

OFFICE OF ATTORNEY GENERAL
Kentucky Office of Regulatory Relief
(Amended at ARRS Committee)

40 KAR 12:110. Cemetery companies and preneed cemetery merchandise sellers.

RELATES TO: KRS 367.946, 367.952, 367.954, 367.958, 367.972(2)

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, 367.946, 367.952, 367.954, and 367.958 require the Attorney General to promulgate administrative regulations to establish application forms, reporting forms, and other forms relating to cemetery companies and preneed cemetery merchandise contract sellers. This administrative regulation establishes the applications and forms used by cemetery companies and preneed cemetery merchandise contract sellers and exempted entities.

Section 1. Cemetery Company and Preneed Cemetery Merchandise Sellers Application.

(1) A cemetery company or merchandise seller shall not make sales to Commonwealth of Kentucky residents unless the Attorney General approves a cemetery company and preneed cemetery merchandise seller registration application in accordance with this administrative regulation. A cemetery company and preneed cemetery merchandise seller shall submit an online registration application using the Cemeteries: Application portal available at <https://www.ag.ky.gov/AG%20Business%20Forms/1Online%20Forms%20for%20Cemeteries,%20Funeral%20Homes,%20and%20Crema>

(2) If unable to submit an online application, an applicant shall complete and submit a Cemetery Company and Preneed Cemetery Merchandise Seller Registration Application, Form CPN-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 Preneed Funeral and Burial Contract Seller License Application, PNBL-1 Form, as incorporated by reference in 40 KAR 12:120, if the applicant intends to sell preneed funeral and burial contracts.

(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. Cemetery Company and Preneed Cemetery Merchandise Seller Monthly Reports.

(1) A registered cemetery company and preneed cemetery merchandise seller shall submit a monthly report to the Attorney General each month by the 15th day of the month following the reported month. A registered cemetery company and preneed cemetery merchandise seller shall submit its monthly report online using the Cemeteries: Monthly Report portal available at <https://www.ag.ky.gov/AG%20Business%20Forms/1Online%20Forms%20for%20Cemeteries,%20Funeral%20Homes,%20and%20Crema>

(2) If unable to submit an online monthly report, a registered cemetery company and preneed cemetery merchandise seller shall complete and submit a Cemetery Company and Preneed Cemetery Merchandise Seller Monthly Report, Form CPN-2, to the Attorney General's office, and submit:

- (a) Payment of the \$5.00 administrative fee for each reported contract;
- (b) Payment of a \$5.00 consumer security fee for each contract if the amount received is \$500 or less; or a \$10.00 consumer security fee for each contract if the amount received is greater than \$500; and
- (c) A completed Preneed Funeral and Burial Contract Seller Licensee Monthly Report, Form PNBL-2, as incorporated by reference in 40 KAR 12:120, if the registrant also holds a pre-need burial contract seller (PNBL) license.

Section 3. Cemetery Company and Preneed Cemetery Merchandise Seller Yearly Reports.

(1) A registered cemetery company and preneed cemetery merchandise seller shall submit an annual report to the Attorney General for every calendar year by March 31 of the year following the reported year. A registered cemetery company and preneed cemetery merchandise seller shall submit its annual report online using the Cemeteries: Annual Reports portal available at <https://www.ag.ky.gov/AG%20Business%20Forms/1Online%20Forms%20for%20Cemeteries,%20Funeral%20Homes,%20and%20Crema>

(2) If unable to submit a yearly report online, a registered cemetery company and preneed cemetery merchandise seller shall complete and submit a Cemetery Company and Preneed Cemetery Merchandise Seller Annual Report, Form CPN-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 Cemetery Company and Preneed Cemetery Merchandise Seller Annual Report, Form CPN-3, or computer printouts containing required information therein;
- (c) A year-end statement for the reporting calendar from all bank or financial institutions holding trust accounts identified in the Annual Report, Form CPN-1; and,
- (d) A completed Preneed Funeral and Burial Contract Seller Annual Report, Form PNBL-3, as incorporated by reference in 40 KAR 12:120, if the registrant also holds a pre-need burial contract seller (PNBL) license.

Section 4. Local Governments Operating Cemeteries.

(1) A local government that owns or operates a cemetery exempt from the KRS 367.952 perpetual care and maintenance trust requirements that provides a notice of exemption to the Attorney General shall be exempt from the registration and reporting requirements of Sections 1 and 2 of this administrative regulation.

(2) Local government shall provide notice online to the Attorney General using the Cemeteries: Local Government Exemption Notice portal available at <https://www.ag.ky.gov/AG%20Business%20Forms/1Online%20Forms%20for%20Cemeteries,%20Funeral%20Homes,%20and%20Crema>

(3) If unable to submit an online notice, a local government shall complete and submit an Local Government Cemetery Company Exemption Notice, Form CPN-5, to the Attorney General's office.

Section 5. Non-Government Exemption Application.

(1) To seek granted exemption status from the requirements of KRS 367.932 to 367.970, an applicant shall complete and submit an online application using the Cemeteries: Non-Government Exemption Application portal available at <https://www.ag.ky.gov/AG%20Business%20Forms/1Online%20Forms%20for%20Cemeteries,%20Funeral%20Homes,%20and%20Crema>

(2) If unable to submit an online application, an applicant may complete and submit a Non-Government Cemetery Company Exemption Application, Form CPN-6, to the Attorney General's office.

Section 6. Preconstruction Cemetery Project Sales Notice.

(1) A cemetery company shall notify the Attorney General about a preconstruction cemetery project at least thirty (30) days before commencing sales. The cemetery company shall complete and submit notice using the Cemeteries: Preconstruction Notice Form portal available at

<https://www.ag.ky.gov/AG%20Business%20Forms/1Online%20Forms%20for%20Cemeteries,%20Funeral%20Homes,%20and%20Crema>

(2) If unable to submit an online application, a cemetery company shall complete and submit a Preconstruction Cemetery Project Sales Notice, Form CPN-4, to the Attorney General's office.

Section 7. Record Requests. A cemetery company and cemetery merchandise seller and a preneed funeral and burial contract seller shall make business records and documents and information related to an investigation or inquiry readily available to the Attorney General for inspection and copying upon request.

Section 8. Material Changes in Application and Reports. Registered cemetery company and cemetery merchandise seller sellers 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 9. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Cemetery Company and Preneed Cemetery Merchandise Seller Registration Application", Form CPN-1, Oct. 2025;
- (b) "Cemetery Company and Preneed Cemetery Merchandise Seller Monthly Report", Form CPN-2, Oct. 2025;
- (c) "Cemetery Company and Preneed Cemetery Merchandise Seller Annual Report with Appendix A", Form CPN-3, Oct. 2025;
- (d) "Preconstruction Cemetery Project Sales Notice", Form CPN-4, Oct. 2025;
- (e) "Local Government Cemetery Company Exemption Notice, Form CPN-5, Oct. 2025;
- (f) "Non-Government Cemetery Company Exemption Application," Form CPN-6, Oct. 2025;
- (g) "Cemeteries: Application portal", Oct. 2025;
- (h) "Cemeteries: Monthly Report portal", Oct. 2025;
- (i) "Cemeteries: Annual Report portal", Oct. 2025;
- (j) "Cemeteries: Preconstruction Notice Form portal", Oct. 2025;
- (k) "Cemeteries: Local Government Exemption Notice portal", Oct. 2025; and
- (l) "Cemeteries: Non-Government Exemption Application portal", Oct. 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>.

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