church, association or denomination, municipality, or other group or entity, however organized, insofar as they or any of them may now or hereafter establish, own, operate, lease, control, or manage one or more cemeteries, burial parks, mausoleums, columbariums, or any combination or variation thereof, or hold lands or structures for burial grounds or burial purposes in this state and engage in the operation of a cemetery, including any one or more of the following: The care and maintenance of a cemetery; the interment, entombment, and memorialization of the human dead in a cemetery; the sale, installation, care, maintenance, or any combination thereof, with respect of monuments, markers, foundations, memorials, burial vaults, urns, crypts, mausoleums, columbariums, flower vases, floral arrangements, and other cemetery accessories, for installation or use within a cemetery; and the supervision and conduct of funeral and burial services within the bounds of the cemetery. It is the
legislative intent of this chapter that a cemetery authority, to the extent that it engages in any of the activities described in this subdivision, shall not be affected by this chapter and shall not be deemed to have entered into or engaged in the practice of funeral directing, embalming, or funeral establishment operation.

"(12)(9) CONVICTION. The entry of a plea of guilty or a guilty verdict rendered by any court of competent jurisdiction, excluding traffic violations.

"(13) CREMATED REMAINS. Human remains recovered after the completion of the cremation process, including pulverization, which leaves only bone fragments reduced to unidentifiable dimensions.

"(14)(10) CREMATION. The technical process, using heat and flame, flames, or chemical agents, that reduces human remains to bone fragments. The reduction takes place through heat and evaporation. Cremation shall include the processing, and may include the pulverization, of the bone fragments.

"(15)(11) CREMATIONIST. A person who performs licensed by the board to perform the procedure of cremation.

"(16) CREMATION CHAMBER. The retort or vessel used to reduce human remains to bone fragments.

"(17) CREMATION CONTAINER. The container in which human remains are transported to a crematory, in which human remains are placed in upon arrival at a crematory, or for storage and placement in a cremation chamber for cremation.
"(18) CREMATORY. A building or portion of a building that houses a retort cremation chamber and that may house a holding facility for purposes of cremation and as part of a funeral establishment.

"(19) EMBALMER. Any person engaged or holding himself or herself out as engaged in the business, practice, science, or profession of embalming, whether on his or her own behalf or in the employ of a registered and licensed funeral director.

"(20) EMBALMING. The practice, science, or profession, as commonly practiced, of preserving, disinfecting, and preparing by application of chemicals or other effectual methods, human dead for burial, cremation, or transportation.

"(21) FUNERAL. A ceremony for celebrating, sanctifying, or remembering the life of a person who has died. A funeral may be divided into the following two parts:

"a. The funeral service, which may take place at a funeral home, church, or other place.

"b. The committal service or disposition, which may take place by the grave, tomb, mausoleum, or crematory where the body of the decedent is to be buried or cremated.

"(22) FUNERAL ARRANGEMENTS. The completing of funeral service arrangements, cremation arrangements, and the financial details of a funeral at the time of death. The term includes the collection of vital statistic information, death certificate information, obituary and funeral notice.
completion, the completion of a statement of funeral goods and
services selected, organizing of funeral and memorial services
for families, and the ordering of cash advance items.

"(23)(16) FUNERAL DIRECTING. The practice of
directing or supervising funerals, the practice of preparing
dead human bodies for burial by means other than embalming, or
the preparation for the disposition of dead human bodies; the
making of funeral arrangements or providing for funeral
services or the making of financial arrangements for the
rendering of these services; the provision or maintenance of a
place for the preparation for disposition of dead human
bodies; or the use of the terms funeral director, undertaker,
mortician, funeral parlor, or any other term from which can be
implied the practice of funeral directing; or the holding out
to the public that one is a funeral director or engaged in a
practice described in this subdivision.

"(24)(17) FUNERAL DIRECTOR. A person required to be
licensed to practice the profession of funeral directing under
the laws of this state, who meets consults with the public,
who plans details of funeral services with members of the
family and minister or any other person responsible for such
planning, or who directs, is in charge, or apparent charge of,
and supervises funeral service in a funeral home, church, or
other place; who enters into the making, negotiation, or
completion of financial arrangements for funeral services, or
who uses in connection with the profession of funeral
directing the terms funeral director, undertaker, funeral
counselor, mortician, or any other term or picture or combination thereof when considered in context in which used, from which can be implied the practicing of the profession of funeral directing or that the person using such term or picture can be implied to be holding himself or herself out to the public as being engaged in the profession of funeral directing; and for all purposes under Alabama law, a funeral director is considered a professional. For the purposes of this chapter, the term does not include any cemetery authority.

"(25)(18) FUNERAL ESTABLISHMENTS. The term includes any funeral home or mortuary service located at a specific street address where the profession of funeral directing, embalming, or cremation is practiced in the care, planning, and preparation for burial, or cremation, or transportation of human dead. The term does not include any cemetery or land or structure owned, operated, leased, controlled, or managed by any cemetery authority as a cemetery. A funeral establishment shall consist of and maintain all of the following facilities:

"a. A preparation room equipped with sanitary nonporous floor and walls, necessary drainage and ventilation, and containing operating embalming equipment, necessary approved tables, instruments, hot and cold running water, containers or receptacles for soiled linen or clothing, and supplies for the preparation and embalming of dead human bodies for burial, cremation, and transportation."
"b. A display room containing a stock of adult
caskets and funeral supplies displayed in full size, cuts,
photographs, or electronic images. At no time shall less than
eight different adult size caskets be on the premises.

"c. At least one operating funeral coach or hearse
properly licensed and equipped for transporting human remains
in a casket or urn.

"d. If engaged in the practice of cremation, at
least one operable retort for cremation the establishment
shall satisfy all crematory requirements provided in this
chapter and have on site an adequate supply of urns for
display and sale.

"e. A room suitable for public viewing or other
funeral services that is able to accommodate a minimum of 100
people.

"f. An office for holding arrangement conferences
with relatives or authorizing agents.

"(26)(19) FUNERAL SUPPLIES or FUNERAL MERCHANDISE.
Caskets made of any material for use in the burial or
transportation of human dead; outer receptacles, when sold by
a funeral director, including burial vaults and urns, for
cremated human remains; clothing used to dress human dead when
sold by a funeral director; and all equipment and
accouterments normally required for the preparation for burial
or funeral and other disposition of human dead.

"(27)(20) GROSS IMMORALITY. Willful, flagrant, or
shameful immorality or showing a moral indifference to the
opinions of the good and respectable members of the community
and to the just obligations of the position held by the
offender.

"(28) HOLDING ROOM. Either of the following:

"a. A room within a funeral establishment that
satisfies the requirements of a branch location as provided in
this chapter or board rule, for the retention of human remains
before disposition.

"b. A room within a crematory facility, designated
for the retention of human remains before and after cremation,
that is not accessible to the public.

"(29) MANAGING CREMATIONIST. A licensed funeral
director and cremationist who has full charge, control, and
supervision of all activities involving cremation at a funeral
establishment or crematory.

"(30)(21) MANAGING EMBALMER. A licensed embalmer who
has full charge, control, and supervision of all activities
involving the preparation room and embalming.

"(31)(22) MANAGING FUNERAL DIRECTOR. A licensed
funeral director who has full charge, control, and supervision
of all activities involving funeral directing at for a funeral
establishment.

"(32)(23) MORAL TURPITUDE. Any unlawful sexual or
violent act, or any act involving theft, theft of services,
extortion, receiving stolen property, identity theft, forgery,
fraud, tampering with records, bribery, perjury, or any
similar act in any jurisdiction.
"(33)(24) MORTUARY SCIENCE. The scientific, professional, and practical aspects, with due consideration given to accepted practices, covering the care, preparation for burial, or transportation of dead human bodies, which shall include the preservation and sanitation of the bodies and restorative art and those aspects related to public health, jurisprudence, and good business administration.

"(34)(25) MORTUARY SERVICE. A location with a specific street address where embalming or cremation, or both, is practiced for a licensed funeral establishment and where no services or merchandise are sold directly or at retail to the public. A mortuary service shall consist of and maintain all of the following facilities:

"a. A preparation room equipped with sanitary nonporous floor and walls, operating embalming equipment, and necessary drainage and ventilation and containing necessary approved tables, instruments, hot and cold running water, containers or receptacles for soiled linen or clothing, and supplies for the preparation and embalming of dead human bodies for burial, cremation, and transportation.

"b. At least one operating motor vehicle properly licensed and equipped for transporting human remains in a casket or urn.

"c. If engaged in the practice of cremation, at least one operable retort for cremation the establishment shall satisfy all requirements for a crematory provided in this chapter.
"(35)(26) OPERATOR. A person, corporation, firm, legal representative, or other organization owning or operating a funeral establishment.

"(36)(27) PRACTICAL EMBALMER. Any person who has been actively and continuously engaged or employed in the practice of embalming under the supervision of a licensed embalmer for four consecutive years immediately preceding May 1, 1975, and has been issued a license as a practical embalmer under the grandfather provisions of this chapter.

"(37)(28) PROCESSING or PULVERIZATION. The reduction of identifiable bone fragments after the completion of the cremation process to unidentifiable bone fragments or granulated particles by manual or mechanical means.

"(29) RETORT. An enclosed space within which the cremation process takes place.

"(38)(30) TEMPORARY CONTAINER. A receptacle for cremated remains, usually composed of cardboard, plastic, or similar material, that can be closed in a manner that prevents the leakage or spillage of the cremated remains or the entrance of foreign material, and is a single container of sufficient size to hold the cremated remains until an urn is acquired or the cremated remains are scattered or buried.

"(39)(31) URN. A receptacle designed to encase cremated remains.

"(b) Nothing in this chapter shall require a funeral director or funeral establishment to have or provide a chapel
or to restrict the conduct of funeral services from a church or chapel.

"(c) Nothing contained in the definition of funeral directing, or in any other provision of this chapter, shall be applicable to or regulate or restrict cemetery authorities in the conduct of activities of a cemetery authority; or be applicable to or regulate or restrict the carrying on by any cemetery authority of any activities, functions, practices, and services which may now or hereafter (1) constitute any part of the operation or management of a cemetery or of the property of a cemetery or (2) otherwise consist of the interment or entombment of the human dead or memorialization of the human dead in any manner within a cemetery property.

"§34-13-3.

