



STATE OF ALABAMA  
ALABAMA BOARD OF FUNERAL SERVICE  
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## Alabama Board of Funeral Service State Law Study Guide

Please be advised this study guide is **NOT** intended to be a representation of the actual State Law Exam. This is only a guide for review and study of all relative material that may be used on the State Law Exam. All material in Title 34 Chapter 13 of the Code of Alabama is subject to use on this exam. It is the applicant's responsibility to be prepared for all material subject to testing. The exam will consist of (7) multiple choice questions; (7) True and False questions; and (6) short answer questions.

### Section 34-13-1

(1) ACCREDITED SCHOOL or COLLEGE OF MORTUARY SCIENCE. A school or college approved by the Alabama Board of Funeral Service and which maintains a course of instruction of not less than \_\_\_ calendar weeks or \_\_\_ academic quarters or college terms and which gives a course of instruction in the fundamental subjects including, but not limited to, the following:

- a. \_\_\_\_\_.
- b. \_\_\_\_\_.
- c. \_\_\_\_\_.
- d. \_\_\_\_\_.
- e. \_\_\_\_\_.
- f. \_\_\_\_\_.
- g. \_\_\_\_\_.
- h. \_\_\_\_\_.

i. \_\_\_\_\_.

j. \_\_\_\_\_.

(2) APPRENTICE EMBALMER or EMBALMER'S APPRENTICE. Any person \_\_\_\_\_ in the study of the art of embalming under the \_\_\_\_\_ and \_\_\_\_\_ of a licensed embalmer practicing in this \_\_\_\_\_.

(3) APPRENTICE FUNERAL DIRECTOR or FUNERAL DIRECTOR'S APPRENTICE. Any person \_\_\_\_\_ under or in \_\_\_\_\_ with a funeral director for the purpose of learning the business or profession of funeral director, to the \_\_\_\_\_ that he or she may become \_\_\_\_\_ under this chapter.

(4) AUTHORIZING AGENT. A person at least \_\_\_\_ years of age, except in the case of a surviving spouse or parent, who is legally entitled to order the \_\_\_\_\_ or final \_\_\_\_\_ of particular human remains.

(5) CEMETERY. A place dedicated to and used or intended to be used for the permanent interment of human remains. It may be either \_\_\_\_\_ or earth interment; a mausoleum for vault or \_\_\_\_\_ entombment; a structure or place used or intended to be used for the interment of \_\_\_\_\_ remains; \_\_\_\_\_ storage; or any combination of one or more thereof.

(6) CREMATION. The technical process, using \_\_\_\_\_ and \_\_\_\_\_, that reduces human remains to bone fragments. The reduction takes place through heat and \_\_\_\_\_. Cremation shall include the processing, and may include the pulverization, of the bone fragments.

(7) CREMATORY. A building or \_\_\_\_\_ of a building that houses a \_\_\_\_\_ and that may house a holding facility for purposes of cremation and as part of a funeral establishment.

(8) EMBALMER. Any person engaged or holding himself or herself out as engaged in the business, practice, \_\_\_\_\_, or profession of embalming, whether on his or her own behalf or in the \_\_\_\_\_ of a registered and \_\_\_\_\_ funeral director.

(9) EMBALMING. The practice, science, or profession, as \_\_\_\_\_ practiced, of preserving, disinfecting, and preparing by \_\_\_\_\_ of chemicals or other effectual methods, human dead for \_\_\_\_\_, \_\_\_\_\_, or \_\_\_\_\_.

(10) FUNERAL. A \_\_\_\_\_ for celebrating, sanctifying, or remembering the life of a person who has died. A funeral may be divided into the following two parts:

a. The \_\_\_\_\_, which may take place at a funeral home, church, or other place.

b. The \_\_\_\_\_, which may take place by the grave, \_\_\_\_\_, mausoleum, or \_\_\_\_\_ where the body of the decedent is to be buried or cremated.

(11) FUNERAL DIRECTING. The practice of directing or \_\_\_\_\_ funerals, the practice of \_\_\_\_\_ dead human bodies for burial by means \_\_\_\_\_ than embalming, or the preparation for the disposition of dead human bodies; the making of \_\_\_\_\_ or providing for funeral services or the making of \_\_\_\_\_ arrangements for the rendering of these services or the sale of this merchandise or supplies; the provision or maintenance of a place for the preparation for disposition of dead human bodies; or the use of the terms funeral director, undertaker, mortician, funeral parlor, or any other term from which can be \_\_\_\_\_ the practice of funeral directing; or the \_\_\_\_\_ out to the public that one is a funeral director or engaged in a \_\_\_\_\_ described in this subdivision.

(12) FUNERAL DIRECTOR. A person \_\_\_\_\_ to be licensed to practice the profession of funeral directing under the laws of this state, who meets the \_\_\_\_\_, who plans details of funeral services with members of the family and minister or any other person responsible for such planning, or who directs, is in charge, or \_\_\_\_\_ charge of, and supervises funeral service in a funeral home, church, or \_\_\_\_\_ place; who enters into the making, negotiation, or \_\_\_\_\_ of financial arrangements for funerals, including, but not limited to, the sale and selection of funeral supplies, or who uses in connection with the profession of funeral directing the terms funeral director, undertaker, funeral counselor, mortician, or any other term or \_\_\_\_\_ or combination thereof when considered in context in which used, from which can be \_\_\_\_\_ the practicing of the profession of funeral directing or that the person using such term or picture can be implied to be holding himself or herself out to the \_\_\_\_\_ as being engaged in the profession of funeral directing; and for all purposes under Alabama law, a funeral director is considered a professional. For the purposes of this chapter, the term does not include any \_\_\_\_\_ authority.

(13) FUNERAL ESTABLISHMENTS. The term includes any funeral home or mortuary service located at a \_\_\_\_\_ street address where the profession of funeral \_\_\_\_\_, embalming, or cremation is practiced in the care, planning, and preparation for \_\_\_\_\_ or cremation or \_\_\_\_\_ of human dead. The term does not include any cemetery or land or structure owned, operated, leased, controlled, or managed by any \_\_\_\_\_ authority as a cemetery. A funeral establishment shall consist of and maintain all of the following facilities:

a. A preparation room equipped with sanitary \_\_\_\_\_ floor and walls, necessary drainage and \_\_\_\_\_, and containing \_\_\_\_\_ embalming equipment, necessary approved tables, instruments, \_\_\_\_\_ and cold running water, containers or receptacles for soiled linen or clothing, and supplies for the preparation and embalming of dead human bodies for burial, cremation, and \_\_\_\_\_.

b. A display room containing a stock of \_\_\_\_\_ caskets and funeral supplies displayed in full size, cuts, photographs, or \_\_\_\_\_ images. At no time shall \_\_\_\_\_ than eight different adult size caskets be on the \_\_\_\_\_.

c. At least one operating funeral \_\_\_\_\_ or hearse properly \_\_\_\_\_ and equipped for transporting human remains in a casket or urn.

d. If engaged in the practice of cremation, at least one \_\_\_\_\_retort for cremation and an adequate supply of \_\_\_\_\_ for display and sale.

e. A \_\_\_\_\_ suitable for public viewing or other funeral services that is able to accommodate a \_\_\_\_\_ of 100 people.

f. An office for holding arrangement conferences with relatives or \_\_\_\_\_ agents.

(14) MANAGING EMBALMER. A licensed embalmer who has \_\_\_\_\_ charge, control, and supervision of \_\_\_\_\_ activities involving the \_\_\_\_\_ room and embalming.

(15) MANAGING FUNERAL DIRECTOR. A \_\_\_\_\_ funeral director who has full charge, \_\_\_\_\_, and supervision of all activities involving funeral directing at a \_\_\_\_\_ establishment.

(16) MORTUARY SERVICE. A location with a specific \_\_\_\_\_ address where embalming or cremation, or \_\_\_\_\_, is practiced for a \_\_\_\_\_ funeral establishment and where \_\_\_\_\_ services or merchandise are sold directly or at retail to the \_\_\_\_\_. A mortuary service shall consist of and maintain all of the following facilities:

a. A \_\_\_\_\_ room equipped with \_\_\_\_\_ nonporous floor and walls, \_\_\_\_\_ embalming equipment, and \_\_\_\_\_ drainage and ventilation and containing necessary approved tables, \_\_\_\_\_, hot and cold running water, containers or \_\_\_\_\_ for soiled linen or clothing, and supplies for the preparation and \_\_\_\_\_ of dead human bodies for \_\_\_\_\_, cremation, and transportation.

b. At least \_\_\_\_\_ operating \_\_\_\_\_ \_\_\_\_\_ properly licensed and equipped for transporting human remains in a casket or urn.

c. If engaged in the practice of \_\_\_\_\_, at least one operable retort for cremation.

(17) OPERATOR. A person, corporation, \_\_\_\_\_, legal representative, or other \_\_\_\_\_ owning or \_\_\_\_\_ a funeral establishment.

(18) PRACTICAL EMBALMERS. Any person who has been actively and continuously \_\_\_\_\_ or employed in the practice of embalming under the supervision of a \_\_\_\_\_ embalmer for \_\_\_\_\_ consecutive years immediately preceding \_\_\_\_\_ 1, 1975, and has been issued a license as a practical embalmer under the \_\_\_\_\_ provisions of this chapter.

(19) PROCESSING or PULVERIZATION. The \_\_\_\_\_ of identifiable bone fragments after the completion of the cremation process to \_\_\_\_\_ bone fragments or \_\_\_\_\_ particles by manual or mechanical means.

(20) Nothing in this chapter shall \_\_\_\_\_ a funeral director or funeral \_\_\_\_\_ to have or provide a \_\_\_\_\_ or to restrict the conduct of funeral services from a church or \_\_\_\_\_.

**Section 34-13-2**

It is declared and established that the procedures for making final disposition of human dead, including \_\_\_\_\_ and \_\_\_\_\_ directing, are so affected with the \_\_\_\_\_ interest as to \_\_\_\_\_ regulation and control of such included \_\_\_\_\_ and that, additionally, such regulation and control are necessary for the prevention of the spread of infectious and contagious diseases, for the \_\_\_\_\_ of the health and \_\_\_\_\_ of the people of the \_\_\_\_\_ and that all of the provisions of this chapter and regulations authorized to be made are necessary to effectuate its purpose; and all of the provisions of this chapter shall be construed liberally and in a manner to carry out its \_\_\_\_\_ intents and purposes.

**Section 34-13-3**

This chapter does not apply to any \_\_\_\_\_ or cemetery authority or to any \_\_\_\_\_ institution, \_\_\_\_\_ college, county medical society, \_\_\_\_\_ association, college of \_\_\_\_\_, or any officer thereof, or to any other recognized person carrying out the provision of the statutes of the State of Alabama prescribing the conditions under which \_\_\_\_\_ human dead bodies are held subject for scientific or anatomical study; provided, that nothing in this section shall be construed to give any cemetery or cemetery authority or any other person or entity the right to enter into or \_\_\_\_\_ in any funeral home operation or the practice of \_\_\_\_\_ or funeral directing or any related funeral home or funeral directing \_\_\_\_\_. Nor shall this chapter include any \_\_\_\_\_ or occasional or \_\_\_\_\_ help to assist in the conduct of a funeral \_\_\_\_\_ on such basis by a funeral director, provided such funeral is under the general \_\_\_\_\_ of a licensed funeral director.

**Section 34-13-4**

Upon \_\_\_\_\_, the board shall distribute to funeral directors, embalmers, and apprentices and such other persons as may be interested therein, in pamphlet form, the \_\_\_\_\_ of this chapter together with all \_\_\_\_\_ and regulations prescribed, \_\_\_\_\_, or promulgated pursuant to this chapter, together with a complete and current \_\_\_\_\_ of all persons and establishments \_\_\_\_\_ under this chapter.

**Section 34-13-5**

\_\_\_\_\_ courts shall have jurisdiction in all \_\_\_\_\_ arising under this chapter. The \_\_\_\_\_ attorney is authorized to institute prosecutions for violations of this chapter by information, or prosecutions may be instituted by indictment or by \_\_\_\_\_ verified before any magistrate.

**Section 34-13-6**

In the event a \_\_\_\_\_ under this chapter should have \_\_\_\_\_ to believe that the board, or a member or members thereof, has used the powers of the board to promulgate \_\_\_\_\_ or

rulings or requirements \_\_\_\_\_ intended by this chapter and that such orders or rulings or requirements are used to subject the licensee to unreasonable and wrongful \_\_\_\_\_ of this chapter by the board or that the board or a \_\_\_\_\_ or members thereof have imposed the \_\_\_\_\_ of the board or the wrongful interpretations of this chapter upon the \_\_\_\_\_ to such extent that it constitutes harassment of the licensee, then the \_\_\_\_\_ may take an \_\_\_\_\_ for relief to the \_\_\_\_\_ court of the county in which the licensee \_\_\_\_\_ embalming, funeral directing, or operates a funeral establishment as prescribed in Section 34-13-31.

**Section 34-13-8**

On \_\_\_\_\_ of any person \_\_\_\_\_ payment of the cost thereof, the executive secretary of the board shall furnish, under the seal of the board and \_\_\_\_\_ by the \_\_\_\_\_ secretary, a \_\_\_\_\_ copy of any license, rule, regulation, or order. In any court or proceeding such copy shall be \_\_\_\_\_ evidence of the fact of the issuance of such license, regulation, rule, or order and that such is effective as of the \_\_\_\_\_ of such certificate **Section**

**34-13-9**

Funeral \_\_\_\_\_, cemetery service, and funeral \_\_\_\_\_ pricing \_\_\_\_\_ conform to rules established by the Federal Trade Commission.

**Section 34-13-10**

Unless otherwise provided herein, violation \_\_\_\_\_ part of this chapter shall be a \_\_\_\_\_ and \_\_\_\_\_ be punishable as such under the laws of \_\_\_\_\_. It is further provided that those actions specifically enumerated in subdivisions (2)a. through (2)f., (2)h., (2)j., (2)m., and (2)n. of Section 34-13-56 shall be \_\_\_\_\_ as a misdemeanor and may be prosecuted accordingly.

