



**ARKANSAS INSURANCE DEPARTMENT
FUNERAL SERVICES DIVISION | EMBALMERS & FUNERAL
DIRECTORS**

1 Commerce Way, Little Rock, AR 72202-2087 | (501) 682-0574

LAW, RULES, & REGULATIONS MANUAL

EMBALMERS & FUNERAL DIRECTORS LAW

ARKANSAS CODE ANNOTATED (A.C.A.) TITLE 17, SUBTITLE 3, CHAPTER 29

UPDATED THROUGH THE 2022 FISCAL SESSION OF THE 93RD ARKANSAS GENERAL ASSEMBLY. ALSO, INLCUDED ARE CHANGES MADE BY THE ARKANSAS CODE REVISION COMMISSION RECEIVED THROUGH MARCH 15, 2022.

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A.C.A. § 17-29-301

§ 17-29-301. Embalmers--Qualifications

Effective: July 1, 2018

(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.



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(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](#).

**A.C.A. § 17-29-302
§ 17-29-302. Funeral directors--Qualifications
Effective: July 28, 2021**

(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;



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(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.



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(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](#).

A.C.A. § 17-29-303

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

Effective: July 1, 2018

(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



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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](#).

A.C.A. § 17-29-304

§ 17-29-304. Requirements for funeral establishment

Effective: July 24, 2019

(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;



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(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



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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



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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](#).

A.C.A. § 17-29-305

§ 17-29-305. Funeral establishment licensure

Effective: July 1, 2018

(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](#).



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**A.C.A. § 17-29-306
§ 17-29-306. Renewal
Effective: July 1, 2018**

(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](#).

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**A.C.A. § 17-29-307
§ 17-29-307. Revocation
Effective: July 1, 2018**

(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



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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](#).

**A.C.A. § 17-29-308
§ 17-29-308. Grandfather clause
Effective: July 1, 2018**

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](#).

**A.C.A. § 17-29-309
§ 17-29-309. Lifetime embalmers or funeral directors
Effective: July 1, 2018**

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](#).



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A.C.A. § 17-29-310

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

Effective: July 1, 2018

(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](#).

A.C.A. § 17-29-311

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

Effective: July 24, 2019

(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:



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- (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;



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(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.



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(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.



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(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](#).

A.C.A. § 17-29-312

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

Effective: July 1, 2018

(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](#).

A.C.A. § 17-29-313

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

Effective: July 28, 2021

(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.



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(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;



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- (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. § 17-29-314

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

Effective: July 1, 2018

- (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.



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(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. § 17-29-315

**§ 17-29-315. Transporting human remains--Operating a transport service--Qualifications
Effective: July 1, 2018**

(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.



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(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. § 17-29-401
§ 17-29-401. Criminal penalties
Effective: July 1, 2018**

A person who practices the science of embalming, engages in the business of funeral directing, operates a funeral establishment, operates a crematorium, conducts cremations, transports human remains, or operates a transport service without a license under [§ 23-61-1101 et seq.](#) and [§ 17-29-301 et seq.](#) is guilty of a Class D felony and subject to the punishment prescribed for Class D felonies in the Arkansas Criminal Code.

Credits Acts of 1985, Act 217, § 5; [Acts of 2015, Act 1095, § 39, eff. July 22, 2015](#); [Acts of 2017, Act 788, § 26, eff. July 1, 2018](#)

**A.C.A. § 17-29-402
§ 17-29-402. Injunctions
Effective: July 1, 2018**

Without posting bond, the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services may petition the Pulaski County Circuit Court or the circuit court of the county where the violation occurred to enjoin violations of [§ 17-29-301 et seq.](#), [§ 23-61-1101 et seq.](#), or rules promulgated by the board.

Credits Acts of 1985, Act 217, § 6; [Acts of 2015, Act 1095, § 40, eff. July 22, 2015](#); [Acts of 2017, Act 788, § 27, eff. July 1, 2018](#).

**A.C.A. § 17-29-403
§ 17-29-403. Violations--Civil penalty
Effective: July 1, 2018**

(a) Whenever the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services, after a hearing conducted in accordance with the Arkansas Administrative Procedure Act, [§ 25-15-201 et seq.](#), determines that a person has violated any provision of [§ 17-29-301 et seq.](#), [§ 23-61-1101 et seq.](#),



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or the rules promulgated by the board, the board may impose a civil penalty on that person not to exceed ten thousand dollars (\$10,000) per violation.

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

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

(d) Upon determination by the board that a licensee has committed malpractice, the board may suspend or revoke the license or impose the civil penalty provided in subsection (a) of this section or impose the

civil penalty in addition to the suspension or revocation. Furthermore, the board may promulgate a code of conduct for its licensees, the violation of which may result in the imposition of the penalties prescribed in this subsection.

Credits Acts of 1985, Act 217, § 2; Acts of 1989, Act 106, § 5; [Acts of 1997, Act 839, § 8](#); [Acts of 2015, Act 1095, § 41, eff. July 22, 2015](#); [Acts of 2017, Act 788, § 28, eff. July 1, 2018](#).

A.C.A. § 17-29-404

**§ 17-29-404. Repealed by Acts of 2017, Act 788, § 29, eff. July 1, 2018
Effective: July 1, 2018**

Credits [Acts of 2017, Act 788, § 29, eff. July 1, 2018](#).

A.C.A. § 17-29-405

**§ 17-29-405. Deposit and distribution of funds
Effective: July 1, 2018**

(a) All funds derived from civil penalties imposed by the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services shall be deposited into one (1) or more cash funds deposited to the State Treasury.

(b) The funds under this section shall be used by the board for administering the provisions of [§ 17-29-301 et seq.](#) and [§ 23-61-1101 et seq.](#)

Credits Acts of 1985, Act 217, § 4; [Acts of 2017, Act 788, § 30, eff. July 1, 2018](#).

A.C.A. § 17-29-501

**§ 17-29-501. Definition
Effective: July 22, 2015**

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



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

Credits Acts of 1957, Act 241, § 2; [Acts of 2015, Act 1095, § 43, eff. July 22, 2015](#).

**A.C.A. § 17-29-502
§ 17-29-502. Status of funeral homes
Effective: July 22, 2015**

A funeral home is declared to be:

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

Credits Acts of 1957, Act 241, § 1; [Acts of 2015, Act 1095, § 44, eff. July 22, 2015](#).

**A.C.A. § 17-29-503
§ 17-29-503. Statutory benefits--Conditions precedent**

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

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



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which the funeral home is located.

Credits Acts of 1957, Act 241, § 3.

A.C.A. § 17-29-601

§§ 17-29-601 to 17-29-606. Repealed by Acts of 2015, Act 1095, § 45, Effective: July 22, 2015

Credits [Acts of 2015, Act 1095, § 45, eff. July 22, 2015.](#)

A.C.A. § 17-29-701

§ 17-29-701. Authority

Effective: April 3, 2007

A funeral director or embalmer licensed pursuant to [§ 17-29-301 et seq.](#) who has completed a course in eye enucleation and has received a certificate of competence from the Department of Ophthalmology of the University of Arkansas College of Medicine may enucleate the eyes of a deceased person

pursuant to a disposition or gift thereof by the decedent or another person in the manner prescribed in the [Revised Arkansas Anatomical Gift Act, § 20-17-1201 et seq.](#), after proper certification of death by a physician.

Credits Acts of 1973, Act 425, § 1; [Acts of 2007, Act 839, § 2, eff. April 3, 2007.](#)

A.C.A. § 17-29-702

§ 17-29-702. Liability exemption

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

Credits Acts of 1973, Act 425, § 2.

A.C.A. § 23-61-1101

§ 23-61-1101. Definitions

Effective: July 1, 2018

As used in this subchapter:

(1) "Burial association" means:

(A) A person, firm, association, copartnership, corporation, company, or other organization that, from and after February 18, 1953:



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(i) Undertakes for consideration paid by or on behalf of its members to defray all or a part of the funeral expenses of the members;

(ii) Furnishes or undertakes to furnish merchandise, supplies, and services or any other character of burial benefits to the members; or

(iii) Issues a certificate that provides for the payment of funeral benefits to the members in services, merchandise, or supplies, including the services of funeral directors and embalmers; and

(B) Every person, firm, association, copartnership, corporation, or company that, before February 18, 1953, has:

(i) Undertaken for a consideration to pay money to its contributors for the purpose of defraying all or part of the funeral expenses of a deceased person;

(ii) Furnished or has undertaken to furnish supplies and services or any other character of burial benefits to the contributing person or to his or her beneficiaries or members of his or her family; or

(iii) Issued any form of contract or certificate that, under its terms, provides for the payment of funeral benefits in money, services, or supplies, including the services of undertakers or embalmers;

(2) "Care and maintenance" means the continual maintenance of the cemetery grounds and graves in keeping with a properly maintained cemetery;

(3)(A) "Cemetery" means any land or structure in this state dedicated to and used or intended to be used for interment of human remains.

(B) "Cemetery" includes a:

(i) Burial park for earth interments;

(ii) Mausoleum for vault or crypt interments; or

(iii) Combination of one (1) or more burial parks for earth interments and mausoleums for vault or crypt interments;

(4) "Cemetery company" means an individual, partnership, corporation, limited liability company, or association owning or controlling cemetery lands or property and conducting the business of a cemetery or making an application with the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services to own or control the lands or conduct the business;



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(5) "Permit holder" means a cemetery company that holds a permit issued by the board to own or operate a perpetual care cemetery; and

(6) "Perpetual care cemetery" means a cemetery for the benefit of which a permanent maintenance fund has been established in accordance with this subchapter.

Credits [Acts of 2017, Act 788, § 3, eff. July 1, 2018.](#)

**A.C.A. § 23-61-1102
§ 23-61-1102. Creation--Members
Effective: July 24, 2019**

(a) There is created within the State Insurance Department the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services.

(b) The members of the board shall be:

- (1) Residents of this state;
- (2) At least twenty-one (21) years of age; and
- (3) Of good moral character.

(c) The board shall be composed of nine (9) members as follows:

(1)(A) The Insurance Commissioner or his or her designated deputy.

(B) The commissioner or his or her designated deputy shall be a voting member of the board; and

(2)(A) Eight (8) members appointed by the Governor and subject to confirmation by the Senate who shall serve terms of five (5) years.

(B) Six (6) of the board members under subdivision (c)(2)(A) of this section shall include:

(i)(a) Two (2) licensed embalmers or funeral directors, each of whom has had at least five (5) consecutive years of experience as an embalmer or funeral directors in this state immediately preceding his or her appointment to the board.

(b) The Governor shall consult licensed embalmers and funeral directors before making an appointment under subdivision (c)(2)(B)(i)(a) of this section.

(c) The Arkansas Funeral Directors Association, Incorporated, or its successor shall submit to the Governor a list containing the names of at least four (4) professionals under subdivision



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(c)(2)(B)(i)(a) of this section;

(ii) Two (2) owners or operators of a licensed perpetual care cemetery in this state; and

(iii) Two (2) professionals engaged in the operation of a burial association for at least five (5) consecutive years preceding his or her appointment to the board.

(C)(i) The remaining two (2) members of the board shall be:

(a) One (1) person from this state, appointed at large, to represent the consumer community; and

(b) One (1) person from this state who is at least sixty (60) years of age, appointed at large, to represent the elderly community.

(ii) The members of the board under subdivision (c)(2)(C)(i) of this section shall not be actively engaged in or retired from the profession of embalming or funeral directing, the business of operating a burial association, or any other profession or occupation that is regulated by the board.

(iii) The members of the board under subdivision (c)(2)(C)(i) shall be full voting members of the board.

(d) The members of the board shall hold the first meeting within five (5) days after membership appointment and select one (1) member under subdivision (c)(2)(B) of this section as Chair of the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services who shall serve a one-year term or until his or her successor is selected and qualified.

(e) Each congressional district shall be represented by membership on the board.

(f)(1) The length of the term for an initial member of the board under this section shall be staggered and set by the Governor.

(2) After the completion of the terms of the initial members of the board under subdivision (f)(1) of this section, a member of the board shall serve for a term of five (5) years, and shall serve on the board until a successor is appointed and qualified.

(3) A member of the board shall not be appointed to more than two (2) consecutive full terms.

(g) A vacancy on the board due to the death, resignation, or other cause of an appointed member of the board shall be filled by appointment by the Governor for the unexpired portion of the term in the same manner as required for an initial appointment.

(h) The presence of five (5) or more members of the board shall constitute a quorum.



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(i) A member of the board who has a financial interest in a matter before the board shall be disqualified from:

- (1) Participating in discussion pertaining to the matter; and
- (2) Voting on the matter.

(j) A board member is eligible to receive expense reimbursement and stipends under [§ 25-16-901](#).

(k) The Governor may remove any member of the board for incompetence, improper conduct, gross neglect, or malfeasance.

(l)(1) Before entering upon duties of the board, members of the board shall take and subscribe to the oath prescribed by the Arkansas Constitution for state officers and shall file the subscribed oath in the office of the Secretary of State.

(2) The Secretary of State shall issue a certificate of appointment for the new member of the board.

(m) The board may make reimbursement of the necessary and reasonable travel, board, and lodging expenses of the board's employees, Executive Secretary of the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services, and auditors incurred in the performance of their official

duties.

Credits [Acts of 2017, Act 788, § 3, eff. July 1, 2018; Acts of 2019, Act 391, § 7, eff. July 24, 2019.](#)

**A.C.A. § 23-61-1103
§ 23-61-1103. Powers and duties
Effective: July 1, 2019**

(a) The State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services may:

(1)(A) Hold a meeting no less than one (1) time each calendar quarter.

(B) The meeting shall be held at a time and place as the board or Insurance Commissioner may determine, after notice of such meeting has been given to the general public at least thirty (30) days before the meeting.

(C) The board shall meet upon written demand of any two (2) members of the board or upon the call of the commissioner;

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



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(3) Promulgate appropriate rules:

(A) For the transaction of business of the board;

(B) For the betterment and promotion of the standards of service and practice;

(C) To establish the standards of practice and a code of ethics for persons licensed or authorized under this subchapter; [§ 17-29-301 et seq.](#); the Cemetery Act for Perpetually Maintained Cemeteries, [§ 20-17-1001 et seq.](#); or [§ 23-78-101 et seq.](#); and

(D) To establish qualifications necessary to:

(i) Practice the science of embalming;

(ii) Engage in the business of funeral directing;

(iii) Practice cremation;

(iv) Transport human remains; and

(v) Operate a funeral establishment, mortuary service, crematorium, retort, or transport service firm to transport human remains;

(4)(A) Develop, establish by rule, and administer a mandatory or voluntary continuing education program and its requirements for persons licensed or authorized by the board.

(B) The board may excuse licensees, as a group or as individuals, from a continuing education program, if any unusual circumstances, emergency, or hardship prevents participation in the program;

(5) Promulgate rules and publish forms to enforce and administer laws governing:

(A) Embalmers, funeral directors, and funeral establishments, under [§ 17-29-301 et seq.](#); [§ 17-29-401 et seq.](#); and [§ 17-29-501 et seq.](#);

(B) Burial associations under [§ 23-78-101 et seq.](#); and

(C) Cemetery companies under the Cemetery Act for Perpetually Maintained Cemeteries, [§ 20-17-1001 et seq.](#); and the Insolvent Cemetery Grant Fund Act, [§ 20-17-1301 et seq.](#);

(6) Suspend or revoke permits or licenses when a licensee fails to comply with any of the laws governing the licensee or when a licensee fails to comply with a rule or order of the board;



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(7) Upon application, grant permits, licenses, or certificates of authority to applicants and licensees;

(8) When appropriate, amend permits, licenses, or certificates of authority;

(9)(A) Apply to Pulaski County Circuit Court to enjoin any act or practice and to enforce compliance with relevant laws and the rules and orders of the board when it appears that any person has engaged in or will engage in an act or practice that constitutes a violation of any provision of this subchapter or rule or order of the board.

(B) The court shall not require the board or commissioner to post a bond;

(10) Apply to Pulaski County Circuit Court or the circuit court in the county in which the licensee is located for the appointment of a receiver or conservator of the cemetery corporation or its permanent maintenance fund when it appears to the board or commissioner that a cemetery corporation is insolvent or that the cemetery corporation, its officers, directors, agents, or the trustees of its permanent maintenance fund, have violated this subchapter, relevant laws, or the rules or orders of the board;

(11)(A) Conduct hearings and subpoena witnesses, books, and records in connection with alleged violations of this subchapter, relevant laws, and the rules or orders of the board.

(B)(i) In case of contumacy or refusal to obey a subpoena issued to a person, the Pulaski County Circuit Court, upon application by the board, may issue to the person an order requiring him or her to appear before the board or the person designated by the board.

(ii) Failure to obey the order of the court may be punished by the court as a contempt of court.

(C) An order by the board under this subchapter shall be subject to review by the Pulaski County Circuit Court or by the circuit court of the county in which any part of the cemetery lies if an application for review of an order by the board is made within thirty (30) days of the date of the order; and

(12) Establish and collect reasonable fees.

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

(c)(1) The commissioner, in consultation with the Secretary of the Department of Commerce, may appoint assistants and deputies and examiners, inspectors, attorneys, clerks, stenographers, and other personnel as may be necessary to assist him or her in the discharge of the duties imposed upon him or her in overseeing the board.

(2) Personnel under subdivision (c)(1) of this section shall devote their entire business time to carrying



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out official duties concerning the board, or if appropriate, the State Insurance Department.

(d) The powers and authority under subsection (a) of this section shall not be in diminution or limitation of the powers and authority vested in the board by the various sections of this subchapter, but the board shall possess all powers and authority, whether set forth in this section or not, to enable it to carry out the intent and purpose of this subchapter.

(e)(1) The board, when it shall deem necessary, shall be represented by the State Insurance Department.

(2)(A) If deemed necessary by the board, the board may employ special counsel whose services shall be paid for from funds of the board.

(B) Special counsel shall be retained only with the prior approval of the commissioner.

Credits [Acts of 2017, Act 788, § 3, eff. July 1, 2018](#); [Acts of 2019, Act 910, § 604, eff. July 1, 2019](#).

A.C.A. § 23-61-1104

**§ 23-61-1104. Executive Secretary of the State Board of Embalmers, Funeral Directors,
Cemeteries, and Burial Service
Effective: July 1, 2019**

(a)(1) The Insurance Commissioner, in consultation with the Secretary of the Department of Commerce, may appoint and employ a person as the Executive Secretary of the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services who shall serve at the pleasure of the commissioner.

(2) The executive secretary shall devote the necessary time to the performance of his or her duties under this section.

(3) The duties of the executive secretary shall include:

(A) Collection of fees and charges under this subchapter; [§ 17-29-301 et seq.](#); the Cemetery Act for Perpetually Maintained Cemeteries, [§ 20-17-1001 et seq.](#); the Insolvent Cemetery Grant Fund Act, [§ 20-17-1301 et seq.](#); and [§ 23-78-101 et seq.](#);

(B) Keeping record of the proceedings of the board;

(C) Keeping an accurate account of all moneys received and disbursed by the commissioner; and

(D) Any other duties defined and designated by the board.

(b) The board shall maintain its main office location in Little Rock and transact the business of the board at the main office.