"This chapter does not apply to any cemetery or cemetery authority or to any public institution, medical college, county medical society, anatomical association, college of embalming, or any officer thereof, or to any other recognized person carrying out the provision of the statutes of the State of Alabama prescribing the conditions under which indigent human dead bodies are held subject for scientific or anatomical study; provided, that nothing Nothing in this section chapter shall be construed to give any cemetery or cemetery authority or any other person or entity the right to enter into or engage in any funeral home operation or the practice of embalming or funeral directing or any related funeral home or funeral directing activities. Nor shall this
chapter include any temporary or occasional or extra help to assist in the conduct of a funeral employed on such basis by a funeral director, provided such funeral is under the general supervision of a licensed funeral director.

"§34-13-8.

"On application of any person and payment of the cost thereof, the executive secretary director of the board shall furnish, under the seal of the board and signed by the executive secretary director, a certified copy of any license, rule, regulation, or order. In any court or proceeding such copy shall be prima facie evidence of the fact of the issuance of such license, regulation, rule, or order and that such is effective as of the date of such certificate.

"§34-13-10.

"Unless otherwise provided herein, violation of any part of this chapter shall be a Class A misdemeanor which may be prosecuted and shall be punishable as such under the laws of Alabama. It is further provided that those actions specifically enumerated in subdivisions (2)a. through (2)f., (2)h., (2)j., (2)m., and (2)n. of Section 34-13-56 shall be punishable as a misdemeanor and may be prosecuted accordingly.

"§34-13-11.

"(a) A person, who is at least 18 years of age and of sound mind, may enter into a contract to act as authorizing agent and direct the location, manner, and conditions of disposition of remains and arrange for funeral goods and services to be provided upon death. Except as otherwise
provided in subsection (b), the right to control the disposition of the remains of a deceased person as an authorizing agent, including the location, manner, and conditions of disposition and arrangements for funeral goods and services to be provided, shall vest in the following persons in the priority listed and the order named, provided the person is at least 18 years of age and of sound mind:

"(1) The person designated by the decedent as authorized to direct disposition pursuant to Public Law No. 109-163, Section 564, as listed on the decedent's United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, if the decedent died while serving on active duty in any branch of the United States Armed Forces, United States Reserve Forces, or National Guard.

"(2)a. The person designated by the decedent in an affidavit executed in accordance with paragraph b.

"b. Any person, at least 18 years of age and of sound mind, may authorize another person to control the disposition of his or her remains pursuant to an affidavit executed before a notary public in substantially the following form:

"State of Alabama

"County of ______

"I, ________________ designate ________________ to control the disposition of my remains upon my death. I __ have ___ have not attached specific directions concerning the disposition of my remains. If specific directions are
attached, the designee shall substantially comply with those
directions, provided the directions are lawful and there are
sufficient resources in my estate to carry out those
directions.

"Subscribed and sworn to before me this ___ day of
the month of ____ of the year ____.

"___________________(signature of notary public)"

"(3) The surviving spouse.

"(4) The sole surviving child of the decedent or, if
there is more than one surviving child, a majority of the
surviving children. Less than a majority of the surviving
children may be vested with the rights of this section if
reasonable efforts have been made to notify all surviving
children of the instructions and a majority of the surviving
children are not aware of any opposition to the instructions.

"(5) The sole surviving grandchild of the decedent
or, if there is more than one surviving grandchild, a majority
of the surviving grandchildren. Less than a majority of the
surviving grandchildren may be vested with the rights of this
section if reasonable efforts have been made to notify all
surviving grandchildren of the instructions and a majority of
the surviving grandchildren are not aware of any opposition to
the instructions.

"(6) The surviving parent or parents of the
decedent. If one surviving parent is absent, the remaining
parent shall be vested with the rights and duties of this
section after reasonable efforts in locating the absent surviving parent have been unsuccessful.

"(7)(6) The surviving sibling of the decedent or, if there is more than one surviving sibling, a majority of the surviving siblings. Less than a majority of the surviving siblings may be vested with the rights and duties of this section if reasonable efforts have been made to notify all surviving siblings of the instructions and a majority of the surviving siblings are not aware of any opposition to the instructions.

"(8) The surviving grandparent of the decedent or, if there is more than one surviving grandparent, a majority of the surviving grandparents. Less than a majority of the surviving grandparents may be vested with the rights and duties of this section if reasonable efforts have been made to notify all surviving grandparents of the instructions and a majority of the surviving grandparents are not aware of any opposition to the instructions.

"(9) The guardian of the decedent at the time of the death of the decedent, if a guardian had been appointed.

"(10) The personal representative of the estate of the decedent.

"(11) The person in the classes of the next degree of kinship, in descending order, under the laws of descent and distribution to inherit the estate of the decedent. If there is more than one person of the same degree,
any person of that degree may exercise the right of disposition.

"(12) The public officer, administrator, or employee responsible for arranging the final disposition of the remains of the decedent if the disposition of the remains is the responsibility of the state or a political subdivision of the state.

"(13) Any other person willing to assume the responsibility of acting on and arranging the final disposition of the remains of the decedent, including the funeral director that has custody of the body, in the absence of any person specified in subdivisions (1) to (12), inclusive. The person shall attest in writing that good faith efforts to contact the persons specified in subdivisions (1) to (12), inclusive, have been unsuccessful.

"(b) The right of disposition shall be forfeited and passed to the next qualifying person listed in subsection (a), in any of the following circumstances:

"(1) The person is charged with first or second degree murder or voluntary manslaughter in connection with the death of the decedent and the charges are known by the mortician. If the charges against the person are dismissed or the person is acquitted of the charges, the right of disposition shall be reinstated.

"(2) The person does not exercise his or her right of disposition within two days after notification of the death
of the decedent or within three days after the death of the decedent, whichever is earlier.

"(3) If the person is the spouse of the decedent and a petition to dissolve the marriage was pending at the time of death of the decedent.

"(4) If the judge of probate court determines, pursuant to subsection (c), that the person entitled to the right of disposition and the decedent were estranged at the time of death. For the purposes of this subdivision, estranged means a physical and emotional separation that has existed for such a period of time that an absence of affection, trust, and regard for the decedent is clearly demonstrated.

"(c) Notwithstanding subsections (a) and (b), the judge of probate of the county of residence of the decedent may award the right of disposition to the person the judge of probate determines to be the most fit and appropriate to manage the right of disposition, and may make decisions regarding the remains of the decedent if the persons possessing the right of disposition do not agree. If two or more persons who possess an equal right of disposition are not able by majority vote to agree upon the disposition of the remains of the decedent, any of those persons or the funeral establishment with custody of the remains may file a petition asking the judge of probate to make a determination in the matter. In making such a determination, the judge of probate shall consider all of the following:
(1) The reasonableness and practicality of the proposed funeral and disposition arrangements.

(2) The degree of the personal relationship between the decedent and each person possessing a right of disposition.

(3) The financial ability and willingness of each person possessing a right of disposition to pay the cost of the funeral and disposition arrangements.

(4) The convenience and needs of other family members and friends who wish to pay their respects and the degree to which the funeral arrangements would allow maximum participation by all who wish to pay their respects.

(5) The desires of the decedent.

(d) Absent negligence, wantonness, recklessness, or deliberate misconduct in the event of a dispute regarding the right of disposition, a funeral establishment may not be held liable for refusing to accept remains, for interring, or for otherwise disposing of the remains of a decedent or for completing arrangements for the final disposition of remains unless and until the funeral establishment receives an order from the judge of probate, or other written agreement signed by all persons possessing a right of disposition, regarding the final disposition of the remains. If a funeral establishment retains remains for final disposition during a disagreement, the funeral establishment may embalm or refrigerate and shelter the body, or both, to preserve the body pending the final decision of the judge of probate. The
funeral establishment may add the cost of embalming or refrigeration and sheltering, or both, to the final disposition cost. If a funeral establishment files a petition pursuant to subsection (c), the funeral establishment may add any associated legal fees and court costs to the cost of final disposition. This section may not be construed to require or impose a duty upon a funeral establishment to bring an action pursuant to this section. A funeral establishment and its employees may not be held criminally or civilly liable for not bringing an action pursuant to this section.

"(e) Except to the degree that it may be considered by the judge of probate pursuant to subdivision (3) of subsection (c), the fact that a person has paid or has agreed to pay for all or a part of funeral and final disposition arrangements does not give that person a greater voice in right of disposition decisions than he or she would have had otherwise. The personal representative of the estate of a decedent, by virtue of being the personal representative, does not have a greater voice in right of disposition decisions than he or she would have had otherwise.

"§34-13-20.

"(a) There is established the Alabama Board of Funeral Service, consisting of seven nine members, each of whom shall be citizens of the United States and residents of the State of Alabama. All members of the former Alabama Embalming Board who are holding office on September 10, 1975, by virtue of that office, shall become members of the Alabama
Board of Funeral Service for the term ending December 31, 1976. Not more than one member of the Alabama Board of Funeral Service may reside in the same district as created under Section 34-13-21, and if more than one member of the State Embalming Board resides in one district at the time of the organization of the board, the Governor shall select one member of the Embalming Board to be a member of the original Alabama Board of Funeral Service from the district, and the other member of the Embalming Board shall not be eligible for membership on the board.

"(b) At a special meeting called for such purpose, to be held in Montgomery, within 45 days from September 10, 1975, the Alabama Funeral Directors Association, Incorporated, and the Alabama Funeral Directors and Morticians Association, Incorporated, in joint meeting, shall nominate three qualified persons for each of the positions as members of the original board of the Alabama Board of Funeral Service which are not filled by members of the State Embalming Board. The names of such persons so nominated shall be promptly certified by the secretary of the Alabama Funeral Directors Association, Incorporated, and the Alabama Funeral Directors and Morticians Association, Incorporated, to the Governor who shall appoint the members of the board from among the persons so nominated. Not more than four members of the board at any time may be members of the same race and the membership of the board shall be inclusive and reflect The appointing authorities shall coordinate their appointments to assure board membership is
inclusive and reflects the racial, gender, geographic, urban/rural, and economic diversity of the state. At no time may more than five members of the entire membership of the board be of the same race or both consumer members be of the same race. The board shall annually report to the Legislature by the second legislative day of each regular session the extent to which the board has complied with the diversity provisions provided for in this subsection. Four members shall be appointed for a term ending December 31, 1977, and the board shall be constituted so that the terms of three members of the board shall end December 31, 1976, and the terms of four members shall end December 31, 1977. The terms of the members of the State Embalming Board, who become members of the Alabama Board of Funeral Service under this chapter, shall expire December 31, 1976, unless there are more than three such members, in which event, the Governor shall designate which of the three members of the State Embalming Board shall serve for terms ending December 31, 1976, and which shall serve for terms ending December 31, 1977.