**Section 34-13-11**

(a) A \_\_\_\_\_, who is at least 18 years of age \_\_\_\_\_ of sound mind, \_\_\_\_\_ enter into a contract to act as authorizing agent and \_\_\_\_\_ the \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ of disposition of remains and arrange for funeral \_\_\_\_\_ and services to be provided upon death. Except as otherwise provided in subsection (b), the \_\_\_\_\_ to control the disposition of the \_\_\_\_\_ of a deceased person as an \_\_\_\_\_ agent, including the location, \_\_\_\_\_, and conditions of disposition and \_\_\_\_\_ for funeral goods and services to be provided, shall vest in the following persons in the \_\_\_\_\_ listed and the \_\_\_\_\_ named, provided the person is at least \_\_\_\_\_ years of age and of sound mind:

(1) The person \_\_\_\_\_ by the decedent as authorized to direct disposition pursuant to Public Law No. 109-163, Section 564, as listed on the \_\_\_\_\_ United States Department of Defense \_\_\_\_\_ of Emergency Data, \_\_\_\_\_, or its successor form, if the decedent \_\_\_\_\_ while serving on \_\_\_\_\_ duty in any branch of the United States Armed Forces, United States Reserve Forces, or National Guard.

(2)a. The person \_\_\_\_\_ by the decedent in an \_\_\_\_\_ executed in accordance with paragraph b.

b. Any person, at least 18 years of age and of sound mind, may \_\_\_\_\_ another person to \_\_\_\_\_ the disposition of his or her remains pursuant to an affidavit executed before a \_\_\_\_\_ in substantially the form as shown in The Code of Alabama.

(3) The surviving \_\_\_\_\_.

(4) The \_\_\_\_ surviving child of the \_\_\_\_\_ or, if there is \_\_\_\_\_ than one surviving child, a \_\_\_\_\_ of the \_\_\_\_\_ children. Less than a majority of the surviving children may be vested with the rights of this section if reasonable \_\_\_\_\_ have been made to \_\_\_\_\_ all surviving \_\_\_\_\_ of the instructions \_\_\_\_\_ a majority of the surviving children are not aware of any \_\_\_\_\_ to the instructions.

(5) The surviving \_\_\_\_\_ or \_\_\_\_\_ of the decedent. If one surviving parent is \_\_\_\_\_, the remaining parent shall be vested with the rights and duties of this section after \_\_\_\_\_ efforts in locating the absent \_\_\_\_\_ parent have been unsuccessful.

(6) The surviving \_\_\_\_\_ of the decedent or, if there is more than one surviving sibling, a \_\_\_\_\_ of the surviving siblings. \_\_\_\_\_ than a majority of the surviving siblings may be vested with the \_\_\_\_\_ and \_\_\_\_\_ of this section if reasonable efforts have been made to \_\_\_\_\_ all surviving siblings of the \_\_\_\_\_ and a majority of the surviving \_\_\_\_\_ are not aware of any opposition to the instructions.

(7) The surviving \_\_\_\_\_ of the decedent or, if there is more than \_\_\_\_\_ surviving grandparent, a \_\_\_\_\_ of the surviving grandparents. \_\_\_\_\_ than a majority of the surviving grandparents may be \_\_\_\_\_ with the rights and duties of this \_\_\_\_\_ if reasonable efforts have been made to \_\_\_\_\_ all surviving grandparents of the instructions and a \_\_\_\_\_ of the surviving grandparents are not aware of \_\_\_\_\_ opposition to the instructions.

(8) The \_\_\_\_\_ of the decedent at the \_\_\_\_\_ of the death of the decedent, if a guardian \_\_\_\_\_ been appointed.

(9) The \_\_\_\_\_ representative of the \_\_\_\_\_ of the decedent.

(10) The person in the \_\_\_\_\_ of the next \_\_\_\_\_ of kinship, in \_\_\_\_\_ order, under the laws of descent and distribution to inherit the \_\_\_\_\_ of the decedent. If there is more than one person of the \_\_\_\_\_ degree, \_\_\_\_\_ person of that degree may exercise the right of disposition.

(11) The public officer, \_\_\_\_\_, or employee responsible for \_\_\_\_\_ the final disposition of the remains of the decedent if the \_\_\_\_\_ of the remains is the responsibility of the \_\_\_\_\_ or a \_\_\_\_\_ subdivision of the state.

(12) Any \_\_\_\_\_ person \_\_\_\_\_ to assume the responsibility of acting on and arranging the final disposition of the remains of the decedent, including the \_\_\_\_\_ that has \_\_\_\_\_ of the body, in the absence of any person specified in subdivisions (1) to (11), inclusive. The person shall \_\_\_\_\_ in writing that \_\_\_\_\_ faith \_\_\_\_\_ to contact the persons specified in subdivisions (1) to (11), inclusive \_\_\_\_\_ been unsuccessful.

(1) The person is \_\_\_\_\_ with first or second degree \_\_\_\_\_ or voluntary manslaughter in connection with the \_\_\_\_\_ of the decedent and the charges are known by the mortician. If the charges against the person are \_\_\_\_\_ or the person is acquitted of the charges, the right of disposition shall be \_\_\_\_\_.

(2) The person does not \_\_\_\_\_ his or her right of disposition within \_\_\_\_\_ days after \_\_\_\_\_ of the death of the decedent or \_\_\_\_\_ three \_\_\_\_\_ after the death of the decedent, whichever is \_\_\_\_\_.

(3) If the person is the \_\_\_\_\_ of the decedent and a \_\_\_\_\_ to dissolve the marriage was \_\_\_\_\_ at the time of \_\_\_\_\_ of the decedent.

(4) If the judge of \_\_\_\_\_ court determines, pursuant to subsection (c), that the person entitled to the right of disposition and the decedent were \_\_\_\_\_ at the time of death. For the purposes of this subdivision, estranged means a physical and \_\_\_\_\_ separation that has \_\_\_\_\_ for such a period of time that an absence of \_\_\_\_\_, trust, and \_\_\_\_\_ for the decedent is \_\_\_\_\_ demonstrated.

(c) Notwithstanding subsections (a) and (b), the judge of probate of the \_\_\_\_\_ of residence of the decedent may \_\_\_\_\_ the right of disposition to the person the judge of probate determines to be the most \_\_\_\_\_ and appropriate to \_\_\_\_\_ the right of disposition, and \_\_\_\_\_ make decisions regarding the remains of the decedent if the persons \_\_\_\_\_ the right of disposition do \_\_\_\_\_ agree. If two or more persons who possess an equal right of disposition are not able by majority \_\_\_\_\_ to agree upon the disposition of the remains of the decedent, any of those persons or the \_\_\_\_\_ with custody of the remains may \_\_\_\_\_ a petition asking the judge of probate to make a \_\_\_\_\_ in the matter. In making such a determination, the judge of probate shall consider all of the following:

(1) The reasonableness and \_\_\_\_\_ of the proposed funeral and \_\_\_\_\_ arrangements.

(2) The \_\_\_\_\_ of the personal relationship between the \_\_\_\_\_ and each person possessing \_\_\_\_\_ right of disposition.

(3) The financial ability and \_\_\_\_\_ of each person possessing a right of disposition to pay the \_\_\_\_\_ of the funeral and \_\_\_\_\_ arrangements.

(4) The convenience and \_\_\_\_\_ of other family members and friends who \_\_\_\_\_ to pay their respects and the \_\_\_\_\_ to which the funeral arrangements would \_\_\_\_\_ maximum participation by all who \_\_\_\_\_ to pay their respects.

(5) The \_\_\_\_\_ of the decedent.

(d) Absent negligence, \_\_\_\_\_, recklessness, or deliberate \_\_\_\_\_ in the event of a \_\_\_\_\_ regarding the right of disposition, a funeral establishment may \_\_\_\_\_ be held liable for refusing to \_\_\_\_\_ remains, for interring, or for otherwise \_\_\_\_\_ of the remains of a decedent or for \_\_\_\_\_ arrangements for the final disposition of remains unless \_\_\_\_\_ until the funeral establishment \_\_\_\_\_ an order from the judge of probate, or other written \_\_\_\_\_ signed by all persons \_\_\_\_\_ a right of disposition, regarding the final disposition of the remains. If a funeral establishment retains remains for final \_\_\_\_\_ during a disagreement, the funeral establishment \_\_\_\_\_ embalm or refrigerate \_\_\_\_\_ shelter the body, or both, to \_\_\_\_\_ the body pending the final decision of the judge of probate. The funeral establishment \_\_\_\_\_ add the cost of \_\_\_\_\_ or refrigeration and \_\_\_\_\_, or both, to the final disposition \_\_\_\_\_. If a funeral establishment files a petition pursuant to subsection (c), the \_\_\_\_\_ establishment may add any associated \_\_\_\_\_ fees and \_\_\_\_\_ costs to the cost of final disposition. This section may not be construed to require or impose a duty upon a funeral establishment to bring an action pursuant to this section. A funeral establishment and its employees may not be held \_\_\_\_\_ or \_\_\_\_\_ liable for not bringing an action pursuant to this section.

(e) Except to the degree that it may be considered by the judge of \_\_\_\_\_ pursuant to subdivision (3) of subsection (c), the fact that a person has \_\_\_\_\_ or has agreed to pay for all or a part of funeral and final \_\_\_\_\_ arrangements does not give that person a \_\_\_\_\_ voice in right of disposition decisions than he or she would have had otherwise. The personal \_\_\_\_\_ of the estate of a decedent, by virtue of being the personal representative, \_\_\_\_\_ have a greater voice in right of disposition decisions than he or she would have had otherwise.

#### **Section 34-13-12**

(a) \_\_\_\_\_ person signing a funeral service \_\_\_\_\_, cremation authorization form, or any other \_\_\_\_\_ for disposition by his or her signature shall attest to the \_\_\_\_\_ of any facts set forth in the document including, but not limited to, the \_\_\_\_\_ of the decedent whose remains are to be buried, cremated, or otherwise \_\_\_\_\_ of and the authority of the person to order the disposition. A funeral establishment \_\_\_\_\_ rely on a funeral service agreement, contract, or \_\_\_\_\_ in carrying out the instructions of the person the funeral establishment reasonably \_\_\_\_\_ to hold the right of disposition. A funeral establishment is not responsible for \_\_\_\_\_ or independently investigating the \_\_\_\_\_ of any next-of-kin or relative of a decedent. If there is more than one person in a class with equal priority and the funeral establishment has no knowledge of any \_\_\_\_\_ by any other member of that class, the funeral establishment may rely upon and act according to the \_\_\_\_\_ of the first person in the class to make funeral and \_\_\_\_\_ arrangements.

(b) Absent negligence, wantonness, \_\_\_\_\_ or deliberate misconduct, no funeral establishment or funeral \_\_\_\_\_ who relies in good faith upon the \_\_\_\_\_ of a person who claims a right of disposition shall be subject to \_\_\_\_\_ or civil \_\_\_\_\_, or be subject to disciplinary action, for carrying out the disposition of the remains in accordance with those instructions.

**Section 34-13-20**

(a) There is established the Alabama Board of Funeral Service, consisting of \_\_\_\_\_ members, each of whom shall be \_\_\_\_\_ of the United States and of the State of Alabama. All members of the former Alabama Embalming Board who are holding office on September 10, 1975, by virtue of that office, shall become members of the Alabama Board of Funeral Service for the term ending December 31, 1976. Not more than one member of the Alabama Board of Funeral Service may reside in the same \_\_\_\_\_ as created under Section 34-13-21, and if more than one member of the State Embalming Board resides in one district at the time of the organization of the board, the \_\_\_\_\_ shall select one member of the Embalming Board to be a member of the original Alabama Board of Funeral Service from the district, and the other member of the Embalming Board shall not be eligible for membership on the board.

(b) At a special meeting called for such purpose, to be held in Montgomery, within 45 days from September 10, 1975, the Alabama Funeral \_\_\_\_\_ Association, Incorporated, and the Alabama Funeral Directors and \_\_\_\_\_ Association, Incorporated, in joint meeting, shall nominate \_\_\_\_\_ qualified persons for each of the positions as members of the original board of the Alabama Board of Funeral Service which are not filled by members of the State Embalming Board. The names of such persons so nominated shall be promptly \_\_\_\_\_ by the \_\_\_\_\_ of the Alabama Funeral Directors Association, Incorporated, and the Alabama Funeral Directors and Morticians Association, Incorporated, to the \_\_\_\_\_ who shall appoint the members of the board from among the persons so nominated. Not more than \_\_\_\_\_ members of the board at any time may be members of the same \_\_\_\_\_ and the membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. The board shall \_\_\_\_\_ report to the \_\_\_\_\_ by the \_\_\_\_\_ legislative day of each regular session the extent to which the board has complied with the diversity provisions provided for in this subsection. Four members shall be appointed for a term ending December 31, 1977, and the board shall be constituted so that the terms of three members of the board shall end December 31, 1976, and the terms of four members shall end December 31, 1977. The terms of the members of the State Embalming Board, who become members of the Alabama Board of Funeral Service under this chapter, shall expire December 31, 1976, unless there are more than three such members, in which event, the Governor shall designate which of the three members of the State Embalming Board shall serve for terms ending December 31, 1976, and which shall serve for terms ending December 31, 1977.

(c) After selection of the original members of the Alabama Board of Funeral Service and during \_\_\_\_\_ of each year, all embalmers and all funeral directors \_\_\_\_\_ under this chapter shall meet in \_\_\_\_\_, at a time and date in October and at a place fixed by the \_\_\_\_\_, for the purpose of nominating three persons to the \_\_\_\_\_ for each vacancy on the board. Not more than \_\_\_\_\_ nominees shall be members of the same race. The Governor shall promptly appoint one of the three persons so nominated.

