

A.C.A. § 17-29-201

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\*\*\* Current through the 2015 Regular Session and First Extraordinary Session. \*\*\*

Title 17 Professions, Occupations, and Businesses  
Subtitle 2. Nonmedical Professions  
Chapter 29 Embalmers, Funeral Directors, and Funeral Establishments  
Subchapter 2 -- Embalmers and Funeral Directors Law -- State Board of Embalmers and Funeral Directors

A.C.A. § 17-29-201 (2015)

**17-29-201. Creation -- Members -- Duties.**

(a) There is created the State Board of Embalmers and Funeral Directors.

(b) (1) The board shall consist of seven (7) members, appointed by the Governor with the advice and consent of the Senate for a term of three (3) years.

(2) Four (4) members, at least one (1) of whom shall be from each of the four (4) congressional districts, and one (1) at large representative shall be appointed as follows:

(A) (i) Five (5) members of the board shall be embalmers or funeral directors, or both, licensed under § 17-29-301 et seq. who shall have had at least five (5) consecutive years of active experience as embalmers or funeral directors in Arkansas immediately preceding appointment.

(ii) The Governor shall consult licensed embalmers and funeral directors before making an appointment under this subdivision (b)(2)(A); and

(B) One (1) member of the board shall be designated as a consumer representative. He or she shall be appointed from the state at large, subject to confirmation by the Senate. He or she shall be a full voting member.

(3) (A) One (1) member of the board shall not be actively engaged in or retired from the profession of embalming and funeral directing, shall be sixty (60) years of age or older, and shall represent the elderly. He or she shall be appointed from the state at large, subject to confirmation by the Senate. He or she shall be a full voting member.

(B) The position may not be held by the person holding the consumer representative position.

(c) No member shall serve more than three (3) consecutive three-year terms on the board.

(d) (1) The Governor may remove any member of the board for incompetence or improper conduct.

(2) Vacancies caused by death, resignation, or removal before the expiration of the term shall be filled by the Governor for the remainder of the term.

(e) The Governor shall furnish each member appointed to the board a certificate of appointment stating the date of the appointment and the date of the expiration of the appointment. Before entering upon his or her duties, each member appointed to the board shall qualify by taking the oath of office before an officer authorized by law to administer oaths in this state. This shall be noted on the certificate of appointment.

(f) Members of the board may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

(g) The board shall:

(1) Administer this subchapter and § 17-29-301 et seq.; and

(2) Make the examinations required by § 17-29-301 et seq. available to applicants at least two (2) times annually at suitable locations during normal business hours.

**HISTORY:** Acts 1983, No. 131, §§ 1-3, 5; 1983, No. 135, §§ 1-3, 5; 1983, No. 325, §§ 1, 3; A.S.A. 1947, §§ 6-623 -- 6-626, 71-901, 71-903; Acts 1995, No. 646, § 3; 1997, No. 250, § 136; 1997, No. 839, § 1; 2015, No. 1095, §§ 1, 2; 2015, No. 1100, § 25.

A.C.A. § 17-29-202

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A.C.A. § 17-29-202 (2015)

**17-29-202. Meetings.**

(a) The State Board of Embalmers and Funeral Directors shall hold not less than one (1) meeting annually for the purpose of selecting nominees for the appointment of one (1) to a term on the board. The meeting shall be held at such time and place as the board may determine, after notice of the meeting has been given to the general public in a manner to be determined by the board, at least thirty (30) days prior to the meeting.

(b) [Repealed.]

(c) The board may hold such other meetings as it may deem necessary.

(d) Four (4) or more members shall comprise a quorum.

**HISTORY:** Acts 1983, No. 325, § 2; A.S.A. 1947, § 71-902; Acts 1999, No. 1138, § 1; 2015, No. 1095, § 3.

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A.C.A. § 17-29-203 (2015)

**17-29-203. Selection of officers.**

(a) The State Board of Embalmers and Funeral Directors shall select from its own membership a president, vice president, and except as provided in subsection (b) of this section, a secretary-treasurer who shall serve for one-year terms or until their successors are elected and qualified.

(b) (1) If all members of the board decline to serve as secretary-treasurer, then by a majority vote of the board, the board may employ a person who is not a member of the board to serve as secretary-treasurer.

(2) A person employed by the board as secretary-treasurer under subdivision (b)(1) of this section is not required to be a licensed embalmer or funeral director.

**HISTORY:** Acts 1983, No. 325, § 3; A.S.A. 1947, § 71-903; Acts 1989, No. 106, § 1; 2015, No. 1095, § 4.

A.C.A. § 17-29-204

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A.C.A. § 17-29-204 (2015)

**17-29-204. Duties of secretary-treasurer.**

The Secretary-treasurer of the State Board of Embalmers and Funeral Directors shall:

- (1) Have general supervision and be held responsible for the direction of the office of the board;
- (2) Have general supervision over field inspection and enforcement of the provisions of this subchapter and § 17-29-301 et seq.;
- (3) Be responsible to the board. Such responsibility shall include timely dissemination of information;
- (4) Be responsible for making public the procedures for making inquiries into the practice of funeral directors or embalmers and for making complaints concerning the practices;
- (5) Maintain a record of the licensee and business name and address of every person licensed under § 17-29-301 et seq., including the license number, date of the license, and the renewal date of the license;
- (6) Supply on request a list of every person and funeral establishment licensed under § 17-29-301 et seq., to a person licensed as an embalmer or funeral director, to a common carrier in this state, to a hospital licensed in this state, or to any other person authorized by law to receive the list;
- (7) Hold all moneys received by the board to pay the necessary and allowable expenses for the operation of the board in carrying out the provisions of this subchapter and § 17-29-301 et seq.;
- (8) Receive and be paid an annual salary not to exceed the amount authorized by law;

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A.C.A. § 17-29-205 (2015)

**17-29-205. Inspector.**

(a) There may be appointed by the State Board of Embalmers and Funeral Directors an agent or agents whose title shall be Inspector of the Board of Embalmers and Funeral Directors of the State of Arkansas. No person shall be eligible for appointment to the office unless he or she has not fewer than five (5) consecutive years of active experience as an embalmer and funeral director licensed in this state. The board may appoint an investigator who need not be a licensed embalmer or funeral director.