"(c) After selection of the original members of the Alabama Board of Funeral Service and during October of each year, all embalmers and all funeral directors licensed under this chapter shall meet in Montgomery, at a time and date in October and at a place fixed by the board, for the purpose of nominating three persons to the Governor for each vacancy on the board. Not more than two nominees shall be members of the same race. The Governor shall promptly appoint one of the
three persons so nominated. If an appointment is not made before the expiration of the term of a board member, then the board member may continue to serve until a successor has been appointed.

"(d) The successors to the original members of the board shall be selected for terms of two years. After the terms of the original members of the board, four of the members serving on the board shall be practicing and licensed embalmers in Alabama for the last 10 consecutive years immediately preceding their appointment and shall be licensed embalmers and funeral directors in this state under this chapter. Three of the members shall have been actively engaged in funeral directing in Alabama for the last 10 consecutive years preceding their appointment and shall be licensed funeral directors of this state, under this chapter, and, at the time of their appointment to the board, shall be operators of funeral establishments in this state. If the license of a member of the board as a funeral director or embalmer should be revoked or suspended, such member shall automatically, by reason of such revocation or suspension, become ineligible to serve as a member of the board, and a new member, properly qualified, shall be selected in the same manner provided for appointment to the board. Should a member fail to qualify after appointment, then he or she shall automatically become ineligible to serve as a member of the board, and a new member, properly qualified, shall be appointed and shall serve the remainder of the term of the member so terminated. Each
1 member of the board shall remain an active practicing funeral
director or embalmer and funeral establishment operator during
his or her tenure of service on the board. Each member may
serve not more than four consecutive two-year terms. In no
event shall more than one member of the board reside in one
district. At each meeting where nominations are made for
members of the board, only one licensed funeral director or
licensed embalmer of each establishment shall have the right
to vote for nominees.

"(e) Any board member who is elected to the
International Conference of Funeral Service Examining Board,
upon his or her election, shall begin to serve the state board
in an ex officio capacity only, for the duration of his or her
international conference board term. A member, properly
qualified, shall be selected in the same manner provided for
appointment to the state board and shall serve the remainder
of the term of the member elected to the international
conference board.

"(c) Commencing on January 1, 2019, as the terms of
the members serving on the board on the effective date of the
act adding this subsection expire, the membership of the board
shall be reconstituted to consist of seven professional
members and two consumer members.

"(1) Each professional member of the board shall be
a citizen of the United States, a resident of Alabama, and
licensed and in good standing with the board as an embalmer or
funeral director at the time of appointment and during the
entire term of office. Professional members of the board shall be appointed by the Governor pursuant to subsection (e).

"a. Four of the professional members of the board shall hold a current license from the board to practice embalming in the state, shall have been actively practicing embalming in the state for the last 10 consecutive years immediately preceding appointment, and shall be engaged in the practice of embalming at the time of appointment to the board.

"b. Three of the professional members of the board shall hold a current license from the board to practice funeral directing in the state, shall have been actively engaged in funeral directing in the state for the last 10 consecutive years immediately preceding appointment, and shall be the operator of a funeral establishment in this state at the time of appointment to the board.

"(2) Each consumer member of the board shall represent the public in general and shall have been a citizen of the United States and a resident of Alabama for the last 10 consecutive years immediately preceding appointment and during the entire term of office. A consumer member of the board may not have held, nor currently hold, a license or certification issued by the board, be employed at any time by, or professionally or financially associated with, the holder of a license or certificate issued by the board, or be related within the third degree of consanguinity or affinity to the holder of a license or certificate issued by the board. One consumer member of the board shall be appointed by the
Lieutenant Governor and one consumer member shall be appointed by the Speaker of the House of Representatives pursuant to a procedure adopted by rule of the board.

"(d) Commencing in October of 2018, and each October thereafter of a year where at least one professional member term on the board has expired, or is vacant for any reason, all licensed funeral directors and licensed embalmers shall meet in Montgomery, at a time and place fixed by the board, for the purpose of nominating and submitting the names of three licensed persons for each position on the board to the Governor. Not more than two nominees shall be members of the same race. The Governor shall promptly appoint one of the three persons so nominated to serve as a professional member of the board.

"(e)(1) Professional and consumer members of the board shall serve staggered terms of four years each to provide continuity of service on the board. If an appointment is not made before the expiration of a term, the board member then serving may continue to serve until a successor has been appointed. A board member may not serve more than two full consecutive terms on the board.

"(2) A board member who is appointed to fill a vacancy which occurs before the expiration of the term of the vacating member shall serve the remaining portion of the term to which the former member was appointed. If a member is appointed to fill an unexpired term of less than two years,
(3) Not more than one professional member of the board may reside in the same district as created by Section 34-13-21.

(4) At each meeting where nominations are made for the professional members of the board, only one licensed funeral director or licensed embalmer employed by the same funeral establishment may vote.

(f)(1) In accordance with applicable law, in addition to a board member resigning from the board in writing, a board member may be removed from the board for any of the following grounds:

a. The refusal or inability to perform board duties in an efficient, responsible, or professional manner.

b. The misuse of his or her position on the board to obtain financial gain or seek personal advantage for himself, herself, or another person.

c. A final adjudication or determination of guilt by any lawful authority of the board member or sanction of the board member for the violation of any law the board determines is substantially related to any practice governed by this chapter.

d. The revocation or suspension of the license of a professional member of the board.

(2) Any board member who fails to qualify after appointment shall automatically become ineligible to serve as
a member of the board and a new member, properly qualified, shall be appointed in the same manner as the original appointment and shall serve the remainder of the term of the vacating board member.

"(3) If a consumer board member fails to attend two or more meetings within a year, without a valid excuse as determined by the board, he or she shall be removed from the board. A new consumer board member shall be appointed in the same manner as the original appointment and shall serve the remainder of the term.

"§34-13-21.

"There are hereby created, for the purpose of this chapter, seven geographical districts which shall be identical with the seven congressional districts as fixed and established by Section 17-20-1, as may be amended. It is the purpose and intention of this section to provide that one professional member of the Alabama Board of Funeral Service board shall be selected from each district, which shall be geographically identical with the congressional districts, and that three nominees to the Governor for appointment to the board shall be made from each district. The two consumer members of the board may not reside in the same congressional district.

"§34-13-23.

"(a)(1) The board appointed under this chapter and each successor thereto is authorized to select from its own membership a chair and to adopt and promulgate such rules and
regulations for the transaction of its business and for the betterment and promotion of the standards of service and practice to be followed in the funeral service profession in the State of Alabama as the board may deem expedient and consistent with the laws of this state and for the public good.

"(2) The chair shall preside at all meetings of the board unless otherwise ordered, and he or she shall exercise and perform all duties and functions incident to the office of chair.

"(3) The board may select also from its own membership a vice chair, a secretary, and a treasurer. No two offices shall be held by the same person. The chair and vice chair may not be of the same race.

"(b) The treasurer shall give bond to the State of Alabama in the sum of ten thousand dollars ($10,000), and any premium payable for the bond shall be paid from the funds of the board. The bond shall be deposited with the Treasurer of the State of Alabama.

"(c) Board members shall be reimbursed for their necessary traveling expenses and the necessary expenses incident to their attendance upon the business of the board, and, in addition thereto, they shall receive the sum of fifty dollars ($50) per diem for every day not to exceed 20 days per year actually spent by the member upon the business of the board. The board may employ an executive director and associate executive director who shall each
receive and be paid an annual salary to be fixed by the board, but not to exceed the salary level established and paid to cabinet officers in the state government. The salary shall be paid on a monthly semimonthly basis. In addition, the executive secretary director and associate executive secretary director shall receive his or her necessary traveling and other incidental expenses as are incurred in the performance of duties, and all expenses, per diem, and compensation shall be paid out of the receipts of the board. At no time shall the operation of the board be an expense to the state, and at no time shall expenses of the board exceed the receipts of the board.

"(d) The executive secretary director of the board shall have complete supervision and be held responsible for the direction of the office of the board, shall have supervision over field inspection and enforcement of this chapter, and shall be responsible and answerable to the board. The associate executive secretary director shall assist the executive secretary director and perform such other duties as may be assigned to him or her by the board. The executive secretary director and associate executive secretary director shall not be of the same race.

"(e) The executive secretary director shall keep a record in which shall be registered the name and business address of every person to whom licenses have been granted in accordance with this chapter, the number and date of the license and the date of each renewal. Upon request to do so,
the executive \textit{secretary director} shall supply each person
licensed for the practice of embalming and funeral directing
with a list of all persons and establishments holding a
license under this chapter, then in force, giving the names of
the persons, their business addresses, and the numbers of
their licenses.

"(f) It shall be the duty of the executive \textit{secretary director}
to prepare under the direction of the board and cause
to be printed all forms required by this chapter to be
prescribed by the board. All notices required to be mailed by
this chapter shall be directed to the last known post office
address of the party to whom the notice is sent.

"(g) The executive \textit{secretary director} shall serve at
the pleasure of the board and shall perform duties as may be
necessary for the proper functioning of the board as the board
may determine or as may be prescribed in this chapter. During
the employment of the executive \textit{secretary director} he or she
may not be employed by any funeral establishment.

"(h) All fees and fines received under this chapter
shall be paid into a special fund in the State Treasury to be
known as the Alabama State Funeral Directors and Embalmers
Fund, which is hereby created, for the necessary and proper
expenses of the board, and for a reasonable reserve for future
use by the board. All moneys in the fund are hereby
appropriated, as a continuing appropriation, to the \textit{Alabama
Board of Funeral Service board} to be used for carrying out
this chapter.
"(i) Each member of the board, the executive director, the associate executive director, designated employees, and independent contractors of the board appropriately identified are authorized at any given time on complaint or for inspection purposes to enter the office, premises, establishment, or place of business of any funeral service licensee in the State of Alabama or any office, premises, establishment, or place where the practice of funeral service is carried on, or where the practice is advertised as being carried on, for the purpose of inspecting the office, premises, records, or establishment and for the purpose of inspecting the license and registration of any funeral service licensee and apprentice trainee operating therein.

"(j) All members of the board or designated employees of the board are hereby authorized to may serve and execute any process issued by any court under this chapter and to serve and execute any papers or process issued by the board or any officer or member thereof under authority of this chapter.

"(k) The board may employ clerical assistants and employees or other help as may be necessary to carry out this chapter, and the terms and conditions of employment shall be determined by the board. The board may establish and equip an office from which this chapter may be carried out.