(d) The successors to the original members of the board shall be selected for terms of \_\_\_\_\_ years. After the terms of the original members of the board, \_\_\_\_\_ of the members serving on the

board shall be practicing and licensed embalmers in Alabama for the last \_\_\_\_\_ years immediately \_\_\_\_\_ their appointment and shall be licensed embalmers and funeral directors in this state under this chapter. \_\_\_\_\_ of the members shall have been actively engaged in \_\_\_\_\_ directing in Alabama for the last \_\_\_\_\_ consecutive years preceding their appointment and shall be \_\_\_\_\_ funeral directors of this state, under this chapter, and, at the time of their appointment to the board, shall be \_\_\_\_\_ of funeral establishments in this state. If the license of a member of the board as a funeral director or embalmer should be \_\_\_\_\_ or suspended, such member \_\_\_\_\_ automatically, by reason of such revocation or suspension, become \_\_\_\_\_ to serve as a member of the board, and a new member, properly qualified, shall be selected in the same manner provided for appointment to the board. Should a member fail to \_\_\_\_\_ after appointment, then he or she shall automatically become ineligible to serve as a member of the board, and a new member, properly qualified, shall be \_\_\_\_\_ and shall serve the \_\_\_\_\_ of the term of the member so terminated. Each member of the board shall remain an \_\_\_\_\_ practicing funeral director or embalmer and funeral establishment \_\_\_\_\_ during his or her tenure of service on the board. Each member may serve not more than \_\_\_\_\_ consecutive two-year terms. In no event shall more than one member of the board reside in one district. At each meeting where nominations are made for members of the board, only \_\_\_\_\_ licensed funeral director \_\_\_\_\_ licensed embalmer of each establishment shall have the right to vote for nominees.

(e) Any board member who is elected to the International Conference of Funeral Service Examining Board, upon his or her election, shall begin to serve the state board in an \_\_\_\_\_ capacity only, for the duration of his or her international conference board term. A member, properly qualified, shall be \_\_\_\_\_ in the same manner provided for \_\_\_\_\_ to the state board and shall serve the remainder of the term of the member elected to the international \_\_\_\_\_ board.

#### **Section 34-13-21**

There are hereby created, for the purpose of this chapter, \_\_\_\_\_ geographical districts which shall be \_\_\_\_\_ with the seven \_\_\_\_\_ districts as fixed and established by Section 17-20-1, as may be amended. It is the purpose and intention of this section to provide that \_\_\_\_\_ member of the Alabama Board of Funeral Service shall be \_\_\_\_\_ from each district, which shall be \_\_\_\_\_ identical with the congressional districts, and that \_\_\_\_\_ nominees to the \_\_\_\_\_ for appointment to the board shall be made from each district.

#### **Section 34-13-22**

The Alabama Board of Funeral Service shall hold \_\_\_\_\_ less than \_\_\_\_\_ meeting quarterly for the purpose of \_\_\_\_\_ applicants for licenses, such meeting to be held at such time and place as the board may determine after \_\_\_\_\_ of such meeting has been given in the manner prescribed herein at least \_\_\_\_\_ days prior to such meeting. The board shall not have power to \_\_\_\_\_ to any person who is not a member of the board the authority to conduct or \_\_\_\_\_ an examination for a license. The board may hold such other meetings as it may deem necessary. Five or \_\_\_\_\_ members shall comprise a \_\_\_\_\_. The board \_\_\_\_\_ not meet on the premises of any embalming school or college of mortuary science;

and, if any such meeting is held, all the proceedings of such meeting shall be \_\_\_\_\_. If any application for license under this chapter is pending, the applicant or applicants shall be afforded the right to take the \_\_\_\_\_ required hereunder at the date and place of such \_\_\_\_\_ meeting.

**Section 34-13-23**

(a)(1) The board appointed under this chapter and each successor thereto is authorized to select from its \_\_\_\_\_ membership a \_\_\_\_\_ and to adopt and promulgate such rules and regulations for the transaction of its \_\_\_\_\_ and for the \_\_\_\_\_ and \_\_\_\_\_ of the standards of service and practice to be \_\_\_\_\_ in the funeral service profession in the State of Alabama as it may deem expedient and consistent with the laws of this state and for the \_\_\_\_\_ good.

(2) The chair shall preside at \_\_\_\_\_ meetings of the board unless otherwise ordered, and he shall \_\_\_\_\_ and perform all duties and \_\_\_\_\_ incident to the office of chair.

(3) The board \_\_\_\_\_ select also from its own membership a \_\_\_\_\_ chair, a secretary, and a \_\_\_\_\_. No two offices shall be held by the \_\_\_\_\_ person. The chair and vice chair may not be of the \_\_\_\_\_ race.

(b) The treasurer shall give \_\_\_\_\_ to the State of Alabama in the sum of ten thousand dollars (\$10,000), and any premium payable for the bond shall be paid from the funds of the \_\_\_\_\_. The bond shall be deposited with the \_\_\_\_\_ of the State of Alabama.

(c) Board members shall be \_\_\_\_\_ for their necessary traveling expenses and the necessary \_\_\_\_\_ incident to their attendance upon the business of the board, and, in addition thereto, they shall receive the sum of fifty dollars (\$50) per diem for every \_\_\_\_\_ not to exceed 20 days per \_\_\_\_\_ actually spent by the member upon the business of the board. The board may employ an \_\_\_\_\_ secretary and \_\_\_\_\_ executive secretary who shall each receive and be paid an annual salary to be \_\_\_\_\_ by the board, but not to exceed the salary level established and paid to \_\_\_\_\_ officers in the state government. The salary shall be paid on a \_\_\_\_\_ basis. In addition, the executive secretary and associate executive secretary \_\_\_\_\_ receive his or her necessary traveling and other incidental expenses as are incurred in the performance of duties, and all expenses, per diem, and compensation shall be paid out of the \_\_\_\_\_ of the board. At no time shall the operation of the board be an \_\_\_\_\_ to the state, and at no time shall expenses of the board \_\_\_\_\_ the receipts of the board.

(d) The executive secretary of the board shall have \_\_\_\_\_ supervision and be held responsible for the \_\_\_\_\_ of the office of the board, shall have supervision over field \_\_\_\_\_ and \_\_\_\_\_ of this chapter, and shall be responsible and answerable to the \_\_\_\_\_. The associate executive secretary shall \_\_\_\_\_ the executive secretary and perform such other duties as may be \_\_\_\_\_ to him or her by the board. The executive secretary and associate executive secretary shall \_\_\_\_\_ be of the same \_\_\_\_\_.

(e) The executive secretary shall keep a \_\_\_\_\_ in which shall be registered the name and business address of \_\_\_\_\_ person to whom \_\_\_\_\_ have been granted in accordance with

this chapter, the \_\_\_\_\_ and date of the license and the date of each \_\_\_\_\_. Upon request to do so, the executive secretary shall supply each person licensed for the practice of embalming and funeral directing with a \_\_\_\_\_ of all persons and \_\_\_\_\_ holding a license under this chapter, then in force, giving the names of the persons, their business addresses, and the \_\_\_\_\_ of their licenses.

(f) It shall be the duty of the executive secretary to prepare under the \_\_\_\_\_ of the board and cause to be printed all \_\_\_\_\_ required by this chapter to be prescribed by the board. All \_\_\_\_\_ required to be mailed by this chapter shall be directed to the \_\_\_\_\_ known post office address of the party to whom the notice is sent.

(g) The executive secretary shall \_\_\_\_\_ at the pleasure of the board and shall \_\_\_\_\_ duties as may be necessary for the proper \_\_\_\_\_ of the board as the \_\_\_\_\_ may determine or as may be prescribed in this chapter. During the employment of the executive secretary he or she may \_\_\_\_\_ be employed by any funeral \_\_\_\_\_.

(h) All fees and fines \_\_\_\_\_ under this chapter shall be paid into a special fund in the State \_\_\_\_\_ to be known as the Alabama State Funeral Directors and Embalmers \_\_\_\_\_, which is hereby created, for the necessary and proper \_\_\_\_\_ of the board, and for a reasonable reserve for \_\_\_\_\_ use by the board. All moneys in the fund are hereby appropriated, as a continuing appropriation, to the Alabama Board of Funeral Service to be used for carrying out this \_\_\_\_\_.

(i) Each \_\_\_\_\_ of the board, the \_\_\_\_\_ secretary, the \_\_\_\_\_ executive secretary, and \_\_\_\_\_ employees of the board appropriately identified are \_\_\_\_\_ at any given time on complaint or for \_\_\_\_\_ purposes to \_\_\_\_\_ the office, premises, establishment, or place of business of any funeral service \_\_\_\_\_ in the State of Alabama or any \_\_\_\_\_ premises, establishment, or place where the \_\_\_\_\_ of funeral service is carried on, or where the practice is \_\_\_\_\_ as being carried on, for the purpose of \_\_\_\_\_ the office, premises, or establishment and for the purpose of inspecting the license and registration of any funeral service licensee and \_\_\_\_\_ trainee operating therein.

(j) All members of the \_\_\_\_\_ or designated employees of the board are hereby \_\_\_\_\_ to serve and \_\_\_\_\_ any process issued by any \_\_\_\_\_ under this chapter and to \_\_\_\_\_ and execute any papers or \_\_\_\_\_ issued by the \_\_\_\_\_ or any officer or member thereof under authority of this chapter.

(k) The board may employ \_\_\_\_\_ assistants and employees or other help as may be necessary to carry out this chapter, and the terms and \_\_\_\_\_ of employment shall be determined by the \_\_\_\_\_. The board may establish and \_\_\_\_\_ an office from which this chapter may be carried out.

**Section 34-13-24**

\_\_\_\_\_ member of the board, after \_\_\_\_\_ and before entering upon his or her duties, shall make \_\_\_\_\_ before some officer competent to administer oaths, that he or she is \_\_\_\_\_ qualified to become a member of the board under the provisions of this chapter and

that he or she will \_\_\_\_\_ perform the duties of such office, a copy of which shall be filed in the office of the \_\_\_\_\_ of State.

**Section 34-13-25**

All hearings provided for by this chapter shall be \_\_\_\_\_ to the public, and a report and \_\_\_\_\_ of proceedings of each hearing shall be made at the \_\_\_\_\_ of the board. A copy of such report and record shall be furnished to \_\_\_\_\_ interested party, upon \_\_\_\_\_ and tender to the \_\_\_\_\_ secretary of the board of the reasonable cost of preparation thereof.

**Section 34-13-26**

(a) The board has the \_\_\_\_\_ to adopt and \_\_\_\_\_ for the protection of the public \_\_\_\_\_, safety, and \_\_\_\_\_ reasonable rules and regulations.

(b) The rules and regulations of the board shall not become \_\_\_\_\_ until they have been \_\_\_\_\_ and discussed at a \_\_\_\_\_ hearing and have been filed in the office of the \_\_\_\_\_ of State; and, when so filed, such rules and regulations shall be in full \_\_\_\_\_ and have the effect of law. The board shall \_\_\_\_\_ notice of such hearing to each licensee under this chapter \_\_\_\_\_ days before the date of such hearing.

(c) All rules and \_\_\_\_\_ adopted by the board shall be referenced to the section or sections of this chapter which set forth the legislative \_\_\_\_\_ which it interprets or to which it applies. Every rule and regulation shall be in \_\_\_\_\_, promulgated by an order, state its \_\_\_\_\_ date, be indexed in a \_\_\_\_\_ book which shall be a permanent record, and a true copy shall be filed in the office of the \_\_\_\_\_ of State of Alabama. A copy of every order promulgating a rule, \_\_\_\_\_, or other order containing a requirement of \_\_\_\_\_ application shall be mailed to each licensee by first class mail. The failure of a \_\_\_\_\_ to receive a copy of the rule, regulation, or order \_\_\_\_\_ not exempt or excuse him or her from the duty of \_\_\_\_\_ with the valid rules, regulations, or orders lawfully issued.

(d) The board shall have \_\_\_\_\_ to hold hearings, conduct \_\_\_\_\_, \_\_\_\_\_ witnesses, administer \_\_\_\_\_ and take testimony in order to carry out this chapter.

(e) A \_\_\_\_\_ of competent jurisdiction, upon application of the board, may \_\_\_\_\_ violations or \_\_\_\_\_ to comply with this chapter or the regulations of the board.

(f) Any \_\_\_\_\_, including a member of the board, may \_\_\_\_\_ a complaint against a licensee of the board by filing with the board a \_\_\_\_\_ complaint on a form prescribed by the board.

(1) Upon \_\_\_\_\_ of a properly verified complaint, the board shall send a \_\_\_\_\_ of the complaint to the \_\_\_\_\_ licensee by \_\_\_\_\_ mail to the address of such licensee appearing on record with the board. The licensee shall answer the complaint in writing within \_\_\_\_\_ days after receipt of the complaint. The licensee shall mail a copy of his or her \_\_\_\_\_ to the board and the \_\_\_\_\_. Upon receipt of the response of the licensee or lapse of 20 days, the board may \_\_\_\_\_ a complaint that \_\_\_\_\_ to show the

existence of any of the causes or grounds for \_\_\_\_\_ action pursuant to this chapter. Upon finding \_\_\_\_\_ cause to believe that the charges are not frivolous, unfounded, or filed in bad faith, the \_\_\_\_\_ may cause a \_\_\_\_\_ to be held, at a time and place fixed by the board, regarding the charges. If a hearing is held, the board shall order the \_\_\_\_\_ to appear and show cause why he or she should not be \_\_\_\_\_ for a violation of this chapter.

(2) The board shall give the \_\_\_\_\_ and the affected licensee \_\_\_\_\_ days' notice of any \_\_\_\_\_ upon a complaint. Such notice shall be by United States \_\_\_\_\_ mail.

(3) Any party appearing before the board \_\_\_\_\_ be accompanied by \_\_\_\_\_.

(4) Before commencing a hearing, the \_\_\_\_\_ or a designee of the board shall determine if all parties are \_\_\_\_\_ and ready to proceed. If the \_\_\_\_\_ does not attend a hearing and does not show good cause for his or her absence, the \_\_\_\_\_ shall be summarily \_\_\_\_\_ and all \_\_\_\_\_ and expenses relating to the convening of the hearing shall be \_\_\_\_\_ to the \_\_\_\_\_. If an affected licensee does \_\_\_\_\_ appear for a hearing and does not show good cause for his or her absence, the \_\_\_\_\_ shall be presumed to have waived his or her right to appear before the board and be heard.