(b) The inspector shall hold office at the pleasure of the board who shall determine his or her duties.

(c) (1) The inspector, with proper identification, may enter any office, premises, establishment, or place of business in this state where the practice of embalming, funeral directing, cremation, or transportation of human remains is carried on, or where the practice is advertised as being carried on, to:

(A) Inspect the office, premises, crematory, or establishment;

(B) Inspect the license and registration of a licensee;

(C) Inspect the manner and scope of training given to an apprentice; and

(D) Ensure compliance with all state laws, rules, and regulations pertaining to funeral service.

(2) By accepting a license under § 17-29-301 et seq., the licensee grants permission for the inspector or other board designee to enter the licensee's business premises without prior notice.

(d) The inspector is further authorized to serve and execute any process issued by any court under the provisions of this chapter, to serve and execute any papers or process issued by the board under the authority of this subchapter and § 17-29-301 et seq., and to perform such other duties as prescribed or ordered by the board.

(e) The inspector shall not accept any employment, salary, fees, or other remuneration from a funeral establishment or wholesale firm dealing in funeral supplies and equipment.

(f) The inspector shall receive such compensation as the board may determine within the maximum authorized by law.

**HISTORY:** Acts 1983, No. 325, § 3; A.S.A. 1947, § 71-903; Acts 1989, No. 106, § 2; 1997, No. 839, § 2; 2015, No. 1095, § 8.

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A.C.A. § 17-29-206 (2015)

**17-29-206. Employees.**

The State Board of Embalmers and Funeral Directors may employ clerical assistants or other employees as authorized by law and as necessary to carry out the provisions of this subchapter and § 17-29-301 et seq. The terms and conditions of the employment shall be determined by the board.

**HISTORY:** Acts 1983, No. 325, § 3; A.S.A. 1947, § 71-903.

A.C.A. § 17-29-207

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A.C.A. § 17-29-207 (2015)

**17-29-207. Rules.**

(a) The State Board of Embalmers and Funeral Directors may promulgate appropriate rules for the transaction of its business, for the betterment and promotion of the standards of service and practice to be followed, and the qualifications to:

- (1) Practice embalming, funeral directing, or cremation;
- (2) Transport human remains; or
- (3) Operate a funeral establishment, mortuary service, crematorium, retort, or transport service firm to transport human remains.

(b) The board may promulgate rules reasonably necessary to reflect any changes in the law as adopted by the United States Congress or any appropriate agency of the United States Government as it affects funeral establishments, funeral directors, or embalmers and for the purpose of keeping this law consistent with, and compatible to, the laws of the United States.

(c) (1) The board shall adopt bylaws and rules in connection with the care and disposition of human remains in this state.

(2) The board shall enforce compliance with this subchapter and § 17-29-301 et seq., and may transact any other business necessary for carrying out this subchapter and § 17-29-301 et seq.

(d) (1) The board may promulgate reasonable rules for the licensing of crematoriums.

(2) (A) Beginning January 1, 1990, a crematorium may not be operated in this state unless licensed by the board, and a person shall not be cremated in this state except at a licensed crematorium.

**(B)** Violations of this subsection are Class A misdemeanors.

**(e) (1)** In the interest of public health and to ensure the safe, secure, and timely transportation of dead human bodies in and through Arkansas, the board may license, inspect, and promulgate reasonable rules for any person, partnership, corporation, association, society, or other legal entity engaged in the business of transporting dead human bodies over the public streets and highways of this state.

**(2)** Violations of rules promulgated under this subsection are Class A misdemeanors.

**(f)** The board shall establish the standards of practice and a code of ethics for a person or business licensed under § 17-29-301 et seq.

**HISTORY:** Acts 1983, No. 325, §§ 4, 10; A.S.A. 1947, §§ 71-904, 71-910; Acts 1989, No. 106, § 6; 2011, No. 874, § 1; 2015, No. 1095, §§ 9-11.

A.C.A. § 17-29-208

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A.C.A. § 17-29-208 (2015)

**17-29-208. Fees.**

The State Board of Embalmers and Funeral Directors shall establish and collect reasonable fees.

**HISTORY:** Acts 1983, No. 325, § 8; A.S.A. 1947, § 71-908; Acts 1989, No. 106, § 3.

A.C.A. § 17-29-209

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A.C.A. § 17-29-209 (2015)

**17-29-209. Continuing education.**

(a) The State Board of Embalmers and Funeral Directors may develop, establish by rule, and administer a mandatory or voluntary continuing education program and its requirements for a person licensed under § 17-29-301 et seq.

(b) The board shall have the authority to excuse licensees, as a group or as individuals, from a continuing education program, in the event any unusual circumstances, emergency, or hardship prevents participation in the program.

**HISTORY:** Acts 1983, No. 325, § 3; A.S.A. 1947, § 71-903; Acts 2015, No. 1095, § 12.

*A.C.A. § 17-29-210*

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A.C.A. § 17-29-210 (2015)

**17-29-210. Legal counsel.**

(a) The State Board of Embalmers and Funeral Directors, when it shall deem necessary, shall be represented by the Attorney General.

(b) It may also employ special counsel when necessary, whose services shall be paid for from funds of the board. Special counsel shall be retained only with the prior approval of the Attorney General.

**HISTORY:** Acts 1983, No. 325, § 3; A.S.A. 1947, § 71-903.

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A.C.A. § 17-29-211 (2015)

**17-29-211. Executive Secretary -- Employees -- Office.**

(a) (1) (A) The Executive Secretary of the Burial Association Board shall serve at the discretion of the State Board of Embalmers and Funeral Directors until such time as the State Board of Embalmers and Funeral Directors may appoint an Executive Secretary of the State Board of Embalmers and Funeral Directors who shall serve at the pleasure of the State Board.

(2) The Executive Secretary of the State Board of Embalmers and Funeral Directors shall be in charge of the State Board of Embalmers and Funeral Directors' office and devote the necessary time to the performance of the duties of the executive secretary as may be required.

