

201 KAR 15:125. Surface transportation permit.

RELATES TO: KRS 316.165

STATUTORY AUTHORITY: KRS 316.165, 316.210

NECESSITY, FUNCTION, AND CONFORMITY: KRS 316.210 authorizes the Board of Embalmers and Funeral Directors to promulgate administrative regulations to carry out and enforce the provisions of KRS Chapter 316. KRS 316.165(1) authorizes the board to issue a permit to an applicant for the sole and limited purpose of being allowed to provide surface transportation of dead human bodies. This administrative regulation establishes the criteria for issuance of these permits.

Section 1. Application.

(1) An applicant seeking a permit to provide surface transportation for dead human bodies shall be of the age of eighteen (18) prior to submitting an application.

(2) An applicant applying for a permit to provide surface transportation and removal services for dead human bodies shall submit:

(a) A completed and signed application form, "Surface Transportation & Removal Permit Application", 9/2019;

(b) A fee in the amount of \$150;

(c) Evidence of training and compliance with the standards of the Occupational Safety and Health Administration for universal precautions and blood-borne pathogens, 29 Code of Federal Regulations (C.F.R.) 1910.1030;

(d) Two (2) passport-sized photographs of the applicant;

(e) An official copy of a criminal justice information system (CJIS) report obtained from the Federal Bureau of Investigation no more than ninety (90) days prior to the application; and

(f) Evidence of possession and control or ownership of an appropriate vehicle and necessary supplies for surface transportation of dead human bodies.

(3)

(a) An appropriate vehicle shall have enclosed cargo space of sufficient size to transport a dead human body securely and without exposure to weather.

(b) Necessary supplies shall include:

1. Mortuary or ambulance cot;

2. Collapsible or flexible stretcher;

3. Sheets and cot cover;

4. Pillow or head block;

5. Rubber or plastic sheeting;

6. Towels;

7. Zippered mortuary body bag or disaster pouch;

8. Straps;

9. Protective clothing; and

10. Sanitary accessories.

Section 2. Examination.

(1) An applicant seeking a surface transportation permit shall be required to pass an examination on Kentucky laws and transport procedures. The examination fee shall be seventy-five (75) dollars and may be paid at the time of application or at the time of examination.

(2) The examination shall be administered by the board concurrently with other monthly examinations.

(3) The board shall offer a training course related to the subject matter of the examination.

Section 3. Scope of Permit.

- (1) Permit holders shall only engage in surface transportation of dead human bodies requested by an authorized person from the establishment by which the permit holder is employed. Surface transportation shall be limited to obtaining the dead human bodies from the location from which the transportation services were requested, and transport to the establishment by which the permit holder is employed.
- (2) Permit holders shall present a photo identification to the person or establishment requesting transport, to establish that the permit holder is employed by the establishment to which transport is being requested.
- (3) Permit holders shall not engage in any services of funeral directing or embalming or distribute any documents or materials related to such services.
- (4) Permit holders may only be employed by one (1) establishment at one (1) time.
- (5) Permit holders shall not be required to use a casket for transportation of dead human bodies, but shall be required to use a container as may be required by the above referenced OSHA guidelines.
- (6) No individual who obtains or holds a permit from this board to transport dead human bodies may use transport removals performed under that permit to accumulate the number of removals required to complete an apprenticeship. All apprenticeship removals shall be performed within the requirements of the apprenticeship and under supervision, to the extent set forth in these administrative regulations. Hours accumulated in performing removals under a Transport Permit will not be counted toward the apprentice's weekly work hours requirement.

Section 4. Permit Issuance and Renewal.

- (1) The Surface Transportation Permit issued or renewed under this administrative regulation shall be effective for a period of one (1) year from its date of issuance.
- (2) Renewal of the Surface Transportation Permit may be effected by sending to the board:
 - (a) A completed Surface Transportation and Removal Permit Application with the Renewal box checked. An applicant for renewal need not include any information already given on the original application, but shall include on the form any new or changed information;
 - (b) A renewal fee of fifty (50) dollars; and
 - (c) Evidence that the permit holder has in his or her possession or control an acceptable vehicle and the requisite equipment and supplies to perform surface transportation of dead human bodies.

Section 5. Incorporation by Reference.

- (1) "Surface Transportation & Removal Permit Application", 10/2019, is incorporated by reference.
 - (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Embalmers and Funeral Home Directors, 9114 Leesgate Rd., Suite 4, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m.
- (46 Ky.R. 292, 1102; eff. 11-1-2019.)