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Credits [Acts of 2017, Act 788, § 3, eff. July 1, 2018; Acts of 2019, Act 910, § 605, eff. July 1, 2019.](#)

A.C.A. § 23-61-1105

§ 23-61-1105. Embalmers and Funeral Directors

Effective: July 1, 2018

- (a) The Insurance Commissioner or a person appointed or employed by the commissioner shall:
- (1) Have general supervision over field inspection and enforcement of this subchapter and [§ 17-29-301 et seq.](#);
 - (2) Make public the procedures for making inquiries into the practice of funeral directors or embalmers and for making complaints concerning the practices;
 - (3) Maintain a record of the licensee and business name and address of every person licensed under [§ 17-29-301 et seq.](#), including the license number, date of the license, and the renewal date of the license;
 - (4) On request, supply a list of every person and funeral establishment licensed under [§ 17-29-301 et seq.](#), to a person licensed as an embalmer or funeral director, to a common carrier in this state, to a hospital licensed in this state, or to any other person authorized by law to receive the list;
 - (5) Hold all moneys received by the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services to pay the necessary and allowable expenses for the operation of the board in carrying out the provisions of this subchapter; [§ 17-29-301 et seq.](#); the Cemetery Act for Perpetually Maintained Cemeteries, [§ 20-17-1001 et seq.](#); the Insolvent Cemetery Grant Fund Act, [§ 20-17-1301 et seq.](#); and [§ 23-78-101 et seq.](#);
 - (6) If applicable, receive and be paid an annual salary not to exceed the amount authorized by law; and
 - (7) Charge and collect a criminal background check processing fee in an amount necessary to recover the charge imposed by the Division of Arkansas State Police to conduct a criminal background check for a person applying for an initial license under [§ 17-29-301 et seq.](#)
- (b) The board may promulgate rules reasonably necessary to reflect any changes in the law as adopted by the United States Congress or any appropriate agency of the United States Government as it affects funeral establishments, funeral directors, or embalmers and for the purpose of keeping this law consistent with, and compatible to, the laws of the United States.

Credits [Acts of 2017, Act 788, § 3, eff. July 1, 2018.](#)



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A.C.A. § 23-61-1106

**Inspector of the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial
Services--Funeral directing--Embalming, cremating, or transporting human remains
Effective: July 1, 2019**

(a)(1) The Insurance Commissioner may request that the Department of Commerce employ an agent or agents as Inspector of the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services.

(2) A person is not eligible for appointment as inspector under subdivision (a)(1) of this section unless he or she has not fewer than five (5) consecutive years of active experience as an embalmer and funeral director licensed in this state.

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

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

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

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

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

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

(2) By accepting a license under [§ 17-29-301 et seq.](#), the licensee grants permission for the inspector or other State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services designee to enter the licensee's business premises without prior notice.

(d) The inspector may serve and execute any process issued by a court under this subchapter, serve and execute any papers or process issued by the board under the authority of this subchapter and [§ 17-29-301 et seq.](#), and perform such other duties as prescribed or ordered by the board.

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

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

Credits [Acts of 2017, Act 788, § 3, eff. July 1, 2018;](#) [Acts of 2019, Act 910, § 606, eff. July 1, 2019.](#)



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**A.C.A. § 23-61-1107
§ 23-61-1107. Crematoriums
Effective: July 1, 2018**

(a) The State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services may promulgate reasonable rules for the licensing of crematoriums.

(b) A crematorium shall not be operated in this state unless licensed by the board, and a dead human body shall not be cremated in this state except at a licensed crematorium.

(c) A violation of this section is a Class A misdemeanor.

Credits [Acts of 2017, Act 788, § 3, eff. July 1, 2018.](#)

**A.C.A. § 23-61-1108
§ 23-61-1108. Transportation of dead human bodies
Effective: July 24, 2019**

(a) In the interest of public health and to ensure the safe, secure, and timely transportation of dead human bodies in and through Arkansas, the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services may license, inspect, and promulgate reasonable rules for any person, partnership, corporation, association, society, or other legal entity engaged in the business of transporting dead human bodies over public streets and highways of this state.

(b)(1) A violation of the licensing and inspection requirements established by the board under this section is a Class A misdemeanor.

(2) A violation of rules promulgated by the board under this section is a Class A misdemeanor.

Credits [Acts of 2017, Act 788, § 3, eff. July 1, 2018;](#) [Acts of 2019, Act 391, § 8, eff. July 24, 2019.](#)

**A.C.A. § 23-61-1111
§ 23-61-1111. Duties of the State Insurance Department
Effective: July 1, 2018**

(a) The State Insurance Department shall assist the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services in the performance of the duties of the board.

(b) Assistance under subsection (a) of this section shall include without limitation:

(1) Receiving and disseminating filings, questions, and requests on behalf of the board to the members of the board in advance of each meeting;

(2) Reviewing all filings, questions, and requests on behalf of the board and offering the department's



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opinion on the resolution of the matter;

- (3) Issuing written responses regarding complaints received by the board;
- (4) Scheduling all meetings in conjunction with the Chair of the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services;
- (5) Providing appropriate legal notices for all scheduled meetings;
- (6) Establishing a site where meetings of the board may be held;
- (7) When necessary, scheduling the services of a court reporter for all meetings of the board;
- (8) Providing legal representation and assistance through the legal staff of the department to the board in matters pertaining to this subchapter;
- (9) Acting as a liaison between the board and any court involved in the administration of any perpetual care cemetery placed in receivership;
- (10) Performing inspections at burial associations, cemeteries, funeral homes, funeral establishments and crematoriums for which complaints have been received by the board;
- (11) Performing special audits and examinations as necessary;
- (12) Scheduling, performing, and assisting in performing regular audits and examinations of cemeteries, funeral homes, funeral establishments, and crematoriums;
- (13) Administering or assisting in administering the annual reporting for all perpetual care cemeteries; and
- (14) Assisting in the formulation of legislation on behalf of the board.

Credits [Acts of 2017, Act 788, § 3, eff. July 1, 2018.](#)



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Rule 1

Arkansas State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services

**Rule Pertaining to Embalmers, Funeral Directors, Funeral Establishments, Crematories,
Crematory Retort Operators, and Transport Services**

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Section 1. Authority

This Rule is promulgated pursuant to Ark. Code Ann. § 23-61-1103 and 17-29-301 *et seq.*

Section 2. Purpose

The purpose of this Rule is to provide requirements that are applicable to embalmers, funeral directors, funeral establishments, mortuary service firms, crematory authorities, crematory retort operators, and transport services.



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Section 3. Definitions

1. **Advertisement-** The publication, dissemination, circulation or placing before the public, or causing directly or indirectly to be made, published, disseminated or placed before the public, whether in print, over the radio, on television, or in any form of digital media: any announcement or statement in a newspaper, magazine, or other publication, or in the form of a book, notice, circular, pamphlet, letter, handbill, poster, bill, sign, placard, card, label, or tag.
2. **Apprentice-** A person who is registered with the Board and is engaged in learning the practice of embalming or the business of funeral directing, under the instruction and direct personal supervision of a licensed embalmer or funeral director of the State of Arkansas.
3. **Arrangements (make)-** to advise, counsel, and/or enter into agreements about specifics for any services in advance of a death, or following a death.
4. **Authority Having Jurisdiction (“AHJ”)-** The individual, agency, or office in this state or another state that has authority to release dead human bodies for final disposition.
5. **Authorizing Agent(s)-** A person legally entitled to control the disposition of the remains of a deceased person, as defined by Ark. Code Ann. § 20-17-102. In the case of individuals who have donated their bodies to science, and in which the institution is charged with making arrangements for the final disposition of the deceased, a representative of the institution, if legally authorized, may serve as the authorizing agent.
6. **Bait Advertising -** Advertising a funeral, or an alternative type of service, which the advertising funeral firm, in truth, does not intend or does not wish to sell. Its purpose is to induce persons “before the time of need,” or “at need,” to visit or call the funeral firm, and then sell them a higher priced service.
7. **Board-** As used in this Rule, it shall mean the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services.
8. **Cash Advance or Cash Accommodations -** Monies paid to outside parties by the funeral director or the funeral service firm, on behalf of the authorizing agent.
9. **Casket-** A rigid container in which the dead body is placed for use in religious services or other ceremonies, transportation, or final disposition; usually constructed of wood, metal, or manufactured materials such as plastic, fiberglass, chipboard, pressed paper, paperboard or corrugated paper.
10. **Closed Container-** Any container in which cremated remains can be placed and closed in a manner so as to be resistant to leakage or spillage of cremated remains or the entrance of foreign materials.



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11. Committal Service- The final rite or ceremony.
12. Cremation/Calcination- The Cremation Association of North America defines cremation as, “the mechanical and/or thermal or other dissolution process that reduces human remains to bone fragments.” Cremation includes the processing, and usually includes the pulverization of the bone fragments. This definition covers a variety of technologies that may be applied in order to achieve reduction to bone fragments, including traditional flame-based cremation, calcination, and alkaline hydrolysis.
13. Crematory- The building or portion of a building that houses the retort, and that may house a holding facility for purposes of cremation, and as part of a funeral establishment.
14. Crematory Authority- The legal entity or the authorized representative of the legal entity which is licensed by the Board to operate a crematory and perform cremations.
15. Cremation Chamber- The enclosed space within which the cremation process takes place.
16. Cremation Container- The container in which the human remains are placed in the cremation chamber for a cremation, and which should be required by the crematory authority if the remains are not in a casket. A cremation container should meet substantially all of the following standards:
 1. Be composed of readily combustible materials suitable for cremations;
 2. Be able to be closed in order to provide a complete covering for the human remains;
 3. Be resistant to leakage or spillage;
 4. Be rigid enough for handling with ease; and
 5. Be able to provide protection for the health, safety and personal integrity of crematory personnel.
17. Cremated Remains or Cremains- All human remains recovered after the completion of the cremation process, including pulverization, which leaves only bone fragments reduced to unidentifiable dimensions.
18. Direct Disposition- The disposition of the body of a dead person as quickly as the law will allow without its preparation, except when required by law, and without any attendant religious services or other rites or ceremonies.
19. Direct Personal Supervision- Daily on-site contact whereby the supervisor/mentor, during the apprenticeship period, is able to quickly respond to the needs of the apprentice funeral director and/or embalmer. The supervisor/mentor must be on the premises whenever embalming and/or funeral directing is performed.
20. Disposition Authority- The licensed funeral establishment, cremation authority, or other person or legal entity charged with the disposition of cremated remains.



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21. **Embalmer-** A person required to be licensed to practice the science of embalming under the laws of this State who disinfects or preserves a dead human body, entirely, or in part, by the use of chemical substances, fluids, or gases, in the body, or by introduction of same into the body by vascular or hypodermic injection, or by direct application into the organs or cavities.
22. **Embalming-** The art of disinfecting or preserving a dead human body entirely, or in part, by the use of chemical substances, fluids, or gases, in the body, or by introduction of same into the body by vascular or hypodermic injection, or by direct application into the organs or cavities.
23. **Fetal Death-** Death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy; the death is indicated by the fact that after such expulsion or extraction, the fetus does not breathe or show any evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. Fetal death shall include a "spontaneous fetal death" (sometimes referred to as stillbirth or miscarriage), or an "induced termination of pregnancy" as defined by the Arkansas Department of Health.
24. **Fetal Remains-** The remains of a fetal death.
25. **Final Disposition-** After the completion of arrangements, final disposition is defined as earth interment, above ground entombment, delivery directly, or through a licensed transportation service to a crematory for a cremation, delivery directly, or through a licensed transportation service to the proper agency for burial at sea, or delivery directly, or through a licensed transportation service to a medical institution for lawful dissection and experimentation.
26. **Funeral Director-** A person required to be licensed to practice the business of funeral directing under the laws of this State, who meets the public, displays and sells or offers to sell funeral merchandise or supplies; 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 apparent charge of, and supervises such service in a funeral home, church or other places; who enters into the making, negotiation or completion of financial arrangements for funerals, including, but not limited to, the sale and selection of funeral supplies, or who uses in connection with the business of funeral directing the words or terms "Funeral Director", "Undertaker", "Funeral Counselor", "Mortician", or any other word, term or picture or combination thereof when considered in context in which used, from which person using such word, term or picture can be implied to be holding himself out to the public as being engaged in the business of funeral directing.
27. **Funeral Establishment or Funeral Home-** A place or premise devoted to or used in the shelter, care, preparation, disposition or custody of the body, or for religious services or other rites or ceremonies associated with the final disposition of human dead or maintained for the convenience and comfort of the bereaved and the community for viewing or other services in connection with the human dead, and as the office or place for carrying on the business of funeral directing.



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28. **Funeral Merchandise-** That personal property used in connection with the transportation, funeralization and final disposition of a dead human body, including but not limited to the receptacle into which the body is directly placed. Funeral merchandise does not include mausoleums, crypts, interment receptacles preset in a cemetery, or columbarium niches.
29. **Funeral Service Firm or Funeral Directing-** A person, partnership, enterprise, corporation, or any other form of organization which engages in providing shelter, care and custody of the human dead; in the practice of preparing of the human dead by embalming or other methods for burial or disposition; supervising of the funeral services, makes arrangements, financial or otherwise, for the providing of funeral services or the sale of funeral merchandise, whether for the present or future use; or in general, engages in the practice or performs any functions of funeral directing, embalming or lawful final disposition of the dead.
30. **Graveside Service-** When and where the complete funeral rites or ceremonies are conducted only at graveside. Such rite or ceremony is not what is generally construed as the committal service, which follows the funeral.
31. **Green Burial-** Interment of a dead human body in the soil in a manner that does not inhibit decomposition and allows for the body to recycle naturally. Interment of the body occurs in a biodegradable casket, shroud, or any other biodegradable material. The process typically does not involve embalming. Green burial is a type of final disposition.
32. **Holding Facility-** An area within, adjacent or available to the crematory facility designed for the retention of human remains prior to cremation that shall:
 1. Comply with any applicable public health law;
 2. Preserve the dignity of the human remains;
 3. Recognize the integrity, health, and safety of the crematory authority personnel operating the crematory and;
 4. Be secure from access by the general public.
33. **Human Remains-** The body of a deceased person, or part of a body or limb that has been removed from a living person, including the body, part of the body or limb, in any state of decomposition.
34. **In State-** That period when the body is in the funeral establishment or any other place, for the purpose of a wake, visitation, or viewing whether the casket or receptacle is open or closed and whether the wake, visitation, or viewing is public or private.
35. **Interment Receptacle-** An enclosure into which the casket is placed.
36. **Manager-** A person who oversees the day to day operations of a licensed funeral establishment. The manager is ultimately responsible for everything that takes place in and



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around the funeral establishment. The manager's responsibilities shall include supervising apprentices, licensees, employees, and agents who work for the establishment.

37. Memorial Service- A gathering of persons for a program in recognition of a death without the presence of the body of the deceased.
38. Mentor- a licensed funeral director and/or embalmer who has been licensed for at least three (3) years, and who also agrees to directly supervise an apprentice funeral director and/or embalmer.
39. Mortuary Service Establishment- A place or premise devoted to or used in the shelter, care, custody, or preparation of the human dead, but not for the other purposes identified in the definition of a Funeral Establishment, except at the request of, and as the agent of, a licensed funeral establishment or its representative.
40. Mortuary Service Firm- A person, partnership, enterprise, corporation, or any other form of organization which engages in providing shelter, care, custody, or preparation of the human dead, or providing other services and/or funeral merchandise at the request of, and as the agent of, a licensed funeral establishment or its representative.
41. Niche- A compartment or cubicle for the memorialization or permanent placement of an urn containing cremated remains.
42. OSHA- As used in this Rule, the acronym for the Occupational Safety and Health Administration.
43. Scattering Area- A designated area for the scattering of cremated remains.
44. Temporary Container- A receptacle for cremated remains, usually composed of cardboard, plastic, or similar material, that can be closed in a manner that prevents the leakage or spillage of the cremated remains, or the entrance of foreign material. A temporary container is a single container of sufficient size designed to hold the cremated remains until an urn or other permanent container is acquired, or until the cremated remains are scattered or buried.
45. Transport Driver- A person employed by a transport service firm for the purpose of driving vehicles that transport dead human remains.
46. Transport Service Firm- Any person, partnership, enterprise, corporation, association, society, other legal entity, or other form of organization, that engages in providing transportation of the human dead for hire.
47. Urn- A receptacle designed to permanently encase cremated remains.



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Section 4. Licensee in Charge of Funeral Directing, Embalming, and Cremating

A. Every funeral conducted within the State of Arkansas must be under the personal supervision, direction, and charge of a Type A funeral establishment and a licensed Arkansas funeral director. To conduct a funeral shall require the direct personal supervision of a licensed Arkansas funeral director until final disposition is completed. In the case of earth interment and above ground entombment, the funeral director shall be onsite supervising all matters until completion of the earth interment or above ground entombment. In cases of earth interment, the funeral director shall be present until the person who is responsible for closing the grave has completed the process of closing the grave. When the authorizing agent has contracted directly with the cemetery to carry out these procedures, regardless of whether the cemetery is private, commercial, or governmental, the funeral director shall be on site supervising all matters until the conclusion of the funeral service only.

B. The embalming of a dead human body shall only be performed by a licensed Arkansas embalmer, an Arkansas registered embalmer apprentice, or a student currently enrolled in an accredited mortuary college. All embalming requires the physical presence and/or direct personal supervision of a licensed embalmer. Registered embalmer apprentices may do embalming procedures under the direct personal supervision of a licensed embalmer.

Section 5. Licensee in Charge of All Care and Disposition of Human Dead

A. Any person, partnership, enterprise, corporation or any other form of organization holding himself, herself or itself out to be in the business of the care and/or disposition of the human dead in this State shall be required to hold valid licenses issued by the Board. The entity shall also comply with the Rules of the Board pertaining to said care and disposition.

B. Any establishment that offers the online sale of funeral or final disposition services in the State of Arkansas must hold the required licenses issued by the Board. Establishments that offer online sales of services shall have a physical location in the State of Arkansas.

Section 6. Funeral Establishments

A. Four types of funeral establishment licenses shall be issued by the Board. These establishment licenses are:

1. Funeral Establishment Type A-Full-Service Funeral Firm.
2. Funeral Establishment Type B-Mortuary Service Firm
3. Funeral Establishment Type C-Crematory Authority
4. Funeral Establishment Type D-Transport Service Firm

All establishment renewals are due and payable on or before December 31st.

B. Funeral Establishment Type A- Full-Service Funeral Firm

1. Applicants seeking Type A licensure must meet the following minimum requirements:



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- a. The application shall be completed on forms provided by the Board and accompanied by the required fees. Applications are available on the Board's website, or they can be obtained by contacting the Board's office;
- b. The application must be received by Board staff at least twenty (20) business days before the Board's next regularly scheduled meeting;
- c. The manager and owner of the establishment shall appear at the Board meeting for discussion of the license application;
- d. The application must be accompanied by proof of a minimum of one million dollars (\$1,000,000) of general liability insurance coverage;
- e. The application must be accompanied by a copy of the certificate of liability insurance;
- f. The application must be accompanied by the Embalmer/Mortuary Service Acceptance Form;
- g. The application must be accompanied by the Manager Acceptance Form; and
- h. The establishment shall be inspected by a representative of the Board prior to initial licensure.

2. The Board shall grant or deny each application for a funeral establishment license Type A under the provisions of this section, after the application is reviewed at the meeting in which the application was presented.

