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[Title 17. Professions, Occupations, and Businesses](#)

[Subtitle 2. Nonmedical Professions \(Chapters 10 to 79\)](#)

[Chapter 29. Embalmers, Funeral Directors, and Funeral Establishments](#)

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A.C.A. T. 17, Subt. 2, Ch. 29, Subch. 3, Refs & Annos

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A.C.A. T. 17, Subt. 2, Ch. 29, Subch. 3, Refs & Annos, AR ST T. 17, Subt. 2, Ch. 29, Subch. 3, Refs & Annos

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A.C.A. § 17-29-301

§ 17-29-301. Embalmers--Qualifications

Effective: July 1, 2018

[Currentness](#)

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

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

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

(3) Be a graduate of a school of mortuary science that is accredited by the American Board of Funeral Service Education or approved by the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services;

(4) Make a written application to the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services attaching the fee as prescribed by the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services;

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

(6) Take and pass both parts of the National Board Examination, if required by the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services;

(7)(A) Take and pass an examination approved by the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services that covers:

(i) Arkansas law; and

(ii) Rules deemed necessary by the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services.

(B) To be eligible to take the examination under subdivision (a)(7)(A) of this section, an applicant shall be an active apprentice who is currently registered with the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services; and

(8)(A) Undergo and pass a criminal background check conducted by the Department of Arkansas State Police.

(B) The State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services may charge and collect a processing fee in an amount necessary to recover the cost imposed by the department for the criminal background check under subdivision (a)(8)(A) of this section.

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

(2)(A) This apprenticeship shall be registered with the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services on applications provided by the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services.

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

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

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

(c) The State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services may suspend or revoke the apprenticeship of an applicant who violates a provision under this subchapter.

Credits

Acts of 1983, Act 325, §§ 4, 5; [Acts of 1997, Act 839, § 3](#); [Acts of 1999, Act 1138, § 2, eff. July 30, 1999](#); [Acts of 2001, Act 792, § 1, eff. Aug. 13, 2001](#); [Acts of 2003, Act 367, § 1, eff. July 16, 2003](#); [Acts of 2015, Act 1095, §§ 14, 15, eff. July 22, 2015](#); [Acts of 2017, Act 788, § 6, eff. July 1, 2018](#).

Formerly A.S.A. 1947, §§ 71-904, 71-905.

A.C.A. § 17-29-301, AR ST § 17-29-301

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A.C.A. § 17-29-302

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

Effective: July 28, 2021

[Currentness](#)

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

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

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

(3)(A) Have served as an apprentice funeral director for not less than eighteen (18) months in the State of Arkansas under the direct personal supervision of an Arkansas-licensed funeral director.

(B) Completion of the requirement to be a graduate of a school of embalmers as set forth in [§ 17-29-301\(a\)\(3\)](#) may be substituted for six (6) of the eighteen (18) months' apprenticeship established in this section;

(4) Make application to the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services and attach the fee;

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

(B) To be eligible to take the examination under subdivision (a)(5)(A) of this section, an applicant shall be an active apprentice who is currently registered with the board; and

(6)(A) Undergo and pass a criminal background check conducted by the Division of Arkansas State Police.

(B) The board may charge and collect a processing fee in an amount necessary to recover the cost imposed by the division for the criminal background check under subdivision (a)(6)(A) of this section.

(b)(1)(A) A person desiring to engage in the business of funeral directing in this state shall serve an apprenticeship in this state for at least eighteen (18) months.

(B) An apprentice shall:

(i) Register with the board on forms provided by the board and by attaching the fee as prescribed by the board;

(ii) Upon registration with the board, be supervised by a funeral director licensed by the board;

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

(iv)(a) By the tenth day of the following month, file with the board individual case reports of services arranged by the apprentice.

(b) A case report under subdivision (b)(1)(B)(iv)(a) of this section shall be signed by the apprentice and the licensed funeral director under whose supervision the work was performed.

(2) Before an apprenticeship under this section begins, a licensed funeral director who is supervising an apprenticeship shall record a notice of the apprenticeship with the board.

