

**CREMATION AND TRANSPORT SERVICE
RULES AND REGULATIONS**

I. DEFINITIONS

A. **Authorizing Agent(s)**. An Authorizing Agent(s) is a person legally entitled to order the cremation of human remains. An authorizing agent shall be the next of kin of the deceased. In the absence of a next of kin, an order from a court of appropriate jurisdiction shall be obtained. In the case of indigents or any other individuals whose final disposition is the responsibility of the state, a public official charged with arranging the final disposition of the deceased, if legally authorized, may serve as the Authorizing Agent. In the case of individuals who have donated their bodies to science, and in which the institution is charged with making arrangements for the final disposition of the deceased, a representative of the institution, if legally authorized, may serve as the Authorizing Agent. If the deceased has authorized their own cremation by a pre-need arrangement, then any person acting on those instructions will be considered legally authorized, unless such authorization is in conflict with the wishes of the deceased's next of kin.

B. **Board**. The Arkansas State Board of Embalmers and Funeral Directors.

C. **Casket**. A rigid container which is designed for the encasement of human remains and which is usually constructed of wood, metal or like material and ornamented and lined with fabric.

D. **Closed Container**. Any container in which cremated remains can be placed and closed in a manner so as to be resistant to leakage or spillage of cremated remains or the entrance of foreign material.

E. **Cremated Remains or Cremains**. All human remains recovered after the completion of the cremation process, including pulverization which leaves only bone fragments reduced to unidentifiable dimensions.

F. **Cremation**. The technical process, using heat, that reduces human remains to bone fragments. The reduction takes place through heat and evaporation.

G. **Cremation Chamber**. The enclosed space within which the cremation process takes place.

H. **Cremation Container**. The container in which the human remains are placed in the cremation chamber for a cremation and which should be required by the Cremation Authority if the remains are not in a casket. A cremation container should meet substantially all of the following standards:

1. Be composed of readily combustible materials suitable for cremations;

2. Be able to be closed in order to provide a complete covering for the human remains;

3. Be resistant to leakage or spillage;

4. Be rigid enough for handling with ease; and

5. Be able to provide protection for the health, safety and personal integrity of crematory personnel.

I. **Crematory Authority.** The legal entity or the authorized representative of the legal entity which is licensed by the Board to operate a crematory and perform cremation.

J. **Crematory.** The building or portion of a building that houses the cremation chamber and the holding facility.

K. **Disposition Authority.** The licensed funeral establishment, cremation authority, or other person or legal entity charged with the disposition of the cremated remains.

L. **Fetal Death.** Death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy; the death is indicated by the fact that after such expulsion or extraction, the fetus does not breathe or show any evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. Fetal death shall include a "spontaneous fetal death" (sometimes referred to as stillbirth or miscarriage) or an "induced termination of pregnancy" as defined by the Arkansas Department of Health.

M. **Fetal Remains.** The remains of a fetal death.

N. **Holding Facility.** An area within, adjacent, or available to the crematory facility designed for the retention of human remains prior to cremation that shall:

1. Comply with any applicable public health law;

2. Preserve the dignity of the human remains;

3. Recognize the integrity, health, and safety of the Crematory Authority personnel operating the crematory; and

4. Be secure from access by the general public.

O. **Human Remains.** The body of a deceased person, or part of a body or limb that has been removed from a living person, including the body, part of body or limb in any state of decomposition.

P. **Niche.** A compartment or cubicle for the memorialization or permanent placement of an urn containing cremated remains.

Q. **Scattering Area.** A designated area for the scattering of cremated remains.

R. **Transport Service Firm.** Any person, partnership, enterprise, corporation, association, society, other legal entity, or other form of organization which engages in providing transportation of the human dead for hire.

S. **Temporary Container.** A temporary container is a receptacle for cremated remains usually made of cardboard, plastic film or similar material designed to hold the cremated remains until an urn or other permanent container is acquired.

T. Urn. A receptacle designed to permanently encase the cremated remains.

11. CREMATION RULES AND REGULATIONS

A. ESTABLISHMENT OF CREMATORY AND LICENSURE OF CREMATORY AUTHORITY

1. Any person doing business in this state, or any cemetery, funeral establishment, corporation, partnership, joint venture, voluntary organization or any other entity may erect, maintain and operate a crematory in this state and provide the necessary appliances and facilities for the cremation of human remains in accordance with the provisions of these rules and regulations.