"§34-13-25."
"All hearings provided for by this chapter shall be open to the public, and a report and record of proceedings of each hearing shall be made at the expense of the board. A copy of such report and record shall be furnished to any interested party, upon request and tender to the executive secretary of the board of the reasonable cost of preparation thereof conducted pursuant to the Alabama Administrative Procedure Act.


"(a) The board has the power to adopt and enforce for the protection of the public health, safety, and welfare reasonable rules and regulations pursuant to the Alabama Administrative Procedure Act.

"(b) The rules and regulations of the board shall not become effective until they have been published and discussed at a public hearing and have been filed in the office of the Secretary of State; and, when so filed, such rules and regulations shall be in full force and have the effect of law. The board shall mail notice of such hearing to each licensee under this chapter 15 days before the date of such hearing.

"(c) All rules and regulations adopted by the board shall be referenced to the section or sections of this chapter which set forth the legislative standard which it interprets or to which it applies. Every rule and regulation shall be in writing, promulgated by an order, state its effective date, be indexed in a permanent book which shall be a permanent record,
and a true copy shall be filed in the office of the Secretary of State of Alabama. A copy of every order promulgating a rule, regulation, or other order containing a requirement of general application shall be provided to each licensee in electronic format and available on the website of the board. The failure of a licensee to receive a copy of the rule, regulation, or order shall not exempt or excuse him or her from the duty of compliance with the valid rules, regulations, or orders lawfully issued.

"(d)-(b) The board shall have power to may hold hearings, conduct investigations, subpoena witnesses, subpoena documents, administer oaths, and take testimony in order to carry out this chapter.

"(e) A court of competent jurisdiction, upon application of the board, may restrain violations or refusals to comply with this chapter or the regulations of the board.

"(f) Any person, including a member of the board, may initiate a complaint against a licensee of the board by filing with the board a written complaint on a form prescribed by the board.

"(1) Upon receipt of a properly verified complaint, the board shall send a copy of the complaint to the affected licensee by certified mail to the address of such licensee appearing on record with the board. The licensee shall answer the complaint in writing within 20 days after receipt of the complaint. The licensee shall mail a copy of his or her response to the board and the complainant. Upon receipt of the
response of the licensee or lapse of 20 days, the board may
investigate a complaint that appears to show the existence of
any of the causes or grounds for disciplinary action pursuant
to this chapter. Upon finding reasonable cause to believe that
the charges are not frivolous, unfounded, or filed in bad
faith, the board may cause a hearing to be held, at a time and
place fixed by the board, regarding the charges. If a hearing
is held, the board shall order the licensee to appear and show
cause why he or she should not be disciplined for a violation
of this chapter.

"(2) The board shall give the complainant and the
affected licensee 20 days' notice of any hearing upon a
complaint. Such notice shall be by United States certified
mail.

"(3) Any party appearing before the board may be
accompanied by counsel.

"(4) Before commencing a hearing, the chair or a
designee of the board shall determine if all parties are
present and ready to proceed. If the complainant does not
attend a hearing and does not show good cause for his or her
absence, the complaint shall be summarily dismissed and all
tfees and expenses relating to the convening of the hearing
shall be charged to the complainant. If an affected licensee
does not appear for a hearing and does not show good cause for
his or her absence, the licensee shall be presumed to have
waived his or her right to appear before the board and be
heard.
"(5) Upon a determination by the chair or designee that all parties are ready to proceed, the hearing shall be called to order. The complainant and the licensee may offer opening statements and the board may order the sequestration of nonparty witnesses.

"(6) After opening statements, the complainant shall present his or her case and the licensee, any counsel, and any member or designee of the board may ask questions of complainant witnesses.

"(7) After the complainant has completed presenting his or her case, the licensee shall present his or her case and the complainant, any counsel, and any member or designee of the board may ask questions of licensee witnesses.

"(8) After both sides have completed their presentations, closing statements may be given by the complainant and the licensee.

"(9) At the conclusion of the hearing, the board may render an immediate decision or take the case under advisement for further deliberation. A decision of the board shall be rendered within 90 days after the hearing and a copy of that decision shall be mailed to the last known business or residence address of the complainant and the licensee.

"(g) The board may file a formal complaint against a licensee and may temporarily suspend a license simultaneously with the institution of proceedings under this section, without a hearing, if the board finds that the evidence supporting the determination is clear, competent, and
unequivocal and that the continuation of the licensee to
practice would constitute a danger to public health or safety.

"§34-13-29.

"All necessary expenses incurred in giving
examinations to applicants and incidental to the renewal of
licenses and all necessary expenses incurred in education and
enforcing the provisions of this chapter shall be audited by
the Examiner the Department of Examiners of Public Accounts
and paid from the funds provided for in this chapter in the
same manner as other claims against the state are paid after
due approval thereof by the chairman chair and executive
secretary director of the board.

"§34-13-31.

"(a) Whenever, by decision, final order, or other
final determination upon any public hearing provided for by
this chapter, a party to such hearing shall feel aggrieved, an
appeal may be taken to the circuit court for the county within
which such party resides or, if he or she is not a resident of
Alabama, then to the circuit court for the county within which
the hearing was held Circuit Court of Montgomery County,
Alabama. However, if there is more than one appellant, the
circuit court having jurisdiction to hear the appeal of the
first appellant filing a notice of appeal shall have
jurisdiction to hear all appeals arising from the same
hearing, irrespective of the place of residence of the
appellants.
(b) On taking and perfecting an appeal to the Circuit Court of Montgomery County, Alabama, the court shall proceed as in other cases.

(c) All appeals shall be taken within 30 days from the date of the order entered of the board which is the basis of the appeal and shall be granted as a matter of right and be deemed perfected by filing with the board a bond for security of costs of the appeal. Upon filing of a verified petition and hearing thereon, the court may, in its discretion, stay the order appealed from pending final judicial review. No new or additional evidence may be introduced in the circuit court except as to fraud or misconduct of some person engaged in the administration of this chapter and affecting the order, rule, or ruling appealed from. The court shall otherwise hear the case upon the record as certified to the court by the executive director of the board and shall set aside the order, rule, or action appealed from if the court finds that the board erred to the prejudice of the appellant's substantial rights in its application of the law; or, the order, decision, or award was procured by fraud or was based upon a finding of facts contrary to the substantial weight of the evidence, or that the order was arbitrary, capricious, or inconsistent with respect to any of the material issues involved; or that the board failed in its order to find sufficient facts as to each material issue involved to enable the court to determine the basis for the conclusion of the
board. The court, instead of setting aside the order, shall remand the case to the board for further proceedings in conformity with the direction of the court. The court may, in advance of judgment and upon a sufficient showing, may remand the cause to the board for the purpose of taking additional testimony or other proceedings.

"(d) An appeal may be taken from the judgment decree or any appealable order of the circuit court to the Supreme Court of this state. Appeals to the Supreme Court shall be taken, perfected, heard, and determined in the manner prescribed by law and the Alabama Rules of Appellate Procedure for taking, perfecting, hearing, and determining appeals to the Supreme Court.

"§34-13-51.

"(a) The board may, but shall not be required to, recognize and issue, without examination and upon payment of a fee not in excess of five hundred dollars ($500) for each license, a reciprocal license for the practice of funeral directing or embalming to any person licensed as a funeral director or embalmer by any state, if the board makes an individual determination that the qualifications of the applicant meet or exceed the minimum qualifications required for funeral directors or embalmers in this state and that a written examination of such applicant would be superfluous.

"(b) Applications shall be made on forms prescribed and furnished by the board. An applicant holding a funeral director or embalmer license from another state, and applying
for a funeral director or embalmer license in Alabama shall be considered for licensing by reciprocity.

"(c) Commencing on October 1, 2017, in addition to the requirements of subsections (a) and (b), an applicant for a funeral director or embalmer license shall submit to the board a form, sworn to by the applicant, that contains the name, date of birth, and Social Security number of the applicant, and two complete sets of fingerprints, for completion of a criminal history background check. The board shall submit the fingerprints to the Alabama State Law Enforcement Agency for a state criminal history record check. The fingerprints shall be forwarded by the agency to the Federal Bureau of Investigation for a national criminal history record check. Costs associated with conducting a criminal history background check shall be paid by the applicant. The board shall keep information received pursuant to this subsection confidential, except that information received and relied upon in denying the issuance of a funeral director or embalmer license may be disclosed if necessary to support the denial.

"(d) The board, at the time of the application, shall make a reasonable determination that the applicant is a legal resident of the United States or legally present in this state. The board reserves the right to require applicants for reciprocity to submit to a personal interview or a written examination relating to the law as it pertains to the regulation of the funeral service profession in Alabama.
The board shall issue a special work permit to a qualified funeral director or embalmer when the board determines that the applicant satisfies all requirements for reciprocity and a fee, not exceeding one hundred dollars ($100), is received by the board. A special work permit shall expire on the date of the next regular board meeting occurring after issuance.

"§34-13-52.

"(a) Licenses under this chapter shall be granted to individuals upon the qualification and successful examination of the individual applicant and shall specify the name to whom it is issued. A license, registration, or certificate granted under this chapter shall be on public display.

"(b) A funeral establishment license issued under this chapter shall include the name of the funeral establishment, the name of the managing funeral director, the name of the managing embalmer, and the certificate of authority license number, if applicable. The license shall be on public display.

"(c) Every license issued under this chapter shall be signed by the chair and executive secretary director and shall be displayed in the place of business or employment of the licensee.

"(d) Any person engaged in the business, profession, or practice of funeral directing shall do each of the following:
"(1) Possess on his or her person, or be able to promptly produce, a legible and current Alabama funeral director's wallet license certificate when performing the duties of a funeral director.

"(2) Upon the request of a board member, the executive secretary director, the associate executive secretary director, or a designated and appropriately identified employee of the board, promptly produce his or her legible and current Alabama funeral director wallet license certificate.

"(e) Any person engaged in the business, profession, or practice of embalming shall do each of the following:

"(1) Possess on his or her person, or be able to promptly produce, a legible and current Alabama embalmer's wallet license certificate when performing the duties of an embalmer.

"(2) Upon the request of a board member, the executive secretary director, the associate executive secretary director, or a designated and appropriately identified employee of the board, promptly produce his or her legible and current Alabama embalmer wallet license certificate.

"(f) Any person engaged in the business, profession, or practice of cremation shall do each of the following:

"(1) Possess on his or her person, or be able to promptly produce, a legible and current Alabama cremationist's wallet license when performing the duties of a cremationist.
"(2) Upon the request of a board member, the executive director, the associate executive director, or a designated and appropriately identified employee of the board, promptly produce his or her legible and current Alabama cremationist wallet license certificate.