(3) The board may suspend or revoke an apprenticeship under this section for a violation of this subchapter or [§ 23-61-1101 et seq.](#)

(4) A person who is currently in an apprenticeship under this section shall be subject to the provisions in this section concerning an apprenticeship as determined by rules of the board.

(c)(1) The board shall require applicants for licensure as funeral directors to successfully complete up to twenty (20) hours of classroom instruction in funeral service practices and ethics, laws, and rules affecting funeral service.

(2) As used in subdivision (c)(1) of this section, “classroom instruction” means instruction that is delivered:

(A) On-site or that requires the attendee to be at the same physical location as the instructor; or

(B) By any virtual method through remote communication, including audio-only or audio-and-video instruction that is delivered digitally.

(3) Only courses of instruction approved by the board shall satisfy the requirement under subdivision (c)(1) of this section.

Credits

Acts of 1983, Act 325, §§ 4, 5; Acts of 1989, Act 106, § 4; [Acts of 1999, Act 1138, § 3, eff. July 30, 1999](#); [Acts of 2003, Act 367, § 2, eff. July 16, 2003](#); [Acts of 2015, Act 1095, §§ 16, 17, eff. July 22, 2015](#); [Acts of 2017, Act 788, § 7, eff. July 1, 2018](#); [Acts of 2021, Act 396, §§ 1, 2, eff. July 28, 2021](#).

Formerly A.S.A. 1947, §§ 71-904, 71-905.

A.C.A. § 17-29-302, AR ST § 17-29-302

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A.C.A. § 17-29-303

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

Effective: July 1, 2018

[Currentness](#)

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

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

(c) The certificate shall be signed by a member of the board and shall have the official seal affixed.

(d) A license or certificate issued by the board under this section shall be displayed at each place of business of the licensee.

Credits

Acts of 1983, Act 325, § 4; [Acts of 2015, Act 1095, §§ 18, 19, eff. July 22, 2015](#); [Acts of 2017, Act 788, § 8, eff. July 1, 2018](#).

Formerly A.S.A. 1947, § 71-904.

A.C.A. § 17-29-303, AR ST § 17-29-303

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A.C.A. § 17-29-304

§ 17-29-304. Requirements for funeral establishment

Effective: July 24, 2019

[Currentness](#)

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

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

(A) Accurately reflect the name and location of the funeral establishment on file with the board;

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

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

(3) A funeral establishment shall:

(A) Establish a permanent place of business;

(B) Maintain a working telephone number for the funeral establishment;

(C) Maintain working public utilities, including without limitation running water, electricity, and a functioning heating and cooling system; and

(D) Ensure that the interior of the funeral establishment is protected from exposure to outside elements.

(4) A funeral establishment may display a sign at each location of the funeral establishment that indicates the registered name of the funeral establishment that is on file with the board.

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

- (i) Is a licensed funeral director;
- (ii) Actively supervises the staff of the establishment; and
- (iii) Is not employed by a nonaffiliated funeral establishment.

(B) A funeral establishment shall:

- (i) Be open for business and available for inspection by the board during normal business hours; and
- (ii) Post conspicuously its hours of operation on the premises of the funeral establishment.

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

- (A) Is reasonably accessible to the branch of the funeral establishment; and
- (B) Resides within fifty (50) miles of the branch of the funeral establishment.

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

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

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

- (A) Sanitary floors, walls, and ceilings that are constructed from a washable surface;
- (B) Adequate sanitary drainage and disposal facilities, including hot and cold running water;
- (C) An exhaust system that provides proper ventilation according to the standards and regulations of the United States Occupational Safety and Health Administration for the prevention of the spread of contagious, infectious, or communicable diseases;

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

(E) Privacy coverings on doorways and windows that prevent viewing of the preparation room and the contents of the preparation room;

(F) A functional lock that prevents unauthorized entrance to the preparation room;

(G) A biohazard waste disposal system that complies with [§ 20-32-101 et seq.](#) and rules established by the Department of Health concerning the segregation, packaging, storage, transportation, treatment, and disposal of commercial medical waste from healthcare-related facilities; and

(H) Other requirements established by rule of the board.