(3) The duties of the executive secretary of the State Board of Embalmers and Funeral Directors shall include:

(A) Collection of fees and charges under this chapter;

(B) Keeping record of the proceedings of the State Board of Embalmers and Funeral Directors;

(C) Keeping an accurate account of all moneys received and disbursed by the State Board of Embalmers and Funeral Directors;

(D) Assisting or performing the duties of the Secretary-treasurer of the State Board of Embalmers and Funeral Directors; and

(E) Any other duties defined and designated by the State Board of Embalmers and Funeral Directors.

(b) The State Board of Embalmers and Funeral Directors may employ any necessary clerical and

professional staff and incur any reasonable expenses necessary for the proper discharge of the duties of the State Board of Embalmers and Funeral Directors under this subchapter.

(c) The State Board of Embalmers and Funeral Directors shall maintain its main office location in Little Rock and transact the State Board of Embalmers and Funeral Directors business at the main office.

**HISTORY:** Acts 1997, No. 39, § 3; 2015, No. 1095, § 13.

*A.C.A. § 17-29-301*

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A.C.A. § 17-29-301 (2015)

**17-29-301. Embalmers -- Qualifications.**

**(a)** Every person who desires to practice the science of embalming in this state shall:

**(1)** Be at least eighteen (18) years of age;

**(2)** Be a graduate of an accredited high school or the equivalent thereof;

**(3)** Be a graduate of a school of embalming, which is accredited by the American Board of Funeral Service Education or accredited by the State Board of Embalmers and Funeral Directors;

**(4)** Make a written application to the State Board of Embalmers and Funeral Directors attaching the fee as prescribed in § 17-29-208;

**(5)** Have served as a registered apprentice embalmer for not less than twelve (12) months in the State of Arkansas under the direct personal supervision of an Arkansas-licensed embalmer and submit at least fifty (50) case reports to the State Board of Embalmers and Funeral Directors; and

**(6) (A)** Take and pass both parts of the National Board Examination and the Arkansas laws, rules, and regulations exam.

**(B)** To be eligible to take the Arkansas laws, rules, and regulations exam, an applicant shall be an active apprentice who is currently registered with the board.

**(b) (1)** Any person desiring to engage in the science of embalming in this state, in addition to graduating from an approved college of mortuary science recognized by the State Board of Embalmers and Funeral Directors, shall serve an apprenticeship of one (1) year in the State of Arkansas under an embalmer licensed by the State Board of Embalmers and Funeral Directors and shall assist in the preparation of at least fifty (50) bodies.

**(2) (A)** This apprenticeship shall be registered with the State Board of Embalmers and Funeral Directors on applications provided by the State Board of Embalmers and Funeral

Directors.

**(B)** Individual case reports shall be signed by both the apprentice and the licensed embalmer under whose supervision the work was done and filed with the State Board of Embalmers and Funeral Directors by the tenth day of the following month.

**(3) (A)** An apprenticeship under this subsection may begin not more than twelve (12) months before enrollment in an accredited college of mortuary science or by submitting proof of graduation from an accredited college of mortuary science.

**(B)** If an apprentice fails to enroll in an accredited college of mortuary science as required under subdivision (b)(3)(A) of this section, the apprenticeship shall be terminated for a period to be determined by rule of the State Board of Embalmers and Funeral Directors.

**HISTORY:** Acts 1983, No. 325, §§ 4, 5; A.S.A. 1947, §§ 71-904, 71-905; Acts 1997, No. 839, § 3; 1999, No. 1138, § 2; 2001, No. 792, § 1; 2003, No. 367, § 1; 2015, No. 1095, §§ 14, 15.

A.C.A. § 17-29-302

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A.C.A. § 17-29-302 (2015)

**17-29-302. Funeral directors -- Qualifications.**

**(a)** Every person who desires to engage in the business of funeral directing in this state shall:

**(1)** Be at least eighteen (18) years of age;

**(2)** Be a graduate of an accredited high school or the equivalent thereof;

**(3) (A)** Have served as an apprentice funeral director for not less than twenty-four (24) months in the State of Arkansas under the direct personal supervision of an Arkansas-licensed funeral director.

**(B)** Completion of the requirement to be a graduate of a school of embalmers as set forth in § 17-29-301(a)(3) may be substituted for twelve (12) of the twenty-four (24) months' apprenticeship established in this section;

**(4)** Make application to the State Board of Embalmers and Funeral Directors and attach the fee as prescribed in § 17-29-208; and

**(5) (A)** Take and pass all examinations required by the board.

**(B)** To be eligible to take the Arkansas laws, rules, and regulations exam, an applicant shall be an active apprentice who is currently registered with the board.

**(b) (1) (A)** Except as provided in subdivision (b)(1)(C) of this section, a person desiring to engage in the business of funeral directing in this state shall serve an apprenticeship in this state for two (2) years.

**(B)** An apprentice shall:

**(i)** Register with the board on forms provided by the board and by attaching the fee as prescribed in § 17-29-208;

**(ii)** Be supervised by a funeral director licensed by the board; and

**(iii)** Actively assist in arranging fifty (50) services as determined by rule of the board.

**(C)** A person who is a graduate of an accredited mortuary program and has passed the National Board Examination may be licensed to engage in the business of funeral directing after serving an apprenticeship in this state for one (1) year.

**(2)** A licensed funeral director who is supervising an apprenticeship shall record a notice of the apprenticeship with the Secretary-treasurer of the State Board of Embalmers and Funeral Directors or the Executive Secretary of the State Board of Embalmers and Funeral Directors no later than thirty (30) days after the start of the apprenticeship.

**(3)** The board may suspend or revoke an applicant's apprenticeship for a violation of this subchapter or § 17-29-201 et seq.

**(4)** Within a reasonable amount of time after the effective date of this subchapter, a person who is currently in an apprenticeship under this section shall be subject to the provisions in this section concerning an apprenticeship as determined by rules of the board.

**(c)** The board may require applicants for licensure as funeral directors to successfully complete up to twenty (20) hours of classroom instruction in funeral service practices and ethics, and laws, rules, and regulations affecting funeral service. Only courses of instruction approved by the board shall satisfy this requirement.

**HISTORY:** Acts 1983, No. 325, §§ 4, 5; A.S.A. 1947, §§ 71-904, 71-905; Acts 1989, No. 106, § 4; 1999, No. 1138, § 3; 2003, No. 367, § 2; 2015, No. 1095, §§ 16, 17.