(5) Upon a determination by the chair or designee that all parties are ready to proceed, the hearing shall be called to \_\_\_\_\_. The complainant and the licensee may offer \_\_\_\_\_ statements and the \_\_\_\_\_ may order the sequestration of nonparty \_\_\_\_\_.

(6) After opening statements, the \_\_\_\_\_ shall present his or her case and the \_\_\_\_\_, any counsel, and any member or designee of the \_\_\_\_\_ may ask \_\_\_\_\_ of complainant \_\_\_\_\_.

(7) After the complainant has completed presenting his or her case, the \_\_\_\_\_ shall present his or her case and the \_\_\_\_\_, any counsel, and any member or designee of the \_\_\_\_\_ may ask \_\_\_\_\_ of \_\_\_\_\_ witnesses.

(8) \_\_\_\_\_ both sides have completed their presentations, \_\_\_\_\_ statements may be given by the complainant and the licensee.

(9) At the \_\_\_\_\_ of the hearing, the board \_\_\_\_\_ render an \_\_\_\_\_ decision or take the case under advisement for further \_\_\_\_\_. A decision of the board shall be rendered within \_\_\_\_\_ days after the hearing and a \_\_\_\_\_ of that decision shall be \_\_\_\_\_ to the last known business or residence address of the complainant and the licensee.

(g) The \_\_\_\_\_ may file a formal complaint against a \_\_\_\_\_ and may temporarily \_\_\_\_\_ a license simultaneously with the institution of proceedings under this section, \_\_\_\_\_ a hearing, if the board finds that the \_\_\_\_\_ supporting the determination is clear, competent, and unequivocal and that the continuation of the licensee to practice would constitute a \_\_\_\_\_ to public health or safety.

**Section 34-13-27**

The board shall adopt a common \_\_\_\_\_, which may be altered as often as the board may desire, and may adopt and enforce, for the \_\_\_\_\_ of the public health, \_\_\_\_\_, and welfare, reasonable rules and regulations relating to:

- (1) The \_\_\_\_\_ of the profession of \_\_\_\_\_, including, but not limited to, solicitation of business;
- (2) The practice of the \_\_\_\_\_ of funeral directing, including, but not limited to, \_\_\_\_\_ of business;
- (3) The \_\_\_\_\_ condition and physical facilities of funeral homes, mortuaries, and funeral \_\_\_\_\_ where the profession of embalming and funeral directing is \_\_\_\_\_ on, with particular regard to \_\_\_\_\_, sewage, disinfecting, \_\_\_\_\_, and equipment;
- (4) Carrying out generally the various provisions of this chapter for the \_\_\_\_\_ of the peace, \_\_\_\_\_, safety, and \_\_\_\_\_ of the public; and
- (5) Carrying out a \_\_\_\_\_ for \_\_\_\_\_ of apprentice embalmers and apprentice funeral directors.

**Section 34-13-31**

(a) Whenever, by \_\_\_\_\_, final order or other final determination upon any \_\_\_\_\_ hearing provided for by this chapter, a party to such hearing shall feel aggrieved, an \_\_\_\_\_ may be taken to the \_\_\_\_\_ court for the \_\_\_\_\_ within which such party resides or, if he or she is not a resident of Alabama, then to the circuit court for the county within which the hearing was \_\_\_\_\_. However, if there is more than one appellant, the circuit court having \_\_\_\_\_ to hear the appeal of the first appellant filing a \_\_\_\_\_ of appeal shall have jurisdiction to hear all appeals arising from the same hearing, irrespective of the place of residence of the appellants.

(b) On taking and \_\_\_\_\_ an appeal to the circuit court having \_\_\_\_\_ thereof, the court shall proceed as in other cases.

(c) \_\_\_\_\_ appeals shall be taken within \_\_\_\_\_ days from the \_\_\_\_\_ of the action or \_\_\_\_\_ made the basis of the appeal and shall be granted as a matter of right and be deemed perfected by filing with the \_\_\_\_\_ a bond for security of costs of the appeal. Upon filing of a \_\_\_\_\_ petition and hearing thereon, the court \_\_\_\_\_, in its discretion, stay the order appealed from pending final judicial review. No \_\_\_\_\_ or additional \_\_\_\_\_ may be \_\_\_\_\_ in the circuit court except as to fraud or misconduct of some person engaged in the \_\_\_\_\_ of this chapter and affecting the order, rule, or ruling appealed from. The court shall otherwise hear the case upon the \_\_\_\_\_ as certified to the court by the \_\_\_\_\_ secretary of the board and shall set aside the order, rule, or action appealed from if the court finds that the board erred to the prejudice of the appellant's substantial rights in its application of the law; or, the order, decision, or award was procured by fraud or was based upon

a finding of facts \_\_\_\_\_ to the substantial weight of the \_\_\_\_\_, or that the order was arbitrary, capricious, or inconsistent with respect to any of the material issues involved; or that the board \_\_\_\_\_ in its order to find sufficient \_\_\_\_\_ as to each material issue involved to enable the court to determine the basis for the conclusion of the board. The court may, instead of setting aside the order, remand the case to the board for further proceedings in conformity with the direction of the court. The court may, in advance of judgment and upon a sufficient showing, remand the cause to the board for the purpose of taking additional testimony or other proceedings.

(d) An appeal may be taken from the judgment decree or any appealable order of the circuit court to the \_\_\_\_\_ Court of this \_\_\_\_\_. Appeals to the Supreme Court shall be taken, perfected, heard, and determined in the manner prescribed by law and the Alabama Rules of Appellate Procedure for taking, perfecting, hearing, and determining appeals to the Supreme Court.

#### **Section 34-13-51**

(a) The board \_\_\_\_\_, but shall not be \_\_\_\_\_ to, recognize and issue, without \_\_\_\_\_ and upon payment of a fee not in excess of five hundred dollars (\$500) for each license, a \_\_\_\_\_ license for the practice of funeral directing or embalming to any person licensed as a funeral director or embalmer by any \_\_\_\_\_, if the board makes an individual determination that the \_\_\_\_\_ of the applicant meet or exceed the \_\_\_\_\_ qualifications required for funeral directors or embalmers in this state and that a written examination of such applicant would be superfluous.

(b) Applications shall be made on \_\_\_\_\_ prescribed and furnished by the \_\_\_\_\_. An applicant holding a funeral director or embalmer license from another state, and applying for a funeral director or embalmer license in Alabama shall be \_\_\_\_\_ for licensing by reciprocity.

(c) The \_\_\_\_\_, at the time of the \_\_\_\_\_, shall make a reasonable determination that the applicant is a \_\_\_\_\_ resident of the United States or legally present in this state. The board reserves the right to \_\_\_\_\_ applicants for reciprocity to submit to a personal \_\_\_\_\_ or a \_\_\_\_\_ examination relating to the \_\_\_\_\_ as it pertains to the regulation of the funeral service profession in \_\_\_\_\_.

(d) The board \_\_\_\_\_ issue a \_\_\_\_\_ work \_\_\_\_\_ to a qualified funeral director or embalmer when the \_\_\_\_\_ determines that the applicant satisfies all requirements for reciprocity and a \_\_\_\_\_, not exceeding one hundred dollars (\$100), is received by the board. A special work permit shall \_\_\_\_\_ on the date of the next \_\_\_\_\_ board meeting occurring after \_\_\_\_\_.

#### **Section 34-13-52**

(a) \_\_\_\_\_ under this chapter shall be granted to \_\_\_\_\_ upon the qualification and successful \_\_\_\_\_ of the individual applicant and shall specify the name to whom it is issued. A license granted under this chapter \_\_\_\_\_ be on public \_\_\_\_\_.

(b) A funeral \_\_\_\_\_ license issued under this chapter shall include the \_\_\_\_\_ of the funeral establishment, the name of the \_\_\_\_\_ funeral director, the name of the managing \_\_\_\_\_ and the certificate of \_\_\_\_\_ license number, if applicable. The license shall be on \_\_\_\_\_ display.

(c) \_\_\_\_\_ license issued under this chapter shall be signed by the chair and executive secretary and shall be \_\_\_\_\_ in the place of business or \_\_\_\_\_ of the licensee.

(d) Any person \_\_\_\_\_ in the business, profession, or practice of funeral directing \_\_\_\_\_ do \_\_\_\_\_ of the following:

(1) \_\_\_\_\_ on his or her person, or be able to promptly \_\_\_\_\_, a legible and \_\_\_\_\_ Alabama funeral director's wallet license certificate when performing the duties of a funeral director.

(2) Upon the \_\_\_\_\_ of a board member, the executive secretary, the associate executive secretary, or a designated and \_\_\_\_\_ identified employee of the \_\_\_\_\_, \_\_\_\_\_ produce his or her legible and current Alabama funeral director wallet license certificate.

(e) Any person engaged in the business, profession, or practice of \_\_\_\_\_ shall do each of the following:

(1) Possess \_\_\_\_\_ his or her \_\_\_\_\_, or be able to promptly produce, a legible and current Alabama embalmer's \_\_\_\_\_ license certificate when \_\_\_\_\_ the duties of an embalmer.

(2) Upon the \_\_\_\_\_ of a \_\_\_\_\_ member, the executive secretary, the associate executive secretary, or a designated and appropriately identified employee of the board, promptly \_\_\_\_\_ his or her \_\_\_\_\_ and current Alabama embalmer \_\_\_\_\_ license certificate.

### **Section 34-13-53**

(a) Every licensed funeral \_\_\_\_\_, every licensed \_\_\_\_\_, and every licensed \_\_\_\_\_ shall pay annually a fee for renewal of his or her license. The renewal fees shall be set by the \_\_\_\_\_ at a rate not to exceed one hundred fifty dollars (\$150) for licensed embalmers and funeral directors and five hundred dollars (\$500) for licensed operators.

(b) \_\_\_\_\_ licenses granted under this chapter shall \_\_\_\_\_ on October 1, following their issuance or renewal, and shall become \_\_\_\_\_ unless renewed as provided in this section. There shall be no \_\_\_\_\_ of licenses.

(c) The \_\_\_\_\_ shall mail on or before \_\_\_\_\_ 1 of each year to each licensed funeral director, to each licensed embalmer, and to each licensed operator, addressed to him or

her at his or her \_\_\_\_\_ address, a \_\_\_\_\_ that his or her renewal fee is due and payable and that, if such fee is not paid by October 1, the license \_\_\_\_\_ lapse.

(d) At the time, or \_\_\_\_\_, a licensee changes place of \_\_\_\_\_, residence address, or makes any other change in \_\_\_\_\_ which is of record at the board office, the \_\_\_\_\_ shall \_\_\_\_\_ such change of status, on a form provided by the board, to the executive secretary.

**Section 34-13-54**

\_\_\_\_\_ license to an embalmer, a funeral director, or a funeral establishment granted under or regulated by this chapter shall be \_\_\_\_\_ or assignable.

**Section 34-13-55**

(a) When a \_\_\_\_\_, for any reason, has allowed his or her license to \_\_\_\_\_, the board \_\_\_\_\_ reinstate the license if application for reinstatement is made within a period of \_\_\_\_\_ months from the lapse \_\_\_\_\_ is accompanied by \_\_\_\_\_ of all penalties and lapsed fees, from the time of the \_\_\_\_\_ to date of reinstatement. The penalties to be paid to the board shall not exceed one hundred dollars (\$100) to \_\_\_\_\_ licenses which have lapsed.

(b) After the \_\_\_\_\_ period has elapsed, such license may be reinstated \_\_\_\_\_ by complying with the \_\_\_\_\_ relating to the issuance of an \_\_\_\_\_ license in \_\_\_\_\_ to payment of all lapsed \_\_\_\_\_ and penalties.

**Section 34-13-56**

(a) The board may refuse to \_\_\_\_\_, refuse to \_\_\_\_\_, or suspend or \_\_\_\_\_ a license after proper hearing and \_\_\_\_\_ to the licensee, upon the licensee's being found \_\_\_\_\_ of any of the following:

(1) \_\_\_\_\_ of a crime involving \_\_\_\_\_ turpitude.

(2) Unprofessional conduct, which is defined to include any of the following:

a. Misrepresentation or \_\_\_\_\_ in the conduct of the \_\_\_\_\_ or the profession of a funeral director or embalmer.

b. \_\_\_\_\_ or misleading \_\_\_\_\_ as a funeral director or embalmer or \_\_\_\_\_ engaging in any advertising which is misleading or \_\_\_\_\_ in any material particular.

c. \_\_\_\_\_ of dead human bodies by the licensee, his or her agents, \_\_\_\_\_, or employees, from medical professionals or \_\_\_\_\_, whether the solicitation occurs after death or while death is \_\_\_\_\_.

- d. Employment by the licensee of a \_\_\_\_\_ or persons to be used for the purpose of \_\_\_\_\_ or soliciting funeral directing or embalming \_\_\_\_\_.
- e. Employment \_\_\_\_\_ or indirectly of any apprentice, agent, assistant, embalmer, employee, or other person, on part or \_\_\_\_\_ time or on \_\_\_\_\_, for the purpose of calling upon individuals or \_\_\_\_\_ where a death has occurred or is imminent by whose \_\_\_\_\_ dead human bodies may be \_\_\_\_\_ over to a particular funeral director or embalmer or funeral establishment, or both.
- f. The \_\_\_\_\_ of business by the licensee, his or her agents, assistants, or employees.
- g. Gross \_\_\_\_\_.
- h. Aiding or \_\_\_\_\_ an \_\_\_\_\_ person to \_\_\_\_\_ funeral directing or embalming.
- i. Using profane, indecent, or obscene \_\_\_\_\_ in the \_\_\_\_\_ of a dead human body, or within the immediate hearing of the \_\_\_\_\_ or relative of a deceased whose body has not yet been \_\_\_\_\_ or otherwise disposed of.
- j. Solicitation or \_\_\_\_\_ by a licensee of any \_\_\_\_\_ or bonus or rebate in consideration of \_\_\_\_\_ or causing a dead human body to be disposed of in any mausoleum or \_\_\_\_\_.
- k. \_\_\_\_\_ violation of this chapter.
- l. Any violation of state law or municipal or county \_\_\_\_\_ or regulation affecting the handling, \_\_\_\_\_, care, or transportation of dead human bodies.
- m. Fraud or \_\_\_\_\_ in \_\_\_\_\_ a license.
- n. Refusing to promptly \_\_\_\_\_ the custody of a dead human body, upon the \_\_\_\_\_ order \_\_\_\_\_ payment for \_\_\_\_\_ rendered of the person lawfully entitled to the custody thereof.
- o. \_\_\_\_\_ services in a professional capacity as a funeral director or embalmer, or \_\_\_\_\_, for any unlicensed funeral \_\_\_\_\_ operating in violation of this chapter.
- p. Being \_\_\_\_\_ or under the influence of \_\_\_\_\_ drugs while on \_\_\_\_\_ at a funeral establishment.
- q. Willfully \_\_\_\_\_ or willfully failing to account for \_\_\_\_\_ property of a decedent.
- r. Knowingly \_\_\_\_\_ willfully \_\_\_\_\_ a certificate as having embalmed or prepared a body for \_\_\_\_\_ when, in fact the services were not \_\_\_\_\_ by the licensee.

s. Failure to give \_\_\_\_\_ cooperation to the \_\_\_\_\_ or its designees, agents, or other representatives in the \_\_\_\_\_ of official duties of the board. Failure to give full cooperation \_\_\_\_\_ but is not limited to, any of the following:

(i) Not furnishing any relevant \_\_\_\_\_ or documents \_\_\_\_\_ by or for the board.