"§34-13-53.

"(a)(1) Before October 1, 2018, every licensed funeral director, every licensed embalmer, and every licensed operator shall pay annually a fee for renewal of his or her license. The renewal fees shall be set by the board at a rate not to exceed one hundred fifty dollars ($150) for licensed embalmers and funeral directors and five hundred dollars ($500) for licensed operators.

"(2) Commencing on October 1, 2018, every license or registration issued by the board under this chapter shall be renewed biennially upon submission by the licensee or registrant of a renewal application and a renewal fee established by board rule, not exceeding five hundred dollars ($500), for each licensed cremationist, embalmer, funeral director, and funeral establishment.

"(b) All licenses granted under this chapter shall expire on October 1, following their issuance or renewal, and shall become invalid unless renewed as provided in this section and other requirements of the board are met. In addition to payment of a renewal fee, each licensee shall satisfy continuing education requirements prescribed by rule
of the board pursuant to subsection (c). There shall be no
proration of licenses.

"(c)(1) Commencing in 2014, and for each licensing
period thereafter, the board may require persons seeking
renewal of a cremationist, embalmer, or funeral director
license under this chapter to complete board approved
continuing education of not less than eight hours biennially.
The board may approve continuing education providers and
courses offered by institutions of higher learning, specialty
societies, associations, or professional organizations or by
other organizations the board deems appropriate.

"(2) Any person who holds an inactive license or who
is over the age of 65, with at least 10 years of experience in
the funeral service industry, is exempt from the continuing
education requirement.

"(3) An embalmer who is also a licensed funeral
director and who completes the continuing education
requirements for funeral directors is not required to complete
additional continuing education requirements.

"(4) Continuing education providers shall pay a
biennial administrative fee established by board rule, not
exceeding two hundred fifty dollars ($250).

"(5) The board may promulgate rules to implement
and ensure compliance with this section.

"(d) The board shall publish on or before August 1
of each expiration year, in printed form, electronic
image, in an online publication, or on the website of the
board that is accessible to each licensed funeral director, licensed embalmer, licensed cremationist, and licensed operator establishment, notice that his or her renewal fee is due and payable and that, if such fee is not paid by October 1 September 30 of that year, the license shall lapse expire. Information regarding license renewal dates and fees shall be available in electronic format on the website of the board.

"(e) At the time, or before, a licensee changes place of employment, residence address, or makes any other change in status which is of record at the board office, the licensee shall report such change of status, by a method prescribed by the board, to the executive secretary director.

"§34-13-54.

"No license to a cremationist, an embalmer, a funeral director, or a funeral establishment granted under or regulated by this chapter shall be transferable or assignable.

"§34-13-55.

"(a) When a licensee, for any reason, has allowed his or her a license to lapse expire, the board may reinstate the license if application for reinstatement is made within a period of six months 30 days from the lapse date of expiration and is accompanied by payment of all penalties and lapsed fees, from the time of the lapse expiration to date of reinstatement. The penalties to be paid to the board shall not exceed one hundred dollars ($100) to reinstate licenses which have lapsed expired.
"(b) After the six-month 30-day period has elapsed, such a license may be reinstated only by complying with the provisions of this chapter relating to the issuance of an original license in addition to payment of all lapsed fees and penalties.

§34-13-56.

"(a) The board may refuse to license any person or establishment for violation of this chapter. If the board refuses to issue, grant, or renew a license based on a violation of this chapter, including, but not limited to, violations listed in subsection (c), the licensee or prospective licensee may request a public hearing before the board to appeal the action of the board. The request for a public hearing shall be submitted to the board in writing within 14 calendar days after the date of the refusal. Upon request, the board shall provide the licensee or prospective licensee with 20 days' notice of the public hearing by United States certified mail. The public hearing shall be conducted pursuant to Section 34-13-26.

"(b) A public hearing conducted pursuant to Section 34-13-26 shall be provided by the board to any licensee for whom the board is considering the probation, suspension, or revocation of a license, excluding a temporary suspension issued by the board pursuant to subsection (g) of Section 34-13-26.

"(c) (a) The board may refuse to grant, refuse to renew, or suspend, or revoke, or place on probation a license
after proper hearing and notice to if the licensee, upon the
licensee's being is found guilty of any of the following:

"(1) Conviction of a crime involving moral turpitude
including, but not limited to, any crime where the individual
has to register as a sex offender in any jurisdiction.

"(2) Unprofessional conduct, which is defined to
include any of the following:

"a. Misrepresentation or fraud in the conduct of the
business or the profession of a funeral director or embalmer.

"b. False or misleading advertising as a funeral
director or embalmer or knowingly engaging in any advertising
which is misleading or inaccurate in any material particular.

"c. Solicitation of dead human bodies by the
licensee, his or her agents, assistants, or employees, from
medical professionals or clergy, whether the solicitation
occurs after death or while death is impending.

"d. Solicitation of dead human bodies by the
licensee, his or her agents, assistants, or employees whether
the solicitation occurs after death or while death is
impending.

"e. Employment by the licensee of a person or
persons to be used for the purpose of obtaining or soliciting
funeral directing or embalming business.

"f. Employment directly or indirectly of any
apprentice, agent, assistant, embalmer, employee, or other
person, on part or full time or on commission, for the purpose
of calling upon individuals or institutions where a death has
occurred or is imminent by whose influence dead human bodies
may be turned over to a particular funeral director or
embalmer or funeral establishment, or both.

"g. The buying of business by the licensee, his or
her agents, assistants, or employees.

"h. Gross immorality.

"i. Aiding or abetting an unlicensed person, establishment, or entity in the practice of funeral
directing or, embalming, cremation, or conducting business as
a funeral establishment or crematory.

"j. Using profane, indecent, or obscene language in
the presence of a dead human body, or within the immediate
hearing of the family or relative of a deceased whose body has
not yet been interred or otherwise disposed of.

"k. Solicitation or acceptance by a licensee of any
commission or bonus or rebate in consideration of recommending
or causing a dead human body to be disposed of in any
mausoleum or cemetery.

"l. Any violation of this chapter or order or rule
of the board.

"m. Any violation of state law or municipal or
county ordinance or regulation affecting the handling,
custody, care, or transportation of dead human bodies.

"n. Fraud or misrepresentation in obtaining a
license.

"o. Refusing to promptly surrender the custody of a
dead human body, upon the express order and payment for
services rendered of the person lawfully entitled to the custody thereof.

"p. Performing services in a professional capacity as a funeral director or embalmer, or both, for any unlicensed funeral establishment operating in violation of this chapter.

"q. Being intoxicated or under the influence of illegal drugs while on duty at a funeral establishment or while performing any duty or responsibility for the funeral establishment.

"r. Willfully retaining or willfully failing to account for any property of a decedent.

"s. Knowingly and willfully signing a certificate or any documentation as having embalmed or prepared a body for burial when, in fact, the services were not performed by the licensee.

"t. Failure to give full cooperation to the board or its designees, agents, or other representatives in the performance of official duties of the board.

"u. Not furnishing any relevant papers or documents requested by or for the board.

"v. Not furnishing, in writing, an adequate explanation relating to a matter contained in a complaint filed with the board against the licensee.

"w. Not responding to a subpoena issued by the board, without good cause shown, whether or not the licensee is the party charged in any preceding before the board.
"x. Not providing reasonable access to the board or an authorized agent or representative of the board for the performance of reviews or inspections at facilities or places utilized by the licensee in the practice of funeral service or funeral directing or in performing any other activity regulated by the board.

"y. Failing to provide information within a specific time as required by the board or an authorized agent or representative of the board.

"z. Failing to cooperate with the board or an authorized agent or representative of the board in the investigation of any alleged misconduct or interfering with a board investigation through the willful misrepresentation of facts.

"aa. Deceiving or attempting to deceive the board regarding any matter under investigation, including the altering or destroying of any records.

"bb. Failure, without good cause, to cooperate with any request from the board to appear before the board.

"cc. Violating any statute, ordinance, or rule of the state or any board, agency, or political subdivision of the state affecting the registration of deaths, the handling, custody, care, or transportation of dead human bodies, or the sale of funeral services or funeral merchandise.

"dd. Demonstrating bad faith, incompetence, or untrustworthiness or dishonest, fraudulent, or improper dealing or any other violation of this chapter or any rule
promulgated by the board or promulgated by the Federal Trade
Commission relative to the practice of funeral service or
funeral directing.

"ee. Any other reason as determined by the board
that would render an individual unsuitable for licensure or
certification by the board.

"ff. A funeral home or funeral director accepting
funds for a preneed funeral contract or other prepayment of
funeral expenses without a certificate of authority to sell
preneed funeral contracts or, if registered to sell preneed
funeral contracts, failing to deposit the funds with a
qualified trustee or to timely remit premium payments from the
consumer to the insurer.

"gg. Using any funeral merchandise previously sold
without prior written permission of the person selecting or
paying for the use of the merchandise. A previously used
casket shell may be used for the viewing of remains if a new
interior or interior insert is installed before each usage of
the casket shell.

"(d) In addition to the disciplinary actions
authorized in subsection (a) (c), the board may levy and
collect administrative fines for violations of this chapter or
the rules or regulations of the board in an amount not less
than five hundred dollars ($500) nor more than two thousand
dollars ($2,500) for each violation, unless
otherwise provided for in this chapter or by rule of the
board.
§34-13-57.

"Fifteen days before an examination, the executive director shall provide to all applicants and all funeral establishments in the state, in electronic format and on the website of the board, a notice listing the names of all persons admitted by the board to take the examination and setting out the time and place of the examination.

§34-13-70.

"(a) No person shall engage in, or attempt to engage in, the practice or profession or business of a funeral director unless licensed to do so by the Alabama Board of Funeral Service board. The board hereby is granted authority to license funeral directors.

"(b) Any person desiring to engage in the business, profession, or practice of funeral director shall make application to the board and shall accompany his or her application by a fee to be established by the board, not to exceed one thousand five hundred dollars ($1500).

"(c) Commencing on October 1, 2017, in addition to the requirements of subsection (b), an applicant for a funeral director license shall submit to the board a form, sworn to by the applicant, that contains the name, date of birth, and Social Security number of the applicant, and two complete sets of fingerprints, for completion of a criminal history background check. The board shall submit the fingerprints to the Alabama State Law Enforcement Agency for a state criminal
history record check. The fingerprints shall be forwarded by the agency to the Federal Bureau of Investigation for a national criminal history record check. Costs associated with conducting a criminal history background check shall be paid by the applicant. The board shall keep information received pursuant to this subsection confidential, except that information received and relied upon in denying the issuance of a funeral director license may be disclosed if necessary to support the denial.