A.C.A. § 17-29-303

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A.C.A. § 17-29-303 (2015)

**17-29-303. Embalmers, funeral directors -- Examination -- Certificates.**

(a) Within a reasonable time after an application to practice the science of embalming or to engage in the business of funeral directing is filed with the State Board of Embalmers and Funeral Directors, the board shall give the applicant a written examination to test the applicant's competency to act as an embalmer or a funeral director, or both.

(b) If on examination the board finds that an applicant possesses a knowledge of funeral directing or the science of embalming, sanitation, and disinfection, or both, and meets the qualifications prescribed in this subchapter, the board shall issue the applicant a certificate authorizing him or her to engage in the business of funeral directing or to practice the science of embalming, or both, if the applicant has submitted a complete application under subsection (a) of this section and attached the fee as prescribed in § 17-29-208.

(c) The certificate shall be signed by the President and Secretary-treasurer of the State Board of Embalmers and Funeral Directors and shall have the official seal affixed.

(d) Every license holder shall maintain his or her license in a convenient place in his or her office or place of business.

**HISTORY:** Acts 1983, No. 325, § 4; A.S.A. 1947, § 71-904; Acts 2015, No. 1095, §§ 18, 19.

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A.C.A. § 17-29-304 (2015)

**17-29-304. Funeral establishment -- Requirements.**

**(a) (1)** A person shall not conduct, maintain, manage, or operate a funeral establishment in this state unless the State Board of Embalmers and Funeral Directors has issued a license for the funeral establishment and the license is displayed in the funeral establishment.

**(2)** A price list, statement of funeral goods and services, publication, advertisement, or other document of a funeral establishment shall accurately:

**(A)** Reflect the name and location of the funeral establishment on file with the board;

**(B)** Describe each location to which the price list, statement, publication, advertisement, or document applies; and

**(C)** Any additional annual requirements as determined by rule of the board.

**(b) (1) (A)** Except as provided in subdivision (b)(2) of this section, the board shall not issue a license to operate a full-service funeral establishment unless the establishment has employed a full-time manager who:

**(i)** Is a licensed funeral director;

**(ii)** Actively supervises the staff of the establishment; and

**(iii)** Is not employed by a nonaffiliated funeral establishment.

**(B)** A funeral establishment shall:

**(i)** Be open for business and available for inspection by the board during normal business hours; and

**(ii)** Post conspicuously its hours of operation on the premises of the funeral establishment.

**(2)** A funeral establishment that is a part of a multiunit enterprise within this state may employ only one (1) full-time manager who is licensed as a funeral director for a branch of the funeral establishment if the full-time manager:

**(A)** Is reasonably accessible to the branch of the funeral establishment; and

**(B)** Resides within fifty (50) miles of the branch of the funeral establishment.

**(c)** Application for the funeral establishment licenses shall be made on forms furnished by the board.

**(d)** All embalming therein shall be performed by or under the direct supervision of an Arkansas-licensed embalmer.

**(e) (1)** A funeral establishment that conducts embalming shall have a preparation room for embalming that has:

**(A)** Sanitary floors, walls, and ceilings that are constructed from a washable surface;

**(B)** Adequate sanitary drainage and disposal facilities, including hot and cold running water;

**(C)** An exhaust system that provides proper ventilation according to the standards and regulations of the Occupational Safety and Health Administration for the prevention of the spread of contagious, infectious, or communicable diseases; and

**(D)** A heating and cooling system that is separate from the rest of the funeral establishment.

**(2)** The funeral establishment shall comply with the rules of the Department of Health and standards and regulations of the Occupational Safety and Health Administration for the prevention of the spread of contagious, infectious, or communicable diseases.

**(f)** Each funeral establishment using an available embalmer shall file with the board a notarized statement signed by the embalmer, stating that his or her services are available to the establishment at all times, and within a reasonable time after death occurs, not to exceed six (6) hours.

**(g)** A funeral establishment shall:

**(1)** Contain a separate conference room that is used to make funeral arrangements; and

**(2)** Display on site a reasonable number of caskets as determined by the board.

**(h)** Mobile homes or mobile units are prohibited for use as a funeral establishment or branch thereof. No mobile home or mobile units shall be used for the performance of any function or service of a funeral establishment except in case of emergency as prescribed by the board. Mobile homes, modular units, manufactured homes, and similar mobile units may be granted a replacement license on a case-by-case basis.

**(i) (1)** A funeral establishment shall provide proof of general liability insurance.

**(2)** The board shall develop and promulgate rules requiring sufficient and appropriate

minimum levels of general liability insurance coverage for licensed funeral establishments.

**(j)** Upon renewal of its license, a funeral establishment that is currently operating under this section shall be subject to the provisions in this section as determined by rules of the board.

**HISTORY:** Acts 1983, No. 325, § 4; A.S.A. 1947, § 71-904; Acts 1999, No. 1138, § 4; 2003, No. 367, § 3; 2011, No. 874, § 2; 2015, No. 1095, §§ 20-24.

A.C.A. § 17-29-305

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A.C.A. § 17-29-305 (2015)

**17-29-305. Funeral establishments -- Examinations -- Licenses.**

**(a) (1)** Funeral establishment licenses shall be issued, upon application to the State Board of Embalmers and Funeral Directors, only after examination of the establishment to be licensed reveals that the requirements of the board for an establishment license have been met. The fee shall accompany the application for a funeral establishment license.

**(2)** All funeral establishment licenses expire on December 31 of each year.

**(3)** The board shall grant or deny each application for a license under this section after it is filed.

**(4)** A person who has filed an application for a license shall not be prosecuted for a violation of this subchapter unless the applicant is properly notified that the application was denied by the board before the violation occurred.

**(b) (1) (A)** An owner of a funeral establishment shall:

**(i)** Notify the board in writing at least thirty (30) days before a change of ownership of the funeral establishment occurs; and

**(ii)** Supply information requested by the board concerning the change of ownership.

**(B)** The board shall develop and promulgate rules to provide a transfer of ownership of a funeral establishment, including the transferability of a license issued under this subchapter.