3. Each establishment Type A shall have at least one (1) full-time licensed funeral director, who has been licensed for at least five (5) years. The establishment shall employ licensed staff so that services are competently provided to the public. No licensed funeral director shall serve as the manager of more than one (1) funeral establishment. However, it is permissible for a manager to serve as manager of two locations of the same establishment, as long as the secondary location is a branch location of the establishment which employs the manager. The manager shall reside within fifty (50) miles of each location.

4. The name of the manager, embalmer, and/or mortuary service, primary crematory authority used, and owner of each funeral establishment shall be reported annually on forms provided by the Board.

5. If the funeral director serving as the manager of a funeral establishment shall cease serving as manager, or leave the employment of the establishment for any reason, the establishment shall notify the Board, on forms provided by the Board, of the management change within three (3) business days, and of his or her successor within fifteen (15) business days.



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6. The manager of the funeral establishment Type A shall be responsible for compliance with the following requirements:
- a. All price lists, statements of funeral goods and services, and any documents or publications including advertising, shall be consistent with the name of each funeral establishment location on file with the Board.
 - b. Type A establishments shall maintain and make available for inspection, true and accurate copies of the price lists for a minimum of one (1) calendar year after the date of distribution to customers, as required by the Federal Trade Commission ("FTC").
 - c. Every licensed funeral director shall give the consumer a copy of the General Price List as required by the FTC and pursuant to 16 C.F.R. § 453.2, prior to discussing any funeral arrangements.
 - d. Every licensed funeral director responsible for providing funeral services or arranging for the delivery of any funeral merchandise, shall give or cause to be given to the person(s) making such arrangements, a written, itemized and signed statement of charges for the funeral merchandise and funeral services selected.
 - e. At the time of need, a written, itemized and signed statement of charges shall be completed and given to the person(s) making the at-need arrangements. The statement of charges shall be completed prior to the rendering of the funeral services, or the providing of merchandise. At a minimum, the statement shall contain the following:
 - (1) The name, signature, and license number of the funeral director responsible for making the arrangements, or providing the funeral merchandise;
 - (2) The name and address of the licensed establishment in charge of providing the merchandise or funeral services;
 - (3) The name, address, signature, and relationship to the deceased, of the person making the at-need arrangements (the relationship should be described as kinship or otherwise);
 - (4) The date of the signatures;
 - (5) The name of the deceased;
 - (6) The date of death;
 - (7) The price of the service(s) selected and the price of any supplemental items;
 - (8) The price of the merchandise selected, including a detailed description of the casket and outer burial container, if so selected;
 - (9) The amount and description of all cash advance items; and
 - (10) The method of payment.
7. The Type A establishment shall be operated by a sole owner, a partnership, a limited liability partnership, a limited partnership, a limited liability company, a subsidiary of a corporation, or by a corporation chartered in the State of Arkansas.



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8. Each Type A establishment which contains a preparation room shall meet the following minimum requirements;
- a. All embalming performed therein must be performed by or under the direct personal supervision of a licensed embalmer.
 - b. Construction. The room must be constructed with such materials and finished in such a way that the room and the contents thereof may be cleaned and disinfected. The room must be of sufficient size and dimension to accommodate an embalming table. The door to the room must contain a functional lock, to prevent unauthorized entrance to the room. The room must also contain a sanitary floor, walls, and ceiling, and adequate sanitary drainage and disposal facilities, including hot and cold running water. The room must also comply with the sanitary standards and disposal requirements as prescribed by the Arkansas Department of Health and OSHA to prevent the spread of contagious, infectious or communicable diseases. The room shall also include an instrument table, cabinetry, and shelves, as necessary. Only equipment used in the preparation of dead human bodies, shall be stored in the preparation room.
 - c. Universal Precautions. In handling and preparing dead human bodies for final disposition, any person who comes in direct contact with an unembalmed dead human body or who enters a room where dead human bodies are embalmed, shall use universal precautions and otherwise exercise all reasonable precautions to minimize the risk of transmitting any communicable disease from the body. All persons present in the preparation and embalming room while a body is being prepared for final disposition must be attired in accordance with all applicable state and federal regulations regarding the control of infectious disease and workplace health and safety.
 - d. Ventilation. The preparation room shall be separately heated and cooled from the rest of the establishment. The preparation room must be properly ventilated with a ventilation system that provides for an adequate intake of fresh air. The preparation room shall also provide an exhaust system with all fumes exiting to the outside atmosphere. This ventilation system must provide adequate air exchanges per hour to maintain adequate formaldehyde levels in accordance with the OSHA Formaldehyde Standard found at 29 C.F.R. § 1910.1048. The construction must be such that odors from the preparation room cannot enter the rest of the establishment.
 - e. Preparation procedures; access to the preparation room. The preparation of a dead human body for final disposition shall be performed in privacy. No person shall be permitted to be present in the preparation room while a dead human body is being embalmed, washed, or otherwise prepared for final disposition, except:
 - (1) Licensed embalmers;
 - (2) Registered embalmer apprentices or students;
 - (3) Public officials or their representatives in the discharge of their official duties;
 - (4) Licensed medical personnel; and
 - (5) Employees of the funeral establishment, whether licensed or not.



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9. Type A establishments may work with family and friends of the deceased to allow for their participation in washing and dressing of the body in a private location. It is permissible to allow the family into the preparation room for this limited purpose.

10. Refrigeration or embalming required. A dead human body must be refrigerated, or packed in dry ice, or it must be embalmed by a licensed embalmer or registered embalmer apprentice or a practicum or clinical student, in the following circumstances:

- a. If the body will be transported by public transportation, provided the carrier allows the body to be packed in dry ice;
- b. If final disposition will not occur within twenty-four (24) to forty-eight (48) hours after death or release of the body by a competent authority with jurisdiction over the body, or the body will be lawfully stored for final disposition in the future;
- c. If the body will be publicly viewed;
- d. If ordered by the director of health for the control of infectious disease and the protection of public health; and
- e. If a body will be released to a medical institution for lawful dissection and experimentation, then it must be packed in dry ice if it is not possible to embalm the body.

11. Equipment. The preparation room shall contain sufficient supplies and equipment for normal operation. Nothing in this subsection shall require embalming chemicals to be stored in the preparation room. No excess equipment shall be stored in the preparation room. The only items and equipment allowed to be maintained in the preparation room are the items and equipment necessary for preparing dead human bodies. There shall be storage shelves or cabinetry for all supplies, instruments, and equipment.

12. Visibility. All outside openings of the preparation room shall be covered such that the coverings prohibit viewing the interior of the room from the outside.

13. First call log. Each location of a funeral establishment Type A shall maintain a log book on the premises. The log book must be available at all times for inspection by the Board. The log book shall list the name of each deceased person received at the location, including the following:

- a. Date and time the remains were received;
- b. Any personal property that accompanied the remains;
- c. The name and signature of the person making the removal;
- d. The name and signature of the licensed embalmer who performed the embalming. Any registered apprentice embalmer should also sign in cases where the apprentice assisted; and
- e. The name and signature of the agent or employee of the receiving Type A establishment.



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14. Identification. Each location of a funeral establishment Type A shall properly attach to the body of the deceased, an identification tag to each deceased received into the establishment. This identification tag must continuously remain on the decedent until the completion of final disposition. Each deceased must be identified by a family member either by viewing or by submission of a photograph of the deceased.

15. Embalmer's case report. Each funeral establishment Type A that conducts embalming shall maintain an embalmer's case report for each case embalmed in the establishment. The case report shall be signed by the licensed embalmer and registered apprentice embalmer if such apprentice assisted. The case report shall be maintained on file for each case and it shall become a part of the death record.

16. Training. All personnel of a funeral establishment Type A, who come in contact with a dead human body, including making removals, transporting, cremating, embalming, and any other preparation of the body, must comply with all required Arkansas Department of Health and OSHA training, requirements, and standards.

17. Each funeral establishment Type A must have at least three (3) adult size caskets, or nine (9) quarter cuts, or twelve (12) 1/8 cuts, or a combination of both, and the caskets and/or cuts may be in conjunction with electronic and photo presentation. For purposes of this section, a casket selection room is not required to be a separate room for the sole purpose of displaying caskets. In addition to the three (3) adult size caskets, establishments may also have virtual display rooms, cut-outs, casket catalogs, and any other forms of various displays. A branch establishment, within forty (40) miles, without an area available for display, may use electronic display only.

18. When an establishment is sold or changes ownership, the establishment shall notify the Board in writing, at least thirty (30) days prior to the sale or change of ownership. In cases where the name of the establishment will not change, the license then in force and effect shall be honored for the new owner, until that license expires. If the new owner desires to change the name of the funeral establishment prior to the license expiration, then the owner shall apply for a license for the establishment to be issued in the new name.

19. When an establishment closes, the Board shall be immediately notified in writing. The license in force at the time of closure shall be returned to the Board office within seven (7) days.

20. If an establishment license is revoked, that license must be returned to the Board office within seven (7) days of receipt of the Board's order revoking the license.

21. Renewal of all funeral establishment licenses Type A must be made on or before December 31st of each year, and must be accompanied by the annual renewal fee. Licenses not renewed by December 31st of any year shall be considered delinquent and may be grounds for disciplinary action by the Board. The Arkansas Department of Health will be notified to decline death certificates filed by an establishment whose license has expired.



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22. Each funeral establishment using an embalmer who is not employed by the establishment must file with the Board, within thirty (30) days of the embalmer performing embalming at the establishment, 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. This statement shall be submitted on a form provided by the Board. The funeral establishment shall obtain express permission prior to embalming, and written permission before or after embalming.

23. Mobile homes, or mobile units, are prohibited for use as a funeral establishment firm or as a branch thereof. No mobile home or mobile unit shall be used in the performance of any function or service of a funeral establishment firm or branch thereof, except in the case of an emergency as prescribed by the Board. Mobile homes, modular units, manufactured homes, and similar mobile units, may be used on a temporary basis if approved by the Board, and the establishment may be granted a replacement license if the Board deems appropriate.

24. The licensed funeral director, who manages and supervises the funeral establishment, may hire such employees as may be needed to assist the funeral director in providing the services of the business of funeral directing. The manager is responsible for the supervision of all work performed by the establishment's agents and employees. Disciplinary action may be taken against a manager and funeral establishment because of the acts of the establishment's agents or employees which violate the laws or the Rules that govern the license.

25. Each funeral establishment Type A shall maintain current registration and the minimum insurance coverages on all its vehicles as required by the State of Arkansas.

26. Each funeral establishment Type A shall be required to carry a general business policy or a general business liability policy of no less than one million dollars (\$1,000,000). A certificate of coverage shall be provided to the Board at initial licensure and upon each renewal of the insurance policy. When possible, the board should be listed as a certificate holder. The Board should be notified of each renewal and any cancellation for any reason.

27. A licensed funeral director or funeral establishment may employ or use the services of non-licensed persons to sell pre-need, pre-arranged or pre-financed funerals and/or funeral merchandise. A licensed funeral director or funeral establishment will be held accountable for the actions of all sales personnel. Such personnel are specifically prohibited from engaging in the following actions:

- a. Making misrepresentations to potential purchasers of funeral service merchandise;
- b. Placing or causing to be placed, false or misleading advertising; and
- c. Making false statements about funeral establishments, funeral directors, or embalmers not associated with the establishment.

C. Funeral Establishments Type B- Mortuary Service Firms



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1. A mortuary service firm is an agent of a Type A establishment and as such does not make arrangements with the public. Applicants seeking Type B licensure must meet the following minimum requirements:

- a. The application shall be completed on forms provided by the Board and be accompanied by the required fees. Applications are available on the Board's website, or they can be obtained by contacting the Board's office.
- b. The application must be received by the Board at least twenty (20) business days before the Board's next regularly scheduled meeting.
- c. The manager and owner of the establishment shall appear at the Board meeting for discussion of the license application.
- d. The application must be accompanied by proof of a minimum of one million dollars (\$1,000,000) of general liability insurance coverage;
- e. The application must state that the mortuary service firm is under the management and supervision of a dually licensed funeral director and embalmer who has been licensed as such for at least five (5) years.

2. The name of the manager of the mortuary service firm shall be reported annually on forms provided by the Board.

3. If the funeral director and embalmer serving as the manager of the mortuary service firm shall no longer serve as manager or leave the employment of the firm for any reason, the mortuary service firm shall notify the Board of the management change within three (3) business days, and of his or her successor within fifteen (15) business days. The notification shall be made on forms provided by the Board.

4. All embalming performed in the mortuary service firm's establishment must be performed by or under the direct personal supervision of an Arkansas licensed embalmer.

5. Each funeral establishment Type B shall be operated by a sole owner, a partnership, a limited liability partnership, a limited partnership, a limited liability company, a subsidiary of a corporation, or by a corporation chartered in the State of Arkansas.

6. The funeral establishment Type B shall be inspected by a representative of the Board, prior to initial licensure.

7. Preparation Room

a. Construction. The room must be constructed with such materials and finished in such a way that the room and the contents thereof may be cleaned and disinfected. The room must be of sufficient size and dimension to accommodate an embalming table. The door to the room must contain a functional lock, prevent unauthorized entrance to the room. The room must also contain a sanitary floor, walls, and ceiling, and adequate sanitary drainage and disposal facilities, including hot and cold running water. The room must also comply with the sanitary standards and disposal



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requirements as prescribed by the Arkansas Department of Health and OSHA to prevent the spread of contagious, infectious or communicable diseases. The room shall also include an instrument table, cabinetry, and shelves, as necessary. The room shall not have a passageway available for public use. Only equipment used in the preparation of dead human bodies, shall be stored in the preparation room.

b. Universal Precautions. In handling and preparing dead human bodies for final disposition, any person who comes in direct contact with an unembalmed dead human body or who enters a room where dead human bodies are embalmed, shall use universal precautions and otherwise exercise all reasonable precautions to minimize the risk of transmitting any communicable disease from the body. All persons present in the preparation and embalming room while a body is being prepared for final disposition must be attired in accordance with all applicable state and federal regulations regarding the control of infectious disease and workplace health and safety.

c. Ventilation. The preparation room shall be heated and cooled separately from the rest of the establishment. The preparation room must be properly ventilated with a ventilation system that provides for an adequate intake of fresh air. The preparation room shall also provide an exhaust system with all fumes exiting to the outside atmosphere. This ventilation system must provide adequate air exchanges per hour to maintain adequate formaldehyde levels in accordance with the OSHA Formaldehyde Standard found at 29 C.F.R. § 1910.1048. The construction must be such that odors from the preparation room cannot enter the rest of the establishment.

d. Preparation Procedures, Access to Preparation Room. The preparation of a dead human body for final disposition shall be performed in privacy. No person shall be permitted to be present in the preparation room while a dead human body is being embalmed, washed, or otherwise prepared for final disposition, except:

- (1) Licensed embalmers;
- (2) Registered apprentices or students;
- (3) Public officials or their representatives, in the discharge of their official duties;
- (4) Licensed medical personnel; and
- (5) Employees of the establishment, whether licensed or not.

a. Equipment. The preparation room shall contain sufficient supplies and equipment for normal operation. Nothing in this subsection shall require embalming chemicals to be stored in the preparation room. No excess equipment shall be stored in the preparation room. The only items and equipment allowed to be maintained in the preparation room are those items and equipment necessary for preparing dead human bodies. There shall be storage shelves or cabinetry for all supplies, instruments, and equipment.

b. Visibility. All outside openings of the preparation room shall be covered such that the coverings prohibit viewing the interior of the room from the outside.



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8. First Call Log. Each location of a funeral establishment Type B shall maintain a log book on the premises. The book must be available at all times for inspection by the Board. The log book shall list the name of each deceased person received at the location, including the following:
 - (a) The date and time the remains were received;
 - (b) Any personal property that accompanied the remains;
 - (c) The name and signature of the person delivering the remains and the establishment or entity they represent;
 - (d) The name and signature of the agent or employee of the receiving establishment, and the name of the establishment the remains are being released to; and
 - (e) The name and signature of the licensed embalmer who performed the embalming. The registered apprentice embalmer should also sign in cases where an apprentice assisted.
9. Embalmer's Case Report. Each funeral establishment Type B shall maintain an embalmer's case report for each case embalmed in the firm. The case report shall be signed by the licensed embalmer and the registered embalmer apprentice if one assisted. The case report shall be maintained on file for each case and shall become part of the death record.
10. Training. All mortuary service personnel who come in direct contact with a dead human body, including making removals, transporting, embalming, and any other preparation of the body, must comply with all required Arkansas Department of Health and OSHA training, requirements, and standards.
11. When a mortuary service firm is sold or changes ownership, the firm shall notify the Board in writing, at least thirty (30) days prior to the sale or change of ownership. In cases where the name of the firm will not change, the license then in force and effect shall be honored, for the new owner, until that license expires. If the new owner desires to change the name of the firm prior to the license expiration, then the owner shall apply for a license for the firm to be issued in the new name.
12. When a mortuary service firm closes, the Board shall be notified, in writing, within seven (7) days of the date of closure. The license in force at the time of closure shall be returned to the Board office.
13. If the mortuary service firm's license is revoked, that license must be returned to the Board office within seven (7) days of receipt of the Board's order revoking the license.
14. Each funeral establishment Type B shall maintain the current registration and minimum insurance coverages on all of its vehicles, as required by the State of Arkansas.
15. Each funeral establishment Type B is required to maintain a general business policy or a general liability policy of no less than one million dollars (\$1,000,000).



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16. A certificate of liability insurance shall be provided to the Board at the time of initial licensure and upon each renewal of the insurance policy. When possible, the Board should be listed as a certificate holder. The Board should also be notified of each renewal and any cancellation for any reason.
17. The Board shall grant or deny each application for a mortuary service firm under the provisions of this section after the application is reviewed at the meeting in which it was presented. No applicant may operate a mortuary service firm until a license has been issued by the Board.
18. A mortuary service firm license shall be issued under this section upon application and after inspection of the firm. The applicant must have successfully passed inspection prior to the application being discussed at the Board's next regularly scheduled meeting.
19. Renewal of all mortuary service firm licenses Type B must be made on or before December 31st of each year and must be accompanied by the annual renewal fee.
20. Licenses not renewed by December 31st of any year shall be considered delinquent and may be grounds for disciplinary action by the Board.
21. Each mortuary service firm using an embalmer who is not employed by the mortuary service firm, must file with the Board a notarized statement signed by the embalmer, stating that his or her services are available to the firm at all times within a reasonable time after death occurs, and not to exceed six (6) hours. Embalmers shall obtain express permission prior to embalming, and written permission before or after embalming.
22. Mobile homes or mobile units are prohibited for use as a mortuary service firm or branch thereof. No mobile home or mobile unit shall be used in the performance of any function or service of a mortuary service firm or branch thereof, except in the case of an emergency as prescribed by the Board. Mobile homes, modular units, manufactured homes and similar mobile units may be used on a temporary basis if approved by the Board, and the establishment may be granted a replacement license if the Board deems appropriate.
23. The licensed funeral director and embalmer who manages and supervises the mortuary service firm, may hire such employees as may be needed to assist the manager in competently providing services. Disciplinary action may be taken against a manager or a mortuary service firm because of the acts of their agents or employees which violate the laws and Rules governing the licenses.
24. Except at the request of, and as the agent of a licensed funeral establishment or its representative, a mortuary service firm is prohibited from providing funeral services and funeral merchandise, other than providing shelter, care, custody and preparation of the human dead, or any type of services including direct disposition or the practice for preparing of the human dead by embalming or other methods.