"§34-13-71."

"An application for a license as a funeral director shall be in writing and verified on a form provided by and addressed to the board and filed with the secretary of the board executive director. The application must specify the address of the applicant and must be accompanied by the affidavits of at least two licensed embalmers or funeral directors to the effect that the applicant is of good character and has qualified himself or herself to become licensed as prescribed by this chapter. The board may require an applicant for license as a funeral director to submit to a personal interview."

"§34-13-74."

"(a) When a licensed funeral director dies leaving a licensed funeral business with no licensed funeral director, the surviving spouse, or a surviving child of legal age, shall have the right to make application for examination as a funeral director. The application shall be in writing, on a
form prescribed by the board, and shall state the facts pertaining to the case. The board may certify the applicant for the examination prescribed for funeral directors, in which event the requirements with respect to prior experience and apprenticeship shall be waived.

"(b) When a licensed funeral director dies leaving a licensed funeral business with no licensed funeral director, the board may issue a special operating permit to the operator of such the licensed funeral business for a period of up to 12 months, with the board having the right to extend the permit an additional reasonable time to afford such the operator the opportunity of obtaining a licensed funeral director for such the business. The operator shall be required to pay a fee for the issuance of the special operating permit in an amount not exceeding one hundred dollars ($100).

"(c) All human remains embalmed for a funeral establishment operating under a special operating permit and all funeral directing operations carried on under the permit shall be in conformance with all the requirements of this chapter which are not in conflict with this section.

"§34-13-91.

"(a) The applicant for an embalmer's license shall make application to the board. The application must shall be in writing and verified on a form provided by and addressed to the board and must shall be accompanied by the prescribed fee and by affidavits of at least two licensed embalmers to the effect that the applicant is of good moral character and has
met all qualifications required for examination for license as prescribed by this chapter. The board may require an applicant for an embalmer's license to submit to a personal interview.

"(b) Commencing on October 1, 2017, in addition to the requirements of subsection (a), an applicant for an embalmer license shall submit to the board a form, sworn to by the applicant, that contains the name, date of birth, and Social Security number of the applicant, and two complete sets of fingerprints, for completion of a criminal history background check. The board shall submit the fingerprints to the Alabama State Law Enforcement Agency for a state criminal history record check. The fingerprints shall be forwarded by the agency to the Federal Bureau of Investigation for a national criminal history record check. Costs associated with conducting a criminal history background check shall be paid by the applicant. The board shall keep information received pursuant to this subsection confidential, except that information received and relied upon in denying the issuance of an embalmer license may be disclosed if necessary to support the denial.

"§34-13-110.

"(a) Any person, corporation, partnership, society or group owning or operating a funeral establishment coming within the provisions of this chapter may do so only through the services of a licensed funeral director or embalmer. No person not licensed as a funeral director or embalmer shall be permitted to perform the functions of a funeral director or
embalmer as herein defined or hold himself or herself out to
the public as such by reason of his or her ownership in a
funeral establishment or by reason of his or her ownership of
stock owned in or office held in a corporation to own or
operate a funeral establishment. After September 10, 1975, no
firm or corporation authorized to own and operate a funeral
establishment may change or amend its name or charter so as to
include in its firm or corporate name the name of any person
who is not individually licensed as a funeral director in this
state; provided, that the provisions of this sentence shall
not be applicable to the name of any firm or corporation
owning or operating a funeral establishment on September 10,
1975, so long as such firm or corporation remains under the
same ownership.

"(b) If the business card of a funeral establishment
contains the name of an individual, the individual shall be
licensed by the board in accordance with this chapter.

"(c)(1) Any funeral establishment advertising
cremation or cremation services that does not own a crematory
shall include the following disclaimer in a clear and
conspicuous manner on all advertisements and printed material:
"This establishment does not own a crematory."

"(2) For the purposes of this subsection, an
advertisement shall include, but is not limited to, a notice
or announcement in a public medium, including the Internet,
promoting the funeral establishment and any printed material
containing the name of the funeral establishment.
§34-13-111.

(a) No funeral establishment or branch thereof for the preparation, disposition, and care of dead human bodies shall be opened or maintained unless duly licensed by the board. No funeral establishment or branch shall be moved without obtaining a new funeral establishment license from the board.

(b) Every funeral service, memorial service, or interment committal service, or part thereof, that is conducted in Alabama, for hire or for profit, shall be in the actual charge and shall be under the direct supervision of a funeral director who is licensed by the board, unless otherwise provided for in this chapter or by rule of the board.

(c) The board shall set a fee, not exceeding one hundred fifty dollars ($150), that shall be in addition to the license fee for the first inspection of any funeral establishment seeking a license under Section 34-13-72 made for the purpose of determining whether such the funeral establishment has fulfilled the requirements for licensure pursuant to this chapter. The board shall set a fee, not exceeding one hundred fifty dollars ($150), for each reinspection necessitated by failure of any funeral establishment to pass such the first inspection. The board, or a representative of the board, shall annually conduct a minimum of at least one unannounced inspection of each funeral establishments establishment and branches branch, with an
inspection fee of not more than one hundred dollars ($100).
The inspection fee shall be submitted to the board within 45
days after the inspection. Any funeral establishment that does
not submit the inspection fee within 45 days shall be charged
a late penalty fee, as established by the board. A funeral
establishment, or branch thereof, that is used for the
preparation, disposition, and care of dead human bodies shall
meet and conform to this chapter and to such other lawful
standards and requirements as may be determined by rule of the
board in furtherance of this chapter; and, for failure to do
so, the board may revoke such the funeral establishment
license in accordance with the procedure set forth in this
chapter.

"(d) Applications for transfer of a license to
another location in the same county shall be made upon a form
furnished by the board and shall be accompanied by a fee of
not more than seventy-five dollars ($75).

"(e) Any change in ownership of a funeral
establishment shall be immediately reported to the board on a
form provided by the board. The new owner of the establishment
shall comply with Section 34-13-112 and Section 34-13-113 and
shall provide to the board a signed copy of the asset purchase
agreement with dollar amounts redacted. The fee for a change
of ownership application is two hundred fifty dollars ($250).

"§34-13-112.

"(a) All applications for a license to operate a
funeral establishment shall show that a managing funeral
director and managing embalmer are employed by the
establishment. All applications for a license to operate a
crematory shall show that a managing cremationist is employed
by the establishment. No application for a license of a
funeral establishment shall be considered which does not show
on the application that a licensed funeral director and
licensed embalmer are employed by the establishment. This
section shall not be construed to require a full-time licensed
embalmer at each funeral establishment. No funeral
establishment shall be licensed except upon the basis of a
licensed employing a managing funeral director who lives
within 75 miles of the funeral establishment. All embalming
must shall be performed under a licensed embalmer, but such A
licensed embalmer shall is not be restricted from working for
more than one funeral establishment.

"(b) No licensed managing funeral director, based
upon whose license or licenses a funeral establishment license
has been issued, may serve as the regularly employed licensed
managing funeral director at another funeral establishment
which is owned by a different person, firm, or corporation at
the same time for the purpose of qualifying such the other
establishment under this chapter.

"(c) It is hereby declared to be the legislative
intent of this chapter that every funeral establishment in
this state shall be operated under the full charge, control,
and supervision of an individually licensed a managing funeral
director or a person licensed both as a funeral director and
as an and a managing embalmer; provided, that this. This section shall not preclude an unlicensed person from being in charge of the bookkeeping or records of such an establishment. The name of the licensed person to be in charge of each funeral establishment shall be stated on the application for all licenses or renewal of such the licenses.

"(d) The issuance of a license to operate a funeral establishment to a person who is not individually licensed as a funeral director or embalmer does not entitle the person to practice embalming or funeral directing, as defined by this chapter, it being the intent of this chapter that such practice may be performed only through individually licensed funeral directors and embalmers; and, in addition to all other grounds for suspension of a funeral establishment license as enumerated in this chapter, a funeral establishment license shall be revoked by the board upon hearing thereon if any person, whether owner, officer, stockholder, or otherwise, who is connected with the funeral home shall perform any of the functions of a funeral director or embalmer as defined herein or shall hold himself or herself out as a funeral director.

"§34-13-113.

"(a) Application for a license to operate a funeral establishment shall be made in writing on a form provided by the board. The application shall be verified by the applicant or, if the applicant is a corporation, firm, or other organization, by an officer or member thereof, and shall be accompanied by an application fee established by the board not
to exceed five hundred dollars ($500). The application shall disclose all of the following:

"(1) The name and address of the establishment.

"(2) That the establishment is operated by a licensed managing funeral director and a licensed managing embalmer or a person licensed both as a funeral director and embalmer.

"(3) A description and photographs of the buildings, equipment, and facilities of the establishment.

"(4) That the establishment has a sanitary, properly equipped embalming room, a room suitable for public viewing or other funeral services that is able to accommodate a minimum of 100 people, an office for arrangement conferences with relatives or authorized representatives, and a display room containing a stock of adult caskets and funeral supplies displayed in full size, cuts, photographs, or electronic images. At no time shall less than eight different adult full size caskets and at least one operating and properly licensed funeral coach or hearse equipped for transporting human remains in a casket or urn be on the premises. A funeral establishment, that has more than one location under the same ownership wherein the profession of funeral directing is practiced, is not required to maintain more than one preparation room upon satisfying requirements prescribed by the board.

"(5) Such other information as may be required by the board.
“(b) Upon receipt of the application, the board shall make inspection of the funeral establishment. If the board determines that the establishment meets the qualifications prescribed by law, it shall issue a license to operate a funeral establishment.

“(c) Application for a license to operate a mortuary service shall be made in writing on a form provided by the board. The application shall be verified by the applicant or, if the applicant is a corporation, firm, or other organization, by an officer or member thereof, and shall be accompanied by an application fee established by the board not to exceed five hundred dollars ($500). The application shall disclose all of the following:

“(1) The name and address of the proposed mortuary service.

“(2) That the mortuary service applicant is operated by a licensed embalmer or a person licensed both as a funeral director and embalmer.

“(3) A description and photographs of the buildings, equipment, and facilities of the mortuary service applicant.

“(4) That the mortuary service applicant has a sanitary, properly equipped embalming room.

“(5) Such other information as may be required by the board.

“(d) Upon receipt of the application, the board shall make inspection of the premises of the mortuary service applicant. If the board determines that the mortuary service
applicant meets the qualifications prescribed by law, the board shall issue a license to operate a mortuary service.