(ii) Not furnishing, in \_\_\_\_\_ an adequate explanation relating to a matter contained in a \_\_\_\_\_ filed with the board against the \_\_\_\_\_.

(iii) Not \_\_\_\_\_ to a subpoena issued by the \_\_\_\_\_, without good cause shown, whether or not the licensee is the \_\_\_\_\_ charged in any \_\_\_\_\_ before the board.

(iv) Not providing reasonable \_\_\_\_\_ to the board or an authorized agent or \_\_\_\_\_ of the board for the performance of reviews or \_\_\_\_\_ at facilities or places utilized by the licensee in the \_\_\_\_\_ of funeral service or funeral directing or in performing any other activity \_\_\_\_\_ by the board.

(v) Failing to provide \_\_\_\_\_ within a specific \_\_\_\_\_ as required by the board or an authorized agent or representative of the board.

(vi) Failing to \_\_\_\_\_ with the board or an authorized \_\_\_\_\_ or representative of the board in the investigation of any \_\_\_\_\_ misconduct or \_\_\_\_\_ with a board investigation through the willful \_\_\_\_\_ of facts.

(vii) \_\_\_\_\_ or attempting to deceive the board regarding any \_\_\_\_\_ under investigation, including the \_\_\_\_\_ or destroying of any \_\_\_\_\_.

(viii) Failure, \_\_\_\_\_ good cause, to cooperate with any \_\_\_\_\_ from the board to appear before the \_\_\_\_\_.

(ix) Violating any statute, \_\_\_\_\_, or rule of the \_\_\_\_\_ or any board, agency, or political subdivision of the state affecting the \_\_\_\_\_ of deaths or the handling, custody, care, or \_\_\_\_\_ of dead human bodies.

(x) Violating any statute, ordinance, or rule of the state or \_\_\_\_\_ board, agency, or political subdivision of the state \_\_\_\_\_ the registration of deaths or the \_\_\_\_\_, custody, \_\_\_\_\_, or transportation of dead human bodies.

(xi) Demonstrating bad \_\_\_\_\_, incompetence, or \_\_\_\_\_ or dishonest, fraudulent, or improper dealing or any other violation of this chapter or any \_\_\_\_\_ promulgated by the board or promulgated by the \_\_\_\_\_ Trade \_\_\_\_\_ relative to the \_\_\_\_\_ of funeral service or funeral directing.

(b) In addition to the \_\_\_\_\_ actions authorized in subsection (a), the board may levy and \_\_\_\_\_ administrative \_\_\_\_\_ for violations of this chapter or the rules or

regulations of the \_\_\_\_\_ in an amount not less than \_\_\_\_\_ hundred dollars nor more than \_\_\_\_\_ thousand five hundred dollars for \_\_\_\_\_ violation.

**Section 34-13-57**

The \_\_\_\_\_ secretary of the board shall \_\_\_\_\_ notices to all applicants and all \_\_\_\_\_ funeral firms in the state 15 days before an \_\_\_\_\_, listing the names of all persons admitted by the board to take the \_\_\_\_\_ and setting out the time and place of the examination.

**Section 34-13-70**

(a) No person shall \_\_\_\_\_ in, or attempt to engage in, the practice or profession or business of a funeral director unless \_\_\_\_\_ to do so by the Alabama \_\_\_\_\_ of Funeral Service. The \_\_\_\_\_ hereby is granted \_\_\_\_\_ to issue license to funeral directors.

(b) Any person desiring to \_\_\_\_\_ in the business, profession, or practice of funeral director shall make \_\_\_\_\_ to the board and shall accompany his or her application by a \_\_\_\_\_ to be established by the board, not to exceed one hundred fifty dollars (\$150), whereupon the board shall fix the time and place for the \_\_\_\_\_ of the applicant and shall notify the \_\_\_\_\_ thereof.

(c) In addition, the board shall establish and charge a reasonable \_\_\_\_\_ fee, based on actual costs, for each \_\_\_\_\_ who sits for an examination. In no event shall the fee \_\_\_\_\_ fifty dollars (\$50) above the actual cost of preparing and administering such exam.

**Section 34-13-71**

An \_\_\_\_\_ for a license as a funeral director shall be in \_\_\_\_\_ and verified on a form provided by and addressed to the board and filed with the \_\_\_\_\_ of the board. The application must specify the \_\_\_\_\_ of the applicant and must be accompanied by the \_\_\_\_\_ of at least \_\_\_\_\_ licensed embalmers or funeral directors to the effect that the applicant is of \_\_\_\_\_ character and has \_\_\_\_\_ himself or herself to become \_\_\_\_\_ as prescribed by this chapter.

**Section 34-13-72**

An applicant for a funeral director's license is entitled to an examination if he or she satisfies all of the following:

- (1) Is a \_\_\_\_\_ of the United States or legally present in this state.
- (2) Is at least \_\_\_\_\_ years of age.
- (3) Has had \_\_\_\_\_ experience as an \_\_\_\_\_ for not \_\_\_\_\_ than two years within a period of \_\_\_\_\_ consecutive years, excluding time lost by interruptions caused by the \_\_\_\_\_ duty of the applicant in the military service of the United States or its

allies during \_\_\_\_\_ or national emergency, and excluding time lost by interruptions which the \_\_\_\_\_ deems excusable as caused by circumstances beyond the control of the applicant.

(4) Has completed \_\_\_\_\_ not more than \_\_\_\_\_ years prior to taking the \_\_\_\_\_, excluding time lost under the circumstances mentioned in subdivision (3).

(5) Has \_\_\_\_\_ a course of instruction in an \_\_\_\_\_ mortuary or funeral service school or college which has been \_\_\_\_\_ by the board pursuant to Section 34-13-50, or has completed a \_\_\_\_\_ degree program from an accredited school.

**Section 34-13-73**

(a) The applicant for a funeral director's license, before the application is granted, shall successfully pass an examination upon, but not limited to, the following subjects: Funeral directing, the manners in which death may be \_\_\_\_\_, the laws \_\_\_\_\_ the preparation and \_\_\_\_\_ of human dead bodies and the \_\_\_\_\_ of bodies dying from \_\_\_\_\_ or contagious diseases, and local \_\_\_\_\_ and sanitary \_\_\_\_\_ in relation to funeral directing. The examination shall be prepared and graded as prescribed by rule of the \_\_\_\_\_. The board may review and adopt, in whole or in part, examination \_\_\_\_\_, forms, examinations, and \_\_\_\_\_ criteria proposed by the American Board of Funeral Service Education, or a successor organization, and may use the uniform \_\_\_\_\_ conditions of the International Conference of Funeral Service Examining Boards, or other organization \_\_\_\_\_ by the board.

(b) The board shall examine applicants for a funeral director's license in all of the following subjects:

(1) Mortuary \_\_\_\_\_ and administration.

(2) \_\_\_\_\_ law.

(3) \_\_\_\_\_ accounting principles.

(4) Funeral \_\_\_\_\_.

(5) Other courses of instruction in \_\_\_\_\_ subjects as may be \_\_\_\_\_ by the board.

(c) All examination \_\_\_\_\_ shall be kept on file by the board for at least \_\_\_\_\_ years.

(d) To constitute a \_\_\_\_\_ grade, an applicant shall earn an average score of at least \_\_\_\_\_ percent.

(e) If the \_\_\_\_\_ is satisfied that an applicant has the requisite \_\_\_\_\_ to practice the occupation of funeral directing, a \_\_\_\_\_ shall be issued authorizing the \_\_\_\_\_ to practice such occupation until October 1 of that \_\_\_\_\_, at which time the license may be renewed as prescribed in this chapter.

**Section 34-13-74**

(a) When a \_\_\_\_\_ funeral director \_\_\_\_\_ leaving a licensed funeral business with no \_\_\_\_\_ funeral director, the surviving \_\_\_\_\_, or a surviving child of legal age, shall have the right to make application for \_\_\_\_\_ as a funeral director. The application shall be in \_\_\_\_\_, on a form prescribed by the board, and shall state the facts pertaining to the case. The board may \_\_\_\_\_ the applicant for the examination prescribed for funeral directors, in which event the requirements with respect to prior \_\_\_\_\_ and apprenticeship shall be \_\_\_\_\_.

(b) When a licensed funeral director dies leaving a licensed funeral business with no licensed funeral director, the board \_\_\_\_\_ issue a special \_\_\_\_\_ permit to the operator of such licensed funeral \_\_\_\_\_ for a period of 12 months, with the board having the right to extend the permit an additional reasonable time to afford such \_\_\_\_\_ the opportunity of obtaining a licensed funeral director for such business. The operator shall be required to pay a fee for the issuance of the special operating \_\_\_\_\_ in an amount not exceeding one \_\_\_\_\_ dollars .

(c) All \_\_\_\_\_ remains embalmed for a funeral establishment \_\_\_\_\_ under a special operating permit and all funeral \_\_\_\_\_ operations carried on under the permit shall be in conformance with all the requirements of this chapter which are not in \_\_\_\_\_ with this section.

**Section 34-13-90**

(a) No person shall follow, \_\_\_\_\_ in, or hold himself or herself out as \_\_\_\_\_ in the practice as an embalmer unless \_\_\_\_\_ to do so by the Alabama Board of Funeral Service. The board is granted \_\_\_\_\_ to issue licenses to embalmers.

(b) All persons shall \_\_\_\_\_ for examination in accordance with this chapter and shall be \_\_\_\_\_ as an embalmer only after due examination by the \_\_\_\_\_ and the payment of an examination and \_\_\_\_\_ fee to be established by the board, not to exceed five hundred dollars (\$500).

(c) In addition, the board shall \_\_\_\_\_ and charge a reasonable \_\_\_\_\_ fee, based on actual costs, for each applicant who \_\_\_\_\_ for an examination. In no event shall the fee exceed \_\_\_\_\_ dollars above the actual cost of preparing and administering such exam.

**Section 34-13-91**

The applicant for an \_\_\_\_\_ license shall make application to the board \_\_\_\_\_ shall present himself or herself at the next \_\_\_\_\_ of the board for the examination of

applicants. The application must be in \_\_\_\_\_ and \_\_\_\_\_ on a form provided by and addressed to the board and must be \_\_\_\_\_ by the prescribed fee and by \_\_\_\_\_ of at least \_\_\_\_\_ licensed embalmers to the effect that the applicant is of good moral character and has met all \_\_\_\_\_ required for examination for license as prescribed by this chapter.

**Section 34-13-92**

In order to qualify for a license as an embalmer, the applicant shall satisfy all of the following:

- (1) Be a citizen of the \_\_\_\_\_ States or legally present in this \_\_\_\_\_.
- (2) Be \_\_\_\_\_ 18 years of age.
- (3) Be of good \_\_\_\_\_.
- (4) Have completed a \_\_\_\_\_-year course of apprenticeship under an \_\_\_\_\_ or embalmers licensed and \_\_\_\_\_ in practice as an embalmer in this state, and shall have completed the required course of apprenticeship within a period of three \_\_\_\_\_ years, excluding time lost by \_\_\_\_\_ caused by the active duty of the applicant in the military service of the United States or its allies during war or national emergency, and excluding time lost by interruptions which the board deems \_\_\_\_\_ as caused by circumstances beyond the control of the \_\_\_\_\_.
- (5) Have \_\_\_\_\_ a course of instruction in an embalming school or \_\_\_\_\_ which has been \_\_\_\_\_ by the board as defined in Section 34-13-50.
- (6) Have completed the course of apprenticeship \_\_\_\_\_ more than two years before the date of \_\_\_\_\_, excluding time lost under the circumstances mentioned in subdivision (4).

**Section 34-13-93**

The board shall hold a \_\_\_\_\_ examination at least once each \_\_\_\_\_ for the purpose of examining applicants for \_\_\_\_\_ license, as prescribed in Section 34-13-22, at such time and \_\_\_\_\_ as the board may determine. Notice of the \_\_\_\_\_ and place of the meeting shall be sent to the various \_\_\_\_\_ by mail at least 15 days before the \_\_\_\_\_ or examination.

**Section 34-13-94**

- (a) The board shall examine applicants for an embalmer's license in all of the following subjects:
- (1) Mortuary management and \_\_\_\_\_.
  - (2) \_\_\_\_\_ medicine and toxicology.
  - (3) Public health, \_\_\_\_\_, and \_\_\_\_\_ science.

(4) Mortuary science, to include embalming \_\_\_\_\_, in all aspects; \_\_\_\_\_ of embalming, color \_\_\_\_\_; discoloration, its \_\_\_\_\_, effect, and treatment; \_\_\_\_\_ of special cases; \_\_\_\_\_ art; funeral management; and professional \_\_\_\_\_.

(5) Anatomy and \_\_\_\_\_.

(6) Chemistry, \_\_\_\_\_ and inorganic.

(7) \_\_\_\_\_.

(8) \_\_\_\_\_.