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25. A funeral establishment Type B mortuary service firm shall not be required to have a selection room or display any caskets.

D. Funeral Establishment Type C- Crematory

1. A crematory is an agent of a Type A establishment and as such does not make arrangements with the public.
2. Any person doing business in this state, or any cemetery, funeral establishment, corporation, partnership, joint venture, voluntary organization or any other entity may erect, maintain and operate a crematory in this state and provide the necessary appliances and facilities for the cremation of human remains in accordance with the provisions of this Rule.
3. No person shall construct a new crematory or modify an existing structure into a crematory, unless the person has obtained a crematory construction permit.
4. The requirements for obtaining a crematory construction permit are as follows:
 - a. Notice shall be published in a newspaper of general circulation in the county where the crematorium is proposed to be constructed. The notice must include language that states that the applicant intends to construct a crematorium at a designated location. This notice may be submitted to Board staff prior to publishing;
 - b. The notice shall be published on the Sunday and Wednesday no more than fifteen (15) days nor less than seven (7) days before submitting the application to the Board; and
 - c. The person must invite members of the public to submit written protest to the Board of the construction of the proposed crematorium.
5. The application for the crematory construction permit:
 - a. Shall be made in writing on forms provided by the Board;
 - b. Be accompanied by the required crematory construction permit application fee;
 - c. Be accompanied by proof of publication of notice; and
 - d. Be accompanied by a copy of the permit issued by the Arkansas Department of Environmental Quality.
6. In the event the Board receives written protest to the application for construction of a crematorium, the Board shall:
 - a. Schedule a public hearing on the application;
 - b. Direct the applicant to publish notice of the hearing in a newspaper having general circulation within the county where the crematorium is proposed to be constructed;



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- c. Direct the applicant to publish the notice on the Sunday and the Wednesday no more than fifteen (15) days nor less than seven (7) days before the hearing; and
- d. Ensure the public hearing is held in the city or county in which the proposed crematorium is to be located.

7. The Board may:

- a. Require members of the public, prior to the hearing, to notify the Board of their intent to comment publicly at the hearing;
- b. Require members of the public who comment publicly at the hearing to sign in prior to the commencement of the hearing;
- c. Call upon public commenters in the order in which they have signed in; and
- d. Give each public commenter a finite number of minutes in which to speak.

8. The board will review the public comments given at the hearing at its next regularly scheduled meeting. The Board will then make a determination as to whether to grant or deny the crematory construction permit.

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

10. The Board may issue a temporary certificate of authorization to operate a crematory to any applicant whose application for a permit to construct a crematorium has been approved and whose crematory has completed construction. Before the temporary certificate will be issued, the following criteria shall be met:

- a. The installed crematory has passed inspection by a representative of the Board;
- b. The first operation of the crematory was successful; and
- c. The first operation of the crematory was witnessed by a representative of the Board.

11. The temporary certificate of authorization shall be valid for a period of up to ninety (90) days or until the Board approves the Application for Crematory license (Type C) at the first regularly scheduled Board meeting after the Board representative's confirmation of successful installation and operation.

12. Application for licensure as a crematory authority shall be on forms provided by the Board. Applications are available from the Board's website, or they can be obtained by contacting the Board's office. At a minimum, the requirements for application are as follows:

- a. The application shall be in writing and shall contain the name of the applicant, the address and location of the crematory, a description of the type of structure and equipment to be used in the operation of the crematory, proof of liability insurance in the



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amount of one million dollars (\$1,000,000), and any further information as the Board may reasonably require;

- b. The application shall be submitted to the Board at least twenty (20) business days before the next regularly scheduled Board meeting;
- c. The owner of the establishment is required to appear at the meeting for the discussion of the license application;
- d. After the temporary certificate of authorization has been issued, initial operation of the crematory shall not occur until the Board: has received the application for licensure at least twenty (20) business days before the initial operation, has examined the premises and structure, and has noted the retort to function properly;
- e. A license shall be issued to the crematory authority if the Board determines that the applicant meets all requirements of this Rule, that the retort operator has been trained by the manufacturer, and after the Board's examination of the application and inspection report;
- f. All advertisements shall be consistent with the name of each crematory location on file with the Board; and
- g. The air quality control certificate shall be submitted with the application for licensure, and upon renewal each year.

13. Each funeral establishment Type C shall have a full time licensed funeral director to serve as manager.

14. When a crematory authority is sold or changes ownership, the crematory authority shall notify the Board in writing, at least thirty (30) days prior to the sale or change of ownership. In cases where the name of the crematory authority will not change, the license then in force and effect shall be honored, for the new owner, until that license expires. If the new owner decides to change the name of the crematory authority prior to the license expiration, then the owner shall apply for a license for the crematory authority to be issued in the new name.

15. When a crematory authority closes, the Board shall be notified, in writing, within seven (7) days of the date of closure. The license in force at the time of closure shall be returned to the Board office.

16. If a crematory authority license is revoked, the license must be returned to the Board office within seven (7) days of receipt of the Board's order revoking the license.

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

18. No cremations of the bodies of deceased persons shall be performed except by a crematory authority holding a valid license issued by the Board.



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19. Renewal of all funeral establishments Type C must be made on or before December 31st of each year, and the renewal form must be accompanied by the annual renewal fee. Licenses not renewed by December 31st of any year shall be considered delinquent and may be grounds for disciplinary action by the Board. A certificate of coverage shall be provided to the Board upon renewal of the license and upon each renewal of the insurance policy. When possible, the Board should be listed as a certificate holder. The Board should be notified of each renewal and cancellation for any reason.

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

- a. They are holding themselves out to the public to be a licensed crematory authority;
- b. They offer cremation services to the public for the bodies of deceased persons except for the instance listed in this subsection.

E. Crematory Authority- Cremation Authorization and Record Keeping

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

- a. A cremation authorization form signed by an authorizing agent and which identifies the funeral director arranging the cremation. The cremation authorization form shall be provided by the crematory authority and shall contain the following information:

(1)The identity of the human remains. Permissible methods of identifying the remains include: verifying the name on the hospital bracelet or anklet with the fact sheet, verifying the name on the funeral home bracelet, a photo of the deceased, confirmation of the deceased's identity by the authorizing agent, proof of identity as submitted to the crematory authority directly by law enforcement or by any other appropriate legal or governmental authority;

(2) The name of the authorizing agent and the relationship between the authorizing agent and the deceased;

(3) Authorization for the crematory authority to cremate the human remains;

(4) Cremation Final Disposition Rights Form, or a representation that the authorizing agent is unaware of any objection to the human remains being cremated by any person who has a right to control the disposition of the human remains; and



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(5) The name of the person authorized to claim the remains from the crematory authority.

b. A completed and executed burial transit permit or other disposition authorization signed by the authority having jurisdiction to authorize final disposition of a dead human body, as provided in the laws of the state or territory where death occurred, indicating that the human remains are to be cremated;

c. A death certificate, fetal death certificate, or other disposition authorization signed by the authority having jurisdiction to authorize final disposition of a dead human body in the state, territory, or country where death occurred ; and

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

2. If an authorizing agent is not available to execute the cremation authorization form, that person may delegate that authority to another person in writing, or, if located outside of the area, by sending the crematory authority a written communication that contains the name, address, and relationship of the sender to the deceased, and the name and address of the individual to whom authority is delegated, indemnifying the delegated individual and the crematory authority from all liability concerning the cremation. Upon receipt of the written communication, the crematory authority shall allow this individual to serve as the authorizing agent and execute the cremation authorization form, and the crematory authority shall be entitled to rely upon the cremation authorization form.

3. A crematory authority may accept an electronic copy of the cremation authorization form, including the electronic signature of the authorizing agent.

4. A crematory authority shall maintain the necessary records as set out in this Rule.

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

a. The date of delivery ;

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

c. The name of the person who received the human remains on behalf of the crematory authority ;

d. The name and license number of the crematory authority ; and

e. The name of the deceased.

6. The crematory authority shall retain a copy of this receipt.

7. A crematory authority shall retain at its place of business a record of each cremation which takes place at its facility, which record shall contain the information provided for in Subsection E, herein. The record of cremation shall also include the date that the cremation and distribution or disposition by the crematory authority of the cremated remains, occurred.



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

9. A crematory authority shall accept human remains from the establishment that is responsible for making arrangements with the next of kin or other authorized agent.

10. If the crematory authority accepts non-human remains for cremation, those non-human remains shall be cremated only in a cremation chamber or retort designed and manufactured for the cremation of non-human remains. Human remains shall be cremated only in a cremation chamber or retort designed and manufactured for the cremation of human remains. The cremation chamber or retort for human remains should be clearly marked as such. Likewise, the cremation chamber or retort for non-human remains should be clearly marked as such. The Board has no regulatory authority over the cremation of non-human remains except as otherwise provided in this paragraph.

F. Cremation Containers

1. The cremation authority shall require that human remains be placed in a cremation container prior to cremation unless the remains are already in a casket.
2. Except as provided in subsections 1 and 3, no crematory authority shall make or enforce any rules requiring that human remains be placed a casket before cremation, or that human remains be cremated in a casket, nor shall the crematory refuse to accept human remains for cremation for the reason that they are not in a casket.
3. Human remains delivered to a crematory shall not be removed from the cremation container and the cremation container shall be cremated with the human remains, unless the crematory authority has been provided with written instructions to the contrary by the authorizing agent.
4. Authorized crematory authority personnel may open the cremation container for inspection of the body.

G. Crematory Retort Operator

1. Any person desiring to become licensed as a crematory retort operator in this state shall be at least eighteen (18) years of age and have received a high school diploma or a Certificate of General Educational Development.
2. The applicant shall make written application to the Board on forms provided by the Board. The application shall be accompanied by the required fee.
3. The applicant shall also take and pass the appropriate examinations as determined by the Board, and provide any additional information required by the Board.



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4. The license shall be granted to the applicant if he or she possesses a knowledge of the operation of a crematory retort and meets the qualifications for the licensing thereof.
5. At least thirty (30) days prior to the operation of a crematory, any person intending to own or operate a crematory shall apply for a crematory retort operator license by submitting an application accompanied by the required fee.
6. All persons who operate the retort in a crematory shall have received certification by one of the following:
 - a. Cremation Association of North America (CANA);
 - b. The International Cemetery, Cremation, and Funeral Association (ICCFA);
 - c. National Funeral Directors Association (NFDA); or
 - d. Any other certification approved by the Board.
7. Prior to operating a retort, the operator shall become licensed. Every crematory retort operator shall obtain training and a certificate of training by the retort manufacturer. A copy of the certificate of training shall be submitted to the Board upon completion of the training. A copy of the certificate shall also be maintained on site at the crematory, and it shall be subject to inspection by the Board.
8. The certification for a retort operator must be completed on site by the manufacturer or another licensed retort operator.
9. On or before December 31st of the fifth (5th) year following the most recent training, the retort operator shall obtain new training and obtain a certificate stating completion as such. The new certificate of training shall be submitted to the Board upon completion of the training. A copy of the new certificate shall be maintained on site at the crematory, and it shall be subject to inspection by the board.
10. Persons receiving training toward certification to operate a retort shall be allowed to work under the supervision of an operator who holds a certification and license. The length of time the person receiving training can work under the supervision of an operator shall not exceed six (6) months.
11. All persons applying for licensure must submit OSHA bloodborne pathogen training with their initial application.
12. Crematory operation certifications must be posted in the crematory and available for inspection at any time.
13. Any employees of a crematory required to be certified under this section and retained prior to the effective date of this Rule shall be certified within one year of such effective date.

H. Cremation Procedures



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1. In the event a death comes under the authority of the coroner or medical examiner, the human remains shall not be received by the crematory authority until authorization to cremate has been received from the coroner of the county in which the death occurred or the medical examiner. In the event the crematory authority is also authorized to perform funerals as well as perform cremation, this restriction on the receipt of human remains shall not be applicable, but cremation may not take place until authorization by the coroner or medical examiner.
2. A crematory authority shall hold human remains, prior to their cremation, according to the following provisions of this subsection:
 - a. Whenever a crematory authority is unable to cremate the human remains immediately upon taking custody thereof, the crematory authority shall place the human remains in a holding facility.
 - b. A crematory authority shall not be required to accept for holding a cremation container from which there is any evidence of leakage of the body fluids from the human remains therein.
 - c. If human remains received by the crematory authority are not embalmed, they shall be held no longer than 24 hours unless within a refrigerated facility.
3. The unauthorized, simultaneous cremation of the human remains of more than one person within the same cremation chamber is forbidden, unless the crematory authority shall have received specific written authorization to do so from all authorizing agents for the human remains to be so cremated. Such written authorization shall include an indemnification to exempt the crematory authority from all liability for commingling of the product of the cremation process.
4. Immediately prior to being placed within the cremation chamber, the identification of the human remains, as indicated on the cremation container, shall be removed from the cremation container and placed near the cremation chamber control panel where it shall remain in place until the cremation process is complete.
5. Upon completion of the cremation, and insofar as is possible; all of the recoverable residue of the cremation process shall be removed from the cremation chamber. Insofar as possible, all residue of the cremation process shall be separated from anything other than bone fragments and then be processed so as to reduce them to unidentifiable particles. Anything other than the particles shall be removed from the cremated residuals as far as possible, and shall be disposed of by the crematory authority.
6. Cremated remains shall be packed according to the following provisions of this subsection:
 - a. The cremated remains with proper identification, such as a disk tracking system, shall be placed in a temporary container or urn. The temporary container or urn contents shall not be contaminated with any other object, unless specific authorization has been received from the authorizing agent or as provided in subsection 6.b of this part.



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

c. If the cremated remains will not fit within the dimensions of a temporary container or urn, the remainder of the cremated remains shall be in a separate container.

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

e. If the cremated remains are to be shipped, the temporary container or designated receptacle ordered by the authorizing agent shall be packed securely in a suitable, sturdy container and sealed properly. Cremated remains shall be shipped only by a method which has an internal tracking system available and which provides a receipt signed by the person accepting delivery.

f. When an authorizing agent has indicated a preference for cremation as the form of final disposition, embalming or refrigeration shall not be required for a forty-eight (48) hour period after death, unless a health problem dictates otherwise.

I. Disposition of Cremated Remains

1. The authorizing agent shall be required to provide the person with whom cremation arrangements are made, a signed statement specifying the disposition of the cremated remains. A copy of this statement shall be retained by the crematory authority.

2. The authorizing agent is responsible for the disposition of the cremated remains. If, after a period of ninety (90) days from the date of cremation, the authorizing agent or his or her representative has not specified the ultimate disposition or claimed the cremated remains, the disposition authority or the person in possession of the cremated remains may dispose of the cremated remains in any manner permitted by law. The authorizing agent shall be responsible for reimbursing the disposition authority for all reasonable expenses incurred in disposing of the cremated remains pursuant to this section. All records relating to such a disposition shall be maintained by the person making such disposition. Examples of records to be maintained include written documentation of the type of disposition and any invoices or receipts for goods and/or services that were necessary to carry out the disposition.

3. In addition to disposing of cremated remains in a crypt, niche, grave or scattering garden located in a dedicated cemetery, or by scattering over uninhabited public lands, the sea or other public waterways, cremated remains may be disposed of in any manner on the private property of a consenting owner, upon direction of the authorizing agent. If cremated remains are to be disposed of on private property, other than dedicated cemetery property, the authorizing agent shall provide the disposition authority with the written consent of the property owner. Prior to scattering cremated remains, the remains must be reduced to a particle size of one-eighth (1/8) inch or less. A person



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may use a boat or an airplane to perform the scattering, and cremated remains shall be removed from their closed container before they are scattered.

4. Except with the express written permission of the authorizing agent no person licensed by the Board shall:
 - a. Dispose of or scatter cremated remains in such a manner or in such a location that the cremated remains are commingled with those of another person. The provisions of this paragraph shall not apply to the scattering of cremated remains at sea or by air from individual closed containers or to the scattering of cremated remains in an area located in a dedicated cemetery and used exclusively for such purposes ;
or
 - b. Place cremated remains of more than one person in the same closed container. This paragraph shall not apply to placing the cremated remains of members of the same family in a common closed container designed for the cremated remains of more than one person.
5. Cremated remains shall be delivered by the crematory authority to the individual specified by the authorizing agent on the cremation authorization form. The representative of the crematory authority and the individual receiving the cremated remains shall sign a receipt indicating the name of the deceased, and the date, time and place of the receipt. The crematory authority shall retain a copy of this receipt. After this delivery, the cremated remains may be transported in any manner in this state, without permit, and disposed of in accordance with the provisions of Arkansas law and this Rule.

J. Crematory Authority- Limitation of Liability

1. Each cremation authorization form used by a crematory authority shall include language that: authorizes it to proceed with the cremation and disposition of the cremains; and indemnifications to exempt it from liability, when it has performed as directed and in accordance with all applicable laws and this Rule. Further, the following provisions apply:
 - a. Any person signing a cremation authorization form shall be deemed to warrant the truthfulness of any facts set forth in the form, including the identity of the deceased whose remains are sought to be cremated and that person's authority to order such cremation. Any person signing a cremation authorization form shall be personally and individually liable for all damage occasioned thereby and resulting therefrom.
 - b. A crematory authority shall have authority to cremate human remains upon the receipt of a cremation authorization form signed by an authorizing agent. There shall be no liability for a crematory authority, disposition authority, or other person or legal entity that cremates human remains pursuant to such authorization, or that releases or disposes of the cremated remains pursuant to such authorization.



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

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

- (1) It is aware of any dispute concerning the cremation of human remains ;
- (2) It has a reasonable basis for questioning any of the representations made by the authorizing agent ; or
- (3) For any other lawful reason.

d. If a crematory authority is aware of any dispute concerning the release or disposition of the cremated remains, the crematory authority may refuse to release the cremated remains until the dispute has been resolved or the crematory authority has been provided with a court order authorizing the release or disposition of the cremated remains. A crematory authority shall not be liable for refusing to release or dispose of cremated remains in accordance with this subsection.

K. Administration

1. A crematory authority may implement additional reasonable rules and regulations, consistent with applicable law and this Rule, for the management and operation of a crematory. Nothing in this provision shall prevent a crematory authority from implementing rules and regulations which are more stringent than the provisions contained in this Rule.

2. Violations of this rule shall be punishable in accordance with all applicable law and rules pertaining to crematory authorities. Any person doing business in this state, or any cemetery, funeral establishment, corporation, partnership, joint venture, voluntary or religious organization, or any other entity is prohibited from:

- a. Maintenance or operation of a building or structure within this state as a crematory without a license or in violation of this rule of the Board or laws or rules of other applicable regulatory bodies;
- b. Holding oneself out to the public as a crematory authority without being licensed under this rule , or performing a cremation without a cremation authorization form signed by the authorizing agent;
- c. Signing a cremation authorization form with the actual knowledge that the form contains false or incorrect information;
- d. Performing a cremation in other than a licensed crematory authority; and
- e. Violation of any other provision of this rule.

3. Applicable penalties may be imposed by the Board whether or not the violator holds a valid license issued to an individual, funeral establishment, crematory authority, transport service, or other entity.



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L. Pre-Need Cremation Arrangements

1. Cremation arrangements that are made on a pre-need basis, between a consumer and a funeral establishment, may specify the ultimate disposition of the cremated remains, and that portion of the agreement shall be initialed by the individual making the arrangements. If there are no additional or different instructions provided to the crematory authority by the authorizing agent at the time of death, then the crematory authority shall be authorized to release or dispose of the cremated remains as stated in the pre-need agreement.