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

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

(g) A funeral establishment shall:

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

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

(3) Maintain proper care and maintenance of the interior and exterior of the funeral establishment;

(4) Maintain the interior and exterior of the funeral establishment in a manner that does not present a potential or actual hazard to the health, safety, or welfare of the public; and

(5)(A) Maintain at least one (1) refrigeration unit or have access to a refrigeration unit within a reasonable time after death as determined by rule of the board.

(B) Accessibility to a refrigeration unit by a funeral establishment shall be reported as determined by rule of the board.

(C) A multi-unit funeral establishment enterprise is required to maintain at least one (1) refrigeration unit or have access to a refrigeration unit within a reasonable time after death as determined by rule of the board.

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

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

(2) The board shall develop and promulgate rules requiring sufficient and appropriate minimum levels of general liability insurance coverage for licensed funeral establishments.

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

(k) Multiple funeral establishments are not permitted to share the same physical location without the prior approval of the board.

Credits

Acts of 1983, Act 325, § 4; [Acts of 1999, Act 1138, § 4, eff. July 30, 1999](#); [Acts of 2003, Act 367, § 3, eff. July 16, 2003](#); [Acts of 2011, Act 874, § 2, eff. July 27, 2011](#); [Acts of 2015, Act 1095, §§ 20 to 24, eff. July 22, 2015](#); [Acts of 2017, Act 788, §§ 9 to 12, eff. July 1, 2018](#); [Acts of 2019, Act 697, § 1, eff. July 24, 2019](#).

Formerly A.S.A. 1947, § 71-904.

A.C.A. § 17-29-304, AR ST § 17-29-304

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A.C.A. § 17-29-305

§ 17-29-305. Funeral establishment licensure

Effective: July 1, 2018

[Currentness](#)

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

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

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

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

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

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

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

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

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

Credits

Acts of 1983, Act 325, § 4; [Acts of 1997, Act 839, § 4](#); [Acts of 1999, Act 1138, § 5, eff. July 30, 1999](#); [Acts of 2011, Act 874, § 3, eff. July 27, 2011](#); [Acts of 2015, Act 1095, §§ 25, 26, eff. July 22, 2015](#); [Acts of 2017, Act 788, § 13, eff. July 1, 2018](#).

Formerly A.S.A. 1947, § 71-904.

A.C.A. § 17-29-305, AR ST § 17-29-305

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A.C.A. § 17-29-306

§ 17-29-306. Renewal

Effective: July 1, 2018

Currentness

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

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

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

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

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

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

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

Credits

Acts of 1983, Act 325, §§ 4, 7; [Acts of 1997, Act 839, § 5](#); [Acts of 2011, Act 874, § 4, eff. July 27, 2011](#); [Acts of 2015, Act 1095, § 27, eff. July 22, 2015](#); [Acts of 2017, Act 788, § 14, eff. July 1, 2018](#).

Formerly A.S.A. 1947, §§ 71-904, 71-907.

A.C.A. § 17-29-306, AR ST § 17-29-306

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A.C.A. § 17-29-307

§ 17-29-307. Revocation

Effective: July 1, 2018

[Currentness](#)

(a) The State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services may refuse to renew, or may suspend or revoke, a license issued under this subchapter if it finds, after a hearing, that a person or a funeral establishment licensed under this subchapter does not meet any requirement under this subchapter or [§ 23-61-1101 et seq.](#)

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

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

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

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

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

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

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

(2) A suspension of a license under subdivision (d)(1) of this section shall not exceed sixty (60) days without a hearing.

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

Credits

Acts of 1983, Act 325, § 4; [Acts of 2015, Act 1095, § 28, eff. July 22, 2015](#); [Acts of 2017, Act 788, § 15, eff. July 1, 2018](#).

Formerly A.S.A. 1947, § 71-904.

A.C.A. § 17-29-307, AR ST § 17-29-307

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A.C.A. § 17-29-308

§ 17-29-308. Grandfather clause

Effective: July 1, 2018

[Currentness](#)

A person currently holding an embalmer's license or a funeral director's license or any funeral establishment holding a license on March 3, 1983, shall not be required to make application for, or submit to, an examination, but shall be entitled to a renewal of such a license, upon the same terms and conditions as are herein provided for the renewal of licenses of those who may be licensed after March 3, 1983, and such rules as the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services may adopt under this subchapter and [§ 23-61-1101 et seq.](#)

Credits

Acts of 1983, Act 325, § 9; [Acts of 2017, Act 788, § 16, eff. July 1, 2018.](#)

Formerly A.S.A. 1947, § 71-909.