(9) \_\_\_\_\_ and hygiene.

(10) Public \_\_\_\_\_ regulations.

(11) Other courses of instruction in fundamental \_\_\_\_\_ as may be prescribed by the \_\_\_\_\_.

(b) All examination \_\_\_\_\_ shall be kept on \_\_\_\_\_ by the \_\_\_\_\_ for at least three years.

(c) To constitute a passing grade, an \_\_\_\_\_ shall earn an \_\_\_\_\_ score of at least 75 percent.

(d) The board \_\_\_\_\_ issue an embalmer's \_\_\_\_\_ to an applicant who \_\_\_\_\_ a passing grade on a recognized \_\_\_\_\_ embalmer's examination \_\_\_\_\_ by the board.

(e) If the \_\_\_\_\_ is satisfied that the applicant has the \_\_\_\_\_ qualifications to practice the \_\_\_\_\_ of embalming, a license shall be issued to him or her \_\_\_\_\_ him or her to practice such occupation until \_\_\_\_\_ 1 of that year, at which time the \_\_\_\_\_ may be renewed as prescribed in this chapter.

#### **Section 34-13-110**

Any person, \_\_\_\_\_, partnership, society or group \_\_\_\_\_ or operating a funeral \_\_\_\_\_ coming within the provisions of this chapter may do so \_\_\_\_\_ through the services of a \_\_\_\_\_ funeral director or embalmer. \_\_\_\_\_ person not \_\_\_\_\_ as a funeral director or embalmer shall be \_\_\_\_\_ to perform the \_\_\_\_\_ of a funeral director or embalmer as herein defined or hold himself or herself out to the \_\_\_\_\_ as such by reason of his or her \_\_\_\_\_ in a funeral establishment or by reason of his or her \_\_\_\_\_ of stock owned in or office held in a corporation to own or \_\_\_\_\_ a funeral establishment. After September 10, 1975, no firm or corporation authorized to own and operate a funeral establishment may \_\_\_\_\_ or amend its name or \_\_\_\_\_ so as to include in its firm or corporate name the name of any \_\_\_\_\_ who is not individually \_\_\_\_\_ as a funeral director in this state; provided, that the provisions of this sentence shall not be applicable to the

name of any firm or \_\_\_\_\_ owning or operating a funeral establishment on September 10, 1975, so long as such firm or corporation remains under the \_\_\_\_\_ ownership.

**Section 34-13-111**

(a) No \_\_\_\_\_ establishment or \_\_\_\_\_ thereof for the preparation, disposition, and \_\_\_\_\_ of dead human bodies shall be \_\_\_\_\_ or maintained unless dually \_\_\_\_\_ by the board. No \_\_\_\_\_ establishment or branch shall be \_\_\_\_\_ without obtaining a \_\_\_\_\_ funeral establishment \_\_\_\_\_ from the board.

(b) The board shall set a fee, not exceeding one \_\_\_\_\_ fifty dollars that shall be in \_\_\_\_\_ to the license fee for the \_\_\_\_\_ inspection of any funeral establishment seeking a \_\_\_\_\_ under Section 34-13-72 made for the purpose of determining whether such funeral establishment has fulfilled the \_\_\_\_\_ for licensure pursuant to this chapter. The \_\_\_\_\_ shall set a fee, not exceeding one hundred fifty dollars (\$150), for each \_\_\_\_\_ necessitated by failure of any funeral establishment to \_\_\_\_\_ such first inspection. The board, or a representative of the board, shall \_\_\_\_\_ conduct a minimum of one \_\_\_\_\_ inspection of funeral establishments and branches, with an inspection fee of not more than one hundred dollars (\$100). The inspection \_\_\_\_\_ shall be submitted to the board \_\_\_\_\_ 45 days \_\_\_\_\_ the inspection. Any funeral establishment that does not submit the inspection fee within \_\_\_\_\_ days shall be \_\_\_\_\_ a late penalty fee, as established by the board. A funeral establishment, or branch thereof, that is used for the \_\_\_\_\_, disposition, and care of \_\_\_\_\_ human bodies shall meet and conform to this chapter and to such other lawful standards and requirements as may be determined by rule of the \_\_\_\_\_ in furtherance of this chapter; and, for \_\_\_\_\_ to do so, the board may \_\_\_\_\_ such license in accordance with the procedure set forth in this chapter.

(c) Applications for \_\_\_\_\_ of a license to another \_\_\_\_\_ in the same \_\_\_\_\_ shall be made upon blanks furnished by the board and shall be accompanied by a fee of not more than \_\_\_\_\_ - \_\_\_\_\_ dollars. The fee for a \_\_\_\_\_ branch or location for a funeral establishment shall be \$\_\_\_\_\_. Any change in \_\_\_\_\_ shall be immediately \_\_\_\_\_ to the board.

**Section 34-13-112**

No application for a license of a funeral \_\_\_\_\_ shall be considered which does not show on the \_\_\_\_\_ that a licensed funeral director \_\_\_\_\_ licensed embalmer are \_\_\_\_\_ by the establishment. This section shall not be construed to require a \_\_\_\_\_ - \_\_\_\_\_ licensed embalmer at \_\_\_\_\_ funeral establishment. No funeral establishment shall be \_\_\_\_\_ except upon the basis of a \_\_\_\_\_ funeral director. All \_\_\_\_\_ must be performed under a \_\_\_\_\_ embalmer, but such licensed embalmer shall not be \_\_\_\_\_ from working for more than \_\_\_\_\_ funeral establishment.

No \_\_\_\_\_ funeral director, based upon whose license or licenses a funeral establishment license has been \_\_\_\_\_, may serve as the \_\_\_\_\_ employed licensed funeral director at \_\_\_\_\_ funeral establishment which is \_\_\_\_\_ by a different person, \_\_\_\_\_, or

corporation at the same time for the purpose of \_\_\_\_\_ such other establishment under this chapter.

It is hereby declared to be the legislative intent of this chapter that \_\_\_\_\_ funeral establishment in this state shall be \_\_\_\_\_ under the \_\_\_\_\_ charge, control, and \_\_\_\_\_ of an individually licensed funeral director or a person \_\_\_\_\_ both as a funeral director \_\_\_\_\_ as an embalmer; provided, that this section shall not preclude an \_\_\_\_\_ person from being in charge of the bookkeeping or \_\_\_\_\_ of such an establishment. The \_\_\_\_\_ of the licensed person to be in charge of each funeral establishment shall be \_\_\_\_\_ on the application for all \_\_\_\_\_ or renewal of such licenses.

The issuance of a license to \_\_\_\_\_ a funeral establishment to a \_\_\_\_\_ who is not individually \_\_\_\_\_ as a funeral director or embalmer does not \_\_\_\_\_ the person to \_\_\_\_\_ embalming or funeral directing, as defined by this chapter, it being the \_\_\_\_\_ of this chapter that such practice may be \_\_\_\_\_ only through individually licensed funeral directors and embalmers; and, in addition to all other grounds for \_\_\_\_\_ of a funeral establishment license as enumerated in this chapter, a funeral establishment \_\_\_\_\_ shall be \_\_\_\_\_ by the board upon hearing thereon if any \_\_\_\_\_, whether owner, officer, stockholder, or otherwise, who is connected with the funeral home shall \_\_\_\_\_ any of the \_\_\_\_\_ of a funeral director or embalmer as defined herein or shall hold himself or herself out as a funeral director.

**Section 34-13-113**

(a) Application for a license to \_\_\_\_\_ a funeral establishment shall be made in \_\_\_\_\_ on a form provided by the board. The application shall be \_\_\_\_\_ by the applicant or, if the applicant is a \_\_\_\_\_, firm, or other organization, by an officer or member thereof, and shall be accompanied by an application \_\_\_\_\_ established by the board not to exceed \_\_\_\_\_ hundred dollars. The application shall disclose \_\_\_\_\_ of the following:

- (1) The name and address of the \_\_\_\_\_.
- (2) That the establishment is \_\_\_\_\_ by a licensed funeral director \_\_\_\_\_ a licensed embalmer or a person licensed \_\_\_\_\_ as a funeral director and embalmer.
- (3) A description and \_\_\_\_\_ of the buildings, \_\_\_\_\_, and \_\_\_\_\_ of the establishment.
- (4) That the establishment has a sanitary, properly \_\_\_\_\_ embalming room, a room suitable for public \_\_\_\_\_ or other funeral services that is able to accommodate a \_\_\_\_\_ of 100 people, an \_\_\_\_\_ for arrangement conferences with relatives or authorized representatives, and a \_\_\_\_\_ room containing a stock of \_\_\_\_\_ caskets and funeral supplies displayed in full size, cuts, photographs, or electronic \_\_\_\_\_. At no time shall less than eight \_\_\_\_\_ adult full size caskets and at least \_\_\_\_\_ operating and properly licensed funeral \_\_\_\_\_ or hearse equipped for transporting human remains in a casket or \_\_\_\_\_ be \_\_\_\_\_ the premises.

(5) Such other information as may be required by the \_\_\_\_\_.

(b) Upon receipt of the application, the \_\_\_\_\_ shall make \_\_\_\_\_ of the funeral establishment. If the board determines that the establishment \_\_\_\_\_ the qualifications prescribed by law, it shall \_\_\_\_\_ a license to \_\_\_\_\_ a funeral establishment.

(c) Application for a \_\_\_\_\_ to operate a \_\_\_\_\_ service shall be made in writing on a \_\_\_\_\_ provided by the board. The application shall be verified by the \_\_\_\_\_ or, if the applicant is a corporation, firm, or other organization, by an officer or member thereof, and shall be \_\_\_\_\_ by an application \_\_\_\_\_ established by the board not to exceed five hundred dollars (\$500). The application \_\_\_\_\_ disclose all of the following:

(1) The name and \_\_\_\_\_ of the proposed mortuary service.

(2) That the mortuary service applicant is \_\_\_\_\_ by a \_\_\_\_\_ embalmer or a person licensed \_\_\_\_\_ as a funeral director and embalmer.

(3) A \_\_\_\_\_ and photographs of the \_\_\_\_\_, equipment, and facilities of the \_\_\_\_\_ service applicant.

(4) That the mortuary service applicant has a \_\_\_\_\_, properly equipped \_\_\_\_\_ room.

(5) Such other information as may be required by the board.

(d) Upon receipt of the application, the board shall make \_\_\_\_\_ of the premises of the mortuary service applicant. If the board determines that the \_\_\_\_\_ service applicant meets the \_\_\_\_\_ prescribed by \_\_\_\_\_, it shall issue a license to operate a mortuary service.

#### **Section 34-13-114**

(a) An \_\_\_\_\_ of a funeral establishment licensed under subsections (a) and (b) of Section 34-13-113 who desires to change the \_\_\_\_\_ of the \_\_\_\_\_ may have his or her license \_\_\_\_\_, in the changed name, upon \_\_\_\_\_ to the board and payment of a fee not exceeding seventy-five dollars (\$75).

(b) An operator of a \_\_\_\_\_ service licensed under subsections (c) and (d) of Section 34-13-113 who desires to \_\_\_\_\_ the name of the \_\_\_\_\_ service may have his or her license reissued, in the \_\_\_\_\_ name, upon application to the board \_\_\_\_\_ payment of a fee set by the board.

#### **Section 34-13-115**

(a) The \_\_\_\_\_ may revoke, suspend, or \_\_\_\_\_ to \_\_\_\_\_ a license issued to an \_\_\_\_\_ of a funeral establishment or mortuary service as provided in this chapter.

(b) If, upon a \_\_\_\_\_ made to it or otherwise, the \_\_\_\_\_ has reason to believe that the \_\_\_\_\_ of a funeral establishment or mortuary service has \_\_\_\_\_ to comply with this chapter or the regulations of the board, it shall conduct an \_\_\_\_\_. If it appears to the board that there is \_\_\_\_\_ ground to believe that the \_\_\_\_\_ has failed so to comply, it shall conduct a \_\_\_\_\_ on the matter. Notice of the time and place of the hearing, setting forth the respects in which failure to comply is \_\_\_\_\_, shall be sent to the operator no later than 15 days prior to the date set for the hearing. The operator may have the assistance of \_\_\_\_\_ at the hearing.

(c) If, upon the \_\_\_\_\_, the board finds that the \_\_\_\_\_ has \_\_\_\_\_ to comply with this chapter or the regulations of the board, it may \_\_\_\_\_, suspend, or \_\_\_\_\_ to renew the license.

#### **Section 34-13-116**

Any person, firm, partnership, society, group, or corporation who has \_\_\_\_\_ of a funeral home, mortuary, chapel, funeral \_\_\_\_\_, or mortuary service and fails to \_\_\_\_\_ same according to this chapter, upon \_\_\_\_\_, may be fined not less than \_\_\_\_\_ hundred dollars nor more than two thousand \_\_\_\_\_ hundred dollars for \_\_\_\_\_ violation, and each \_\_\_\_\_ that the funeral home, mortuary, chapel, funeral establishment, or mortuary service is \_\_\_\_\_ shall be deemed to be a \_\_\_\_\_ and distinct \_\_\_\_\_ of this chapter.

#### **Section 34-13-120**

(a) It shall be \_\_\_\_\_ for any person, \_\_\_\_\_, corporation, association, or \_\_\_\_\_ to operate a \_\_\_\_\_ or \_\_\_\_\_ cremation without the crematory being \_\_\_\_\_ as a funeral \_\_\_\_\_ in accordance with this chapter.

(b) Any funeral establishment \_\_\_\_\_ cremation services shall \_\_\_\_\_ by affidavit to the board that any \_\_\_\_\_ conducting cremations has received \_\_\_\_\_ and appropriate \_\_\_\_\_ or experience in the \_\_\_\_\_ of cremation.

(c) The board shall adopt and enforce \_\_\_\_\_ and \_\_\_\_\_ as may be reasonable and necessary for the \_\_\_\_\_ of crematories to protect the health, welfare, and \_\_\_\_\_ of the people of this state.