"§34-13-115."

"(a) The board may revoke, suspend, place on probation, or refuse to renew a license issued to an operator of a funeral establishment or mortuary service as provided in this chapter.

"(b) If, upon a complaint made to the board or otherwise, the board has reason to believe that the operator of a funeral establishment or mortuary service has failed to comply with this chapter or the regulations rules of the board, the board shall conduct an investigation. If it appears to the board that there is reasonable ground to believe that the operator has failed so to comply, the board shall conduct a hearing on the matter. Notice of the time and place of the hearing, setting forth the respects in which failure to comply is charged, shall be sent to the operator no later than 15 days prior to the date set for the hearing. The operator may have the assistance of counsel at the hearing.

"(c) If, upon the hearing, the board finds that the operator has failed to comply with this chapter or the regulations rule of the board, the board may revoke, suspend, or refuse to renew the license.

"§34-13-116.

"Any person, firm, partnership, society, group, or corporation who has control of a funeral home, mortuary,
chapel, funeral establishment, crematory, or mortuary service
and fails to register same according to this chapter, upon
conviction, may be fined not less than five hundred dollars
($500) nor more than two thousand five hundred dollars
($2,500) for each violation, and each day that the funeral
home, mortuary, chapel, funeral establishment, crematory, or
mortuary service is operated shall be deemed to be a separate
and distinct violation of this chapter.

§.

(a) It shall be unlawful for any person, firm, corporation, association, or entity, or funeral establishment, or branch thereof, to operate a crematory or practice cremation without for the purpose of cremating dead human bodies, unless licensed by the board as a funeral establishment and the crematory being licensed as a funeral establishment in accordance with this chapter registered with the board and inspected by the board before any cremations of human remains are performed.

(b) Any funeral establishment performing cremation services shall certify by affidavit to the board that any cremationist conducting cremations has received adequate and appropriate training or experience in the practice of cremation. A crematory shall satisfy all of the following requirements and have the following minimum equipment, facilities, and personnel:

(1) Registered with the board.
"(2) Inspected by the board before performing any cremations.

"(3) Fixed on the premises of a funeral establishment. For the purposes of this subdivision, fixed means permanently attached to the real property where the establishment is situated.

"(4) Owned by the same individual, partnership, or corporation as the funeral establishment.

"(5) Under the full charge and supervision of a managing cremationist who is licensed by the board as both a funeral director and cremationist and listed on the application as the managing cremationist. No managing cremationist may serve as the regularly employed managing cremationist at another crematory which is owned by a different person, firm, or corporation at the same time for the purpose of qualifying the other crematory under this chapter.

"(6) Subject to all local, state, and federal health and environmental protection requirements and shall obtain all necessary licenses and permits from the board, the Alabama Department of Public Health, the Environmental Protection Agency, the Alabama Department of Environmental Management, and other appropriate local, state, or federal agencies.

"(7) Have a holding room within the crematory facility designated for the retention of human remains before and after cremation.

"(8) Have at least one of each of the following:
"a. An operable refrigeration unit for the storage
of human remains.

"b. An operable cremation chamber for the cremation
of human remains.

c. An operable processor for reducing identifiable
bone fragments.

d. An operable ventilation unit in conjunction with
the processor.

e. A hand washing sink with hot and cold running
water.

"(9) Have all other necessary equipment and
supplies, in working condition, needed to complete the
cremation process.

"(10) Have nonporous floors in the holding room,
refrigeration unit, and around the cremation chamber.

"(11) Maintained in a clean, orderly, and sanitary
manner.

"(c) The board shall adopt and enforce rules and
regulations as may be reasonable and necessary for the
operation of crematories to protect the health, welfare, and
safety of the people of this state. The application to operate
a crematory shall be made in writing on a form prescribed by
the board. The application shall be verified by the applicant
or, if the applicant is a corporation, firm, or other
organization, by an officer or member thereof, and shall be
accompanied by an initial application fee established by the
board not to exceed five hundred dollars ($500).
"(d) Upon receipt of the application, the board shall make inspection of the crematory. No crematory shall operate unless the crematory facility and funeral establishment have been inspected and approved as meeting all requirements of this chapter and rules of the board.

"(e) Each funeral establishment and crematory which performs cremations shall maintain the following records:

"(1) A cremation log containing any information required by the board.

"(2) A copy of the cremation authorization form and the state identification form.

"(3) A copy of the affidavit attesting to each cremation performed and, if the cremation is performed for another funeral establishment or entity, the identity of that funeral establishment or entity.

"(e) (d) The board shall inspect the records and premises of any funeral establishment operating a crematory. In making inspections, the board shall have access to all records, the crematory building, the cremation chambers or furnaces, and the storage areas holding room for human remains before and after cremation, during regular office hours or the hours the crematory is in operation. No prior notification of the inspection is required to be given to the funeral establishment. If any funeral establishment performing cremation services fails to allow an inspection or any part thereof, it shall be grounds for the suspension or revocation of a license or other disciplinary action against the
licensee, as the board may deem reasonable and necessary to
the extent of the law. The board shall conduct annually a
minimum of at least one unannounced inspection of each
licensed funeral establishment performing cremation services.

"(f)(e) Each funeral establishment performing
cremation services shall keep records as required by the board
to assure compliance with all laws relating to the disposition
of human remains, and shall file annually with the board on
October 1 a cremation report in the form prescribed by the
board, describing the operations of the licensee, including
the number of cremations made, the disposition thereof, and
any other information as the board may, from time to time,
require. Records required by the board shall be kept for four
years by the funeral establishment.

"(g)(f) Each funeral establishment performing
cremation services cremations shall report maintain and submit
a copy of the service, maintenance, or inspection reports of
work completed or performed on the cremation chamber to the
board any maintenance or inspections performed within 30 days
of the maintenance or inspection after completion.

"(h)(g) A funeral establishment performing cremation
services shall be subject to all local, state, and federal
health and environmental protection requirements and shall
obtain all necessary licenses and permits from the Alabama
Board of Funeral Service, the federal and state Departments of
Health and Human Services, and the state and federal
Environmental Protection Agencies, or other appropriate local,
state, or federal agencies, or branch thereof, that has a
crematory for cremating dead human remains shall at all times
comply with this chapter and any board rule adopted pursuant
to this chapter. Failure to comply, as determined by the
board, may result in the revocation of the license of the
funeral establishment, or branch thereof, pursuant to this
chapter.

"(i) The board shall adopt and enforce rules as
reasonable and necessary for the operation of crematories in
the state and to protect the health, welfare, and safety of
the people of this state.

"(j) A (h) No crematory facility licensed by the
board may be used only for the cremation of deceased animals
human remains.

"(k) A funeral establishment or crematory operating
in the state before October 1, 2017, shall file with the board
all new forms as required by this section, and shall be exempt
from any new crematory facility requirements of this chapter
that become effective on the effective date of the act adding
this subsection. If major structural renovations are made to
the crematory facility, the cremation chamber is relocated, or
the funeral establishment is closed and reopened, the affected
crematory facility shall satisfy all requirements relating to
crematory facilities as provided in this chapter. Each
cremationist licensed by the board on the effective date of
the act adding this subsection shall have until October 1,
2018, to satisfy the requirements of Section 34-13-120.01.
§34-13-121.

(a) Human remains shall not be cremated under either of the following circumstances:

(1) Within 24 hours after the time of death, unless death was a result of an infectious, contagious, or communicable disease and unless the disease is verified and the time requirement waived by a medical examiner, county health director, county coroner, or attending physician where the death occurred.

(2) Without a completed cremation authorization form prescribed by the board shall be and signed by the authorizing agent and must accompany any request for cremation. A copy of the cremation authorization shall be presented with the body to the crematory before any cremation process may be initiated.

(b) All cremations of human remains performed in this state shall be arranged through a funeral establishment licensed by the board pursuant to this chapter.

(c) Whenever a crematory is unable or unauthorized to cremate human remains immediately upon taking custody of the remains, the human remains shall be placed and kept in refrigeration in accordance with this chapter.

(d) A crematory may not accept human remains from another funeral establishment without all of the following:

(1) The remains shall be accompanied by a completed cremation authorization form signed by an authorizing agent.
"(2) A state identification form with the signature
of the releasing party.

"(3) An undetachable ankle bracelet identifying the
remains.

"(4) The remains shall be delivered or immediately
placed in a combustible cremation container marked with
identifying information of the human remains contained within.
Human remains may not be removed from the cremation container
and the cremation container shall be cremated with the human
remains, unless the cremation container is metal and the
authorizing agent has been informed in writing that the
crematory does not cremate metal containers.

"(e) A cremation container shall be all of the
following:
  "a. Composed of readily combustible materials
suitable for cremation.
  "b. Able to be closed in order to provide a complete
covering for the human remains.
  "c. Resistant to leakage or spillage.
  "d. Rigid enough for handling with ease.
  "e. Able to provide protection for the health,
safety, and personal integrity of crematory personnel.
  "f. Equipped with a covering that clearly identifies
the name and date of death of the decedent.

"(f)(e) It shall be disclosed to the family member
serving as the authorizing agent that he or she, or his or her
designee, may witness the transportation of the human remains
to be cremated to the crematory. Every funeral establishment performing cremation services that prohibits relatives or the responsible party from viewing the cremation process shall disclose this fact in writing to the person or persons entitled to custody of the remains prior to the signing of any contract.

"(g)(d) An authorizing agent has the duty to inform the funeral director of the presence of a pacemaker or other potentially hazardous implant, including any toxic or explosive-type sealed implants in the human remains. The funeral director shall be responsible for ensuring that all necessary steps have been taken to remove the pacemaker before delivering the human remains to the crematory. Should the cremationist discover the presence of a pacemaker or other hazardous implants in the human remains, the cremationist shall arrange for the removal of the pacemaker or other hazardous implant.

"(h)(e) The simultaneous cremation of the human remains of more than one person within the same retort cremation chamber, without the prior written consent of the authorizing agent, is prohibited. It is hereby the declared intent of this subsection that establishments Any funeral establishment performing cremations in accordance with this chapter may cremate only dead human remains.

"(i)(f) Upon the completion of each cremation, and insofar as is practicable, all of the recoverable residue of the cremation process shall be removed from the retort
cremation chamber and placed in a separate container and may not be commingled with cremated remains of another person nor shall cremated remains of a dead human be divided or separated without the prior written consent of the authorizing agent.

