

**OFFICE OF ATTORNEY GENERAL**  
**Kentucky Office of Regulatory Relief**  
**(New Administrative Regulation)**

**40 KAR 12:120. Preneed funeral and burial contract sellers.**

RELATES TO: KRS 367.937, 367.940

STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.972(2)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation amendment complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.180 authorizes the Attorney General to promulgate administrative regulations that will facilitate performing the duties and exercising the authority vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to recommend administrative regulations in the consumers' interest. KRS 367.972(2) authorizes the Attorney General to promulgate administrative regulations to implement KRS 367.932 to 367.974 and 367.991. KRS 367.937 and 367.940 require the Attorney General to promulgate administrative regulations to establish application forms, reporting forms, and trust forms relating to preneed funeral and burial contract sellers. This administrative regulation prescribes the license application form and other forms, to be used by preneed funeral and burial contract sellers, provides for online application and submission processes, and provides for license suspension and revocation.

**Section 1. Preneed Funeral and Burial Contract Seller License Application.**

(1) The Attorney General must approve a preneed funeral and burial contract seller license application before a seller may make sales to Commonwealth of Kentucky residents. A preneed funeral and burial contract seller shall submit an online license application using the "Preneed Funeral and Burial Contract Seller License Application portal" available at <https://www.ag.ky.gov/AG%20Business%20Forms/1Online%20Forms%20for%20Cemeteries,%20Funeral%20Homes,%20and%20Cremat>

(2) If unable to submit an online application, an applicant shall complete and submit a Preneed Funeral and Burial Contract Seller License Application, Form PNBL-1, to the Attorney General's office, and submit:

(a) Payment of the \$50.00 registration fee;

(b) The applicant's certificate of existence, authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky; and

(c) A completed Cemetery Company and Preneed Cemetery Merchandise Seller Registration Application, Form CPN-1, as incorporated by reference in 40 KAR 12:110, when the applicant intends to operate a cemetery company business or sell preneed cemetery merchandise.

(3) Applicants shall complete or submit additional information or documents for their application within thirty (30) days of any request by the Attorney General. The Attorney General may deny any application if an Applicant fails to timely complete the application by not paying the application fee or provide requested missing information or required documents.

**Section 2. Preneed Funeral and Burial Contract Seller Monthly Reports.**

(1) A licensed preneed funeral and burial contract seller shall submit a monthly report to the Attorney General each month by the 15th day of the month following the reported month. A licensed preneed funeral and burial contract seller shall submit its monthly report online using the "Preneed Funeral and Burial Contract Seller Monthly Report portal" available at <https://www.ag.ky.gov/AG%20Business%20Forms/Online%20Forms%20for%20Cemeteries,%20Funeral%20Homes,%20and%20Cremat>

(2) If unable to submit an online monthly report, a licensed preneed funeral and burial contract seller shall complete and submit Preneed Funeral and Burial Contract Seller Monthly Report, Form PNBL-2, to the Attorney General's office, and submit:

(a) Payment of the \$5.00 administrative fee for each reported contract; and

(b) A completed Cemetery Company and Preneed Cemetery Merchandise Seller Monthly Report, Form CPN-2, as incorporated by reference in 40 KAR 12:110, when the licensee is also registered as a cemetery company and preneed cemetery merchandise seller.

**Section 3. Preneed Funeral and Burial Contract Seller Yearly Reports.**

(1) A licensed preneed funeral and burial contract seller shall submit an annual report to the Attorney General for every calendar year by March 31st of the year following the reported year. A licensed preneed funeral and burial contract seller shall submit its yearly report online using the "Preneed Funeral and Burial Contract Seller Annual Report portal" available at <https://www.ag.ky.gov/AG%20Business%20Forms/Online%20Forms%20for%20Cemeteries,%20Funeral%20Homes,%20and%20Cremat>

(2) If unable to submit a yearly report online, a licensed preneed funeral and burial contract seller shall complete and submit a Preneed Funeral and Burial Contract Seller Annual Report, Form PNBL-3, to the Attorney General's office, and submit:

(a) Payment of the \$10.00 annual report fee;

(b) A completed Appendix A to the Preneed Funeral and Burial Contract Seller Licensee Annual Report, Form PNBL-3, or computer spreadsheets containing required information therein;

(c) A completed Cemetery Company and Preneed Cemetery Merchandise Seller Annual Report, Form CPN-3, as incorporated by reference in 40 KAR 12:110, when the licensee is also registered as a cemetery company and preneed cemetery merchandise seller.

**Section 4. Irrevocable Funeral Trust Agreements.** A licensed preneed funeral and burial contract seller shall complete and retain an Irrevocable Funeral Trust Agreement, Form PBNL-4, when establishing an irrevocable trust under KRS 367.937.

**Section 5. Record Requests.** A licensed preneed funeral and burial contract seller shall make requested records, documents and information readily available to the Attorney General for inspection and copying upon request.

**Section 6. Material Changes in Application and Reports.** A licensed preneed funeral and burial contract seller shall notify the Attorney General in writing within fourteen (14) days of any material change relating to the information provided in their applications or reports.

**Section 7. Incorporation by Reference.**

(1) The following material is incorporated by reference:

(a) "Preneed Funeral and Burial Contract Seller License Application", Form PNBL-1, Sept. 2025;

(b) "Preneed Funeral and Burial Contract Seller Monthly Report", Form PNBL-2, Sept. 2025;

(c) "Preneed Funeral and Burial Contract Seller Annual Report with Appendix A", Form PNBL-3, Sept. 2025;

(d) "Irrevocable Funeral Trust Agreement", Form PNBL-4, Sept. 2025;

(e) "Preneed Funeral and Burial Contract Seller License Application portal", Sept. 2025;

(f) "Preneed Funeral and Burial Contract Seller Monthly Report portal", Sept. 2025; and

(g) "Preneed Funeral and Burial Contract Seller Annual Report portal", Sept. 2025;

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Attorney General, Capital Complex East, 1024 Capital Center Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the Attorney General's website, <https://ag.ky.gov/Pages/default.aspx>.

*STEPHEN B. HUMPHRESS, Executive Director*  
*RUSSELL COLEMAN, Attorney General*

APPROVED BY AGENCY: October 14, 2025

FILED WITH LRC: October 15, 2025 at 8:30 a.m.

**PUBLIC HEARING AND COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on December 23, 2025, at 10:00 a.m. Eastern Time at the Office of Administrative Hearings, Conference Room B, 105 Sea Hero Road, Suite 2, Conference Room B, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this Attorney General in writing at least five (5) working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on December 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Stephen B. Humphress, Executive Director, Kentucky Office of Regulatory Relief, Kentucky Office of Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, phone: 502-696-5408, fax: (502) 573-8317, email: [steve.humphress@ky.gov](mailto:steve.humphress@ky.gov).