2. A crematory shall conform with all local building codes and all applicable environmental standards.

3. A crematory may be constructed on or adjacent to any cemetery, on or adjacent to any funeral establishment that is zoned commercial or industrial, or at any other location consistent with local zoning regulations.

4. Application for licensure as a Crematory Authority shall be on forms furnished and prescribed by the Board. Application shall be in writing and shall contain the name of the applicant, the address and location of the crematory, a description of the type of structure and equipment to be used in the operation of the crematory and any further information as the Board may reasonably require. The Board shall examine the premises and structure to be used as a crematory, and shall issue a license to the Crematory Authority, if the applicant meets all requirements of these rules and regulations. In the event of a change of ownership of a crematory, at least thirty (30) days prior to the change, the new owners of the Crematory Authority shall provide the Board with their names and addresses.

5. No person, cemetery, funeral establishment, corporation, partnership, joint venture, voluntary organization or any other entity shall cremate any human remains, except in a crematory licensed for this express purpose and under the limitations provided in these rules and regulations.

6. No cremations of the bodies of deceased persons shall be performed except by a Crematory Authority holding a valid, current license issued by the Board.

7. All crematory licenses issued by the Board shall expire on December 31st of each year, and must be renewed on or before January 31st following the date of expiration. Renewal license fees, as established by the Board, must accompany each original and renewal application.

8. All renewals received after January 31st of each year are considered delinquent. The Board may impose delinquent

fees and/or order a Crematory Authority that is delinquent in its renewal to cease operation until a renewal card has been issued by the Board.

9. Hospitals licensed by the Arkansas Department of Health may operate a facility that incinerates surgical waste, human body parts that have been surgically removed, or fetal remains with the permission of the next of kin, without an additional license issued by the Board, and without the assistance of a licensed funeral establishment unless

a. They are holding themselves out to the public to be a licensed Crematory Authority;

b. They offer cremation services to the public for the bodies of deceased persons except for the instances listed in this subsection.

B. AUTHORIZATION AND RECORD KEEPING

1. Except as otherwise provided in this section, a Crematory Authority shall not cremate human remains until it has received:

a. A cremation authorization form signed by an Authorizing Agent and which identifies the funeral director arranging the cremation. The cremation authorization form shall be provided by the Crematory Authority and should contain the following information:

(a.) The identify of the human remains;

(b.) The name of the Authorizing Agent and the relationship between the Authorizing Agent and the deceased;

(c.) Authorization for the Crematory Authority to cremate the human remains;

(d.) A representation that the Authorizing Agent is aware of no objection to the human remains being cremated by any person who has a right to control the disposition of the human remains; and

(e.) The name of the person authorized to claim the cremated remains from the Crematory Authority.

2. If an Authorizing Agent is not available to execute the cremation authorization form, that person may delegate that authority to another person in writing, or, if located outside of the area, by sending the Crematory Authority a telegram, registered letter, or facsimile transmission that contains the name, address, and relationship of the sender to the deceased and the name and address of the individual to whom authority is delegated, indemnifying the delegated individual and the Crematory Authority from all liability concerning the cremation. Upon receipt of the written delegation document or a copy of this telegram, the Crematory

Authority shall allow this individual to serve as the Authorizing Agent and execute the Cremation Authorization form, and the Crematory Authority shall be entitled to rely upon the cremation authorization form.

3. A Crematory Authority should maintain the necessary records as set out in these rules and regulations.

a. Upon the receipt of human remains, the Crematory Authority shall furnish to the person who delivers such human remains a receipt signed by both the Crematory Authority and the person who delivers the human remains showing:

(a.) The date of delivery.

(b.) The name of the person from whom the human remains were received and that person's employer.

(c.) The name of the person who received the human remains on behalf of the Crematory Authority.

(d.) The name and license number of the Crematory Authority, and

(e.) The name of the deceased.

b. A completed and executed burial transit permit, as provided in the laws of the State of Arkansas, indicating that the human remains are to be cremated, and

c. A representation (Example: office copy) of a completed Arkansas death or fetal death certificate, signed by the certifier, showing the cause of death, and otherwise ready for filing.

d. Any other documentation required by any county or municipality.