A.C.A. § 17-29-308, AR ST § 17-29-308

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A.C.A. § 17-29-309

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

Effective: July 1, 2018

[Currentness](#)

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

Credits

Acts of 1983, Act 325, § 9; [Acts of 2015, Act 1095, § 29, eff. July 22, 2015](#); [Acts of 2017, Act 788, § 17, eff. July 1, 2018](#).

Formerly A.S.A. 1947, § 71-909.

A.C.A. § 17-29-309, AR ST § 17-29-309

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[Title 17. Professions, Occupations, and Businesses \(Refs & Annos\)](#)

[Subtitle 2. Nonmedical Professions \(Chapters 10 to 79\)](#)

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A.C.A. § 17-29-310

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

Effective: July 1, 2018

[Currentness](#)

- (a) A person holding a valid license as an embalmer or funeral director in another state, United States territory, or provincial authority for an appropriate time as determined by the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services may apply for a license to practice in this state as an embalmer or a funeral director, or both.
- (b)(1) An application shall be made by filing with the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services a certified statement from the secretary of the examining board of the state, United States territory, or provincial authority in which the applicant holds his or her license, showing the basis upon which the license was issued.
- (2) Upon receipt of the application and fee, the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services may issue a temporary working number that is valid for one (1) year from the date of issuance.
- (c)(1) To obtain a license, the applicant shall pass an exam to prove his or her proficiency, including without limitation knowledge of the laws and rules of this state pertaining to funeral service.
- (2) An applicant may take the examination at one of the regularly scheduled examination sessions as determined by the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services.
- (3) If the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services is satisfied with the proficiency of the applicant, upon receipt of the fees prescribed by the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services, a license may be granted.
- (4) Failure to meet testing requirements shall result in revocation of the temporary working number, and the applicant shall reapply and pay the reapplication fee prescribed by the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services to be licensed under this subchapter.

Credits

Acts of 1983, Act 325, § 6; [Acts of 1997, Act 839, § 6](#); [Acts of 1999, Act 1138, § 6, eff. July 30, 1999](#); [Acts of 2015, Act 1095, § 30, eff. July 22, 2015](#); [Acts of 2017, Act 788, § 18, eff. July 1, 2018](#).

Formerly A.S.A. 1947, § 71-906.

A.C.A. § 17-29-310, AR ST § 17-29-310

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A.C.A. § 17-29-311

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

Effective: July 24, 2019

[Currentness](#)

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

- (1) Conviction of a felony listed under [§ 17-3-102](#);
- (2) Misrepresentations made or fraud committed as a holder of a license;
- (3) False or misleading advertising;
- (4) Solicitation of dead human bodies by the licensee, his or her agents, assistants, or employees, whether the solicitation occurs after death or while death is impending, provided that this prohibition shall not be deemed to prohibit general advertising;
- (5) Employment directly or indirectly of an apprentice, agent, assistant, employee, or other person on a part-time or full-time basis or on a commission for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral establishment;
- (6) The direct or indirect payment or offer of payment of a commission by the licensee, his or her agents, assistants, or employees for the purpose of securing business;
- (7) Allowing a person who is not licensed under this subchapter to execute a contract for funeral arrangements;
- (8) Aiding or abetting an unlicensed person to practice embalming or funeral directing;
- (9) Violation of any provision of this subchapter and [§ 17-29-201 et seq.](#);