**(2)** If there is a change in the name of the establishment, a new license shall be issued in the new name if the requirements for licenses as established in this section are met.

**HISTORY:** Acts 1983, No. 325, § 4; A.S.A. 1947, § 71-904; Acts 1997, No. 839, § 4; 1999, No. 1138, § 5; 2011, No. 874, § 3; 2015, No. 1095, §§ 25, 26.

A.C.A. § 17-29-306

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A.C.A. § 17-29-306 (2015)

**17-29-306. Renewal.**

**(a) (1)** Every license holder under this subchapter who wishes to continue the practice of the science of embalming or the business of funeral directing, or both, shall pay a renewal fee to the Secretary-treasurer of the State Board of Embalmers and Funeral Directors annually by December 31.

**(2)** A license not renewed by December 31 of any year is delinquent.

**(3)** The board may renew a license after December 31 if during the first twelve (12) months of delinquency a licensee submits a renewal form, renewal fee, and any delinquency fees as determined by rule of the board.

**(4)** A person whose license is delinquent under subdivision (a)(2) of this section for at least thirteen (13) months may apply to the board for reinstatement of the delinquent license by submitting a reinstatement application and attaching any applicable fees as determined by rule of the board.

**(b) (1)** Renewal of a funeral establishment license shall be made on or before December 31 of each year and shall be accompanied by the annual renewal fee prescribed in § 17-29-208.

**(2)** A license not renewed by December 31 of any year shall be considered delinquent and constitute grounds for disciplinary action by the board.

**(c)** Failure to receive the renewal notice shall not relieve the licensee or establishment of the duty to pay the renewal fee as prescribed.

**HISTORY:** Acts 1983, No. 325, §§ 4, 7; A.S.A. 1947, §§ 71-904, 71-907; Acts 1997, No. 839, § 5; 2011, No. 874, § 4; 2015, No. 1095, § 27.

A.C.A. § 17-29-307

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A.C.A. § 17-29-307 (2015)

**17-29-307. Revocation.**

**(a)** The State Board of Embalmers and Funeral Directors may refuse to renew, or may suspend or revoke, a license issued under this subchapter if it finds, after a hearing, that a person or a funeral establishment licensed under this subchapter does not meet any requirement under this subchapter or § 17-29-201 et seq.

**(b)** A new license shall not be issued to an individual or an owner of a funeral establishment or to a corporation controlled by that owner for at least one (1) year after the revocation of the license.

**(c) (1)** The board may temporarily suspend a license without a hearing if the board determines that the public health, safety, or welfare requires immediate action.

**(2)** If the board temporarily suspends a license under subdivision (c)(1) of this section, the board shall notify the licensee immediately by certified mail of the temporary suspension and the date, time, and location of the hearing to be held under subdivision (c)(3) of this section.

**(3)** If a license is temporarily suspended under subdivision (c)(1) of this section, a hearing on the suspension of the license shall be held within ten (10) days of the temporary suspension of the license.

**(d) (1)** Based on the information contained in the complaint submitted against a licensee, the board may suspend the license issued under this subchapter without a hearing five (5) days after sending written notice by certified mail, nonrestricted delivery, to the licensee if the licensee:

**(A)** Does not have the required proof of general liability insurance on file with the board; or

**(B)** Refuses to submit to an audit or inspection by the board under this chapter.

**(2)** A suspension of a license under subdivision (d)(1) of this section shall not exceed

sixty (60) days without a hearing.

**(e)** A hearing under this section and an appeal of the board's decision to suspend a license under this section are governed by the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

**HISTORY:** Acts 1983, No. 325, § 4; A.S.A. 1947, § 71-904; Acts 2015, No. 1095, § 28.

A.C.A. § 17-29-308

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A.C.A. § 17-29-308 (2015)

**17-29-308. Grandfather clause.**

Any person currently holding an embalmer's license or a funeral director's license or any funeral establishment holding a license on March 3, 1983, shall not be required to make application for, or submit to, an examination, but shall be entitled to a renewal of such a license, upon the same terms and conditions as are herein provided for the renewal of licenses of those who may be licensed after March 3, 1983, and such rules and regulations as the State Board of Embalmers and Funeral Directors may adopt in pursuance of this subchapter and § 17-29-201 et seq.

**HISTORY:** Acts 1983, No. 325, § 9; A.S.A. 1947, § 71-909.

*A.C.A. § 17-29-309*

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A.C.A. § 17-29-309 (2015)

**17-29-309. Lifetime embalmers or funeral directors.**

The State Board of Embalmers and Funeral Directors may adopt appropriate rules regarding the issuance of a lifetime license to an individual based upon the number of years of licensure.

**HISTORY:** Acts 1983, No. 325, § 9; A.S.A. 1947, § 71-909; Acts 2015, No. 1095, § 29.

A.C.A. § 17-29-310

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A.C.A. § 17-29-310 (2015)

**17-29-310. License requirements for out-of-state licenses.**

(a) A person holding a valid license as an embalmer or funeral director in another state, United States territory, or provincial authority for an appropriate time as determined by the State Board of Embalmers and Funeral Directors may apply for a license to practice in this state as an embalmer or a funeral director, or both.

(b) (1) An application shall be made by filing with the Secretary-treasurer of the State Board of Embalmers and Funeral Directors or the Executive Secretary of the State Board of Embalmers and Funeral Directors a certified statement from the secretary of the examining board of the state, United States territory, or provincial authority in which the applicant holds his or her license, showing the basis upon which the license was issued.

(2) Upon receipt of the application and fee, the secretary-treasurer of the board or the executive director of the board may issue a temporary working number that is valid for one (1) year from the date of issuance.

(c) (1) To obtain a license, the applicant shall pass an exam to prove his or her proficiency, including knowledge of the laws and rules of this state pertaining to funeral service.

(2) After the application is submitted, the exam may be scheduled with an exam provider by mail or electronic means as determined by the board.

(3) If the board is satisfied with the proficiency of the applicant, upon receipt of the prescribed fees in § 17-29-208, a license may be granted.

(4) Failure to meet testing requirements shall result in revocation of the temporary working number, and the applicant shall reapply and pay the appropriate fee to be licensed under this subchapter.