2. If an Authorizing Agent is not available to execute the cremation authorization form, that person may delegate that authority to another person in writing, or, if located outside of the area, by sending the Crematory Authority a telegram, registered letter, or facsimile transmission that contains the name, address, and relationship of the sender to the deceased and the name and address of the individual to whom authority is delegated, indemnifying the delegated individual and the Crematory Authority from all liability concerning the cremation. Upon receipt of the written delegation document or a copy of this telegram, the Crematory Authority shall allow this individual to serve as the Authorizing Agent and execute the Cremation Authorization form, and the Crematory Authority shall be entitled to rely upon the cremation authorization form.

3. A Crematory Authority should maintain the necessary records as set out in these rules and regulations.

a. Upon the receipt of human remains, the Crematory Authority shall furnish to the person who delivers such human remains a receipt signed by both the Crematory Authority and the person who delivers the human remains showing:

(a.) The date of delivery.
(b.) The name of the person who received the human remains on behalf of the Crematory Authority.

(c.) The name of the deceased.
b. The Crematory Authority should retain a copy of this receipt.

c. A Crematory Authority should retain at its place of business a record of each cremation which takes place at its facility, which record shall contain the information provided for in "II.B.1" through "3" of these rules and regulations and in addition the date the cremation and distribution or disposition by the Crematory Authority of the cremated remains took place.

4. A Crematory Authority shall not accept unidentified human remains. If the Crematory Authority takes custody subsequent to the human remains being placed within a cremation container, the Crematory Authority shall place appropriate identification upon the exterior of the cremation container.

C. CREMATION CONTAINERS

1. The Cremation Authority shall require that human remains be placed in a Cremation Container prior to cremation unless the remains are already in a casket.

2. Except as provided in subsection "II.C.1 and 3", no Crematory Authority shall make or enforce any rules requiring that human remains be placed in a casket before cremation or that human remains be cremated in a casket, nor shall the crematory refuse to accept human remains for cremation for the reason that they are not in a casket.

3. Human remains delivered to a crematory shall not be removed from the cremation container and the cremation container shall be cremated with the human remains, unless the Crematory Authority has been provided with written instructions to the contrary by the Authorizing Agent.

4. Authorized Cremation Authority personnel may open the cremation container for inspection of the body.

D. CREMATION PROCEDURES

1. In the event a death comes under the authority of the coroner or medical examiner, the human remains shall not be received by the Crematory Authority until authorization to cremate has been received from the coroner of the county in which the death occurred or the medical examiner. In the event the Crematory Authority is also authorized to perform funerals as well as perform cremation, this restriction on the receipt of human remains shall not be applicable, but cremation may not take place until authorized by the coroner

or medical examiner.

2. A Crematory Authority shall hold human remains, prior to their cremation, according to the following provisions of this subsection:

a. Whenever a Crematory Authority is unable to cremate the human remains immediately upon taking custody thereof, the Crematory Authority shall place the human remains in a holding facility.

b. A Crematory Authority shall not be required to accept for holding a cremation container from which there is any evidence of leakage of the body fluids from the human remains therein.

c. If human remains received by the Crematory Authority are not embalmed, they shall be held no longer than 24 hours unless within a refrigerated facility.

3. No member of the general public shall be permitted in the crematory area while any human remains are in the crematory area awaiting cremation, being cremated or being removed from the cremation chamber.

4. The unauthorized, simultaneous cremation of the human remains of more than one person within the same cremation chamber is forbidden, unless the Crematory Authority shall have received specific written authorization to do so from all Authorizing Agents for the human remains to be so cremated. Such written authorization shall include an indemnification to exempt the Crematory Authority from all liability for commingling of the product of the cremation process.

5. Immediately prior to being placed within the cremation chamber, the identification of the human remains, as indicated on the cremation container, shall be removed from the cremation container and placed near the cremation chamber control panel where it shall remain in place until the cremation process is complete.

6. Upon completion of the cremation, and insofar as is possible, all of the recoverable residue of the cremation process shall be removed from the cremation chamber. Insofar as possible, all residue of the cremation process shall then be separated from anything other than bone fragments and then be processed so as to reduce them to unidentifiable particles.

Anything other than the particles shall be removed from the cremated residuals as far as possible and shall be disposed of by the Crematory Authority.

