

**CHAPTER 23****( HB 220 )**

AN ACT relating to the Board of Embalmers and Funeral Directors.

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

➔Section 1. KRS 316.030 is amended to read as follows:

- (1) No person shall engage in, or attempt to engage in, embalming or funeral directing in the Commonwealth of Kentucky unless the person is licensed under the provisions of this chapter.
- (2) All Kentucky-licensed persons who practice embalming or funeral directing in Kentucky shall practice from a funeral establishment that is licensed to operate under the provisions of this chapter.
- (3) One (1) member of every firm, and one (1) officer and one (1) stockholder of every corporation, that engages in embalming and funeral directing in Kentucky, shall be a Kentucky-licensed embalmer and a Kentucky-licensed funeral director.
- (4) The board shall issue an embalmer's license to an applicant who:
  - (a) Is at least eighteen (18) years of age;
  - (b) Is of good moral character;
  - (c) Possesses a high school diploma or a High School Equivalency Diploma;
  - (d) Has received an associate degree in funeral services from a college or university accredited by the American Board of Funeral Service Education;
  - (e) Has served an apprenticeship of one (1) year in a Kentucky funeral establishment under the supervision of a Kentucky-licensed embalmer;
  - (f) Has taken an active part during the apprenticeship in assisting with the embalming of at least twenty-five (25) dead human bodies under the direct supervision of a Kentucky-licensed embalmer;
  - (g) Has paid to the board an examination fee *as set out in administrative regulations promulgated by the board* ~~of seventy five dollars (\$75)~~; and
  - (h) Has passed an examination prepared or approved by the board.
- (5) The board shall issue a funeral director's license to an applicant who:
  - (a) Is at least eighteen (18) years of age;
  - (b) Is of good moral character;
  - (c) Possesses a high school diploma or a High School Equivalency Diploma;
  - (d) Has served an apprenticeship of three (3) consecutive years in a Kentucky funeral establishment under the supervision of a Kentucky-licensed funeral director. An associate degree in funeral services from a college or university accredited by the American Board of Funeral Service Education shall substitute for two (2) years of the apprenticeship. The completion of thirty (30) semester credit hours or the equivalent from an accredited college or university shall substitute for one (1) year of the apprenticeship. At no time shall more than two (2) years of the apprenticeship be substituted;
  - (e) Has taken an active part during the apprenticeship in assisting with the management of at least twenty-five (25) funerals under the direct supervision of a Kentucky-licensed funeral director;
  - (f) Has paid to the board an examination fee *as set out in administrative regulations promulgated by the board* ~~of seventy five dollars (\$75)~~; and
  - (g) Has passed an examination prepared or approved by the board.
- (6) An applicant may serve embalming and funeral directing apprenticeships concurrently.
- (7) At the beginning of an apprenticeship, an applicant for an embalmer's or a funeral director's license shall:

- (a) Appear before the board;
  - (b) Pay to the board a registration fee *as set out in administrative regulations promulgated by the board* ~~of thirty dollars (\$30)~~; and
  - (c) File with the board the sworn statement of the supervising Kentucky-licensed embalmer or the Kentucky-licensed funeral director averring that the applicant will work full-time under supervision in the funeral establishment and will receive a regular salary.
- (8) An applicant shall work full-time in the funeral establishment during the apprenticeship and shall receive a regular salary.
  - (9) An applicant shall file with the board semiannually during the apprenticeship sworn statements by the applicant and the supervising Kentucky-licensed embalmer or Kentucky-licensed funeral director setting out the number of hours worked, the number of embalmings or funerals in which the applicant has assisted, and the salary received.
  - (10) A Kentucky-licensed embalmer or a Kentucky-licensed funeral director shall not supervise more than five (5) applicants serving apprenticeships at any one (1) time.

➔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 establishment license issued by the board.
- (2) The board shall issue the appropriate 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. Name and address of the Kentucky-licensed embalmer or 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 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 of the embalmer or funeral director who supervises the establishment pursuant to subsection (4) of this section.

➔Section 3. KRS 316.131 is amended to read as follows:

- (1) The board may reinstate an embalmer's or a funeral director's license that has expired for failure to renew within three (3) years of the license's expiration if the applicant for reinstatement:
  - (a) Pays a late fee and the renewal fees, *as set out in administrative regulations promulgated by the board*, for the period during which the license was expired; and
  - (b) Provides proof that the applicant has met the cumulative continuing education requirements for the period during which the license was expired.
- (2) The board may reinstate an embalmer's or a funeral director's license that has expired for failure to renew more than three (3) years after the license's expiration if the applicant for reinstatement:

- (a) Pays a late fee and the renewal fees, *as set out in administrative regulations promulgated by the board*, for the period during which the license was expired; ~~and~~
- (b) Provides proof that the applicant has met all the cumulative continuing education requirements for the period during which the license was expired; ~~and~~ and
- (c) Demonstrates that the applicant is able to practice embalming or funeral directing with reasonable competence. The board may require the person to pass an examination to determine competency.

➔Section 4. KRS 316.170 is amended to read as follows:

- (1) The board shall consist of five (5) members who shall be residents of the Commonwealth of Kentucky. Four (4) members shall be Kentucky-licensed embalmers and Kentucky-licensed funeral directors actively practicing embalming and funeral directing in a Kentucky funeral establishment and shall have a minimum of ten (10) years' consecutive experience in the practice of embalming and funeral directing in Kentucky immediately preceding their appointment. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated.
- (2) The Governor shall make all appointments to the board. The four (4) embalmer and funeral director members shall be appointed from a list of three (3) names submitted by the Funeral Directors Association of Kentucky and from a list of three (3) names submitted by the Kentucky Association of Morticians, Inc., for each position to be filled.
- (3) The term of each member shall be four (4) years. Each member shall serve until a successor is appointed and qualified.
- (4) Vacancies on the board shall be filled in the same manner for the unexpired terms.
- (5) ~~{(a) — Until January 1, 2015, each board member shall receive one hundred dollars (\$100); and~~  
(b) ~~— On January 1, 2015, and thereafter, —~~Each board member shall receive compensation as set forth in administrative regulation, not to exceed two hundred dollars (\$200) for each day of service actually given in carrying out the board's duties and shall be reimbursed for necessary traveling expenses and other necessary expenses incurred in attending board meetings and carrying out the board's duties.
- (6) The board shall elect annually a president from its members.
- (7) The board shall meet as often as necessary to discharge its duties, but not less than once a year.
- (8) Three (3) members shall constitute a quorum.

➔Section 5. KRS 316.210 is amended to read as follows:

- (1) The board shall administer and enforce the provisions of this chapter and may promulgate administrative regulations pursuant to KRS Chapter 13A to carry out and enforce the provisions of this chapter.
- (2) The board shall keep records and minutes necessary to carry out the provisions of this chapter.
- (3) The board may administer oaths and may issue subpoenas to compel the attendance of witnesses and the production of documents.
- (4) The board may seek injunctive relief in Franklin Circuit Court to restrain or enjoin a violation of this chapter.
- (5) The board may employ persons as necessary to carry out the requirements of this chapter.
- (6) *The board shall promulgate administrative regulations to establish fees authorized by this chapter.*

**Signed by Governor March 15, 2021.**