**HISTORY:** Acts 1983, No. 325, § 6; A.S.A. 1947, § 71-906; Acts 1997, No. 839, § 6; 1999, No. 1138, § 6; 2015, No. 1095, § 30.

A.C.A. § 17-29-311

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A.C.A. § 17-29-311 (2015)

**17-29-311. Prohibited conduct -- Sanctions.**

(a) The State Board of Embalmers and Funeral Directors may issue letters of reprimand or caution, refuse to issue or renew a license, suspend or revoke any license for the practice of embalming or funeral directing, or may place the holder thereof on a term of probation after proper hearing upon finding the holder of the license to be guilty of acts of commission or omission, including the following:

- (1) Conviction of a felony;
- (2) Misrepresentations made or fraud committed as a holder of a license;
- (3) False or misleading advertising;
- (4) Solicitation of dead human bodies by the licensee, his or her agents, assistants, or employees, whether the solicitation occurs after death or while death is impending, provided that this prohibition shall not be deemed to prohibit general advertising;
- (5) Employment directly or indirectly of an apprentice, agent, assistant, employee, or other person on a part-time or full-time basis or on a commission for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral establishment;
- (6) The direct or indirect payment or offer of payment of a commission by the licensee, his or her agents, assistants, or employees for the purpose of securing business;
- (7) Allowing a person who is not licensed under this subchapter to execute a contract for funeral arrangements;
- (8) Aiding or abetting an unlicensed person to practice embalming or funeral directing;
- (9) Violation of any provision of this subchapter and § 17-29-201 et seq.;

**(10)** Violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care, transportation, or final disposition of dead human bodies;

**(11)** Fraud or misrepresentation in obtaining or renewing a license;

**(12)** Refusing to properly release a dead human body to the custody of the person or entity having the legal right to effect such a release if all other applicable laws and rules have been followed by the holder of the license;

**(13)** Willful failure to secure a permit for the removal or burial or other disposition of a dead human body;

**(14)** Knowingly making a false statement on a certificate of death;

**(15)** Violations of applicable law or regulation with regard to prearranged or prepaid funeral services or funeral merchandise. However, the proper regulatory agency for prearranged or prepaid funeral services or funeral merchandise shall have determined that such a violation has occurred;

**(16)** Discriminating in services because of race, creed, color, or national origin;

**(17)** Failure to meet continuing education requirements; or

**(18)** Failure to answer a complaint within the fifteen-day time period.

**(b)** A routine sale of a prearranged or a prefinanced funeral or of funeral merchandise in the ordinary course of business is not a violation of subdivisions (a)(4)-(7) of this section.

**(c)** No person licensed pursuant to this subchapter shall remove or embalm a dead human body when he or she has information indicating crime or violence of any sort in connection with the cause of death until permission of the coroner or medical examiner, or some other fully qualified person acting in such a capacity if there is no coroner or medical examiner, has first been obtained.

**(d)** A public officer or employee, the official of any public institution, any physician or surgeon, or any other person having a professional relationship with a decedent shall not send or cause to be sent to a funeral establishment or to a person licensed under this subchapter the remains of any deceased person without having first made due inquiry as to the desires of the authorizing agent or agents.

**(e)** It shall be unlawful for any person, partnership, corporation, or association who has not been licensed or registered as specified in this subchapter to transact, practice, or hold himself or herself or itself out as transacting or practicing embalming or funeral directing or operating or maintaining a funeral establishment within this state.

**(f)** A dead human body that is not buried or otherwise disposed of within an allotted time to be determined by rule of the board shall be embalmed as prescribed in this subchapter or § 17-29-201 et seq. or stored under refrigeration as determined by the Department of Health.

**(g)** It shall be unlawful and a violation of this subchapter and § 17-29-201 et seq. to transport or otherwise transfer by common carrier any dead human body out of the State of Arkansas unless the body has been prepared and embalmed by a licensed embalmer of this state and a transit-burial permit has been issued by the local registrar of the county where death occurred. Any licensee of this state permitting this to be done shall be subject to the punishment spelled out in this subchapter and § 17-29-201 et seq.

**(h)** It is a violation of this chapter for a person to engage in the practice of embalming or funeral directing or to hold himself or herself out to the public as a licensed practicing embalmer or funeral director in this state without a license.

**(i)** A person or entity shall not be issued a license to practice the science of embalming or to engage in the business of funeral directing for one (1) year after the license of the person or entity is revoked.

**HISTORY:** Acts 1983, No. 325, § 11; A.S.A. 1947, § 71-911; Acts 1997, No. 839, § 7; 2003, No. 367, § 4; 2011, No. 874, §§ 5, 6; 2015, No. 1095, §§ 31-36.

A.C.A. § 17-29-312

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A.C.A. § 17-29-312 (2015)

**17-29-312. Suspension or revocation -- Procedure.**

**(a)** Whenever the State Board of Embalmers and Funeral Directors has reason to believe that any person to whom a license has been issued has become unfit to practice as an embalmer or funeral director or has violated any of the provisions of this subchapter and § 17-29-201 et seq., or any rules or regulations prescribed, or whenever written complaint charging the holder of a license with the violation of any provision of this subchapter or § 17-29-201 et seq. is filed with the board, it shall be the duty of the board to start an investigation within thirty (30) days of the receipt of the complaint.

**(b)** If from such an investigation it shall appear to the board that there is reasonable ground for belief that the accused may have been guilty of the violations charged, a time and place shall be set by the board for a hearing to determine whether or not the license of the accused shall be suspended or revoked. Any member of the board shall have the right to administer oaths to witnesses. The hearing and appeals therefrom shall be pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

**(c)** No action to suspend, revoke, or cancel any license shall be taken by the board until the accused has been furnished with a statement of the charges against him or her and by whom he or she is charged and a notice of the time and place of hearing.

**HISTORY:** Acts 1983, No. 325, § 11; A.S.A. 1947, § 71-911.

A.C.A. § 17-29-313

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A.C.A. § 17-29-313 (2015)

**17-29-313. Permit required -- Crematorium construction -- Operation of crematorium.**

**(a) (1)** A crematorium shall not be constructed in this state without a permit issued by the State Board of Embalmers and Funeral Directors.