7. Cremated remains shall be packed according to the following provisions of this subsection:

a. The cremated remains with proper identification shall be placed in a temporary container or urn. The temporary container or urn contents

shall not be contaminated with any other object, unless specific authorization has been received from the Authorizing Agent or as provided in subsection "b" of this part.

b. The cremated remains with proper identification shall be placed within the temporary container or urn ordered by the Authorizing Agent.

c. If the cremated remains will not fit within the dimensions of a temporary container or urn, the remainder of the cremated remains shall be returned to the Authorizing Agent or its representative in a separate container.

d. When a temporary container is used to return the cremated remains, that container shall be placed in a suitable box and all box seams taped closed to increase the security and integrity of that container. The outside of the container shall be clearly identified with the name of the deceased person whose cremated remains are contained therein and the name of the cremation authority.

e. If the cremated remains are to be shipped, the temporary container or designated receptacle ordered by the Authorizing Agent shall be packed securely in a suitable, sturdy container which is not fragile and is sealed properly. Cremated remains shall be shipped only by a method which has an internal tracing system available and which provides a receipt signed by the person accepting delivery.

8. Embalming or refrigeration shall not be required for a forty-eight (48) hour period after death prior to cremation when an authorizing agent has indicated a preference for cremation as the form of final disposition. This twenty-four (24) hour extension of the Board's time limit for embalming or refrigeration does not apply if death was the result of an infectious or communicable disease as defined by the proper regulatory authorities.

E. DISPOSITION OF CREMATED REMAINS

1. The Authorizing Agent shall be required to provide the person with whom cremation arrangements are made with a signed statement specifying the disposition of the cremated remains. A copy of this statement shall be retained by the Crematory Authority.

2. The Authorizing Agent is responsible for the disposition of the cremated remains. If, after a period of sixty (60) days from the date of cremation, the Authorizing Agent or his representative has not specified the ultimate disposition or claimed the cremated remains, the Disposition Authority or the person in possession of the cremated remains

may dispose of the cremated remains in any manner permitted by law. The Authorizing Agent shall be responsible for reimbursing the Disposition Authority for all reasonable expenses incurred in disposing of the cremated remains pursuant to this section. A record of such disposition shall be made and kept by the person making such disposition.

3. In addition to disposing of cremated remains in a crypt, niche, grave or scattering garden located in a dedicated cemetery, or by scattering over uninhabited public lands, the sea or other public waterways pursuant to subsection F, cremated remains may be disposed of in any manner on the private property of a consenting owner, upon direction of the Authorizing Agent. If cremated remains are to be disposed of on private property, other than dedicated cemetery property, the Authorizing Agent shall provide the Disposition Authority with the written consent of the property owner.

4. Except with the express written permission of the Authorizing Agent no person shall:

a. Dispose of or scatter cremated remains in such a manner or in such a location that the cremated remains are commingled with those of another person. The provisions of this paragraph shall not apply to the scattering of cremated remains at sea or by air from individual closed containers or to the scattering of cremated remains in an area located in a dedicated cemetery and used exclusively for such purposes.

b. Place cremated remains of more than one person in the same closed container. This paragraph shall not apply to placing the cremated remains of members of the same family in a common closed container designed for the cremated remains of more than one person.

5. Cremated remains shall be delivered by the Crematory Authority to the individual specified by the Authorizing Agent on the cremation authorization form. The representative of the Crematory Authority and the individual receiving the cremated remains shall sign a receipt indicating the name of the deceased, and the date, time and place of the receipt. The Crematory Authority shall retain a copy of this receipt. After this delivery, the cremated remains may be transported in any manner in this state, without a permit, and disposed of in accordance with the provisions of Arkansas law and these rules and regulations.

6. Cremated remains may be scattered over uninhabited public lands, a public waterway or sea, subject to health and environmental standards, or on the private property of a consenting owner pursuant to Subsection C, if they are reduced

to a particle size of one-eighth (1/8) inch or less. A person may utilize a boat or airplane to perform such scattering. Cremated remains shall be removed from their closed container before they are scattered.

F. **LIMITATION OF LIABILITY**

1. Each Cremation Authority Form used by a Crematory Authority shall include language that authorizes it to proceed with the cremation and disposition of the cremains and indemnifications to exempt it from liability when it has performed as directed and in accordance with all applicable law and these rules and regulations in at least the following areas.

a. Any person signing a cremation authorization form shall be deemed to warrant the truthfulness of any facts set forth in the cremation authorization form, including the identity of the deceased whose remains are sought to be cremated and that person's authority to order such cremation. Any person signing a cremation authorization form shall be personally and individually liable for all damage occasioned thereby and resulting therefrom.

b. A Crematory Authority shall have authority to cremate human remains upon the receipt of a cremation authorization form signed by an Authorizing Agent. There shall be no liability for a Crematory Authority, Disposition Authority, or other person or legal entity that cremates human remains pursuant to such authorization, or that releases or disposes of the cremated remains pursuant to such authorization.

c. A Crematory Authority shall not be responsible or liable for any valuables delivered to the Crematory Authority with human remains.

d. A Crematory Authority shall not be liable for refusing to accept a body or to perform a cremation in dispute until it receives a court order or other suitable confirmation that a dispute has been settled if:

(a.) It is aware of any dispute concerning the cremation of human remains.

