

**CERTIFICATION OF ADMINISTRATIVE RULES  
FILED WITH THE LEGISLATIVE SERVICES AGENCY  
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Tuesday, January 9, 2024, and filed with the agency secretary on Tuesday, January 9, 2024.

**AGENCY NAME:** Alabama Board of Funeral Service

**INTENDED ACTION:** Amend

**RULE NO.:** 395-X-1-.01

(If amended rule, give specific paragraph, subparagraphs, etc., being amended) **Paragraph 1. Adding subparagraphs 2A and 2B**

**RULE TITLE:** Organization

**ACTION TAKEN:** State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

**Adopted without changes.** No comments were received .

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLII, ISSUE NO. 2, AAM,  
DATED THURSDAY, NOVEMBER 30, 2023.

**STATUTORY RULEMAKING AUTHORITY:** 34-13-20, 34-13-21, 34-13-23,  
34-13-26, 34-13-27

(Date Filed)  
(For LRS Use Only)

**REC'D & FILED**  
JAN 17, 2024  
**LEGISLATIVE SVC AGENCY**

*Charles M. Perine*

Charles Perine

Certifying Officer or his or her  
Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

**395-X-1-.01      Organization.**

The Alabama Board of Funeral Services is made up of fourteen total members, eleven of whom are professional members appointed by the Governor and three of whom are consumer members appointed by the Lieutenant Governor or Speaker of the House. The Board consists of two divisions, a Funeral Division (composed of seven professional members who hold licenses as funeral directors or embalmers and two consumer members) and a Preneed Division (composed of four professional members who hold licenses as preneed sales agents and one consumer member).

(2) The Board officers consist of chair, vice chair, treasurer, and secretary. These positions shall be filled by the Board during the first meeting immediately following the appointment each year.

(a) A Board officer shall preside over any meeting of the Board or of a Division of the Board in order of precedence listed above.

(b) If a Division of the Board does not include an officer of the Board among its membership, then that Division may select a presiding member from its own membership.

**Author:** Charles M. Perine

**Statutory Authority:** Code of Ala. 1975, §§34-13-20, 34-13-21, 34-13-23, 34-13-26, 34-13-27.

**History:** **Amended:** Filed August 9, 1985. **Amended:** Filed January 30, 2012; effective March 5, 2012. **Amended:** Filed September 12, 2017; effective October 27, 2017. **Amended:** Published January 31, 2024; effective March 16, 2024.

APA-3

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**AGENCY NAME:** Alabama Board of Funeral Service

**INTENDED ACTION:** Amend

**RULE NO.:** 395-X-1-.02

(If amended rule, give specific paragraph, subparagraphs, etc., being amended) **Subparagraphs: 1(a), 2(a), 2(b), 3, and 4. New 1(a)(i), 1(a)(ii), 1(a)(iii)**

**RULE TITLE:** Nomination And Appointment

**ACTION TAKEN:** State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

**Adopted without changes.** No comments received

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLII, ISSUE NO. 2, AAM,  
DATED THURSDAY, NOVEMBER 30, 2023.

**STATUTORY RULEMAKING AUTHORITY:** Code of Ala. 1975, §§ 34-13-20,  
34-13-21, 34-13-26, 34-13-27.

(Date Filed)  
(For IRS Use Only)  
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JAN 17, 2024  
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(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

**395-X-1-.02          Nomination And Appointment.**

(1) Professional Members.

(a) In October of each year in which the term of a professional member of the Board is scheduled to expire, a meeting shall be held in Montgomery for the purpose of nominating eligible candidates to serve on the Board as a professional member. Three nominees for each position shall be selected and their names submitted to the Governor.

- i. At each meeting, only one licensed funeral director or licensed embalmer employed by each funeral establishment may vote to nominate candidates to serve as a professional member of the Board for the Funeral Division.
- ii. At each meeting, only one licensed preneed sales agent employed by each certificate of authority holder may vote to nominate candidates to serve as a professional member of the Board for the Preneed Division.
- iii. For each position to be voted upon, no licensee can vote on behalf of more than one funeral establishment or certificate of authority holder, or otherwise vote more than once.

