

CHAPTER 160**(HB 435)**

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

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 a 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) "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) "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;
- (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(14) present, and for which no license is required;
- (11) "Person," as used in this chapter, includes but is not limited to an individual, partnership, firm, association, or corporation;
- (12) "In use" means that funeral directing or embalming is taking place in a funeral establishment;
- (13) "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;
- (14) "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; and

- (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 (1) visitation and ceremonial funeral service establishment.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 316 IS CREATED TO READ AS FOLLOWS:

- (1) *Any person employed by a full-service funeral establishment or an embalming service establishment, except a common carrier engaged in interstate commerce, the Commonwealth and its agencies, or an emergency medical services provider duly certified or licensed pursuant to KRS Chapter 311A, who wants to engage in the business of surface transportation or removal of dead human bodies in the Commonwealth, shall apply for and may be granted a permit from the board.*
- (2) *Surface transportation and removal services shall not include:*
- (a) *The arrangement or conduction of funerals;*
 - (b) *The provision for the care or preparation, including embalming, of dead human bodies; or*
 - (c) *The sale or provision of funeral-related goods and services;*
- without also the issuance of a funeral service establishment license or an embalming service establishment license.*
- (3) *The board shall promulgate administrative regulations related to the processes and procedures for the permitting of persons to provide surface transportation and removal services of dead human bodies.*

Signed by Governor March 26, 2019.