**(2)** In order to receive a permit to construct a crematorium, a person shall:

**(A) (i)** Publish a notice in a newspaper of general circulation in the county where the crematorium is proposed to be constructed stating that the applicant intends to construct a crematorium at a designated location.

**(ii)** The notice shall:

**(a)** Be published on the Sunday and Wednesday no more than fifteen (15) days nor less than seven (7) days before submitting an application to the board; and

**(b)** Invite members of the public to submit written protest to the construction of the proposed crematorium to the board at the address designated by the board; and

**(B) (i)** Submit an application to the board for a permit to construct a crematorium.

**(ii)** The application for a permit to construct a crematorium shall include:

**(a)** Proof of publication of the notice required under subdivision (a)(2)(A) of this section;

**(b)** A copy of the permit issued by the Arkansas Department of Environmental Quality under § 8-4-203 to construct the crematorium; and

**(c)** The fee as prescribed in § 17-29-208.

**(b) (1)** Upon receiving a written protest to an application for the construction of a crematorium, the board shall:

**(A)** Schedule a public hearing on the application; and

**(B) (i)** Direct the applicant to publish in a newspaper having general circulation within the county where the crematorium is proposed to be constructed a notice of the date and time of a public hearing on the application.

**(ii)** The notice shall be published on the Sunday and Wednesday no more than fifteen (15) days nor less than seven (7) days before the public hearing.

**(2)** The public hearing shall be held in the city or county in which the proposed crematorium is to be located.

**(c) (1)** A crematorium shall not be operated in this state without a license issued by the board.

**(2)** A person that desires to operate a crematorium in this state shall:

**(A)** Make application to the board on forms furnished by the board;

**(B)** Provide the necessary information as determined by the board;

**(C)** Attach the fee as prescribed in § 17-29-208; and

**(D)** Satisfy the requirements of the board for the safe and sanitary operation of a crematorium as determined by the board.

**(3)** The board shall grant the application if the board finds that the proposed crematorium:

**(A)** Complies with all state and federal laws concerning environmental and public health; and

**(B)** Will serve the public interest.

**HISTORY:** Acts 1993, No. 365, § 1; 2015, No. 1095, § 37.

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A.C.A. § 17-29-314 (2015)

**17-29-314. Crematory retort operator -- Qualifications.**

**(a)** A person who desires to have a license as a crematory retort operator in this state shall:

**(1)** Be at least eighteen (18) years of age;

**(2)** Have received a high school diploma or a Certificate of General Educational Development;

**(3)** Make written application to the State Board of Embalmers and Funeral Directors and attach the fee prescribed by § 17-29-208;

**(4)** Take and pass the appropriate exams as determined by the board; and

**(5)** Provide the information required by the board.

**(b)** Application for a crematory retort operator license shall be made on forms furnished by the board.

**(c)** Each crematory retort operator shall be required to submit initial Occupational Safety and Health Administration blood-borne pathogen training.

**(d) (1)** The board shall grant the application if the board finds that the applicant:

**(A)** Possesses a knowledge of the operation of a crematorium retort; and

**(B)** Meets the qualifications under this section.

**(e) (1)** The board may require an applicant for licensure as a crematory retort operator to successfully complete up to twenty (20) hours of classroom instruction in crematory operation practices and ethics, and laws and rules affecting cremations and operating a crematory retort.

**(2)** The board shall approve all courses that satisfy this requirement.

**(f)** Within a reasonable amount of time after the effective date of this subchapter, a

crematory retort operator who is operating a crematory retort in this state shall be licensed as determined by rules of the board.

**HISTORY:** Acts 2015, No. 1095, § 38.

A.C.A. § 17-29-315

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A.C.A. § 17-29-315 (2015)

**17-29-315. Transporting human remains -- Operating a transport service --  
Qualifications.**

(a) A person who desires to transport human remains or operate a transport service to transport human remains in this state shall:

(1) Be at least eighteen (18) years of age;

(2) Possess a valid Arkansas driver's license appropriate for the operation of the motor vehicle as determined by the State Board of Embalmers and Funeral Directors;

(3) Make written application to the board for each transport service firm to register as a driver on forms provided by the board and attaching the fee as prescribed in § 17-29-208 for the transport service;

(4) Own an appropriate and acceptable motor vehicle as determined by the board to transport human remains;

(5) Each driver shall be required to submit initial Occupational Safety and Health Administration blood-borne pathogen training for an initial registration; and

(6) Provide the information required by the board.

(b) Application for a transport service license shall be made on forms furnished by the board.

(c) The board shall grant the application if the board finds that the applicant:

(1) Has an acceptable driving record; and

(2) Meets the qualifications under this section.

**(d)** Within a reasonable amount of time after the effective date of this subchapter, an individual who is currently transporting human remains in this state shall be licensed as determined by rules of the board.

**HISTORY:** Acts 2015, No. 1095, § 38.

*A.C.A. § 17-29-401*

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A.C.A. § 17-29-401 (2015)

**17-29-401. Criminal penalties.**

A person who practices the science of embalming, engages in the business of funeral directing, operates a funeral establishment, operates a crematorium, conducts cremations, transports human remains, or operates a transport service without a license under § 17-29-201 et seq. and § 17-29-301 et seq. is guilty of a Class D felony and subject to the punishment prescribed for Class D felonies in the Arkansas Criminal Code.

**HISTORY:** Acts 1985, No. 217, § 5; A.S.A. 1947, § 71-930; Acts 2015, No. 1095, § 39.

A.C.A. § 17-29-402

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Subchapter 4 -- Embalmers and Funeral Directors Law -- Enforcement

A.C.A. § 17-29-402 (2015)

**17-29-402. Injunctions.**

Without posting bond, the State Board of Embalmers and Funeral Directors may petition the circuit court of the county where the violation occurred to enjoin violations of § 17-29-201 et seq., § 17-29-301 et seq., or any rules promulgated by the board.