2. The contract or other written document that memorializes the decedent's wishes with regard to final disposition, must be executed in accordance with the provisions of the Arkansas Final Disposition Rights Act, codified at Ark. Code Ann. § 20-17-102. Those provisions require the signature of the person/declarant, and must be witnessed by two (2) individuals. The person shall have the option of designating the crematory authority. A copy of this form shall be retained by the person and a copy sent to the crematory authority, if so designated. Any person shall have the right to transfer or cancel this authorization at any time prior to his or her death by providing written notice to all parties.

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

4. The provision of this section shall only be applicable if the cremation authorization is executed in accordance with Ark. Code Ann. § 20-17-102. If not, then the authorized agent of the deceased shall have the right to choose another form of final disposition at the time of the person's death, unless such change is in conflict with Arkansas law.

M. Sanitation and Fire Safety

1. The crematory, cremation chamber, and all related buildings and equipment shall be maintained in a clean and sanitary manner. All equipment in and related to the crematory shall be maintained in good condition according to the directions given by the manufacturer of the equipment and the appropriate regulatory authorities.

2. Crematory authorities applying for licensure shall construct their crematories in such a manner as to meet the following minimum standards:

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

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

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



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3. No flammable material shall be stored within five feet of the cremation chamber.
- N. Miscellaneous Provisions Relating to Crematory Authorities
 1. License holders agree that Board representatives have the right to inspect the crematory and the records of the crematory authority at any time.
 2. License holders shall also agree to hold valid licenses issued by any other applicable regulatory agencies. Failure to hold such other licenses or permits, when they are necessary to be held, shall be considered a violation of this rule.
 3. Personal items placed or caused to be placed in the cremation container with the body of the deceased shall not be removed by the crematory authority or its representatives. This provision does not apply if the items could cause harm to the crematory or to the crematory authority personnel during the cremation process.
 4. Any items removed from the cremation container shall be returned to the authorizing agent.
 5. All cremations of human remains in this state shall be arranged through the holder of a licensed funeral establishment
 6. Records required by this rule of crematory authorities, disposition authorities, and other parties shall be maintained in accordance with Section 22 of this rule.
- O. Funeral Establishment Type D- Transport Service Firm
 1. A transport service firm is an agent of a Type A establishment, and as such, is prohibited from making arrangements with the public.
 2. No transport service firm headquartered or having an office in the State of Arkansas shall operate in this state without a valid license issued by this Board.
 3. Application for licensure as a transport service firm shall be made on forms provided by the Board.
 4. A license for the operation of a transport service may be issued by the Board if the Board finds:
 - a. That the firm is owned, managed, and supervised by a person approved by the Board;
 - b. That the owner or manager of a transport service firm has provided the Board with three (3) letters of reference, one of which must be submitted by the manager of a funeral establishment licensed by the Board;
 - c. That the owner or manager of a transport service firm is at least twenty- one (21) years of age;
 - d. That the application was completed on forms provided by the Board and accompanied by the required fees;
 - e. That the application was received by the Board at least twenty (20) business days before the Board's next regularly scheduled meeting;



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5. The name of the owner or manager of a transport service firm shall be reported annually to the Board.
6. Should the owner or manager of a transport service firm leave the employment of the firm for any reason, the transport service firm shall notify the Board of his or her leaving within ten (10) business days and the name of the new manager within thirty (30) business days. Any new manager shall meet all Board requirements for that position.
7. Any person employed by a transport service firm as a driver is must be at least eighteen (18) years of age, hold a valid driver's license issued by the State of Arkansas, and have an acceptable driving record
8. Vehicles used by the transport service firm must be suitable for the purpose for which they are being used by the firm in the transport of the human dead. At a minimum:
 - a. Vehicles must be of adequate size and interior space;
 - b. Vehicles used may at no time transport more than the number of bodies they are designed to accommodate;
 - c. Vision from the outside of each transport vehicle into the area designed for transporting the dead must be restricted by tinting, curtains, shades, or other suitable mean;
 - d. A passenger vehicle such as a sedan may not be used except for transporting infants;
 - e. A pickup truck with camper shell cover may only be used in extreme conditions caused by decomposition and odor or by extreme weather conditions or terrain; and
 - f. All vehicles must be kept clean and sanitary, and maintained in good and serviceable condition.
9. All transport service firms shall carry liability insurance coverage of not less than five hundred thousand dollars (\$500,000.00) and commercial automobile liability insurance coverage of not less than five hundred thousand dollars (\$500,000). The policy shall specifically indicate that the coverage is for the transport of the human dead. Proof of general liability insurance and commercial automobile insurance shall be provided to the Board prior to issuance of an original or renewal Type D Establishment license.
10. When a transport service firm is sold or changes ownership, the firm shall notify the Board, in writing, at least thirty (30) days prior to the sale or change of ownership. In cases where the name of the firm will not change, the license in effect shall be honored for the new owner until that license expires. If the new owner desires to change the name of the transport service firm prior to license expiration, then the owner shall apply for a license for the firm to be issued in the new name.



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11. When a transport service firm is closed, the Board shall be immediately notified of the closing in writing , and the license in force at the time of closure shall be returned to the Board office within seven (7) days.
12. If a transport service firm license is revoked, that license shall be returned to the Board office within seven (7) days of receipt of the Board's order revoking the license.
13. If all requirements are met, the Board shall grant each application for the licensure of a transport service firm at the meeting at which the license application was discussed. No applicant may operate a transport service firm until notification from the Board that a license has been issued.
14. Transport service firm licenses and renewal licenses shall be issued under this section upon application, receipt of proof of required insurance, and after approval of the Board. All transport licenses must be renewed on or before December 31st.
15. An application fee shall accompany each application for licensure.
16. Renewal of all transport service firm licenses must be made on or before December 31st of each year, and must be accompanied by the annual renewal fee.
17. Licenses not renewed by December 31st of any year shall be considered delinquent and may be grounds for disciplinary action by the Board.
18. The owner or manager of a transport service firm may hire such employees so that services are competently provided. The manger is responsible for the supervision and performance of his or her employees and agents in the course of providing the services of a transport service firm. Disciplinary action may be brought against the firm and its owner and/or manager because of the acts or omissions of the firm's employees and agents which violate any applicable law or the rules of the Board.
19. A transport service firm may only act at the request of, and as the agent of, a licensed funeral establishment or its representative.
20. A transport service firm is prohibited from providing shelter, care, or custody of the human dead except as provided by law and in this rule. This does not prohibit a licensed funeral director or embalmer from acting as an agent and at the request of a licensed funeral establishment or its representative from providing those services.
21. Holders of funeral establishment licenses issued by the Board are exempt from any requirement to hold a separate transport service firm license.
22. The dignity of the deceased person shall be respected at all times by the transport service firm and its personnel.



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23. Acceptance of a license issued by the Board gives a Board and its representatives the right to inspect the office of the transport service firm, its vehicles, and the records of the firm at any time.
24. License holders shall also hold valid licenses issued by any other applicable regulatory agencies. Failure to hold such other licenses or permits, when necessary, shall be considered a violation of this rule .
25. When acting as an agent of a funeral establishment, or in the course of their normal business, ambulance companies and licensed common carriers, such as airlines, freight companies, and railroads, may transport the bodies of the human dead in and through this state without a transport service firm license issued by the Board.

Section 7. Apprenticeship

A. Any person desiring to apprentice in the science of embalming in this state shall be eighteen (18) years of age, have graduated from an accredited high school or have been issued a certificate of equivalency issued by the public school system, the military service, or an accredited college or university. He or she shall serve one (1) year in an Arkansas licensed establishment under an embalmer licensed by this Board, and shall assist in the preparation of at least fifty (50) bodies. This apprenticeship shall be registered with the Board, on applications provided by the Board, and individual case reports must be signed by both the apprentice and the licensed embalmer under whose supervision the work was done, and filed with the Board by the 10th day of the following month. The apprentice must enroll in mortuary school within one year of beginning the apprenticeship. Failure to do so will result in the termination of the apprenticeship for a period of ninety (90) days, or upon the enrollment in mortuary school, whichever period is shorter. If the apprentice is a graduate of a school of embalmers, then proof of such graduation and the requirements therefor may be substituted for six (6) of the eighteen (18) months of the apprenticeship, provided the school is accredited by the American Board of Funeral Service Education or approved by the Board.

B. Any person desiring to apprentice in the business of funeral directing in this state shall be eighteen (18) years of age, have graduated from an accredited high school or have been issued a certificate of equivalency issued by the public school system, the military service, or an accredited college or university. He or she shall serve eighteen (18) months in an Arkansas licensed establishment under a funeral director licensed by this Board, and shall actively assist in the arranging and conducting of fifty (50) services. This apprenticeship shall be registered with the Board, on forms provided by the Board, and individual case reports must be signed by both the apprentice and the licensed funeral director under whose supervision the work was done, and filed with the Board by the 10th day of the following month. If any person is a graduate of an accredited school of mortuary science and has passed the National Conference Exam, that person shall be required to serve only one (1) year as an apprentice funeral director. Any person serving a funeral director apprenticeship must obtain at least six (6) hours of classroom instruction during the apprenticeship. These hours must be attained in the subject matters of funeral service practices and ethics, laws, and rules affecting funeral service. The continuing education courses shall be taken



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from a provider approved by the Board and cover instruction in funeral service practices and ethics, laws, and rules affecting funeral service.

C. Any person desiring to register as an apprentice either in the science of embalming or the business of funeral directing must submit the following documents:

1. A completed application for Apprentice Funeral Director or Apprentice Embalmer, or both if the applicant wishes to apply for dual apprenticeship;
2. The required fee(s);
3. A copy of his or her high school diploma, certified transcript with proof of graduation, certificate of equivalency issued by the public school system or military, or an accredited college or university diploma, or official transcript with proof of graduation;
4. Completed statement of apprenticeship form;
5. A recent color photograph or photo identification; and
6. The forms and fees necessary for the Board to conduct a State Police background check.

D. All funeral director and embalmer case reports must be filed in the Board's office no later than the 10th of the month following the month in which the work was actually performed. Incomplete case reports will not be accepted, and as such, they will be returned to the apprentice.

E. Any person who is registered as an apprentice embalmer and/or funeral director in the State of Arkansas is required to complete this apprenticeship within three (3) years of the date of registration. If not completed within three (3) years, the apprentice may re-register for a second three (3) years. In cases where the apprenticeship is not completed in three (3) years, the apprentice will be notified that he or she has ninety (90) calendar days to re-register. If the apprentice fails to re-register within ninety (90) calendar days from the date of notification, then upon any delinquent re-registration, the apprentice must start the apprenticeship from the beginning, to include case reports. If the apprenticeship is not completed within six (6) years of the date of original registration, he or she shall not be eligible to register as an apprentice for ninety (90) calendar days. After this ninety (90) day period, a person may register as an apprentice and begin the process from the beginning, including case reports.

F. All apprentice funeral directors shall submit fifty (50) case reports during the term of apprenticeship. The case reports must document that each of the following responsibilities was performed:

1. Either make the arrangements or observe the arrangements being made with the family, including the selection of merchandise;



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2. Make the church set-up and organize how family and friends are to be directed ;
3. Direct family, or assist in doing so, at the funeral and cemetery service, and dismiss family and friends at the conclusion of the service;
4. Be in charge of the movement of the casket and instruct the pallbearers ;
5. Organize the funeral procession, and determine where and how parking is to be done, either chapel or church, or any other place;
6. Arrange flowers;
7. Direct movement of people when viewing remains, at either chapel, church or any other place;
8. Organize "Order of Service" with minister and musicians;
9. Prepare notice of service and/or obituary;
10. Order copy or copies of death certificates;
11. Prepare funeral service programs and/or video life tributes;
12. When appropriate, coordinate veteran arrangements such as flag, honor guard, marker, etc.;
13. Process file documentation, such as information sheet, insurance assignment(s), and final billing statement;
14. File claim on assigned insurance and/or annuity policies, and social security benefits; and
15. Make removals.

G. Any person desiring to apprentice in the business of funeral directing and or embalming with more than one firm, may do so by completing the applicable apprenticeship form(s), statement of apprenticeship form, and register with the Board office. There are no additional fees for adding an additional location.

H. Any person registered as an apprentice who desires to add additional licensees/supervisors, may do so by having those licensees send a signed, notarized statement to the Board office indicating their willingness to serve as a supervisor.

I. Any person registered as an apprentice who desires to leave a registered location for a new location, must register the new location with the Board before starting that apprenticeship.

J. The funeral establishment shall be responsible for notifying the Board in writing if an apprentice leaves the employment of the establishment, or is terminated from his or her apprenticeship duties at each location he or she might serve.

Section 8. Qualifications of Applicants for Examination

A. Any person desiring to be examined in the science of embalming in the State of Arkansas must meet the requirements set forth for taking the National Conference Exam. Prior to taking the Arkansas Laws, Rules, and Regulations Exam ("ARLRR"), embalmer applicants must have either: graduated from an accredited school of mortuary science or completed his or her case reports.



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B. Any person desiring to be examined in the business of funeral directing within the State of Arkansas must have either: graduated from an accredited school of mortuary science or completed his or her case reports.

Section 9. Examinations/Licensure

- A. Regular examinations shall be held at the discretion of the Board. Applicants for the examination shall be registered as either an apprentice embalmer or an apprentice funeral director, or both. If the applicant does not pass the examination during either the first three-year apprenticeship period or the second three-year apprenticeship period (if needed), then the applicant shall not be able to re-register as an apprentice for at least ninety (90) calendar days after the expiration of the second three-year apprenticeship period. If the applicant does not successfully pass the examination during a first, second, third, or fourth three-year apprenticeship period, then the applicant must register for another apprenticeship before he or she is eligible to take the examination.
- B. Applicants for embalmer licenses shall take and pass both parts of the National Conference Exam and the ARLRR.
- C. Applicants for a funeral director license shall be given a written examination on information contained in the Arkansas Laws, Rules and Regulations Manual and any other such subjects the Board deems necessary.
- D. Applicants for a funeral director license shall be required to score a minimum of 75 percent on the ARLRR to successfully pass that examination. Once the applicant passes the examination and obtains six (6) hours of continuing education, he or she shall be entitled to receive, from the Board, a license to practice the business of funeral directing, provided all the other requirements have been met. If the applicant needs to take the examination more than once in order to receive a passing score, the examination may be taken once every thirty (30) days.
- E. Applicants for an embalmer license shall be required to score a minimum of 75 percent on both parts of the National Conference Exam and a minimum of 75 percent on the ARLRR. Upon passing the examinations, the applicant shall be entitled to receive, from the Board, a license to practice the science of embalming, provided all the other requirements have been met. If the applicant needs to take the examination more than once in order to receive a passing score, the examination may be taken once every thirty (30) days.
- F. All questions used on the ARLRR are the property of the Board.
- G. An applicant may qualify to take the ARLRR at the completion of eighteen (18) months of his or her apprenticeship.
- H. Graduates of an accredited mortuary school shall be immediately eligible to take the ARLRR.



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I. Individuals who have successfully completed a funeral director and/or embalmer apprenticeship, who wish to become licensed as such, must apply for the license by submitting the forms and fee(s) required by the Board.

Section 10. Requirements for Reciprocal Licenses

- A. Any person holding a valid, license as an embalmer, funeral director, or crematory retort operator in another state, U.S. Territory, or Provincial Authority, may apply for a license to practice in this state as an embalmer, funeral director, or crematory retort operator, if the person seeking reciprocity meets all the requirements for licensure in this state:
1. The person must demonstrate that he or she holds an embalmer, funeral director, or crematory retort operator or similar license(s) in another state, territory, or district of the United States in good standing, and has not had his or her license revoked for an act of bad faith or a violation of law, rule or ethics;
 2. The person must not hold a suspended or probationary occupational license in any state, territory, or district of the United States;
 3. The person must be qualified in his or her field; and
 4. The person must pay the required fee.
- B. Application shall be made by filing with the Board, a certified statement completed by the examining Board of the state, U.S. Territory or Provincial Authority in which the applicant holds his or her license, that shows the basis upon which the license was issued. It is the applicant's responsibility to request from the other state, U.S. Territory or Provincial Authority where he or she holds a valid license, to complete the Certification of Licensure form provided by the Board.
- C. Upon receipt of the application, the Board may issue a temporary working number, which is valid for one year from the date of issuance.
- D. To obtain a license, the applicant shall pass an exam to prove his or her proficiency, including at least, but not limited to, a minimum knowledge of the laws, and rules of this state pertaining to funeral service. The exam may be taken at one of the regularly scheduled exam sessions set by the Board. The exam may be taken once every thirty (30) days.
- E. If the Board is satisfied with the proficiency of the applicant, upon receipt of the required fees, a license may be granted.
- F. Individuals who hold a license in another state, territory or district of the United States that does not offer reciprocity similar to reciprocity in Arkansas, will be required to successfully pass the ARLRR.
- G. Automatic Licensure for Military Service Members, Veterans, and Spouses



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1. As used in this subsection:
 - a. “automatic occupational licensure” means the granting of an embalmer’s license, a funeral director’s license, a crematory retort operator’s license, an apprentice embalmer, or an apprentice funeral director without the individual’s having met occupational licensure requirements provided under Title 17 of the Arkansas Code or by these Rules.
 - b. “occupational licensure” means a license, permit, or registration that is required for an individual to engage in apprenticeship, embalming, funeral directing, or operating a crematory retort.
 - c. “returning military veteran” means a former member of the United States Armed Forces who was discharged from active duty under the circumstances other than dishonorable.
 - d. “uniformed service member” means:
 - (1) an active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard;
 - (2) An active component member of the National Oceanic and Atmospheric Commissioned Officer Corps; or
 - (3) An active or reserve component member of the United States Commissioned Corps of the Public Health Service.
 - e. “uniformed service veteran” means a former member of the United States uniformed services discharged under conditions other than dishonorable.
2. The Board shall grant automatic occupational licensure to any the following individuals:
 - a. A uniformed service member stationed in the State of Arkansas;
 - b. A uniformed service veteran who resides in or establishes residency in the State of Arkansas;
 - c. The spouse of a uniformed service member stationed in the State of Arkansas;
 - d. The spouse of a uniformed service veteran who resides in or establishes residency in the State of Arkansas;
 - e. The spouse of a uniformed service member who is assigned a tour of duty that excludes the uniformed service member’s spouse from accompanying the uniformed serviced member and the spouse relocates to this state; and
 - f. The spouse of a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.
3. The Board shall grant automatic occupational licensure to any individual listed in Subsection 4, above, and is the holder in good standing of occupational licensure with similar scope of practice issued by another state, territory, or district of the United States.
4. The Board shall accept relevant and applicable uniformed service education, training, or service-issued credential toward occupational licensure qualifications or requirements when considering an application for initial licensure of an individual who is a uniformed service member or a uniformed service veteran who makes an application within one (1) year of his or her discharge from uniformed service.



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5. The Board shall extend the expiration date of any license, permit, or registration issued for a deployed service member or his or her spouse for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.
6. The Board shall allow for a full exemption from continuing education requirements for any individual listed in Subsection 7, until one hundred eighty (180) days following the date of the uniformed service member's return from deployment.
7. In order to allow for full exemption of continuing education, the Board may require evidence of completion of continuing education before granting a subsequent licensure or authorizing the renewal of the license, permit, or registration.