(b.) It has a reasonable basis for questioning any of the representations made by the Authorizing Agent, or

(c.) For any other lawful reason.

e. If a Crematory Authority is aware of any dispute concerning the release or disposition of the cremated remains, the Crematory Authority may refuse to release the cremated remains until the dispute has

been resolved or the Crematory Authority has been provided with a court order authorizing the release or disposition of the cremated remains. A Crematory Authority shall not be liable for refusing to release or dispose of cremated remains in accordance with this subsection.

2. Each Crematory Authority shall submit its Cremation Authorization form to the Board prior to using said form. The Board shall approve the use of the form if it contains the provisions listed in this section of these rules and regulations and is consistent with them and all applicable law.

G. ADMINISTRATION

1. A Crematory Authority may enact additional reasonable rules and regulations, not inconsistent with applicable law and these rules and regulations, for the management and operation of a crematory. Nothing in this provision shall prevent a Crematory Authority from enacting rules and regulations which are more stringent than the provisions contained in these rules and regulations.

2. Violations of these rules and regulations shall be punishable in accordance with all applicable law pertaining to the Board (specifically including the powers provided in ACA 17-29-403 and/or ACA 17-29-312). Any person doing business in this state, or any cemetery, funeral establishment, corporation, partnership, joint venture, voluntary or religious organization, or any other entity is prohibited from:

a. Maintenance or operation of a building or structure within this state as a crematory without a license or in violation of the rules and regulations of the Board or other applicable regulatory bodies.

b. Holding oneself out to the public as a Crematory Authority without being licensed under these rules or regulations, or performing a cremation without a cremation authorization form signed by an Authorizing Agent.

c. Signing a cremation authorization form with the actual knowledge that the form contains false or incorrect information.

d. Performing a cremation in other than a licensed crematory.

e. Violation of any other provision of these rules and regulations.

3. Applicable penalties may be imposed by the Board whether or not the violator holds a valid current license issued to an individual, Funeral Establishment, Crematory

Authority, Transport Service, or other entity.

H. **PRE-NEED CREMATION ARRANGEMENTS**

1. Any pre-need contract sold by, or pre-need funeral arrangements made with a cemetery, funeral establishment or any other party, that includes a cremation, may specify the ultimate disposition of the cremated remains, pursuant to Section "II.E", and that portion of the agreement shall be initialed by the individual making the arrangements. In the event no additional or different instructions are provided to the Crematory Authority by the Authorizing Agent at the time of death, the Crematory Authority shall be authorized to release or dispose of the cremated remains as indicated in the pre-need agreement.

2. a. Any person, on a pre-need basis, may authorize their own cremation and the disposition of their cremated remains, on a pre-need cremation authorization and signed by the person as Authorizing Agent and by two witnesses. The person shall have the option of designating the Crematory Authority. A copy of this form shall be retained by the person and a copy sent to the Crematory Authority, if designated. Any person shall have the right to transfer or cancel this authorization at any time prior to their death by providing written notice to all applicable parties.

b. At the time of such person's death, any person in possession of an executed pre-need cremation authorization form and any person charged with making arrangements for the final disposition of the deceased who has knowledge of the existence of an executed pre-need cremation authorization form, shall use their best efforts to ensure that the deceased is cremated and disposed of according to the instructions contained on the pre-need cremation authorization form.

c. The provision of this Section shall only be applicable if the cremation is not in conflict with the wishes of the next of kin of the deceased. The next of kin of the deceased shall have the right to choose another form of final disposition, other than cremation, at the time of the person's death, unless such change is in conflict with current Arkansas law.

I. **SANITATION AND FIRE SAFETY**

1. The Crematory, Cremation Chamber, and all related buildings and equipment shall be maintained in a clean and sanitary manner. All equipment in and related to the

Crematory shall be maintained in good condition according to the directions given by the manufacturer of the equipment and the appropriate regulatory authorities.