- (10) Violation of any state law or rule or of any municipal or county ordinance or regulation affecting the handling, custody, care, transportation, or final disposition of dead human bodies;
 - (11) Fraud or misrepresentation in obtaining or renewing a license;
 - (12) Refusing to properly release a dead human body to the custody of the person or entity having the legal right to effect such a release if all other applicable laws and rules have been followed by the holder of the license;
 - (13) Willful failure to secure a permit for the removal or burial or other disposition of a dead human body;
 - (14) Knowingly making a false statement on a certificate of death;
 - (15) Violations of applicable law or rules with regard to prearranged or prepaid funeral services or funeral merchandise. However, the proper regulatory agency for prearranged or prepaid funeral services or funeral merchandise shall have determined that such a violation has occurred;
 - (16) Discriminating in services because of race, creed, color, or national origin;
 - (17) Failure to meet continuing education requirements; or
 - (18) Failure to answer a complaint within the fifteen-day time period.
- (b) A routine sale of a prearranged or a prefinanced funeral or of funeral merchandise in the ordinary course of business is not a violation of subdivisions (a)(4)-(7) of this section.
- (c) No person licensed pursuant to this subchapter shall remove or embalm a dead human body when he or she has information indicating crime or violence of any sort in connection with the cause of death until permission of the coroner or medical examiner, or some other fully qualified person acting in such a capacity if there is no coroner or medical examiner, has first been obtained.
- (d) A public officer or employee, the official of any public institution, any physician or surgeon, or any other person having a professional relationship with a decedent shall not send or cause to be sent to a funeral establishment or to a person licensed under this subchapter the remains of any deceased person without having first made due inquiry as to the desires of the authorizing agent or agents.
- (e) It shall be unlawful for any person, partnership, corporation, or association that has not been licensed or registered as specified in this subchapter to transact, practice, or hold himself or herself or itself out as transacting or practicing embalming or funeral directing or operating or maintaining a funeral establishment within this state.

(f)(1) A dead human body that is not buried or otherwise disposed of within an allotted time as determined by rule of the board shall be embalmed or stored under refrigeration as determined by the Department of Health or its successor or successors concerning the preservation of bodies.

(2)(A) When taking custody of the dead human body under this subchapter or [§ 23-61-1101 et seq.](#) or when the dead human body is stored under refrigeration as determined by the department, a funeral establishment or crematory shall maintain the dead human body in a manner that provides for complete coverage of the dead human body and prevents leakage or spillage by properly storing the dead human body in a refrigeration or preparation room at all times except during:

(i) Identification, embalming, or preparation of an unembalmed dead human body for final disposition;

(ii) Restoration and dressing of a dead human body in preparation for final disposition; or

(iii) Viewing during a visitation or funeral service.

(B) The funeral establishment or crematory shall treat the dead human body with dignity and respect as determined by rule of the board.

(3)(A) If a funeral establishment or crematory is unable to secure or store a dead human body as required under subdivision (f)(1) of this section due to an unforeseen circumstance, the funeral establishment or crematory shall transfer the dead human body and notify the board and the person or entity having the legal right to arrange for the final disposition of the dead human body.

(B) The notice required under subdivision (f)(3)(A) of this section shall:

(i) Be provided within twenty-four (24) hours after the occurrence of the unforeseen circumstance; and

(ii) Include the:

(a) Name and location of the facility where the dead human body is being transferred;

(b) Reason for the transfer; and

(c) Method of storage.

(4) A dead human body shall not be embalmed or artificially preserved without:

(A) The express permission of a person or entity with the legal right to arrange for the final disposition of the dead human body under the Arkansas Final Disposition Rights Act of 2009, [§ 20-17-102](#); or

(B) A court order.

(5) A funeral establishment or crematory shall not store a dead human body until final disposition at a funeral establishment or crematory without a license under this subchapter or [§ 23-61-1101 et seq.](#)

(6) A funeral establishment, crematory, or transport service of human remains licensed under this subchapter shall not transport or store a dead human body together with animal remains in the same confined space.

(g) It shall be unlawful and a violation of this subchapter and [§ 23-61-1101 et seq.](#) to transport or otherwise transfer by common carrier a dead human body out of the State of Arkansas unless the body has been prepared and embalmed by a licensed embalmer of this state and a transit-burial permit has been issued by the local registrar of the county where death occurred. A licensee of this state permitting this to be done shall be subject to the punishment under this subchapter and [§ 23-61-1101 et seq.](#)

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

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

Credits

Acts of 1983, Act 325, § 11; [Acts of 1997, Act 839, § 7](#); [Acts of 2003, Act 367, § 4, eff. July 16, 2003](#); [Acts of 2011, Act 874, §§ 5, 6, eff. July 27, 2011](#); [Acts of 2015, Act 1095, §§ 31 to 36, eff. July 22, 2015](#); [Acts of 2017, Act 788, §§ 19, 20, eff. July 1, 2018](#); [Acts of 2019, Act 315, §§ 1398, 1399, eff. July 24, 2019](#); [Acts of 2019, Act 990, § 34, eff. July 24, 2019](#).