Section 11. License Renewals and Reinstatements

- A. License renewals and reinstatements shall be made on forms provided by the Board.
- B. All embalmer, funeral director, and crematory retort licenses issued by this Board shall expire on December 31st of each year, and they must be renewed on or before December 31st. Failure to renew timely will require the licensee to pay delinquency fees as provided in this Rule.
- C. All establishment licenses expire on December 31st of each year, and they must be renewed on or before December 31st. Failure to renew timely will require the licensee to pay delinquency fees as provided in this Rule.
- D. Renewal fees, must accompany each application for renewal.
- E. Every licensed embalmer and/or funeral director who is actively engaged in the practice of embalming and/or funeral directing in Arkansas shall report at least 6 hours of approved continuing education on the renewal form.
- F. Failure to receive the renewal notice shall not relieve any licensee of the duty to timely renew the license or to pay the renewal fee or any delinquent fees as prescribed.
- G. Renewals and Delinquent Fees
 1. All embalmer, funeral director, and crematory retort operator license renewals received after December 31st of each year are considered delinquent, and licensees are not allowed to practice the science of embalming, or to engage in the business of funeral directing, or the operating of a crematory retort, until a renewal card has been issued for the current year. A delinquent fee as prescribed by the Board for each three (3) months, or fraction thereof, with a maximum of twelve (12) months, must be remitted with a reinstatement fee equal to one (1) year of delinquent fees .



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2. Any person whose license has been delinquent for at least thirteen (13) months may apply for reinstatement upon submission of the appropriate forms and fees.

3. Any person who held a license which has lapsed three (3) or more years past, must appear before the Board at a regular meeting to seek reinstatement.

4. All Establishment license renewals received after December 31st of each year are considered delinquent, and establishments shall cease operating until the license is renewed. A per month delinquent fee will be due and owing for each month the license is delinquent.

5. Reinstatement. Any individual who seeks to reinstate a license issued by this Board shall submit an application to reinstate, along with the reinstatement fee, and shall meet the following requirements:

- a. Was previously licensed by the Board;
- b. Held his or her license or registration in good standing at the time of licensing or registration;
- c. Did not have his or her license or registration revoked for an act of bad faith or a violation of a law or rule;
- d. Is not currently holding a suspended or probationary license, registration, permit, or certification in any other state;
- e. Is sufficiently competent. Competency may be shown by proficiency testing, letters of recommendation, or both;
- f. Is able to successfully complete a criminal background check; and
- g. Has successfully completed at least six (6) hours of continuing education.

6. Reinstatement Fee. In order to reinstate an embalmer, funeral director, or crematory retort operator license which has been expired for thirteen (13) months or longer, the licensee shall pay a reinstatement fee of \$100.00 per license, in addition to the renewal fee for each license being reinstated.

H. Inactive Status. Funeral directors and embalmers who wish to renew as inactive must notify the Board before December 31st of the year before the year they wish to convert to inactive status, on a form provided by the Board, and accompanied by the required fee. The licensee shall be required to remain inactive for a period of one year. Nonetheless, if the licensee wishes to become active during the one-year period, then he or she must notify the Board as such and submit the required forms, including proof of six (6) hours of continuing education.

Section 12. Duplicate Embalmer, Funeral Director, Crematory Retort Operator, and Funeral Establishment Licenses

Any licensee may request a duplicate license. The request shall be accompanied by the required fee. The fee shall be paid for each duplicate embalmer, funeral director, crematory retort operator,



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or establishment license issued. Each duplicate license will clearly state that it is a duplicate license, and it will state the license number and expiration date.

Section 13. Fees

| | |
|--|-------------------------------------|
| Embalmer License Renewal..... | \$30.00 |
| Funeral Director License Renewal..... | \$30.00 |
| Crematory Retort Operator License Renewal..... | \$30.00 |
| Establishment License Renewal (Type A B, and C)..... | \$150.00 |
| Crematory Construction Permit..... | \$25.00 |
| Type D Transport Service Firm License Renewal..... | \$50.00 |
| Apprentice Embalmer Application..... | \$50.00 |
| Apprentice Funeral Director Application..... | \$50.00 |
| Establishment License Application (Type A, B, C, or D) | \$50.00 |
| Crematory Retort Operator Application..... | \$50.00 |
| Reciprocal Application (Embalmer, Funeral Director, or Crematory Retort Operator)... | \$150.00 |
| Examination Fee (Embalmer or Funeral Director)..... | \$100.00 |
| Delinquent Fee (Embalmer, Funeral Director, or Crematory Retort Operator) per quarter, per license | \$50.00 |
| Reinstatement Fee (Embalmer, Funeral Director, or Crematory Retort Operator)..... | \$100.00 |
| Delinquent Fee (Establishment) A, B, C or D per quarter..... | \$450.00 |
| Original License (Embalmer, Funeral Director, or Crematory Retort Operator)..... | \$10.00 |
| Original License (Establishment) Type A, B, C, or D..... | \$35.00 |
| Duplicate License (Embalmer, Funeral Director, or Crematory Retort Operator) | \$20.00 |
| Duplicate License (Establishment) Type A, B C, or D..... | \$20.00 |
| Continuing Education Application Fee..... | \$100.00 |
| Initial Inspection Fee..... | \$250.00 |
| Re-Inspection Fee..... | \$100.00 |
| Inspection Penalty Fees..... | range between \$100.00 and \$700.00 |

Section 14. Lifetime Licenses

The Board shall waive the renewal fee for any funeral director, embalmer, or crematory retort operator whose license has been in force and effect for fifty (50) years or more. On the fiftieth (50th) anniversary of that license, a Lifetime License may be issued by the Board, provided the licensee is in good standing. Any licensee who has been licensed for fifty (50) years or more is eligible for a Lifetime License.

Section 15. Sales Practices

A. All funeral merchandise shall have a visible price card. The price card shall clearly state what merchandise and whether any services are included in the quoted price.



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B. Every funeral firm and/or funeral director in this state shall give, or cause to be given, to the person or persons making funeral arrangements, or arranging for the disposition of a dead human body, at the time such arrangements are completed, and prior to the time of rendering the service, and/or providing the merchandise, a written statement to the extent then known, which includes the following:

1. The price of the service that the person or persons have selected and what is included therein;
2. The price of each of the supplemental items of service and/or merchandise requested;
3. The amount involved for each of the items for which the firm will advance monies as an accommodation to the family; and
4. The method of payment.

C. No funeral firm shall bill or cause to be billed any item that is referred to as a "Cash Advance or Cash Accommodation" item unless the net amount paid for such item or items by the funeral firm is the same as it is billed by the funeral firm.

D. Every funeral firm and/or funeral director or embalmer in the State of Arkansas shall comply with these and all other requirements of the Federal Trade Commission (FTC) as they apply to funeral service.

Section 16. Funeral Service Practices

A. Prior to the removal of any body from the place of death, authorization shall be obtained from the authorizing agent who will be responsible for the post death arrangements. The authorization may be obtained verbally, either in person or over the phone, or in writing. However, removal may be made without authorization where human dignity or the avoidance of a public nuisance requires. Such removal without authorization shall be made only pending required authorization from the authorizing agent, in cases when authorization can be obtained. If the funeral firm which has custody of the remains is not the one selected to provide funeral services, then such firm shall release the body to the funeral firm selected by the authorizing agent(s) as soon as possible, but no later than three (3) business days. The funeral establishment that performs the removal and the funeral establishment that receives the body shall each maintain a release form signed by the authorizing agent. The receiving funeral firm shall be responsible for the costs of services provided by the funeral firm that made removal. The cost of the provided services shall not exceed the prices for those services as listed on the removing funeral firm's General Price List. Payment of those costs shall be payable at the time of removal. If the initial removal was at the request of a public official, costs incurred in the removal, shelter, and temporary care of the body shall be paid by such public officials.

B. When a funeral establishment has proper custody of a body, its personnel shall not proceed with any embalming procedures, when there is any indication that embalming is not desired; provided, however, that washing and other public health procedures such as the closing of the orifices by placing cotton soaked in a disinfectant in such orifices until such authorization is received or refused, shall not be precluded. Further, if authorization cannot be obtained or denied from the authorizing



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agent within a reasonable time, then preparation of the remains by the normal and usual method of embalming, for purpose of preservation and viewing, will be assumed to be granted.

C. The personnel of a funeral establishment whose services are desired shall make every reasonable attempt to fulfill the needs and desires of the deceased and/or the authorizing agent, both as to service and merchandise. A full disclosure of all the establishment's available services and merchandise shall be made to the authorizing agent prior to selection of the merchandise and services.

D. Using any funeral merchandise previously used, in whole or in part, without prior written permission of the person selecting and/or paying for the use of the merchandise, is prohibited.

E. Any statements made of legal requirements shall be complete and factual, as shall any statements as to the conditions under which embalming is required or advisable. Representations as to the use of a casket or other receptacle and the necessity, if any, of an interment receptacle in connection with a funeral or an alternative thereto, or for final disposition, shall be truthful and shall disclose all legal and/or cemetery interment requirements.

F. Prior to the delivery of the body, the establishment personnel shall explain, to the authorizing agent, next of kin, or whomever is responsible for post-death arrangements, when such explanation is desired, the components of the prices for alternatives to a funeral service. Alternatives may include, but are not limited to, a memorial service, a graveside service, direct disposition, or body donation without any rites or ceremonies. The personnel shall explain the price, if any, of returning any residue or remains following body donation if that option is chosen.

G. Each funeral establishment which has a casket selection room shall have a card or brochure in each casket therein setting forth the price of the service using said casket and listing the services and other merchandise included in the price, if any. Where there are separate prices for the casket and/or services, and/or for the use of facilities and/or equipment, such card should indicate the price of the casket and of the items separately priced. The price of the casket only may be displayed on such card in the casket, if all other separately priced items are provided in writing prior to the selection of the casket; provided, however, that such price be accompanied by language that the price quoted is for the casket only.

H. Funeral service firms are required to make reasonable adjustments in their price when less than the quoted offering is utilized.

I. When the services of two funeral firms are necessary, the funeral firm engaged at the place of death (the removing firm) shall charge only for the professional services, facilities and merchandise provided, and a representative thereof shall so notify the receiving funeral firm. The receiving funeral firm shall charge only for the professional services, facilities and merchandise provided by it. There shall be a duplication of charges by the removing and receiving funeral firms only when there is a duplication of professional services, facilities or merchandise pursuant to the request of the authorizing agent.



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J. Every funeral firm shall have available to the public before and at the time of need, factual information about immediate post death activities, including funeral prices, alternative types of services and their prices. Such information shall include the functions, services and responsibilities of the funeral service firm.

K. Establishments responsible for advertisements that refer to available services, such as “a funeral”, “complete funeral” “complete service” “memorial service”, or “direct disposition”, shall also provide factual information as to professional services, facilities, equipment, merchandise and miscellaneous items. This information should be easily obtainable from the establishment responsible for the advertisement.

L. No funeral service firm shall employ any form of “bait advertising” as described in Section 3 of this Rule.

M. Any advertisement to offer to provide a service at a stipulated price shall be made in good faith. Further:

1. The merchandise to be used in the service shall be a part of the regular merchandise displayed by or for the funeral service firm; and
2. The desirability of such offer shall not be disparaged or otherwise discouraged.

N. No principal, employee, or agent of a funeral service firm will make inaccurate statements concerning the prices charged or the nature of services provided by other funeral service firms.

O. Licensees are prohibited from engaging in solicitation. Solicitation occurs when a funeral establishment contacts the next of kin or other authorizing agent, when the next of kin or authorizing agent did not initiate the contact with the funeral establishment. Licensees and their agents, assistants and employees shall not solicit dead human bodies, either while death is impending, or after death. This prohibition does not prohibit general advertising. The following provisions also apply:

1. Licensees shall not directly or indirectly, employ an apprentice, agent, assistant, employee, or other person on a part-time, full-time, or commission basis, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular establishment.
2. Licensees shall not directly or indirectly, pay or offer to pay, a commission to another licensee, or to the licensee’s own agents, assistants, or employees, for the purpose of securing business.

Section 17. Complaints

A. Complaints concerning violations of statutes or Board Rules may be made by the Board itself, through its staff, or by a member of the public.



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- B. All complaints shall be submitted to the Board's office.
- C. A copy of any complaint filed will be sent to the licensee or party against whom the complaint has been lodged.
- D. The licensee or other party is to be given fifteen (15) days to respond, in writing, to the allegations of the complainant. Failure to respond and the failure to timely respond to the complaint, are automatic violations.
- E. All complaints and responses shall be typed or written legibly. All complaints and responses shall also be signed and notarized.
- F. Upon receipt of the response(s), the complaint will be investigated if so warranted. When appropriate, the Board's inspector may inspect the establishment against whom the complaint has been filed.
- G. After any investigation is complete, the Board's counsel will review the complaint file.
- H. Board staff will then recommend that the Board either: close the complaint because there is no evidence of violations, set the matter for a hearing, or resolve by another means.
- I. If the Board determines that the matter should be set for a hearing, then an order and notice of hearing will be sent to the licensee(s) or other party(ies) by Certified Mail.
- J. The licensee or other party and the complainant shall be given twenty (20) days written notice of the time and place of the hearing. Failure to appear at the hearing is an automatic violation.

Section 18. Parliamentary Procedures

Roberts Rules of Order is adopted as the official Parliamentary Manual, and the rules contained therein shall govern the Arkansas State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services in all cases to which they are applicable and which do not conflict with the governing statutes and Rules of the Board.

Section 19. Inspections

- A. The Board's Inspector shall inspect Type A, B, C, and D establishments for their initial inspection. The inspection fee must be submitted with the application for the establishment license.
- B. Re-inspections are those inspections that are required due to significant changes. These changes include, but are not limited to, an addition of an embalming preparation room, relocation of an embalming preparation room, the addition of a retort, a location change, or a change in



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ownership. Re-inspections required due to significant changes require the payment of the re-inspection fee, along with submission of the required forms.

- C. The Inspector shall inspect all Type A, B, C, and D establishments randomly throughout the year during normal business hours. The Inspector should be allowed to enter within a reasonable amount of time not to exceed one (1) hour.
- D. If an inspection or re-inspection is unsuccessful due to lack of cooperation of the establishment license holders, then the license holders will be subject to an inspection penalty fee of one hundred (\$100.00) per hour after the initial hour. Maximum wait shall be seven (7) hours or seven hundred (\$700.00) dollars for each day of occurrence.
- E. Public areas shall be inspected. Each establishment shall have public restroom accommodations which shall be clean and in good working order. Further, all public areas shall be kept in a good state of repair. All sidewalks, entrances, and walkways shall be free from debris, ice, or other obstacles to the extent practicable.
- F. If any establishment is cited for failure to comply with any requirements provided in statutes or Board Rules, when practicable, the establishment shall resolve the violation to the satisfaction of the Board within thirty (30) days after the filing of the inspection report. The establishment may be granted a longer period of time within which to resolve the violation, at the discretion of the Board.

Section 20. Continuing Education

A. Requirements for Embalmers

1. Every licensed embalmer who desires to be actively engaged in the practice of embalming in Arkansas shall submit with the annual renewal application, evidence of satisfactory completion of at least six (6) hours of classroom instruction. Classroom instruction includes: a traditional brick and mortar style classroom environment, and instruction provided remotely by the use of digital media, including live webinars, and self-guided courses that provide for a test and certificate of completion, and any other method of instruction that is approved by the Board.
2. Every licensed embalmer who is not actively engaged in the practice of embalming in Arkansas shall be exempt from the continuing education requirements set forth above. If the person becomes engaged in the active practice of embalming, such person shall, within the first year of becoming engaged in active practice of embalming, meet the continuing education requirements as stated above.

B. Requirements for Funeral Directors

1. Every licensed funeral director who is actively engaged in the business of funeral directing in Arkansas shall submit with the renewal application, evidence of satisfactory completion



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of at least six (6) hours of classroom instruction. Classroom instruction includes: a traditional brick and mortar style classroom environment; instruction provided remotely by the use of digital media, including live webinars; self-guided courses that provide for a test and certificate of completion; and any other method of instruction that is approved by the Board.

2. Every licensed funeral director who is not actively engaged in the business of funeral directing in Arkansas shall be exempt from the continuing education requirements set forth above. If the person becomes engaged in the active practice of funeral directing, such person shall, within the first year of becoming engaged in the active practice, meet the continuing education requirements as stated above.

C. Requirements for Individuals Dually Licensed as an Embalmer and Funeral Director

1. Every licensee holding both an embalmer and a funeral director license, who desires to be actively engaged in the practice of both arts, shall submit with the annual renewal form, evidence of satisfactory completion of at least six (6) hours of classroom instruction.
2. Classroom instruction includes: a traditional brick and mortar style classroom environment; instruction provided remotely by the use of digital media, including live webinars; self-guided courses that provide for a test and certificate of completion; and any other method of instruction that is approved by the Board.

D. Requirements for Crematory Retort Operators- every licensed Crematory Retort Operator who desires to be actively engaged in operating crematory retorts shall annually submit a renewal application for licensure. The required certification received from the manufacturer must be submitted to the Board every five (5) years.

E. Actively engaged is defined as: practicing the science of embalming, engaging in the business of arranging, or conducting funerals, and operating a crematory retort.

F. Every licensee who is not actively engaged in the practice of embalming, funeral directing, or operating a crematory retort in Arkansas shall be exempt from the continuing education requirement. If the person becomes engaged in the active practice of embalming, funeral directing, or operating a crematory retort, such person shall within the first full year after becoming engaged in the active practice, meet the continuing education requirements specified by the Board.

G. Lifetime Licenses- Those licensees who hold a lifetime license are exempt from meeting the continuing education requirements.

H. Those licensees who have been licensed for twenty (20) years and have attained the age of sixty-five (65) are exempt from the continuing education requirements.



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- I. Out of State Licensee- Every licensee who holds a valid Arkansas license but lives outside of the State of Arkansas and is not actively engaged in funeral directing, embalming or operating crematory retorts, is not required to meet the continuing education requirements.

- J. Continuing Education (License Requirements and Exemptions)
 1. All actively engaged embalmers and funeral directors shall have attained six (6) hours of continuing education prior to December 31st of each year. Proof of satisfactory completion of the continuing education shall accompany the renewal application. Those licensees who fail to attain the required continuing education hours by December 31st of any year will be notified by the Board of the deficiency, and the license will not be renewed, causing it to expire.
 2. The Board shall have the power to excuse licensees from the continuing education requirements as set forth in this Rule.
 3. Continuing education credit(s) may be obtained by attending and participating in continuing education courses or workshops previously accredited by the Board, or which otherwise meet the requirements stated in this Rule and are approved by the Board. This includes continuing education credits approved by other states.
 4. When an organization, educational institution, or person is an accredited sponsor, all continuing education programs of the organization, educational institution, or person, shall be subject to approval by the Board. Each organization, educational institution, or person, shall upon completion of an application and a fee set by the Board, be notified of the approval or disapproval of the course(s) at least thirty (30) days before the course(s) is offered.
 5. No more than three (3) continuing education hours can be carried over from one licensing year to the next.
 6. Continuing education requirements are waived the first year of licensure.
 7. Continuing education requirements for individuals who have been granted a reciprocal license in funeral directing and/or embalming in Arkansas, shall be waived, for the first year of licensure.
 8. Continuing education credits shall be granted for any community college, junior college, or four-year university course relating to and approved by the Board for the continuing education requirements. Each applicant for such a course shall also supply the Board a certificate of completion, the completed grade, and the number of hours received in such a course accredited by the college or university.



