

**CHAPTER 112****(HB 232)**

AN ACT relating to funeral establishments.

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

Section 1. KRS 316.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

- (1) "Apprentice" means a person engaged in learning the practice of embalming or funeral directing who is under the instruction and personal supervision of a Kentucky-licensed embalmer or a Kentucky-licensed funeral director;
- (2) "Board" means the Kentucky Board of Embalmers and Funeral Directors;
- (3) ***"Direct burial" means the pick-up, transport, and interment of dead human body or body parts without a funeral;***
- (4) "Embalmer" means a person who preserves, restores, and disinfects dead human bodies by the application of chemical substances either externally or internally, or both;
- (5) ***"Embalming service establishment" means a place of business where dead human bodies are embalmed or otherwise prepared or held for burial, including the transportation of the bodies. An embalming service establishment shall not arrange or conduct a funeral or direct burial. An embalming service establishment may arrange for and transport dead human bodies for direct cremation purposes only under the following circumstances:***
  - (a) ***On behalf of a full service funeral establishment;***
  - (b) ***On behalf of a visitation and ceremonial funeral establishment; or***
  - (c) ***At the direction of a coroner;***
- (6) ***"Funeral" means the ceremonies or services related to the final disposition and interment of a human body or body parts;***
- (7) ***"Full service funeral establishment" means a place of business where dead human bodies may be embalmed or otherwise prepared and held for burial and where funeral services may be arranged, provided, and conducted;***
- (8){(4)} "Funeral director" means a person who, for profit, engages in or represents himself ***or herself*** as engaged in the supervision, direction, and arrangement of funeral services, transportation, burials, and disposals of dead human bodies;
- (9){(5)} "Funeral establishment" ***or "establishment"*** means:
  - (a) ***A full service funeral establishment;***
  - (b) ***An embalming service establishment; or***
  - (c) ***A visitation and ceremonial funeral service establishment***{a place of business where dead human bodies are embalmed or otherwise prepared or held for burial or where funerals are provided};
- (10) ***"Memorial service" means a ceremony or service held in honor of a deceased human being at which there are no human remains as defined in KRS 367.97501(13) present, and for which no license is required;***
- (11){(6)} "Person" as used in this chapter includes, but is not limited to, an individual, partnership, firm, association, or corporation;
- (12){(7)} "In use" means that funeral directing or embalming is taking place in a funeral establishment;
- (13){(8)} "Courtesy card" means a card that is issued by the board to a funeral director or an embalmer from another state that gives the director or embalmer permission to receive and transport a dead human body to and from Kentucky for a funeral and to conduct funeral services and burials in Kentucky; and

- (14)~~(9)~~ "Supervision" means responsibility for the professional activities of the funeral establishment that requires a Kentucky-licensed funeral director or a Kentucky-licensed embalmer, as appropriate, to be on the premises when the funeral establishment is in use. If the Kentucky-licensed funeral director or the Kentucky-licensed embalmer is unable to be on the premises due to a reasonable circumstance, then the Kentucky-licensed funeral director or the Kentucky-licensed embalmer shall be within a reasonable proximity to the funeral establishment so that upon contact the funeral director or embalmer is able to immediately return to the funeral establishment.
- (15) *"Visitation and ceremonial funeral service establishment" means a location from which a funeral establishment may provide all services except embalming within either the same or adjoining county as that served by an affiliated full service funeral establishment. The visitation and ceremonial funeral service establishment shall be owned in whole or in part by the affiliated full service funeral establishment, and shall be located sufficiently close to the full service funeral establishment to share administration and services in a manner that renders it unnecessary for the visitation and ceremonial funeral service establishment to independently meet the minimum licensure requirements for a full service funeral establishment. A full service funeral establishment may own and operate more than one visitation and ceremonial funeral service establishment.*

Section 2. KRS 316.125 is amended to read as follows:

- (1) No person shall operate a *full service* funeral establishment, *a visitation and ceremonial funeral service establishment, or an embalming service establishment* in the Commonwealth of Kentucky without first obtaining *the applicable*~~[a funeral]~~ establishment license issued by the board.
- (2) The board shall issue *the appropriate*~~[a funeral]~~ establishment license to an applicant who:
- (a) Has paid to the board an establishment license fee, not to exceed two hundred dollars (\$200), as set out in administrative regulations promulgated by the board; and
  - (b) Has filed with the board a sworn statement that sets out the following:
    1. Name of the funeral establishment;
    2. Address of the funeral establishment;
    3. *Type of funeral establishment;*
    4. Owners of the funeral establishment, indicating which owners are licensed by the board; and
    - 5.~~[4]~~ Name and address of the Kentucky-licensed embalmer *or*~~[and]~~ the Kentucky-licensed funeral director who will supervise the funeral establishment pursuant to subsection (4) of this section.
- (3) Each funeral establishment shall be licensed separately from any other funeral establishment.
- (4) Each funeral establishment, when in use, shall be under the supervision of a Kentucky-licensed embalmer or a Kentucky-licensed funeral director.
- (5) A Kentucky-licensed embalmer *or*~~[and]~~ a Kentucky-licensed funeral director shall not supervise more than one (1) funeral establishment at the same time.
- (6) The funeral establishment shall display in a public place in the establishment its establishment license and the *license*~~[licenses]~~ of the embalmer *or*~~[and]~~ funeral director who *supervises*~~[supervise]~~ the establishment pursuant to subsection (4) of this section.

SECTION 3. A NEW SECTION OF KRS CHAPTER 316 IS CREATED TO READ AS FOLLOWS:

- (1) *A funeral establishment licensed on the effective date of this Act that meets the definition of a full service funeral establishment shall be issued a license as a full service funeral establishment. This license shall be effective until the date that the funeral establishment's former license would have expired. The funeral establishment shall be required to make an application for renewal under this chapter as a full service funeral establishment.*
- (2) *A funeral establishment licensed on the effective date of this Act that meets the definition of an embalming service establishment shall be issued a license for an embalming service establishment. This license shall be effective until the date that the funeral establishment's former license would have expired. The funeral*

*establishment shall be required to make an application for renewal under this chapter as an embalming service establishment.*

- (3) A funeral establishment licensed on the effective date of this Act that does not meet the definition of a full service funeral establishment or embalming service establishment shall be issued a license for a visitation and ceremonial funeral service establishment. This license shall be renewable as a visitation and ceremonial funeral service establishment license for the entire time of the establishment's existence, subject to the restrictions of subsection (4) of this section, or until the board approves the establishment's application for another type of establishment license.*
- (4) A visitation and ceremonial funeral service establishment that is licensed as a funeral establishment prior to the effective date of this Act shall be exempt from the requirement of ownership in whole or in part by an affiliated full service funeral establishment. This exemption shall lapse if the visitation and ceremonial funeral service establishment is sold, ceases to exist, or engages in any activity that changes its license.*

**Approved April 3, 2006.**