Formerly A.S.A. 1947, § 71-911.

A.C.A. § 17-29-311, AR ST § 17-29-311

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A.C.A. § 17-29-312

§ 17-29-312. Licenses--Suspension--Revocation--Cancellation

Effective: July 1, 2018

[Currentness](#)

(a) If the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services has reason to believe that a person to whom a license has been issued has become unfit to practice as an embalmer or funeral director or has violated any of the provisions of this subchapter and [§ 23-61-1101 et seq.](#), or any rules prescribed, or whenever written complaint charging the holder of a license with the violation of any provision of this subchapter or [§ 23-61-1101 et seq.](#) is filed with the board, the board shall start an investigation within thirty (30) days of the receipt of the complaint.

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

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

Credits

Acts of 1983, Act 325, § 11; [Acts of 2017, Act 788, § 21, eff. July 1, 2018.](#)

Formerly A.S.A. 1947, § 71-911.

A.C.A. § 17-29-312, AR ST § 17-29-312

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A.C.A. § 17-29-313

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

Effective: July 28, 2021

[Currentness](#)

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

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

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

(ii) The notice shall:

(a)(1) Be published on the Sunday and Wednesday no more than fifteen (15) days nor less than seven (7) days before submitting an application to the board.

(2) Publication as described in subdivision (a)(2)(A)(ii)(a)(1) of this section is sufficient if the notice is published in the newspaper's print edition or digital edition, or both; and

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

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

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

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

(b) A copy of the permit issued by the Division of Environmental Quality under [§ 8-4-203](#) to construct the crematorium; and

(c) The fee as prescribed in [§ 17-29-208](#).

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

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

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

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

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

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

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

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

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

(C) Attach the fee as prescribed by the board;

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

(E)(i) Provide to the board proof of liability insurance.

(ii) The board shall develop and promulgate rules to establish minimum levels of general liability insurance coverage for licensed crematoriums.

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

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

(B) Will serve the public interest.

Credits

[Acts of 1993, Act 365, § 1](#); [Acts of 2015, Act 1095, § 37, eff. July 22, 2015](#); [Acts of 2017, Act 788, §§ 22, 23, eff. July 1, 2018](#); [Acts of 2019, Act 910, § 3184, eff. July 1, 2019](#); [Acts of 2021, Act 396, § 3, eff. July 28, 2021](#).

A.C.A. § 17-29-313, AR ST § 17-29-313

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A.C.A. § 17-29-314

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

Effective: July 1, 2018

[Currentness](#)

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

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

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

(3) Make written application to the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services and attach the fee prescribed by the board;

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

(5) Provide the information required by the board.

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

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

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

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

(B) Meets the qualifications under this section.

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

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

(f) Within a reasonable amount of time after July 22, 2015, a crematory retort operator who is operating a crematory retort in this state shall be licensed as determined by rules of the board.

Credits

[Acts of 2015, Act 1095, § 38, eff. July 22, 2015](#); [Acts of 2017, Act 788, § 24, eff. July 1, 2018](#).

A.C.A. § 17-29-314, AR ST § 17-29-314

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A.C.A. § 17-29-315

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

Effective: July 1, 2018

[Currentness](#)

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

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

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

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

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

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

(6) Provide the information required by the board.

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

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

(1) Has an acceptable driving record; and

(2) Meets the qualifications under this section.

(d) Within a reasonable amount of time after July 22, 2015, an individual who is currently transporting human remains in this state shall be licensed as determined by rules of the board.

Credits

[Acts of 2015, Act 1095, § 38, eff. July 22, 2015](#); [Acts of 2017, Act 788, § 25, eff. July 1, 2018](#).

A.C.A. § 17-29-315, AR ST § 17-29-315

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