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- K. Any licensee who has been found to have submitted credits for continuing education hours but has not attended the hours or did not complete the hours, shall be subject to disciplinary action by the Board.
- L. Continuing Education Seminars
1. Standards for Approval
 - a. A continuing education course or workshop shall be qualified for approval if the Board decides that it;
 - (4) Constitutes an organized program of learning, including a symposium, which contributes directly to the professional competency of the licensee;
 - (5) Is related to the practice of mortuary science or funeral services;
 - (6) Is conducted by individuals considered experts in the subject matter of the program by reason of education, training, or experience; and
 - (7) Is accompanied by a paper, manual, or written outline which substantially describes the subject matter of the program.
 - b. Except as may be allowed by the Board, a licensee shall not receive credit for:
 - (1) Any funeral merchandise and/or products, programs or tours; or
 - (2) Duplicate programs taken within the previous two (2) years.
 2. Any licensee in Arkansas who serves as a lecturer or discussion leader shall be given continuing education credit to the extent it contributes to the professional competence of the applicant. Repetitious presentations shall not be counted. Not more than two (2) hours of the total annually required continuing education hours may be satisfied in this manner.
 3. Sponsorship of Seminars. Any organization, supplier, group, or corporation wishing to sponsor a seminar, symposium, or other meetings with employees or licensees shall:
 - a. Submit to the Board no less than sixty (60) days from the planned event, an application supplied by the Board outlining the event, speaker, and course description.
 - b. Submit the application fee. Multiple events, seminars, and symposiums held at the same location while by the initial sponsor making application will be considered as the same event.
 - c. Following a seminar approved by the Board, sponsors must, within thirty (30) days, complete and submit all paperwork required by the Board, including: names(s) of person(s) attending, license number, date of attendance, and hours completed.
 5. Board Sponsored and Other Seminars
 - a. The Board may provide an online list of accepted programs that are available to licensees. This list may include course offerings not only in Arkansas but also in other



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states as deemed necessary by the Board to make available to its licensees as wide a variety of courses and offerings as possible.

- b. The Board may sponsor continuing education programs. The Board may make these programs available to licensees by registration and an applicable fee as set to cover expenses of these events. Written evidence of attendance shall be issued by the Board at these events to meet the requirements as set forth by the Board.
6. Professionally Recognized Organizations- Organizations exempt from the application fee for courses offered to licensees in the continuing education requirements are:
- a. The National Funeral Director's Association (NFDA);
 - b. The National Selected Morticians (NSM);
 - c. The Order of the Golden Rule (OGR);
 - d. The Tri-State Funeral directors meeting held jointly by the States of Arkansas, Mississippi and Louisiana;
 - e. The National Funeral Directors and Morticians Association (NFD&MA);
 - f. The National Foundation of Funeral Service;
 - g. Accredited College(s) of Mortuary Science;
 - h. Any educational institution licensed by the State Board of Higher Education in Arkansas;
 - i. Preferred Funeral Directors International (PFDI);
 - j. The Academy of Professional Funeral Service Practice;
 - k. The Arkansas Funeral Directors Association (AFDA);
 - l. The Arkansas Funeral Directors and Morticians Association (AFD&MA);
 - m. Quad State Funeral Directors and Morticians Association;
 - n. Any Academy approved CE unit;
 - o. Northeast Arkansas Funeral Directors;
 - p. Northwest Arkansas Funeral Directors;
 - q. Central Arkansas Funeral Directors;
 - r. Southeast Arkansas Funeral Directors; and
 - s. Southwest Arkansas Funeral Directors.

M. Program Integrity and Accessibility by the Board

1. Each continuing education course or workshop already approved by the Board may be monitored or reviewed by the Board. Upon evidence of significant variation in the program presented from the program application submitted and approved by the Board, all or any part of the approved hours granted the program may be disapproved.
2. Board members and Board employees shall be admitted to any scheduled seminar, session, or event approved for continuing education credits at no charge, for the sole intent and purpose to monitor the licensees present and the content of the course. Board members and staff, however, cannot claim any course credit for such meetings where they served as monitors of the licensing requirement. Any sponsor of a course held out for the



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funeral directors or embalmers of this state shall not deny any Board member or Board staff access to the courses or significant paperwork as to attendance or course matter when requested.

3. No sponsor, individual, corporation, or agency having been approved by the Board to present continuing education courses, shall represent to the Board that persons who did not actually attend the course or did not complete the course work, in fact, attended, or completed the work, whichever the case may be. If the sponsor, individual, corporation or agency is a license holder, that individual or entity will be subject to disciplinary action.

N. Committee to Oversee Continuing Education

1. The Board shall be empowered to appoint a committee from itself or its membership, or staff, to oversee the application process and also appoint monitors if it so desires.
2. In the event of a denial, in whole or in part, of any application for accreditation or approval of a continuing education course or workshop, the applicant or licensee shall have a right to request that the matter be discussed at the next regularly scheduled Board meeting.

Section 21. Preparation and Preservation of the Human Dead

- A. Universal Precautions. In handling and preparing dead human bodies for final disposition, any person who comes in direct contact with an unembalmed dead human body or who enters a room where dead human bodies are embalmed, shall use universal precautions and otherwise exercise all reasonable precautions to minimize the risk of transmitting any communicable disease from the body. All persons present in a preparation and embalming room while a body is being prepared for final disposition must be attired in accordance with all applicable state and federal regulations regarding the control of infectious disease and occupational and workplace health and safety.
- B. Preparation procedures; controlled access to preparation room. The preparation of a dead human body for final disposition shall be performed in privacy. No person shall be permitted to be present in the preparation room while a dead human body is being embalmed, washed, or otherwise prepared for final disposition, except:
 1. Licensed embalmers;
 2. Registered apprentices or students;
 3. Public officials or their representatives in the discharge of their official duties;
 4. Licensed medical personnel; and
 5. Employees of the Type A establishment, whether licensed or not.



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Type A establishments may work with family and friends of the deceased to allow for their participation in the washing and dressing of the body in a private location. It is permissible to allow the family into the preparation room for this limited purpose.

C. Embalming or refrigeration required.

1. A dead human body must be refrigerated, or packed in dry ice, or it must be embalmed by a licensed embalmer or registered apprentice or practicum student or clinical student in the following circumstances:

- a. If the body will be transported by public transportation;
- b. If final disposition will not occur within twenty-four (24) to forty-eight (48) hours after death or release of the body by a competent authority with jurisdiction over the body or the body will be lawfully stored for final disposition in the future; or
- c. If ordered by the director of health for the control of infectious disease and the protection of the public health.

D. Authorization to embalm. No dead human body shall be embalmed without written authorization. Written authorization to embalm a dead human body must be obtained from either the individual lawfully entitled to custody of the body, or the individual's legal designee, and the authorization must be obtained as soon as possible following the death. Oral permission to embalm shall constitute an effective authorization to embalm if the individual seeking permission to embalm uses the word "embalm", briefly explains the nature of embalming, briefly outlines the existing laws regulating the timing and reasons for embalming, and obtains written authorization as soon as is possible thereafter. The original written authorization to embalm shall be maintained in the records of the funeral establishment that causes the embalming to be performed, and a copy of the authorization must be delivered to the person who has legal right to control the disposition, or that person's legal designee. Pre-death directives authorizing embalming, duly executed by the deceased, shall be given full legal effect and shall constitute effective authorization to embalm under this section. When embalming is required, permission to embalm shall, as a matter of law, be implied.

E. Authorization to embalm; required form. A written authorization to embalm must contain the required information:

1. The date of the authorization;
2. The name of the funeral establishment that will perform the embalming;
3. The name, address, and relationship to the decedent of the person signing the authorization;
4. An acknowledgment of the circumstances where embalming is required by law;



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5. A statement certifying that the person signing the authorization is the person with legal right to control the disposition of the body as prescribed in Ark. Code Ann. § 20-17-102 or that person's legal designee;
 6. The name and signature of the person requesting the authorization and that person's relationship to the funeral establishment where the procedure will be performed; and
 7. The signature of the person who has the legal right to control the disposition or his or her legal designee.
- F. Embalmer required. Embalming of a dead human body shall be performed only by an individual holding a license to practice mortuary science in Arkansas, a registered apprentice pursuant to Ark. Code Ann. § 17-29-301(b)(1), or a student registered for a practicum or clinical through an accredited college or university or a college of a funeral service education accredited by the American Board of Funeral Service Education. An individual who holds a funeral director only license is prohibited from engaging in the embalming of a dead human body.
- G. Bodies awaiting final disposition. All bodies awaiting final disposition shall be kept in an appropriate holding facility or preparation and embalming room. The holding facility must: be secure from access by anyone except the authorized personnel of the funeral establishment; preserve the dignity and integrity of the body; and protect the health and safety of the personnel of the funeral establishment.

Section 22. Record Retention

- A. Type A Funeral Establishments- required records. Every Type A establishment shall, at a minimum, retain a copy of the following records:
1. Each statement of funeral goods and services selected;
 2. Burial site goods;
 3. Burial site services selected;
 4. Death certificate;
 5. Embalming case report, if applicable;
 6. Cremation authorization form, if applicable;
 7. Authorization to release from place of death;
 8. Authorization to release to another funeral provider, if applicable;
 9. Disposition;
 10. The name of the decedent and the date of death;
 11. The reason for embalming the body;
 12. The name, address, and relationship to the decedent of the person who authorized the embalming of the body;
 13. The date the body was embalmed, including the time begun and the time of completion;



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14. The name, license number, and signature of the embalmer who performed or personally supervised the intern or student who performed the embalming;
 15. The name, permit number if applicable, and signature of any intern or practicum student or clinical student who performed all or part of the embalming; and
 16. The original written authorization to embalm and any other supporting documentation that establishes the legal right of the funeral establishment to physical custody of the body and to embalm the body.
- B. Funeral establishments must retain and make available for inspection, true and accurate copies of the records as specified in Subsection A of this section, for a period of seven (7) years from the date of the arrangement conference. Following this period, and subject to any other laws requiring retention of records, the funeral establishment may then place the records in storage or reduce them to microfilm, microfiche, laser disc, or any other method that can produce an accurate reproduction of the original records, or the establishment may transfer the records to the Arkansas State Archives, an agency of the Department of Arkansas Heritage for permanent storage.
- C. Type B Funeral Establishments- required records. Every Type B establishment that causes a dead human body to be embalmed shall create and maintain on its premises or other business location in Arkansas, an accurate record of every embalming performed. The record shall include all of the following information for each embalming:
1. The name of the decedent and the date of death;
 2. The date the funeral establishment took physical custody of the body, and if applicable, the name of the person releasing the body to the custody of the funeral establishment;
 3. The reason for embalming the body;
 4. The name, address, and relationship to the decedent of the person who authorized the embalming of the body;
 5. The date the body was embalmed, including the time begun and the time of completion;
 6. The name, license number, and signature of the embalmer who performed or personally supervised the intern or student who performed the embalming;
 7. The name, permit number, if applicable, and signature of any intern or practicum student or clinical student who participated in the embalming of a body, whether the intern or practicum student or clinical student performed part or all of the embalming;



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8. The original written authorization to embalm and any other supporting documentation that establishes the legal right of the funeral establishment to physical custody of the body and to embalm the body.

- D. Retention of records. Records required under Section 22, Subsection C shall be maintained for a period of three (3) years after the embalming of the body. Following this period and subject to any other laws requiring the retention of records, the Type B establishment may then place the records in storage or reduce them to microfilm, microfiche, laser disc, or any other method that can produce an accurate reproduction of the original record, for retention for a period of seven (7) years from the date of the embalming of the body. At the end of this seven (7) year period and subject to any other laws requiring the retention of records, the establishment may destroy the records by any manner which protects the privacy of the individuals identified in the records.

- E. Type C Funeral Establishment- required records. All crematory authorities shall retain the following records:
 1. A cremation authorization form signed by an authorizing agent that identifies the funeral director arranging the cremation. The cremation authorization form shall be provided by the crematory authority, and shall contain the following information:
 - a. The identity of the human remains;
 - b. The name of the authorizing agent and the relationship between the authorizing agent and the deceased;
 - c. Authorization for the crematory authority to cremate the human remains;
 - d. Cremation Final Disposition Rights Form or a representation that the authorizing agent is unaware of any objection by any person who has a right to control the disposition of the remains, to the human remains being cremated; and
 - e. The name of the person authorized to claim the remains from the crematory authority.
 2. A completed and executed burial transit permit or other disposition authorization signed by the authority having jurisdiction to authorize final disposition of a dead human body, as provided in the laws of this state or territory where death occurred, indicating that the human remains are to be cremated;
 3. A death certificate, fetal death certificate, or other disposition authorization signed by the authority having jurisdiction to authorize final disposition of a dead human body in the state, territory, or country where death occurred; and
 4. Any other documentation required by any county or municipality.

- F. If an authorizing agent is not available to execute the cremation authorization form, that person may delegate that authority to another person in writing, or, if located outside of the area, by sending the crematory authority a written communication that contains the name, address, and relationship of the sender to the deceased, and the name and address of the individual to



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whom authority is delegated, indemnifying the delegated individual and the crematory authority from all liability concerning the cremation. Upon receipt of the written communication, the crematory authority shall allow this individual to serve as the authorizing agent and execute the cremation authorization form, and the crematory authority shall be entitled to rely upon the cremation authorization form.

- G. Upon receipt of the human remains, the crematory authority shall furnish to the person who delivers such human remains, a receipt signed by both the crematory authority and the person who delivers the human remains, including the following information:
1. The date of delivery;
 2. The name of the person from whom the human remains were received, and that person's employer;
 3. The name of the person who received the human remains on behalf of the crematory authority;
 4. The name and license number of the crematory authority; and
 5. The name of the deceased.
- The crematory authority shall retain a copy of this receipt.
- H. Records required under Section 22, Subsections E and G, shall be maintained for a period of three (3) years after the cremation of the body. Following this period and subject to any other laws requiring retention of records, the establishment may then place the records in storage or reduce them to microfilm, microfiche, laser disc, or any other method that can produce an accurate reproduction of the original record, for retention for a period of seven (7) years. At the end of this seven (7) year period and subject to any other laws requiring retention of records, the establishment may destroy the records by any manner that protects the privacy of the individuals identified in the records.
- I. Type D Funeral Establishment- required records. Transport service firms are required to retain the following records:
1. The name of the deceased;
 2. The date of transportation;
 3. The location from which the body was picked up;
 4. The location to which the body was delivered;
 5. The time the body was picked up;
 6. The time the body was delivered; and
 7. Personal effects of the deceased, if any.
- J. Records required under Section 22, Subsection I shall be maintained for a period of three (3) years after the transportation of the body. Following this period and subject to any other laws requiring retention of records, the funeral establishment may then place the records in storage or reduce them to microfilm, microfiche, laser disc, or any other method that can produce an accurate reproduction of the original record, for retention for a period of seven (7) years. At



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the end of this seven (7) year period and subject to any other laws requiring retention of records, the establishment may destroy the records in any manner that protects the privacy of the individuals identified in the records.

Section 23. Standards of Service, Code of Ethics, and Professional Conduct

- A. Use of Outside Services. No funeral director, embalmer, or establishment shall utilize the services of an independent contractor, trade embalmer, or any other outside provider if the funeral director, embalmer, or establishment knows, or reasonably should know, that such independent contractor, trade embalmer, or other outside provider is in violation of any rule or statute pertaining to the Board.
- B. All persons engaged in the profession of funeral directing, embalming, or the operation of a funeral establishment shall at all times act in a professional manner.
- C. Minimum standards of service include the following:
1. Members of the public shall be treated in a respectful manner;
 2. Establishments shall honor, in a timely manner, financial obligations to suppliers, distributors, or other persons with whom they conduct business;
 3. Any person who has been assessed a fee pursuant to a statute or rule of the Board, shall submit payment of the fee within the required timeframe;
 4. An establishment shall not unreasonably delay the filing of a certificate of death;
 5. An embalmer shall make every reasonable effort to return the viscera to the body cavity for final disposition. In the event the embalmer is unable to return the viscera to the body cavity, the viscera shall be placed in a non-porous biohazard container, labeled as such, and disposed of in a manner consistent with the disposition of the remains; and
 6. Licensees shall obey any lawful order entered by the Board pertaining to the licensee.
- D. Code of Ethics and Professional Conduct
1. Service to Families. When making arrangements, funeral directors, embalmers, and establishments ("licensees") have a legal and ethical responsibility to provide fair, accurate, non-judgmental information, and competent services. Licensees should be mindful of the emotional vulnerability of those wishing to make arrangements. Further, licensees must:
 - a. Provide the consumer, for his or her permanent use, a copy of the establishment's General Price List at the first meeting with the consumer;
 - b. Provide fair and consistent services to consumers without regard to religion, race, color, national origin, sex, sexual orientation or disability;
 - c. Provide funeral services with dignity and respect for the family, consumers, and the deceased;
 - d. Explain which products and services are required by law and which are optional;
 - e. State whether products offered for sale or use have been used before;



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- f. Ensure family decisions on all matters, including services, timing and prices, have been fulfilled, whenever reasonable;
 - g. Explain any documents presented to a consumer, including any that require a signature, and provide the person with copies;
 - h. Explain the option of embalming and the consequences of delayed embalming, when applicable; and
 - i. Obtain written permission from the next of kin or authorizing agent, to embalm or cremate.
2. Service to the Deceased. Licensees are trusted with the remains of deceased people, and there are legal and ethical responsibilities implicit in that trust. In matters regarding the deceased, licensees must:
- a. Ensure that every deceased person is treated with care and dignity at the time of receipt, during all transportation, and all proceedings;
 - b. Treat all deceased persons in the preparation room with proper care and dignity, and properly cover them at all times;
 - c. Transport, hold and carry out the disposition of human remains only when all required permits and authorizations are held; and
 - d. Dispose of parts of human remains that are received with the body in a manner that is consistent with the manner used for the final disposition of the body, or in a manner that is consistent with applicable laws.
3. Service to the Public. Licensees have an ethical obligation to provide consumers and potential consumers of services and products with clear information to enable informed decision making. In matters regarding the consumers and potential consumers; a licensee must:
- a. Provide complete and honest information about all services;
 - b. Provide, at the first meeting, a full written list of the prices of the services the consumer has selected; and
 - c. Ensure all advertising, including products, services and pricing, is clear, truthful and presented in a manner that is not misleading.
4. Compliance with the law and respect for the profession. Licensees have a legal and professional responsibility to comply with all applicable laws and regulations, and an ethical responsibility to represent the profession in an honorable manner. In matters regarding the laws and profession, a licensee shall:
- a. Comply with all licensing and permit requirements established by regulatory bodies;
 - b. Comply with all laws and regulations relating to the profession;
 - c. Respect the authority and oversight of the Board, and comply with all requests to appear before the Board;



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- d. Maintain a high level of professional courtesy by being respectful to, and positive about, colleagues;
- e. Ensure all establishment employees are aware of, and comply with, the code of ethics at all times;
- f. Refrain from engaging in any unfair or deceptive acts or practices defined in the FTC's Funeral Rule;
- g. Comply with any preventive requirements specified in the Funeral Rule;
- h. Refrain from engaging in any act, omission, or practice that is misleading or deceptive; and
- i. Disclose whether there is a markup on a cash advance item, and state whether the licensee has received a rebate, commission, or trade or volume discount when the price is not the same as the licensee's cost. If there is a markup on a cash advance item or if the licensee receives a commission, discount or rebate that is not passed on to the consumer, the licensee cannot state that the price charged for the item is the same as the licensee's cost.