"(j) Each funeral establishment and crematory which offers or performs cremations shall maintain a complete state identification system that ensures its ability to identify the human remains in its possession throughout all phases of the cremation process. Upon completion of the process, the cremationist must attest to the identity of the cremated remains, and the date, time, and place the cremation process occurred on a form issued by the board form. The form shall accompany the human remains in all phases of transportation, cremation, and return of cremated remains. All human remains to be cremated shall have the state identification form and a undetachable ankle bracelet identifying the remains.

"(h) Each funeral establishment and cremationist which offers or performs cremations shall maintain a record of all cremations performed, which shall include the name of the decedent, the date of death, the date and time of the cremation, the signature of the cremationist performing the cremation, a copy of the authorization for cremation, a copy of the affidavit attesting to the cremation, and, if the cremation is performed for any other funeral establishment or entity, the identity of this establishment or entity.
(i) Human remains must be delivered to a crematory in a combustible cremation container. Human remains shall not be removed from the cremation container and the cremation container shall be cremated with the human remains, unless the authorizing agent has been informed in writing that the crematory does not cremate metal containers.

(k) Upon completion of the cremation process, the cremationist shall attest to the identity of the cremated remains and the date, time, and place the cremation process occurred on a form prescribed by the board.

(l) Each crematory shall maintain the internal identification system prescribed by the board to ensure the ability to identify the human remains in the possession of the crematory throughout all phases of the cremation process. Upon completion of the cremation process, a copy of the state identification form shall be issued to the family certifying the identity of the cremated remains being issued to the family or funeral establishment.

§34-13-130.

(a) Every person desiring to engage as an apprentice shall satisfy all of the following:

(1) Make application as a funeral director's apprentice or an embalmer's apprentice to the board upon a form provided by the board. The applicant shall submit to the board a form, sworn to by the applicant, that contains the name, date of birth, and Social Security number of the applicant, and two complete sets of fingerprints, for
completion of a criminal history background check. The board shall submit the fingerprints to the Alabama State Law Enforcement Agency for a state criminal history record check. The fingerprints shall be forwarded by the agency to the Federal Bureau of Investigation for a national criminal history record check. Costs associated with conducting a criminal history background check shall be paid by the applicant. The board shall keep information received pursuant to this subsection confidential, except that information received and relied upon in denying the issuance of an apprentice certification may be disclosed if necessary to support the denial.

"(2) Be The application shall state that the applicant is over the age of 16, 18.

"(3) Hold a high school certificate or the equivalent, or is currently enrolled and actively working toward graduation from an accredited high school and is.

"(4) Be of good moral character.

"(b) The application shall be verified by the oath of the applicant and be accompanied by a fee to be established by the board, not to exceed twenty dollars ($20).

"(c) The executive secretary director, whenever it appears to him or her that no reason exists for the denial of an application and that the application is regular upon its face, may issue to the applicant a certificate of apprenticeship, without submitting the application to the board. If, however, any doubt exists as to the qualifications
of the applicant, the application shall be submitted to the board and may be accepted or rejected by a majority of the board.

"(d) The period of apprenticeship of a funeral director's apprentice or an embalmer's apprentice must be performed in Alabama under the supervision of a funeral director or embalmer, respectively, licensed by the board.

"(e) A licensed funeral director or a licensed embalmer may supervise no more than three apprentices at any given time, unless otherwise provided for by the board.

"(f) Only a licensed funeral director or licensed embalmer, whose license is in good standing, may supervise an apprentice.

"(g) The regular course of apprenticeship shall be two years, but the apprentice is entitled to two weeks time off each year, without leave of absence from the board.

"(h) An apprentice shall be enrolled in the funeral service program at an accredited mortuary school within one year after the original start date of his or her apprenticeship. If an apprentice is not enrolled in mortuary school within that time period, then the apprenticeship may not be renewed and the apprenticeship may not be reactivated until the apprentice provides proof of enrollment.

"§34-13-131.

"A certificate of apprenticeship issued as provided for herein in this chapter shall be signed by the apprentice and shall be renewable annually upon the payment by the holder
by October 1 of each year of an annual renewal fee to be
established by the board, not to exceed $20 twenty dollars
($20). Failure to pay the renewal fee by the prescribed date
of any year shall cause the certificate to become delinquent,
in which case it shall be renewed only for good cause shown.
No person may be granted a certificate of apprenticeship as
funeral director's apprentice or embalmer's apprentice,
respectively, for more than three consecutive years, excepting
as provided. The board shall mail send, on or before August 1
of each year, to each registered apprentice at his or her last
known address, a notice that his or her renewal fee is due and
payable and that, if not paid by October 1, his or her license
will shall lapse.

"§34-13-132.

"All apprentices registered as provided in this
chapter shall be under the supervision and control of the
board and shall be required to report to the board annually on
January October 1, upon forms provided by the board, showing
the work which such apprentices have performed during the
annual period preceding the first of the month on which the
report is made, including the number of hours served and the
number of bodies the apprentice has assisted in embalming or
otherwise prepared for disposition during such period. The
information contained in the report shall be certified to as
correct by the funeral director or embalmer by whom the
apprentice has been employed during such his or her
apprenticeship period.
§34-13-134.

"(a) The board has power to suspend or revoke, or place on probation a certificate of apprenticeship, after notice and upon hearing, where the apprentice is guilty of any of the following acts or omissions:

"(1) Failure to devote not less than an average of 30 hours per week to the duties of his or her apprenticeship.

"(2) Failure to make an annual report to the board as required by this chapter.

"(3) Absence from duty except on vacation for an aggregate of more than 10 days in any six months or 20 days in any year, without leave of absence granted by the board.

"(4) Gross immorality.

"(5) Being on duty as an apprentice while under the influence of liquor or illegal drugs.

"(6) Disobedience of proper orders or instructions of his or her superiors.

"(7) Violation of any provision of this chapter or any rule or regulation of the board made under adopted pursuant to this chapter.

"(8) Soliciting business for a funeral director or for any embalmer.

"(9) Fraud or misrepresentation in obtaining a certificate of registration as an apprentice.

"(b) An apprentice who has failed to renew his or her registration certificate, or who has had his or her certificate of apprenticeship suspended or revoked may, within
one year after such expiration, suspension, or revocation, may make application for registration but not reactivation. Not more than two such registrations reactivations shall be allowed by the board. The board may, when the circumstances warrant, may allow an apprentice credit under a reregistration reactivation for time actually served under a previous registration certificate; except, that if the previous registration certificate has been suspended or revoked upon any of the grounds set forth in subsection (a) of this section, not more than 75 percent of the time previously served shall be credited on the reregistration reactivation."

Section 2. Sections 34-13-56.1, 34-13-117, 34-13-120.1, and 34-13-123 are added to the Code of Alabama 1975, to read as follows:

§34-13-56.1.

(a) It is unlawful for any person or entity, for hire or profit, to engage in, or hold himself, herself, or itself out as qualified to engage in any of the following without a valid license, certification, or registration issued by the board:

(1) The practice of funeral directing.
(2) The practice of embalming.
(3) Practicing as an apprentice.
(4) Operating a crematory.
(5) Practicing as a cremationist.
(b) Any person or entity who has been found to have engaged in the unlawful unlicensed practice of funeral
directing, embalming, apprenticing, operating a crematory, or cremating shall be subject to a fine of not more than two thousand five hundred dollars ($2,500) for each violation and other sanctions authorized by this chapter.

§34-13-117.

Disposition of human remains shall occur within 48 hours after the time of death or the time the body is released by the coroner or a medical examiner, unless the body has been embalmed by a licensed embalmer in this state, with permission from the authorizing agent, or the body is kept under refrigeration. No public viewing of unembalmed bodies shall be permitted 24 hours after death has occurred. Nothing in this section shall prevent a licensed establishment from requiring identification before disposition.

§34-13-120.1.

No person may conduct, maintain, manage, or operate a cremation facility unless licensed to do so by the board. The board may issue a license to practice as a cremationist after the applicant has satisfied all of the following requirements:

(1) Is at least 21 years of age.

(2) Is a citizen of the United States or legally present in this state.

(3) Is a high school graduate or the equivalent.

(4) Has successfully completed a crematory operator training course approved by the board.
(5) Has completed a course in universal precaution and blood-borne pathogens approved by the board.

(6) Has submitted a completed application and supporting documents, as required by the board, and a fee established by the board that does not exceed three hundred dollars ($300).

(7) Has successfully completed an examination on Alabama funeral service laws and rules.

(8) Has submitted to the board a form, sworn to by the applicant, that contains the name, date of birth, and Social Security number of the applicant, and two complete sets of fingerprints, for completion of a criminal history background check. The board shall submit the fingerprints to the Alabama State Law Enforcement Agency for a state criminal history record check. The fingerprints shall be forwarded by the agency to the Federal Bureau of Investigation for a national criminal history record check. Costs associated with conducting a criminal history background check shall be paid by the applicant. The board shall keep information received pursuant to this subsection confidential, except that information received and relied upon in denying the issuance of a cremationist license may be disclosed if necessary to support the denial.

(b) Each new employee of a crematory required to be licensed under this section shall be certified within one year after his or her employment. A copy of all certified
cremationist certificates shall be posted in the crematory and available for inspection at any time.

(c) Each funeral establishment performing cremation shall certify by affidavit to the board that each cremationist conducting cremations at the funeral establishment has satisfied all requirements of this chapter to be licensed as a cremationist and received adequate and appropriate training or experience in the practice of cremation.

§34-13-123.

(a) The board may refuse to grant, refuse to renew, suspend, or revoke the license of, or fine a cremationist or crematory, after proper hearing and notice is provided to the licensee, upon the board finding the licensee is guilty of any of the following:

(1) Any violation of this chapter or order or rule of the board.

(2) The performance of a cremation service by a person who is not licensed as a cremationist and who has not completed a training program as required by this chapter.

(3) Operating a building or structure within this state as a crematory without being licensed under this chapter.

(4) Violating any cremation procedure required by this chapter or rule of the board.

(5) Performing a cremation without receipt of a cremation authorization form signed by the authorizing agent.
(6) Signing a cremation authorization form with the actual knowledge that the form contains false or incorrect information.

(7) Accepting human remains from another funeral establishment without a completed cremation authorization form signed by the authorizing agent, a state identification form with the signature of the releasing party, and an undetachable ankle bracelet identifying the remains.

(8) Failure to maintain the internal identification system as required by the board.

(9) Failure to maintain identifying paperwork with the appropriate signatures.

(10) Failure to file an annual cremation report in the form required by the board.

(11) Failure to maintain a current cremation log.

Section 3. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the bill defines a new crime or amends the definition of an existing crime.

Section 4. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.