

## Kentucky Board of Embalmers and Funeral Directors Legislative Proposal

This bill creates a registration process that authorizes any person employed by a full service funeral or embalming establishment, to transport a dead human body to a mortuary or funeral home. Registrants would not be permitted to conduct embalming or funeral directing services.

- Currently, KRS 316.010(5) and 316.030(1) require any business that transports dead human bodies for purpose of embalming or preparation for burial, such as a funeral service, must have an embalming establishment license from the Board.
- Often times, funeral homes or mortuaries are requested to remove a dead human body and to transport the body to the mortuary or funeral home on evenings or weekends when employees are not available.
- For obvious reasons, licensees want to be responsive to removal calls but it can pose a hardship when a licensee or apprentice from the funeral establishment is unavailable.
- Many Kentucky-licensed funeral establishments are small, independently owned businesses.
- Other states have created similar registration processes. This language is modeled after Virginia's current statute.
- Excludes common carriers engaged in interstate commerce, the Commonwealth and its agencies, and emergency medical services providers duly certified or licensed pursuant to KRS Chapter 311A.
- Prohibits a person from working for multiple establishments.
- The Board does not anticipate any opposition to such a measure. Rather, the Board anticipates widespread support from the persons and entities licensed by the Board.

In Summary, the Board believes that establishing such a registration would alleviate the current burden on licensees, allow licensees to be more responsive to the need of the consumer, and promote economic opportunity while ensuring that transportation of dead human bodies is conducted safely and efficiently.

1 AN ACT relating to the transportation and removal of dead human bodies

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 → Section 1. KRS 316.010(5) is amended to read as follows: “Embalming service  
4 establishment” means a place of business where dead human bodies are embalmed or otherwise  
5 prepared or held for burial [~~including the transportation of the bodies~~]. An embalming service  
6 establishment shall not arrange or conduct a funeral or direct burial. An embalming service  
7 establishment may arrange for and transport dead human bodies [~~for direct cremation purposes~~]  
8 only under the following circumstances:

- 9 (a) On behalf of a full-service funeral establishment;
- 10 (b) On behalf of a visitation and ceremonial funeral establishment; or
- 11 (c) At the direction of a coroner;

12 → Section 2. A new section of KRS Chapter 316 is created to read as follows: (1) Any  
13 person that is employed by a full-service funeral establishment or an embalming service  
14 establishment, except a common carrier engaged in interstate commerce, the Commonwealth  
15 and its agencies, or an emergency medical services provider duly certified or licensed pursuant  
16 to KRS Chapter 311A, may apply for and receive a permit from the Board to be permitted to  
17 engage in the business of surface transportation or removal of dead human bodies in the  
18 Commonwealth. Surface transportation and removal services shall not include the  
19 arrangement or conduct of funerals, provide for the care or preparation, including embalming,  
20 of dead human bodies, or sell or provide funeral-related goods and services without the issuance  
21 of a funeral service establishment license or an embalming service establishment license.

1           (2) No person who applies for a permit to engage in the business of surface  
2 transportation or removal of dead human bodies in the Commonwealth may be employed in  
3 such capacity by more than one (1) full-service funeral establishment or embalming service  
4 establishment at the same time.

5           (3) The Board shall promulgate regulations for such permits including proper  
6 procedures in the handling of all dead human bodies being transported, the application process  
7 for permits, and the establishment of fees. These regulations shall not require the use of a casket  
8 for transportation. No licensed funeral establishment shall be required to receive such permits  
9 in addition to its funeral establishment license. However, such establishment shall be subject to  
10 the regulations pertaining to transportation and removal services.