

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 the arrangement or*  
21 *conduction of funerals, provide for the care or preparation, including*  
22 *embalming, of dead human bodies, or sell or provide funeral-related goods and*  
23 *services without also the issuance of a funeral service establishment license or an*  
24 *embalming service establishment license.*

25 *(3) The board shall promulgate administrative regulations related to the processes*  
26 *and procedures for the permitting of persons to provide surface transportation*  
27 *and removal services of dead human bodies.*