(d) The board shall \_\_\_\_\_ the \_\_\_\_\_ and \_\_\_\_\_ of any funeral establishment operating a crematory. In making inspections, the board shall have access to all \_\_\_\_\_, the crematory \_\_\_\_\_, the cremation \_\_\_\_\_ or furnaces, and the storage \_\_\_\_\_ for human remains before and after cremation, during regular office hours or the hours the crematory is in \_\_\_\_\_. No prior \_\_\_\_\_ of the inspection is \_\_\_\_\_ to be given to the funeral establishment. If any funeral establishment performing cremation services fails to \_\_\_\_\_ an inspection or any part thereof, it shall be grounds for the \_\_\_\_\_ or revocation of a \_\_\_\_\_ or other disciplinary action against the \_\_\_\_\_, as the board may deem reasonable and necessary to the extent of the \_\_\_\_\_. The board shall conduct \_\_\_\_\_ a minimum of one \_\_\_\_\_ inspection of each licensed funeral establishment \_\_\_\_\_ cremation services.

(e) Each funeral establishment performing cremation \_\_\_\_\_ shall keep \_\_\_\_\_ as required by the board to assure \_\_\_\_\_ with all laws relating to the \_\_\_\_\_ of human remains and shall file \_\_\_\_\_ with the board a \_\_\_\_\_ in the form prescribed by the board, describing the operations of the \_\_\_\_\_, including the \_\_\_\_\_ of cremations made, the disposition thereof, and any other information as the board may, from time to time, require.

(f) Each funeral \_\_\_\_\_ performing cremation services shall report to the board any \_\_\_\_\_ or inspections performed within \_\_\_\_\_ days of the maintenance or \_\_\_\_\_.

(g) A funeral establishment performing cremation services shall be subject to all \_\_\_\_\_, state, and \_\_\_\_\_ health and \_\_\_\_\_ protection \_\_\_\_\_ and shall obtain all necessary \_\_\_\_\_ and \_\_\_\_\_ from the Alabama Board of Funeral Service, the federal and state Departments of Health and Human Services, and the state and federal Environmental Protection Agencies, or other appropriate local, state, or federal agencies.

(h) No crematory facility \_\_\_\_\_ by the board may be used for the cremation of deceased \_\_\_\_\_.

**Section 34-13-121**

(a) \_\_\_\_\_ remains shall not be cremated within \_\_\_\_\_ hours after the time of \_\_\_\_\_, unless death was a result of an \_\_\_\_\_, contagious, or communicable \_\_\_\_\_ and unless the disease is verified and the time requirement \_\_\_\_\_ by a medical examiner, county health director, county \_\_\_\_\_, or attending physician where the \_\_\_\_\_ occurred.

(b) A cremation \_\_\_\_\_ form prescribed by the board shall be \_\_\_\_\_ by the authorizing agent and \_\_\_\_\_ accompany any \_\_\_\_\_ for cremation. A \_\_\_\_\_ of the cremation authorization shall be \_\_\_\_\_ with the body to the crematory \_\_\_\_\_ any cremation process may be \_\_\_\_\_.

(c) It shall be \_\_\_\_\_ to the family member serving as the authorizing agent that he or she, or his or her designee, may \_\_\_\_\_ the transportation of the human remains to be cremated to the crematory. Every funeral \_\_\_\_\_ performing cremation services that \_\_\_\_\_ relatives or the responsible party from \_\_\_\_\_ the cremation process shall \_\_\_\_\_ this fact in \_\_\_\_\_ to the person or persons entitled to custody of the remains \_\_\_\_\_ to the signing of any \_\_\_\_\_.

(d) An \_\_\_\_\_ agent has the duty to inform the funeral director of the \_\_\_\_\_ of a \_\_\_\_\_ or other potentially hazardous implant, including any toxic or \_\_\_\_\_ -type sealed \_\_\_\_\_ in the human remains. The \_\_\_\_\_ director shall be responsible for ensuring that all necessary steps have been taken to \_\_\_\_\_ the pacemaker \_\_\_\_\_ delivering the human remains to the \_\_\_\_\_. Should the cremationist discover the presence of a pacemaker or other hazardous implants in the human remains, the \_\_\_\_\_ shall arrange for the removal of the pacemaker or other \_\_\_\_\_ implant.

(e) The \_\_\_\_\_ cremation of the human remains of more than one person within the same \_\_\_\_\_, without the prior written \_\_\_\_\_ of the authorizing agent, is \_\_\_\_\_. It is hereby the declared intent of this subsection that establishments performing cremations in accordance with this chapter may \_\_\_\_\_ only dead \_\_\_\_\_ remains.

(f) Upon the \_\_\_\_\_ of each cremation, and insofar as is practicable, all of the \_\_\_\_\_ residue of the cremation process shall be \_\_\_\_\_ from the retort and \_\_\_\_\_ in a separate container and may not be \_\_\_\_\_ with cremated remains of another \_\_\_\_\_ nor shall \_\_\_\_\_ remains of a dead human be \_\_\_\_\_ or separated without the prior \_\_\_\_\_ consent of the \_\_\_\_\_ agent.

(g) Each funeral \_\_\_\_\_ which offers or performs cremations shall maintain an \_\_\_\_\_ system that ensures its ability to \_\_\_\_\_ the human remains in its possession \_\_\_\_\_ all \_\_\_\_\_ of the cremation process. Upon completion of the process, the \_\_\_\_\_ must attest to the \_\_\_\_\_ of the cremated remains, and the \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ the cremation process occurred on a form issued by the board. The form shall \_\_\_\_\_ the human remains in all phases of \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ of cremated remains.

(h) Each funeral establishment and cremationist which offers or performs cremations shall maintain a \_\_\_\_\_ of all cremations \_\_\_\_\_, which shall include the \_\_\_\_\_ of the decedent, the date of \_\_\_\_\_, the \_\_\_\_\_ and \_\_\_\_\_ of the cremation, the \_\_\_\_\_ of the cremationist performing the cremation, a \_\_\_\_\_ of the authorization for cremation, a copy of the \_\_\_\_\_ attesting to the cremation, and, if the cremation is performed for any other funeral establishment or entity, the \_\_\_\_\_ of this establishment or entity.

(i) \_\_\_\_\_ remains must be \_\_\_\_\_ to a crematory in a \_\_\_\_\_ cremation container. Human remains shall not be \_\_\_\_\_ from the cremation container and the cremation container shall be \_\_\_\_\_ with the human remains, unless the authorizing agent has been informed in writing that the crematory does not cremate \_\_\_\_\_ containers.

**Section 34-13-122**

(a) The authorizing \_\_\_\_\_ shall provide to the funeral establishment which the cremation arrangements are made a \_\_\_\_\_ statement specifying the ultimate \_\_\_\_\_ of the cremated \_\_\_\_\_, if known. A \_\_\_\_\_ of this statement shall be \_\_\_\_\_ by the funeral establishment offering or conducting the \_\_\_\_\_.

(b) Cremated remains shall be \_\_\_\_\_ only by a method that has an \_\_\_\_\_ tracing system available and that provides a \_\_\_\_\_ signed by the person \_\_\_\_\_ delivery.

(c) The authorizing agent is \_\_\_\_\_ for the \_\_\_\_\_ of the cremated remains. If, after \_\_\_\_\_ days from the date of \_\_\_\_\_, the authorizing agent or his or her representative has not \_\_\_\_\_ the ultimate disposition or \_\_\_\_\_ the cremated remains, the funeral establishment or entity in possession of the cremated remains may \_\_\_\_\_ of the cremated remains in a \_\_\_\_\_ and humane \_\_\_\_\_ and in accordance with any state, county, or

municipal laws or provisions regarding the disposal of \_\_\_\_\_ remains. A \_\_\_\_\_ of this disposition shall be made and \_\_\_\_\_ by the entity making the disposition. Upon disposing of \_\_\_\_\_ remains in accordance with this section, the funeral \_\_\_\_\_ or entity in possession of the cremated remains shall be \_\_\_\_\_ from any legal obligation or \_\_\_\_\_ concerning the cremated remains.

**Section 34-13-130**

(a) Every person desiring to engage as an apprentice shall make \_\_\_\_\_ as a funeral director's apprentice or an embalmer's apprentice to the board upon a form provided by the board. The application shall state that the applicant is over the age of \_\_\_\_\_, holds a high school certificate or the \_\_\_\_\_, or is currently enrolled and actively working toward graduation from an accredited high school and is of good \_\_\_\_\_ character. The application shall be verified by the \_\_\_\_\_ of applicant and be accompanied by a fee to be established by the board, not to exceed \_\_\_\_\_ dollars. The \_\_\_\_\_ secretary, whenever it appears to him or her that no reason exists for the \_\_\_\_\_ of an application and that the application is regular upon its face, may issue to the applicant a \_\_\_\_\_ of apprenticeship, without submitting the application to the board. If, however, any doubt exists as to the \_\_\_\_\_ of the applicant, the application shall be submitted to the \_\_\_\_\_ and may be accepted or rejected by a \_\_\_\_\_ of the board. The period of \_\_\_\_\_ of a funeral director's apprentice or an embalmer's apprentice must be performed in Alabama under the \_\_\_\_\_ of a funeral director or embalmer, respectively, \_\_\_\_\_ by the board.

(b) The regular course of apprenticeship shall be \_\_\_\_\_ years, but the apprentice is entitled to two weeks time off each year, without leave of absence from the board.

**Section 34-13-131**

A \_\_\_\_\_ of apprenticeship issued as provided for herein shall be signed by the apprentice and shall be renewable \_\_\_\_\_ upon the payment by the holder by \_\_\_\_\_ 1 of each year of an annual renewal fee to be established by the board, not to exceed \$ \_\_\_\_\_. Failure to pay the renewal fee by the \_\_\_\_\_ date of any year shall cause the certificate to become \_\_\_\_\_, in which case it shall be renewed only for good cause shown. No person may be granted a certificate of apprenticeship as funeral director's apprentice or embalmer's apprentice, respectively, for more than \_\_\_\_\_ years, excepting as provided. The board shall mail, on or before \_\_\_\_\_ 1 of each year, to each registered apprentice at his or her last \_\_\_\_\_ address, a notice that his or her renewal fee is due and payable and that, if not paid by October 1, his or her license will \_\_\_\_\_.

**Section 34-13-132**

All \_\_\_\_\_ registered as provided in this chapter shall be under the \_\_\_\_\_ and \_\_\_\_\_ of the board and shall be required to report to the board \_\_\_\_\_ on January 1, upon forms provided by the board, showing the work which such apprentices have performed during the \_\_\_\_\_ period preceding the first of the \_\_\_\_\_ on which the

report is made, including the number of \_\_\_\_\_ served and the number of \_\_\_\_\_ the apprentice has \_\_\_\_\_ in embalming or otherwise prepared for \_\_\_\_\_ during such period. The information contained in the report shall be \_\_\_\_\_ to as correct by the funeral \_\_\_\_\_ by whom the apprentice has been employed during such period.

**Section 34-13-134**

(a) The board has power to suspend or \_\_\_\_\_ a certificate of apprenticeship, after \_\_\_\_\_ and upon \_\_\_\_\_, where the apprentice is guilty of any of the following acts or omissions:

(1) Failure to devote not less than an average of \_\_\_\_\_ hours per week to the duties of his or her apprenticeship;

(2) \_\_\_\_\_ to make an \_\_\_\_\_ report to the board as required by this chapter;

(3) \_\_\_\_\_ from duty except on vacation for an aggregate of more than \_\_\_\_\_ days in any \_\_\_\_\_ months or 20 days in any year, without leave of absence granted by the board;

(4) Gross \_\_\_\_\_;

(5) Being on duty as an apprentice while under the influence of \_\_\_\_\_ or illegal \_\_\_\_\_;

(6) \_\_\_\_\_ of proper orders or instructions of his or her superiors;

(7) Violation of any \_\_\_\_\_ of this chapter or any rule or regulation of the board made under this chapter;

(8) \_\_\_\_\_ business for a funeral director or for any \_\_\_\_\_; or

(9) Fraud or \_\_\_\_\_ in \_\_\_\_\_ a certificate of registration as an apprentice.

(b) An apprentice who has allowed his or her certificate of apprenticeship to \_\_\_\_\_ or who has had his or her \_\_\_\_\_ of apprenticeship \_\_\_\_\_ or revoked may, within one year after such suspension or revocation, make application for registration but not more than \_\_\_\_\_ such registrations shall be allowed by the board. The board may, when the circumstances warrant, allow an apprentice \_\_\_\_\_ under a reregistration for time actually \_\_\_\_\_ under a previous registration; except, that if the previous registration has been suspended or revoked upon

any of the grounds set forth in subsection (a) of this section, not more than \_\_\_\_\_ percent of the time previously served shall be \_\_\_\_\_ on the reregistration.

**395-X-2-.01**

Anyone wishing to apply for \_\_\_\_\_ type of license with the Board, must do so on a \_\_\_\_\_ supplied by the Board. Said applicant must meet and comply with all \_\_\_\_\_ of Title 34, Chapter 13, Code of Ala. 1975, relating to \_\_\_\_\_ and application thereof. No application is considered valid unless it is submitted to and received by the \_\_\_\_\_ office. The passing score for any Board examination shall be \_\_\_\_\_ correct answers. The Board shall establish the beginning time of all \_\_\_\_\_ it administers. These examinations shall be completed within \_\_\_\_\_ minutes within said beginning time, as set by the Board, \_\_\_\_\_ of the length or number of sections of the examinations. In addition to the application fee, the Board shall charge each applicant an \_\_\_\_\_ fee of \$\_\_\_\_\_ for each funeral directing or embalming exam taken.

**395-X-2-.02**

All licenses expire each year on \_\_\_\_\_. Each license must be renewed on or before this date or it shall be considered \_\_\_\_\_ and may only be renewed by \_\_\_\_\_ of license and penalty fees and meeting all requirements for delinquent renewal as provided in Code of Ala. 1975, §34-13-55. \_\_\_\_\_ notices shall be mailed by the \_\_\_\_\_ office at least \_\_\_\_\_ days prior to the expiration date. Each \_\_\_\_\_ contains the expiration date and, therefore, failure to receive a renewal notice does \_\_\_\_\_ exempt a licensee from the \_\_\_\_\_ renewal of his/her license.