2. Crematory Authorities applying for licensure after the promulgation of these rules shall construct their crematory in such a manner as to meet the following minimum standards:

a. The floor of the crematory shall be of concrete and not covered with a flammable material.

b. The walls and ceiling of the Crematory shall be of fireproof and/or fire retardant materials.

c. The Crematory shall have adequate ventilation and adequate entrances and exits for the protection of the public and Authority personnel.

3. No flammable material shall be stored within five feet of the cremation chamber.

J. MISCELLANEOUS

1. Acceptance of a license issued by the Board gives a Board representative the right to inspect the crematory and the records of the Crematory Authority at any time.

2. The holders of licenses issued by the Board shall also hold current, unexpired licenses issued by all other applicable regulatory agencies. Failure to hold such other licenses or permits shall be considered a violation of these rules and regulations.

3. Personal items placed or caused to be placed in the cremation container with the body of the deceased shall not be removed by the Crematory Authority or its representatives. This provision does not apply if the items could cause harm to the crematory or to Crematory Authority personnel during the cremation process.

4. Any items removed from the Cremation Container shall be returned to the Authorizing Agent.

5. All cremations of human remains in this state shall be arranged through the holder of a valid, current Funeral Establishment license as issued by this Board, either by a licensed funeral director or other representative of the Establishment except as otherwise noted in these rules and regulations.

6. Records required by these rules and regulations of Crematory Authorities, Disposition Authorities, and other parties shall be kept for a minimum of five (5) years from the date of cremation.

7. Crematory Authorities operating in this state as of December 1, 1989 shall:

a. Be exempt from the fire safety standards contained in these rules and regulations (Section II., I., 2., a. and b.) as long as they are

operating in their current facilities.

b. Be issued a license by the Board and given adequate time to comply with the requirements of these rules and regulations as they pertain to inclusions in their authorization forms.

c. Not be responsible for record keeping requirements imposed by these rules and regulations for cremations occurring before their adoption.

III. TRANSPORT SERVICE FIRM RULES AND REGULATIONS

A. Licensure

1. No Transport Service Firm headquartered or having an office in the state of Arkansas shall operate in this state without a current, valid license issued by the Board.

2. Application for licensure as a Transport Service Firm shall be made on forms provided by the Board, identifying the ownership and the General Manager of the Firm.

3. A license for the operation of a Transport Service may be issued by the Board if the Board finds:

a. That the firm is under the general management and supervision of a person approved by the Board.

(a.) The General Manager of a Transport Service Firm must provide the Board with three (3) sworn statements from responsible persons, one of which must be the manager of a funeral establishment licensed by the Board, attesting to the moral character and reputation of the General Manager of the Firm.

(b.) The General Manager of a Transport Service Firm must be of good moral character and reputation and must be at least twenty-one (21) years of age.

(c.) The name of the General Manager of the Transport Service Firm shall be reported annually to the Board.

(d.) Should the General Manager of a Transport Service Firm leave the employment of the the year for any reason, the Transport Service Firm shall notify the Board of his or her leaving within ten (10) working days and of the name of the new General Manager within thirty (30) working days. Any new General Manager shall meet all Board requirements for that position.

b. That any person employed by a Transport Service Firm as a driver is:

(a.) Of good moral character.

(b.) Eighteen years of age or older, and

(c.) The holder of a valid driver's license as

Arkansas issued by the appropriate state of agency.

c. Vehicles used by the Transport Service Firm are suitable for the purposes for which they are being used by the Firm in the transport of the human dead.

- (a.) Vehicles must be of adequate size and interior space.
- (b.) Vehicles used may at no time transport more than the number of bodies they are designed to accommodate.
- (c.) Vision from the outside of each transport vehicle into the area designed for transporting the dead must be restricted by tinting, curtains, shades, or other suitable means.
- (d.) A passenger vehicle such as a sedan may not be used except for transporting infants.
- (e.) A pickup truck with camper shell cover may only be used in extreme conditions caused by decomposition and odor or by extreme weather conditions or terrain.
- (f.) All vehicles must be kept clean and sanitary and maintained in good and serviceable condition.

B. All Transport Service Firms shall carry liability insurance coverage of not less than Five Hundred Thousand Dollars (\$500,000.00). Coverage shall specifically include that incurred from the transport of the human dead. Proof of required insurance shall be provided to the Board prior to issuance of an original or renewal license.