**HISTORY:** Acts 1985, No. 217, § 6; A.S.A. 1947, § 71-931; Acts 2015, No. 1095, § 40

A.C.A. § 17-29-403

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A.C.A. § 17-29-403 (2015)

**17-29-403. Civil penalties -- Attorney's fees -- Code of conduct.**

(a) Whenever the State Board of Embalmers and Funeral Directors, after a hearing conducted in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., determines that a person has violated any provision of § 17-29-201 et seq., § 17-29-301 et seq., or the rules promulgated by the board, the board may impose a civil penalty on that person not to exceed ten thousand dollars (\$10,000) per violation.

(b) If a person against whom a civil penalty has been imposed by the board fails to pay the penalty, the board may file an action in the Pulaski County Circuit Court to collect the civil penalty.

(c) If the board prevails in the action, the defendant shall be directed to pay, in addition to the civil penalty, reasonable attorney's fees and costs incurred by the board in prosecuting the action.

(d) Upon determination by the board that a licensee has committed malpractice, the board may suspend or revoke the license or impose the civil penalty provided in subsection (a) of this section or impose the civil penalty in addition to the suspension or revocation. Furthermore, the board may promulgate a code of conduct for its licensees, the violation of which may result in the imposition of the penalties prescribed in this subsection.

**HISTORY:** Acts 1985, No. 217, § 2; A.S.A. 1947, § 71-927; Acts 1989, No. 106, § 5; 1997, No. 839, § 8; 2015, No. 1095, § 41.

*A.C.A. § 17-29-404*

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A.C.A. § 17-29-404 (2015)

**17-29-404. Civil appeals.**

A person aggrieved by the action of the State Board of Embalmers and Funeral Directors' imposing civil penalties or any adverse action, including the denial of a permit or license, may appeal such a decision in the manner prescribed in the Arkansas Administrative Procedure Act, § 25-15-201 et seq., for appeals from administrative decisions.

**HISTORY:** Acts 1985, No. 217, § 3; A.S.A. 1947, § 71-928; Acts 2015, No. 1095, § 42.

*A.C.A. § 17-29-405*

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\*\*\* Current through the 2015 Regular Session and First Extraordinary Session. \*\*\*

Title 17 Professions, Occupations, and Businesses  
Subtitle 2. Nonmedical Professions  
Chapter 29 Embalmers, Funeral Directors, and Funeral Establishments  
Subchapter 4 -- Embalmers and Funeral Directors Law -- Enforcement

A.C.A. § 17-29-405 (2015)

**17-29-405. Deposit and distribution of funds.**

All funds derived from civil penalties imposed by the State Board of Embalmers and Funeral Directors shall be deposited into one (1) or more depositories qualifying for the deposit of public funds. These funds shall be used by the board for administering the provisions of § 17-29-201 et seq. and § 17-29-301 et seq.

**HISTORY:** Acts 1985, No. 217, § 4; A.S.A. 1947, § 71-929.

*A.C.A. § 17-29-501*

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Subchapter 5 -- Funeral Home Zoning and Management

A.C.A. § 17-29-501 (2015)

**17-29-501. Definition.**

As used in this subchapter, "funeral home" means an establishment that satisfies the requirements of § 17-29-503 that is suitable for:

- (1) The preparation of human bodies for interment; and
- (2) The rights, services, and ceremonies customarily associated with an interment.

**HISTORY:** Acts 1957, No. 241, § 2; A.S.A. 1947, § 71-918; Acts 2015, No. 1095, § 43.

A.C.A. § 17-29-502

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Subchapter 5 -- Funeral Home Zoning and Management

A.C.A. § 17-29-502 (2015)

**17-29-502. Status of funeral homes.**

A funeral home is declared to be:

- (1) A service institution for the purpose of:
  - (A) Zoning;
  - (B) The occupation and enjoyment of property; and
  - (C) The conduct and management of the funeral home; and
- (2) An establishment for practicing a skilled profession.

**HISTORY:** Acts 1957, No. 241, § 1; A.S.A. 1947, § 71-917; Acts 2015, No. 1095, § 44.

.C.A. § 17-29-503

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Subchapter 5 -- Funeral Home Zoning and Management

A.C.A. § 17-29-503 (2015)

**17-29-503. Prerequisites to statutory benefits.**

Any funeral home desiring to avail itself of the provisions of this subchapter shall conform to the following requirements:

- (1) Be operated and managed by persons who are duly licensed as required by law;
- (2) Be constructed of materials and in an architectural design in conformity with other structures in the immediate vicinity thereof;
- (3) Be set apart from surrounding or adjacent property by a wall, hedge, or other type of protective screening;
- (4) Have and maintain clean and adequate parking facilities for off-street parking for all persons availing themselves of the services of the funeral home or transacting business therewith; and
- (5) Conform to and comply with all sanitary requirements and police regulations of the municipality in which the funeral home is located.

**HISTORY:** Acts 1957, No. 241, § 3; A.S.A. 1947, § 71-919.

*A.C.A. § 17-29-601*

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Subchapter 6 -- Out-of-State Tuition Assistance

A.C.A. § 17-29-601 (2015)

**17-29-601 -- 17-29-606. [Repealed.]**

*A.C.A. § 17-29-701*

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Title 17 Professions, Occupations, and Businesses  
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Chapter 29 Embalmers, Funeral Directors, and Funeral Establishments  
Subchapter 7 -- Eye Enucleation

A.C.A. § 17-29-701 (2015)

**17-29-701. Authority.**

A funeral director or embalmer licensed pursuant to § 17-29-301 et seq. who has completed a course in eye enucleation and has received a certificate of competence from the Department of Ophthalmology of the University of Arkansas for Medical Sciences' College of Medicine may enucleate the eyes of a deceased person pursuant to a disposition or gift thereof by the decedent or another person in the manner prescribed in the Revised Arkansas Anatomical Gift Act, § 20-17-1201 et seq., after proper certification of death by a physician.

**HISTORY:** Acts 1973, No. 425, § 1; A.S.A. 1947, § 71-920; Acts 2007, No. 839, § 2.

A.C.A. § 17-29-702

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Subchapter 7 -- Eye Enucleation

A.C.A. § 17-29-702 (2015)

**17-29-702. Exemption from liability.**

A properly certified funeral director or embalmer acting in accordance with the terms of this subchapter shall not be criminally or civilly liable for eye enucleation.

**HISTORY:** Acts 1973, No. 425, § 2; A.S.A. 1947, § 71-921.