(2) Consumer Members

(a) Two consumer members shall be appointed by the Lieutenant Governor and one consumer member shall be appointed by the Speaker of the House using their own discretion.

(b) No consumer member may reside in the same district created by Ala. Code § 34-13-21 as any other consumer member.

(3) Members appointed to fill a vacancy that will be created by an expiring term are sworn in at the first regular meeting following December 31 of the year in which the previous term expires. If an appointment is not made before the expiration of the term of a board member, then the board member may continue to serve until a successor has been appointed.

(4) A vacancy on the Board in any unexpired term may be filled by appointment of the appointing authority for the remainder of such unexpired term.

**Author:** Charles M. Perine

**Statutory Authority:** Code of Ala. 1975, §§34-13-20, 34-13-21, 34-13-26, 34-13-27.

**History:** **Amended:** Filed August 9, 1985. **Amended:** Filed January 30, 2012; effective March 5, 2012. **Amended:** Filed June 6, 2014; effective July 11, 2014. **Amended:** Filed September 12, 2017; effective October 27, 2017. **Amended:** Published January 31, 2024; effective March 16, 2024.

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**AGENCY NAME:** Alabama Board of Funeral Service

**INTENDED ACTION:** Amend

**RULE NO.:** 395-X-2-.01

(If amended rule, give specific paragraph, subparagraphs, etc., being amended) **New Paragraph and subparagraphs: 5, 5(a), 5(b), 6, 6(a), 6(a)(i), 6(a)(ii), 6(a)(iii), 6(a)(iv), 6(b)**

**RULE TITLE:** Application For License

**ACTION TAKEN:** State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

**Adopted without changes.** No Comments Received

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLII, ISSUE NO. 2, AAM,  
DATED THURSDAY, NOVEMBER 30, 2023.

**STATUTORY RULEMAKING AUTHORITY:** Code of Ala. 1975, §§ 34-13-26,  
34-13-27, 34-13-73(c), 34-13-94(c),  
34-13-113, 34-13-190(c)(2).

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(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

**395-X-2-.01      Application For License.**

Anyone wishing to apply for any type of license, registration, or certification that is issued by the Board, must:

(1) Apply on a form supplied by the Board. Said applicant must meet and comply with all provisions of Title 34, Chapter 13, Code of Ala. 1975, relating to licensure and application thereof. No application is considered valid unless it is submitted to and received by the Board office.

(2) The passing score for any Board examination shall be either a scaled score of 75 or an average score of 75 percent, as determined by the scoring method used by the administering entity.

(3) The Board shall establish the beginning time of all examinations it administers. These examinations shall be completed within 210 minutes within said beginning time, as set by the Board, regardless of the length or number of sections of the examinations.

(4) In addition to the application fee, the Board shall charge each applicant an examination fee of \$100.00 for each funeral directing or embalming exam taken.

(5) Any application to the Board for a license, certificate, or registration made on behalf of a sole proprietorship, firm, corporation, partnership, joint venture, or limited liability company for a certificate of authority to sell preneed contracts shall be sworn to by each:

a. Owner, partner, member, shareholder, and/or other principal of such entity controlling a 10% or greater interest in the entity; and

b. Any other individual(s) or officer(s) as may be needed to legally bind the entity.

(6) All individuals identified in subsection (5) must also include the following information for each such individual with their application:

a. A form, prescribed by the board and sworn to by the applicant, that contains their:

i. Name

ii. Date of Birth

iii. Social Security Number

iv. Two complete sets of fingerprints

b. The information submitted in subsection (6)(a) will be used to complete a criminal history background check.

**Author:** Charles M. Perine

**Statutory Authority:** Code of Ala. 1975, §§34-13-26, 34-13-27, 34-13-73(c), 34-13-94(c), 34-13-113, 34-13-190(c)(2).

**History: Amended:** Filed August 9, 1985; August 8, 1986 (rule title changed from "Application of License" to "Application for License"); August 7, 1991. **Amended:** Filed August 10, 2004; effective September 14, 2004. **Amended:** Filed January 30, 2012; effective March 5, 2012. **Amended:** Filed September 12, 2017; effective October 27, 2017. **Amended:** Published July 29, 2022; effective September 12, 2022. **Amended:** Published January 31, 2024; effective March 16, 2024.