C. When a Transport Service Firm is sold or changes ownership, the license in effect shall be honored for the new owner until that license has expired. Upon expiration, a new license shall be issued in the name of the new firm if said firm complies with all applicable laws, rules, and regulations. Change of ownership applications shall be made on forms provided by the Board within thirty (30) days of finalization of the change of ownership.

D. The Board shall grant or deny each application for a Transport Service Firm within thirty (30) days after it is filed. No applicant may operate a Transport Service Firm until notification by the Secretary of the Board that a license has been or will be issued.

E. Transport Service Firm licenses and renewal licenses shall be issued under this section upon application, receipt of proof of required insurance, and after approval of the Board.

All licenses expire on December 31st of each year and must be renewed by January 31st.

1. An application fee shall accompany each application

for licensure or renewal.

2. Renewal of all Transport Service Firm licenses must be made on or before January 31st of each year and must be accompanied by the annual renewal fee.

3. Licenses not renewed by January 31st of any year shall be considered delinquent and may be grounds for disciplinary action by the Board.

F. The General Manager of a Transport Service Firm may hire such employees as may be needed to assist him or her in providing the service of a Transport Service Firm. Said General Manager is responsible for the supervision and performance of his or her employees and agents in the course of providing the services of a Transport Service Firm. License invalidation procedures may be brought against the Firm and its General Manager because of the acts or omissions of their employees and agents which violate any applicable law or the rules and regulations of the Board.

G. A Transport Service Firm may only act at the request of and as the agent of a licensed Funeral Establishment or its representative.

H. A Transport Service Firm is prohibited from providing shelter, care, or custody of the human dead except as provided in by law and in these and the other rules and regulations of the Board. This does not prohibit a licensed funeral director or embalmer acting as an agent and at the request of a licensed funeral establishment or its representative from providing those services.

I. Holders of Funeral Establishment licenses issued by the Board are exempt from any requirement to hold a separate Transport Service Firm license.

J. The dignity of the deceased person shall be respected at all times by the Transport Service Firm and its personnel.

K. Acceptance of a license issued by the Board gives a Board representative the right to inspect the office of the Transport Service Firm, its vehicles, and the records of the Firm at any time.

L. The holders of licenses issued by the Board shall also hold current, unexpired licenses issued by all other applicable regulatory agencies. Failure to hold such other licenses or permits shall be considered a violation of these rules and regulations.

M. When acting as an agent of a funeral establishment or in the course of their normal business, ambulance companies and licensed common carriers (Examples: airlines, freight companies, railroads, etc.) may transport the bodies of the human dead in and through this state without a Transport Service Firm license as issued by the Board.

IV. COMPLAINTS

- A. Complaints concerning violations of these rules and regulations may be made by the Board itself, through its Inspector, Investigator, Secretary, or other official, or by a member of the public.
- B. All complaints shall be filed with the Secretary of the Board on forms provided by the Board.
- C. A copy of the complaint shall be sent to the licensee or party against whom the complaint has been filed.
- D. The licensee or other party is to be given fifteen (15) days to respond, in writing, on forms provided by the Board, to the allegations made in the complaint.
- E. All complaints and responses shall be signed and notarized.
- F. The Secretary will review the complaint and response to see if further investigation is warranted. The Secretary may cause to obtain statements or other information as necessary.
- G. The complaint, response and other information, if any, will be forwarded to the Board Legal Counsel, the Arkansas Attorney General, and Board members for review.
- H. The Board will review the relevant documentation to determine what action should be taken.
- I. If the Board feels there are reasonable grounds for belief the licensee or other party is guilty of violation of applicable law or these rules and regulations, then the Board will cause the Secretary to issue an order and notice of hearing, which will be served on the licensee or other party by certified mail. This notice will contain all the information required by the Administrative Procedures Act.
- J. The Secretary shall give twenty (20) days written notice to the complainant of the time and place of the hearing.
- K. The hearing will be conducted by the President of the Board, in accordance with the Administrative Procedures Act. At all hearings, the Board will be provided legal counsel by the Arkansas Attorney General's office or other legal counsel if necessary.
- L. Applicable penalties may be imposed by the Board whether or not the violator holds a valid current license issued to an individual, Funeral Establishment, Crematory Authority, Transport Service, or other entity.