**395-X-2-.03**

Funeral Director Application Fee	\$ _____
Embalmer Application Fee	\$ _____
Apprentice Funeral Director / Apprentice Embalmer Application Fee	\$ _____
Funeral Establishment Application Fee	\$ _____
Funeral Director / Embalmer / Practical Embalmer Renewal Fee	\$ _____
Funeral Establishment Renewal Fee	\$ _____
Funeral Director Apprentice / Embalmer Apprentice Renewal Fee	\$ _____
Funeral Establishment Original Inspection Fee	\$ _____
Funeral Establishment Re-Inspection Fee	\$ _____
Funeral Establishment Annual Inspection Fee	\$ _____
Late Penalty for Past Due Inspection Fee	\$ _____
Funeral Establishment – License Transfer	\$ _____
Funeral Establishment New Branch or Location	\$ _____
Funeral Establishment – Reissued License Due to Name Change	\$ _____
Special Operating Permit	\$ _____
Late Renewal Fee or Lapsed Penalty	\$ _____
Reciprocity Licenses	\$ _____
Reciprocity Special Work Permit	\$ _____

**395-X-2-.04**

All \_\_\_\_\_ granted by the Board shall be on \_\_\_\_\_ display in a location of the establishment that is \_\_\_\_\_ restricted from the public \_\_\_\_\_.

**395-X-2-.05**

All \_\_\_\_\_ for original funeral director and/or embalmer \_\_\_\_\_ must successfully complete an examination on Alabama Funeral Service \_\_\_\_\_ and \_\_\_\_\_. A passing score shall be \_\_\_\_\_% correct answers. This examination shall be in \_\_\_\_\_ to any other examinations or tests.

**395-X-2-.06**

In the event that a \_\_\_\_\_ or state of emergency occur resulting in \_\_\_\_\_ casualties which overwhelms the \_\_\_\_\_ of funeral directors and embalmers of the affected community, \_\_\_\_\_ embalmers and funeral directors from other \_\_\_\_\_ may assist such local efforts in providing funeral directing and embalming services under the following conditions:

- (a) That the \_\_\_\_\_ related casualties \_\_\_\_\_ the capabilities of the local licensees;
- (b) That the disaster be \_\_\_\_\_ as such by the appropriate emergency \_\_\_\_\_ officials;
- (c) That the \_\_\_\_\_-of-state licensees be eligible for \_\_\_\_\_ licensure in Alabama;

(d) That the out-of-state licensees be \_\_\_\_\_ members of \_\_\_\_\_ mortuary teams;

(e) That the services provided by these \_\_\_\_\_ be limited for the \_\_\_\_\_ of servicing the disaster and that their service be under the \_\_\_\_\_ of Alabama \_\_\_\_\_;

(f) That only \_\_\_\_\_ licensed funeral directors may \_\_\_\_\_ death certificates relating to the \_\_\_\_\_.

**395-X-3.01**

Each \_\_\_\_\_ funeral director shall assist in conducting a \_\_\_\_\_ of \_\_\_\_\_ funerals each year of his/her apprenticeship; it being the specific intent of the Board that no person shall be \_\_\_\_\_ for funeral director licensure unless he/she has assisted in \_\_\_\_\_ a minimum of \_\_\_\_\_ funerals prior to application for licensure. Each apprentice funeral director shall maintain a \_\_\_\_\_ of said services containing the \_\_\_\_\_ of the deceased, \_\_\_\_\_ of service, and \_\_\_\_\_ of the supervising funeral director. Said record shall be \_\_\_\_\_ to the Board with the apprentice \_\_\_\_\_ report and forms shall be supplied to the \_\_\_\_\_ by the Board with the original application and each \_\_\_\_\_ notice thereafter.

**395-X-3.02**

Each apprentice \_\_\_\_\_ shall assist in embalming a minimum of \_\_\_\_\_ human dead bodies each year of his/her apprenticeship, it being the specific intent of the \_\_\_\_\_ that no person shall be approved for \_\_\_\_\_ licensure unless he/she has assisted in embalming a minimum \_\_\_\_\_ human dead bodies prior to \_\_\_\_\_ for licensure. Each apprentice embalmer shall maintain a \_\_\_\_\_ of said embalming, containing the name of the \_\_\_\_\_, date of \_\_\_\_\_, and signature of the \_\_\_\_\_ embalmer. Said record shall be submitted to the Board with the \_\_\_\_\_ annual report and \_\_\_\_\_ shall be supplied to the apprentice by the \_\_\_\_\_ with the original \_\_\_\_\_ and each renewal notice thereafter.

**395-X-3.03**

Title 34, \_\_\_\_\_, Code of Ala. 1975, \_\_\_\_\_ apprentice funeral director's period of apprenticeship to be under the \_\_\_\_\_ of a licensed funeral director. Title 34, Chapter 13, Code of Ala. 1975, requires apprentice embalmers' period of apprenticeship to be under the \_\_\_\_\_ of a licensed embalmer.

(2) Whenever an apprentice funeral director or \_\_\_\_\_ embalmer is performing any of the activities or duties of \_\_\_\_\_ funeral directors or embalmers, respectively, a \_\_\_\_\_ funeral director or licensed embalmer under whose \_\_\_\_\_ the apprentice funeral director or apprentice embalmer is performing the particular activity or duty, must:

(a) Be \_\_\_\_\_ on the \_\_\_\_\_ of the funeral \_\_\_\_\_ where the activities or duties are being \_\_\_\_\_;

- (b) Be readily \_\_\_\_\_ to \_\_\_\_\_ the apprentice.
- (3) In an apprentice funeral director or apprentice embalmer is \_\_\_\_\_ any of the activities or duties of \_\_\_\_\_ funeral directors or embalmers, respectively, and that work is \_\_\_\_\_ being performed on the \_\_\_\_\_ of the funeral establishment, a \_\_\_\_\_ funeral director or \_\_\_\_\_ embalmer under whose \_\_\_\_\_ the apprentice funeral director or apprentice embalmer is performing the particular activity or duty, must:
- (a) Be \_\_\_\_\_ on the \_\_\_\_\_ of the church, \_\_\_\_\_, chapel, auditorium, \_\_\_\_\_, or any other \_\_\_\_\_ where the activities or \_\_\_\_\_ are being performed;
- (b) Be \_\_\_\_\_ available to assist the \_\_\_\_\_.

**395-X-4.01**

Before a funeral \_\_\_\_\_ may open for business, an \_\_\_\_\_ of the \_\_\_\_\_ must be made by one of the Board's \_\_\_\_\_ or its members to verify that the establishment is in \_\_\_\_\_ with all rules and laws. The Board shall charge a fee of one \_\_\_\_\_ fifty dollars for the \_\_\_\_\_ inspection and one hundred fifty (150) dollars for any \_\_\_\_\_ necessitated by failure to meet minimum requirements in the first inspection.

**395-X-4.02**

The \_\_\_\_\_ shall inspect each funeral establishment at least \_\_\_\_\_ annually to ensure \_\_\_\_\_ operation of the establishments. The Board shall charge a fee of \_\_\_\_\_ dollars for each inspection conducted as provided in Code of Ala. 1975, §34-13-111(b). Said fees shall be \_\_\_\_\_ to the Board within \_\_\_\_\_ days of the \_\_\_\_\_. Inspection fees that are not received by the Board within forty-five (45) days will be \_\_\_\_\_ a late fee penalty of \_\_\_\_\_ dollars. Should an establishment be found to be \_\_\_\_\_ of state funeral service laws or regulations, the \_\_\_\_\_ may give the establishment a specified period of \_\_\_\_\_, to be set by the inspector, to correct the \_\_\_\_\_. Following the duration of such period, said \_\_\_\_\_ will be reinspected. Should the same violations \_\_\_\_\_, the establishment \_\_\_\_\_ will be notified to appear before the \_\_\_\_\_ to answer charges of violating state funeral service laws or \_\_\_\_\_. It is hereby declared to be the intent of the Board that such period of \_\_\_\_\_ and reinspection is left completely to the \_\_\_\_\_ of the investigator and should violations or \_\_\_\_\_ found on the initial inspection pose serious consequences, the investigator may request the establishment operator to \_\_\_\_\_ before the Board for such violations \_\_\_\_\_ providing period of compliance on \_\_\_\_\_.

**395-X-4.03**

Any person who feels that a \_\_\_\_\_ has committed an act which is in \_\_\_\_\_ of state laws or \_\_\_\_\_ to funeral service may make a \_\_\_\_\_ to the Board. The Board will only accept formal \_\_\_\_\_ complaints unless in the discretion of the Board

representative receiving the complaint, there is sufficient information supplied by an oral complaint to warrant further investigation. After a complaint is \_\_\_\_\_ and \_\_\_\_\_, the Board staff shall send a \_\_\_\_\_ of the complaint to the affected \_\_\_\_\_ by \_\_\_\_\_ mail. The licensee shall \_\_\_\_\_ the complaint in writing within \_\_\_\_\_ days. After receipt of the response from the licensee or lapse of 20 days, the Board may conduct an \_\_\_\_\_ into the charges. If an investigation is initiated, upon its \_\_\_\_\_, the \_\_\_\_\_, along with one \_\_\_\_\_ member and/or \_\_\_\_\_ counsel, shall review the \_\_\_\_\_ obtained to decide if an administrative \_\_\_\_\_ by the Board is necessary. If such hearing takes place, the Board and its staff shall inform the accused licensee and meet any other requirements as set forth in Title 34, Chapter 13, and Title 41, Chapter 22, Code of Ala. 1975, relating to \_\_\_\_\_ hearings. Should a \_\_\_\_\_ member be involved in the investigation or in deciding the necessity of a hearing, said member shall not \_\_\_\_\_ in hearing the merits of the case or the final decision process of the hearing.

**395-X-5.01**

The \_\_\_\_\_ will only accept \_\_\_\_\_, money orders, \_\_\_\_\_ checks, and cashier's checks as payment if the issuer has previously issued a \_\_\_\_\_ check to the Board. There will be a \$30.00 fee for any \_\_\_\_\_ or uncollectable check, in \_\_\_\_\_ to the original amount of the check. Personal or business checks will be accepted as long as the said checks are \_\_\_\_\_.

**395-X-6.01**

The \_\_\_\_\_ room of a funeral establishment shall have at least \_\_\_\_\_ approved embalming table, \_\_\_\_\_ embalming equipment, and \_\_\_\_\_ professional instruments necessary for embalming and the preparation of dead human bodies. The walls and floors shall be \_\_\_\_\_ for easy cleaning. The preparation room shall be equipped with \_\_\_\_\_ and cold running \_\_\_\_\_, a ventilation fan, container or receptacles for soiled linen or clothing, and devices for proper \_\_\_\_\_ and waste disposal. All contents or items shall be kept clean of \_\_\_\_\_ when not in use and at no time will the preparation room be used as a \_\_\_\_\_ area.

**395-X-6.02**

Each establishment shall have a \_\_\_\_\_ or display room for persons to view available funeral \_\_\_\_\_ or supplies. In addition to statutory requirements the display room shall be \_\_\_\_\_ and neatly arranged and shall contain a stock of \_\_\_\_\_ caskets and funeral supplies displayed in \_\_\_\_\_ size, cuts, photographs, or electronic images. At no time shall \_\_\_\_\_ than eight \_\_\_\_\_ adult full size caskets be on the \_\_\_\_\_

**395-X-6.03**

Each \_\_\_\_\_ shall have at least \_\_\_\_\_ public rest room. The rest room(s) shall have \_\_\_\_\_ floors and clean walls and also shall be equipped with \_\_\_\_\_ and \_\_\_\_\_ running water, roll or disposable \_\_\_\_\_, and necessary lighting for adequate

visibility. The rest room(s) shall not be used as a \_\_\_\_\_ area for mops, brooms, or any other items.

**395-X-6-.04**

The \_\_\_\_\_ of the establishment shall be maintained to assure that there are no \_\_\_\_\_ or \_\_\_\_\_ boards or \_\_\_\_\_ which would be subject to public \_\_\_\_\_. All outside \_\_\_\_\_ shall be screened, covered, or otherwise \_\_\_\_\_ to prevent the \_\_\_\_\_ of insects or rodents. Any openings between the \_\_\_\_\_ room and \_\_\_\_\_ areas shall be sealed to prevent \_\_\_\_\_ from escaping into such areas. All public areas should be maintained to present a clean and attractive appearance which includes the \_\_\_\_\_ and maintenance of all \_\_\_\_\_ and \_\_\_\_\_ which may have holes, scaling paint, or any other \_\_\_\_\_.

**395-X-6-.05**

The \_\_\_\_\_ and immediate \_\_\_\_\_ of the establishment should be maintained to assure that the premises be free of \_\_\_\_\_ and \_\_\_\_\_ and that all areas subject to public travel be free of \_\_\_\_\_ or other matter which could cause possible \_\_\_\_\_. All \_\_\_\_\_ or overhead covering shall be maintained to prevent any \_\_\_\_\_ to the interior of the establishment

**395-X-6-.06**

Each funeral establishment in the \_\_\_\_\_, beginning January 1, 1986, shall keep a \_\_\_\_\_ of each human dead body \_\_\_\_\_ at said establishment and shall \_\_\_\_\_ such record for a period of not \_\_\_\_\_ than \_\_\_\_\_ years. The record may be in simple \_\_\_\_\_ form, but shall contain the name of the \_\_\_\_\_, \_\_\_\_\_ of embalming, \_\_\_\_\_ embalming procedure \_\_\_\_\_ and \_\_\_\_\_, and the \_\_\_\_\_ of the embalmer. Said records may contain any additional information, at the discretion of the establishment, so long as it meets the aforementioned provisions. \_\_\_\_\_ records will be \_\_\_\_\_ during the annual \_\_\_\_\_ beginning fiscal year 1986-87.

**395-X-6-.07**

In addition to the \_\_\_\_\_ systems as provided in Section 22-19-5, Code of Ala. 1975, the Alabama Board of Funeral Service hereby provides that \_\_\_\_\_ ankle bracelets are deemed as an \_\_\_\_\_ method of \_\_\_\_\_ of dead human bodies in the possession or custody of a funeral \_\_\_\_\_ in this \_\_\_\_\_.