

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

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

3 ➔Section 1. KRS 316.010 is amended to read as follows:

4 As used in this chapter, unless the context requires otherwise:

- 5 (1) "Apprentice" means a person engaged in learning the practice of embalming or  
6 funeral directing who is under the instruction and personal supervision of a  
7 Kentucky-licensed embalmer or a Kentucky-licensed funeral director;
- 8 (2) "Board" means the Kentucky Board of Embalmers and Funeral Directors;
- 9 (3) "Direct burial" means the pick-up, transport, and interment of a dead human body or  
10 body parts without a funeral;
- 11 (4) "Embalmer" means a person who preserves, restores, and disinfects dead human  
12 bodies by the application of chemical substances either externally or internally, or  
13 both;
- 14 (5) "Embalming service establishment" means a place of business where dead human  
15 bodies are embalmed or otherwise prepared or held for burial~~[-, including the~~  
16 ~~transportation of the bodies]~~. An embalming service establishment shall not arrange  
17 or conduct a funeral or direct burial. An embalming service establishment may  
18 arrange for and transport dead human bodies ~~[for direct cremation purposes]~~ only  
19 under the following circumstances:
- 20 (a) On behalf of a full-service funeral establishment;
- 21 (b) On behalf of a visitation and ceremonial funeral establishment; or
- 22 (c) At the direction of a coroner;
- 23 (6) "Funeral" means the ceremonies or services related to the final disposition and  
24 interment of a human body or body parts;
- 25 (7) "Full-service funeral establishment" means a place of business where dead human  
26 bodies may be embalmed or otherwise prepared and held for burial and where  
27 funeral services may be arranged, provided, and conducted;

- 1 (8) "Funeral director" means a person who, for profit, engages in or represents himself  
2 or herself as engaged in the supervision, direction, and arrangement of funeral  
3 services, transportation, burials, and disposals of dead human bodies;
- 4 (9) "Funeral establishment" or "establishment" means:  
5 (a) A full-service funeral establishment;  
6 (b) An embalming service establishment; or  
7 (c) A visitation and ceremonial funeral service establishment;
- 8 (10) "Memorial service" means a ceremony or service held in honor of a deceased  
9 human being at which there are no human remains, as defined in KRS  
10 367.97501(14) present, and for which no license is required;
- 11 (11) "Person," as used in this chapter, includes but is not limited to an individual,  
12 partnership, firm, association, or corporation;
- 13 (12) "In use" means that funeral directing or embalming is taking place in a funeral  
14 establishment;
- 15 (13) "Courtesy card" means a card that is issued by the board to a funeral director or an  
16 embalmer from another state that gives the director or embalmer permission to  
17 receive and transport a dead human body to and from Kentucky for a funeral and to  
18 conduct funeral services and burials in Kentucky;
- 19 (14) "Supervision" means responsibility for the professional activities of the funeral  
20 establishment that requires a Kentucky-licensed funeral director or a Kentucky-  
21 licensed embalmer, as appropriate, to be on the premises when the funeral  
22 establishment is in use. If the Kentucky-licensed funeral director or the Kentucky-  
23 licensed embalmer is unable to be on the premises due to a reasonable  
24 circumstance, then the Kentucky-licensed funeral director or the Kentucky-licensed  
25 embalmer shall be within a reasonable proximity to the funeral establishment so that  
26 upon contact the funeral director or embalmer is able to immediately return to the  
27 funeral establishment; and

1 (15) "Visitation and ceremonial funeral service establishment" means a location from  
2 which a funeral establishment may provide all services except embalming within  
3 either the same or adjoining county as that served by an affiliated full-service  
4 funeral establishment. The visitation and ceremonial funeral service establishment  
5 shall be owned in whole or in part by the affiliated full-service funeral  
6 establishment, and shall be located sufficiently close to the full-service funeral  
7 establishment to share administration and services in a manner that renders it  
8 unnecessary for the visitation and ceremonial funeral service establishment to  
9 independently meet the minimum licensure requirements for a full-service funeral  
10 establishment. A full-service funeral establishment may own and operate more than  
11 one (1) visitation and ceremonial funeral service establishment.

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

14 (1) Any person employed by a full-service funeral establishment or an embalming  
15 service establishment, except a common carrier engaged in interstate commerce,  
16 the Commonwealth and its agencies, or an emergency medical services provider  
17 duly certified or licensed pursuant to KRS Chapter 311A, who wants to engage in  
18 the business of surface transportation or removal of dead human bodies in the  
19 Commonwealth, shall apply for and may be granted a permit from the board.

20 (2) Surface transportation and removal services shall not include:

21 (a) The arrangement or conduction of funerals;

22 (b) The provision for the care or preparation, including embalming, of dead  
23 human bodies; or

24 (c) The sale or provision of funeral-related goods and services;

25 without also the issuance of a funeral service establishment license or an  
26 embalming service establishment license.

27 (3) The board shall promulgate administrative regulations related to the processes

- 1 *and procedures for the permitting of persons to provide surface transportation*
- 2 *and removal services of dead human bodies.*