5. Records

- a. All records subject to inspection by FTC officials as provided in the Funeral Rule shall also be made available to the Board and its representatives under the same terms.
- b. A licensee shall submit, upon request by the Board or its representative, any records kept by the licensee in the normal course of business.

This Rule is effective January 1, 2022.



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RULE 3

LICENSURE OF CERTAIN INDIVIDUALS

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- Section 3. Definitions
- Section 4. Requirements
- Section 5. Effective Date

Section 1. Authority

This Rule is promulgated pursuant to Section Two (2) of Act 746 of 2021 of the Arkansas General Assembly, codified at Ark. Code Ann. § 17-1-109; authority is also found in Ark. Code Ann. § 23-61-1103(a)(5), Ark. Code Ann. § 25-15-204, and other applicable laws or rules.

Section 2. Purpose

The purpose of this Rule is to provide for licensure of individuals who hold a Federal Form I-766 United States Citizenship and Immigration Services- issued Employment Authorization Document.

Section 3. Definitions

A. "Licensure" means

- A. A certificate of registration issued to an Apprentice Embalmer;
- B. A certificate of registration issued to an Apprentice Funeral Director;
- C. A license issued to an Embalmer;
- D. A license issued to a Funeral Director; and
- E. A license issued to a Crematory Retort Operator.

Section 4. Requirements

The Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services shall grant a license to an applicant who fulfills the Arkansas requirements for licensure and is a person who holds a Federal Form I-766 United States Citizenship and Immigration Services- issued Employment Authorization Document, known popularly as a "work permit".

Section 5. Effective Date

This Rule is effective after review and approval by the Arkansas Legislative Council, ten (10) days after filing of the approved Rule with the Arkansas Secretary of State.



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RULE 4

FEE WAIVERS FOR CERTAIN INDIVIDUALS

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- Section 4. Requirements
- Section 5. Effective Date

Section 1. Authority

This Rule is promulgated pursuant to Section Four (4) of Act 725 of 2021 of the Arkansas General Assembly, codified at Ark. Code Ann. § 17-4-101 *et seq.*; authority is also found in Ark. Code Ann. § 23-61-1103(a)(5), Ark. Code Ann. § 25-15-204, and other applicable laws or rules.

Section 2. Purpose

The purpose of this Rule is to waive the initial licensing fees for those individuals who are covered by the Workforce Expansion Act of 2021, and who apply to the Board for an individual license.

Section 3. Definitions

“Initial licensing fee” means the following fees:

- F. The application fee required for an Apprentice Embalmer;
- G. The application fee required for an Apprentice Funeral Director;
- H. The application fee required for a licensed Embalmer;
- I. The application fee required for a licensed Funeral Director; and
- J. The application fee required for a licensed Crematory Retort Operator.

Section 4. Requirements

The Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services shall waive the initial licensing fee if the applicant:

- A. Is receiving assistance through the Arkansas Medicaid Program; the Supplemental Nutrition Assistance Program; the Special Supplemental Nutrition Program for Women, Infants, and Children; the Temporary Assistance for Needy Families Program; or the Lifeline Assistance Program;
- B. Was approved for unemployment within the last twelve (12) months; or
- C. Has an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

Section 5. Effective Date This Rule is effective on January 1, 2022.



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PART 453 - FUNERAL INDUSTRY PRACTICES

Authority: [15 U.S.C. 57a\(a\)](#); [15 U.S.C. 46\(g\)](#); [5 U.S.C. 552](#).

Source: [59 FR 1611](#), Jan. 11, 1994, unless otherwise noted.

§ 453.1 Definitions.

- (a) **Alternative container.** An “alternative container” is an unfinished wood box or other non-metal receptacle or enclosure, without ornamentation or a fixed interior lining, which is designed for the encasement of human remains and which is made of fiberboard, pressed-wood, composition materials (with or without an outside covering) or like materials.
- (b) **Cash advance item.** A “cash advance item” is any item of service or merchandise described to a purchaser as a “cash advance,” “accommodation,” “cash disbursement,” or similar term. A cash advance item is also any item obtained from a third party and paid for by the funeral provider on the purchaser's behalf. Cash advance items may include, but are not limited to: cemetery or crematory services; pallbearers; public transportation; clergy honoraria; flowers; musicians or singers; nurses; obituary notices; gratuities and death certificates.
- (c) **Casket.** A “casket” is a rigid container which is designed for the encasement of human remains and which is usually constructed of wood, metal, fiberglass, plastic, or like material, and ornamented and lined with fabric.
- (d) **Commission.** “Commission” refers to the Federal Trade Commission.
- (e) **Cremation.** “Cremation” is a heating process which incinerates human remains.
- (f) **Crematory.** A “crematory” is any person, partnership or corporation that performs cremation and sells funeral goods.
- (g) **Direct cremation.** A “direct cremation” is a disposition of human remains by cremation, without formal viewing, visitation, or ceremony with the body present.
- (h) **Funeral goods.** “Funeral goods” are the goods which are sold or offered for sale directly to the public for use in connection with funeral services.
- (i) **Funeral provider.** A “funeral provider” is any person, partnership or corporation that sells or offers to sell funeral goods and funeral services to the public.
- (j) **Funeral services.** “Funeral services” are any services which may be used to:
- (1) Care for and prepare deceased human bodies for burial, cremation or other final disposition;
 - and



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(2) arrange, supervise or conduct the funeral ceremony or the final disposition of deceased human bodies.

(k) **Immediate burial.** An “immediate burial” is a disposition of human remains by burial, without formal viewing, visitation, or ceremony with the body present, except for a graveside service.

(l) **Memorial service.** A “memorial service” is a ceremony commemorating the deceased without the body present.

(m) **Funeral ceremony.** A “funeral ceremony” is a service commemorating the deceased with the body present.

(n) **Outer burial container.** An “outer burial container” is any container which is designed for placement in the grave around the casket including, but not limited to, containers commonly known as burial vaults, grave boxes, and grave liners.

(o) **Person.** A “person” is any individual, partnership, corporation, association, government or governmental subdivision or agency, or other entity.

(p) **Services of funeral director and staff.** The “services of funeral director and staff” are the basic services, not to be included in prices of other categories in [§ 453.2\(b\)\(4\)](#), that are furnished by a funeral provider in arranging any funeral, such as conducting the arrangements conference, planning the funeral, obtaining necessary permits, and placing obituary notices.

[§ 453.2 Price disclosures.](#)

(a) **Unfair or deceptive acts or practices.** In selling or offering to sell funeral goods or funeral services to the public, it is an unfair or deceptive act or practice for a funeral provider to fail to furnish accurate price information disclosing the cost to the purchaser for each of the specific funeral goods and funeral services used in connection with the disposition of deceased human bodies, including at least the price of embalming, transportation of remains, use of facilities, caskets, outer burial containers, immediate burials, or direct cremations, to persons inquiring about the purchase of funerals. Any funeral provider who complies with the preventive requirements in [paragraph \(b\)](#) of this section is not engaged in the unfair or deceptive acts or practices defined here.

(b) **Preventive requirements.** To prevent these unfair or deceptive acts or practices, as well as the unfair or deceptive acts or practices defined in [§ 453.4\(b\)\(1\)](#), funeral providers must:

(1) **Telephone price disclosure.** Tell persons who ask by telephone about the funeral provider's offerings or prices any accurate information from the price lists described in [paragraphs \(b\)\(2\)](#) through [\(4\)](#) of this section and any other readily available information that reasonably answers the question.

(2) **Casket price list.**



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(i) Give a printed or typewritten price list to people who inquire in person about the offerings or prices of caskets or alternative containers. The funeral provider must offer the list upon beginning discussion of, but in any event before showing caskets. The list must contain at least the retail prices of all caskets and alternative containers offered which do not require special ordering, enough information to identify each, and the effective date for the price list. In lieu of a written list, other formats, such as notebooks, brochures, or charts may be used if they contain the same information as would the printed or typewritten list, and display it in a clear and conspicuous manner. Provided, however, that funeral providers do not have to make a casket price list available if the funeral providers place on the general price list, specified in [paragraph \(b\)\(4\)](#) of this section, the information required by this paragraph.

(ii) Place on the list, however produced, the name of the funeral provider's place of business and a caption describing the list as a "casket price list."

(3) Outer burial container price list.

(i) Give a printed or typewritten price list to persons who inquire in person about outer burial container offerings or prices. The funeral provider must offer the list upon beginning discussion of, but in any event before showing the containers. The list must contain at least the retail prices of all outer burial containers offered which do not require special ordering, enough information to identify each container, and the effective date for the prices listed. In lieu of a written list, the funeral provider may use other formats, such as notebooks, brochures, or charts, if they contain the same information as the printed or typewritten list, and display it in a clear and conspicuous manner. Provided, however, that funeral providers do not have to make an outer burial container price list available if the funeral providers place on the general price list, specified in [paragraph \(b\)\(4\)](#) of this section, the information required by this paragraph.

(ii) Place on the list, however produced, the name of the funeral provider's place of business and a caption describing the list as an "outer burial container price list."

(4) General price list.

(i)

(A) Give a printed or typewritten price list for retention to persons who inquire in person about the funeral goods, funeral services or prices of funeral goods or services offered by the funeral provider. The funeral provider must give the list upon beginning discussion of any of the following:

(1) The prices of funeral goods or funeral services;

(2) The overall type of funeral service or disposition; or

(3) Specific funeral goods or funeral services offered by the funeral provider.



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(B) The requirement in [paragraph \(b\)\(4\)\(i\)\(A\)](#) of this section applies whether the discussion takes place in the funeral home or elsewhere. Provided, however, that when the deceased is removed for transportation to the funeral home, an in-person request at that time for authorization to embalm, required by [§ 453.5\(a\)\(2\)](#), does not, by itself, trigger the requirement to offer the general price list if the provider in seeking prior embalming approval discloses that embalming is not required by law except in certain special cases, if any. Any other discussion during that time about prices or the selection of funeral goods or services triggers the requirement under [paragraph \(b\)\(4\)\(i\)\(A\)](#) of this section to give consumers a general price list.

(C) The list required in [paragraph \(b\)\(4\)\(i\)\(A\)](#) of this section must contain at least the following information:

- (1) The name, address, and telephone number of the funeral provider's place of business;
- (2) A caption describing the list as a "general price list"; and
- (3) The effective date for the price list;

(ii) Include on the price list, in any order, the retail prices (expressed either as the flat fee, or as the price per hour, mile or other unit of computation) and the other information specified below for at least each of the following items, if offered for sale:

(A) Forwarding of remains to another funeral home, together with a list of the services provided for any quoted price;

(B) Receiving remains from another funeral home, together with a list of the services provided for any quoted price;

(C) The price range for the direct cremations offered by the funeral provider, together with:

- (1) A separate price for a direct cremation where the purchaser provides the container;
- (2) Separate prices for each direct cremation offered including an alternative container; and
- (3) A description of the services and container (where applicable), included in each price;

(D) The price range for the immediate burials offered by the funeral provider, together with:

- (1) A separate price for an immediate burial where the purchaser provides the casket;
- (2) Separate prices for each immediate burial offered including a casket or alternative container; and
- (3) A description of the services and container (where applicable) included in that price;



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- (E) Transfer of remains to funeral home;
- (F) Embalming;
- (G) Other preparation of the body;
- (H) Use of facilities and staff for viewing;
- (I) Use of facilities and staff for funeral ceremony;
- (J) Use of facilities and staff for memorial service;
- (K) Use of equipment and staff for graveside service;
- (L) Hearse; and
- (M) Limousine.

(iii) Include on the price list, in any order, the following information:

(A) Either of the following:

(1) The price range for the caskets offered by the funeral provider, together with the statement: "A complete price list will be provided at the funeral home."; or

(2) The prices of individual caskets, disclosed in the manner specified by [paragraph \(b\)\(2\)\(i\)](#) of this section; and

(B) Either of the following:

(1) The price range for the outer burial containers offered by the funeral provider, together with the statement: "A complete price list will be provided at the funeral home."; or

(2) The prices of individual outer burial containers, disclosed in the manner specified by [paragraph \(b\)\(3\)\(i\)](#) of this section; and

(C) Either of the following:

(1) The price for the basic services of funeral director and staff, together with a list of the principal basic services provided for any quoted price and, if the charge cannot be declined by the purchaser, the statement: "This fee for our basic services will be added to the total cost of the funeral arrangements you select. (This fee is already included in our charges for direct cremations, immediate burials, and forwarding or receiving remains.)". If the charge cannot be declined by the purchaser, the quoted price shall include all charges for the



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recovery of unallocated funeral provider overhead, and funeral providers may include in the required disclosure the phrase “and overhead” after the word “services”; or

(2) The following statement: “Please note that a fee of (*specify dollar amount*) for the use of our basic services is included in the price of our caskets. This same fee shall be added to the total cost of your funeral arrangements if you provide the casket. Our services include (*specify*).” The fee shall include all charges for the recovery of unallocated funeral provider overhead, and funeral providers may include in the required disclosure the phrase “and overhead” after the word “services.” The statement must be placed on the general price list together with the casket price range, required by [paragraph \(b\)\(4\)\(iii\)\(A\)\(1\)](#) of this section, or together with the prices of individual caskets, required by (b)(4)(iii)(A)(2) of this section.

(iv) The services fee permitted by [§ 453.2\(b\)\(4\)\(iii\)\(C\)\(1\)](#) or [\(C\)\(2\)](#) is the only funeral provider fee for services, facilities or unallocated overhead permitted by this part to be non-declinable, unless otherwise required by law.

(5) *Statement of funeral goods and services selected.*

(i) Give an itemized written statement for retention to each person who arranges a funeral or other disposition of human remains, at the conclusion of the discussion of arrangements. The statement must list at least the following information:

(A) The funeral goods and funeral services selected by that person and the prices to be paid for each of them;

(B) Specifically itemized cash advance items. (These prices must be given to the extent then known or reasonably ascertainable. If the prices are not known or reasonably ascertainable, a good faith estimate shall be given and a written statement of the actual charges shall be provided before the final bill is paid.); and

(C) The total cost of the goods and services selected.

(ii) The information required by this [paragraph \(b\)\(5\)](#) may be included on any contract, statement, or other document which the funeral provider would otherwise provide at the conclusion of discussion of arrangements.

(6) ***Other pricing methods.*** Funeral providers may give persons any other price information, in any other format, in addition to that required by [§ 453.2\(b\)\(2\)](#), [\(3\)](#), and [\(4\)](#) so long as the statement required by [§ 453.2\(b\)\(5\)](#) is given when required by the rule.



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[§ 453.3 Misrepresentations.](#)

(a) ***Embalming provisions*** -

(1) ***Deceptive acts or practices.*** In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to:

- (i) Represent that state or local law requires that a deceased person be embalmed when such is not the case;
- (ii) Fail to disclose that embalming is not required by law except in certain special cases, if any.

(2) ***Preventive requirements.*** To prevent these deceptive acts or practices, as well as the unfair or deceptive acts or practices defined in [§§ 453.4\(b\)\(1\)](#) and [453.5\(2\)](#), funeral providers must:

(i) Not represent that a deceased person is required to be embalmed for:

- (A) Direct cremation;
- (B) Immediate burial; or
- (C) A closed casket funeral without viewing or visitation when refrigeration is available and when state or local law does not require embalming; and

(ii) Place the following disclosure on the general price list, required by [§ 453.2\(b\)\(4\)](#), in immediate conjunction with the price shown for embalming: "Except in certain special cases, embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements, such as a funeral with viewing. If you do not want embalming, you usually have the right to choose an arrangement that does not require you to pay for it, such as direct cremation or immediate burial." The phrase "except in certain special cases" need not be included in this disclosure if state or local law in the area(s) where the provider does business does not require embalming under any circumstances.

(b) ***Casket for cremation provisions*** -

(1) ***Deceptive acts or practices.*** In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to:

- (i) Represent that state or local law requires a casket for direct cremations;
- (ii) Represent that a casket is required for direct cremations.

(2) ***Preventive requirements.*** To prevent these deceptive acts or practices, as well as the unfair or deceptive acts or practices defined in [§ 453.4\(a\)\(1\)](#), funeral providers must place the following



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disclosure in immediate conjunction with the price range shown for direct cremations: "If you want to arrange a direct cremation, you can use an alternative container. Alternative containers encase the body and can be made of materials like fiberboard or composition materials (with or without an outside covering). The containers we provide are (specify containers)." This disclosure only has to be placed on the general price list if the funeral provider arranges direct cremations.

(c) Outer burial container provisions -

(1) **Deceptive acts or practices.** In selling or offering to sell funeral goods and funeral services to the public, it is a deceptive act or practice for a funeral provider to:

- (i) Represent that state or local laws or regulations, or particular cemeteries, require outer burial containers when such is not the case;
- (ii) Fail to disclose to persons arranging funerals that state law does not require the purchase of an outer burial container.

(2) **Preventive requirement.** To prevent these deceptive acts or practices, funeral providers must place the following disclosure on the outer burial container price list, required by [§ 453.2\(b\)\(3\)\(i\)](#), or, if the prices of outer burial containers are listed on the general price list, required by [§ 453.2\(b\)\(4\)](#), in immediate conjunction with those prices: "In most areas of the country, state or local law does not require that you buy a container to surround the casket in the grave. However, many cemeteries require that you have such a container so that the grave will not sink in. Either a grave liner or a burial vault will satisfy these requirements." The phrase "in most areas of the country" need not be included in this disclosure if state or local law in the area(s) where the provider does business does not require a container to surround the casket in the grave.

(d) General provisions on legal and cemetery requirements -

(1) **Deceptive acts or practices.** In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for funeral providers to represent that federal, state, or local laws, or particular cemeteries or crematories, require the purchase of any funeral goods or funeral services when such is not the case.

(2) **Preventive requirements.** To prevent these deceptive acts or practices, as well as the deceptive acts or practices identified in [§§ 453.3\(a\)\(1\)](#), [453.3\(b\)\(1\)](#), and [453.3\(c\)\(1\)](#), funeral providers must identify and briefly describe in writing on the statement of funeral goods and services selected (required by [§ 453.2\(b\)\(5\)](#)) any legal, cemetery, or crematory requirement which the funeral provider represents to persons as compelling the purchase of funeral goods or funeral services for the funeral which that person is arranging.

(e) **Provisions on preservative and protective value claims.** In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to:



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(1) Represent that funeral goods or funeral services will delay the natural decomposition of human remains for a long-term or indefinite time;

(2) Represent that funeral goods have protective features or will protect the body from gravesite substances, when such is not the case.

(f) *Cash advance provisions* -

(1) ***Deceptive acts or practices.*** In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to:

(i) Represent that the price charged for a cash advance item is the same as the cost to the funeral provider for the item when such is not the case;

(ii) Fail to disclose to persons arranging funerals that the price being charged for a cash advance item is not the same as the cost to the funeral provider for the item when such is the case.

(2) ***Preventive requirements.*** To prevent these deceptive acts or practices, funeral providers must place the following sentence in the itemized statement of funeral goods and services selected, in immediate conjunction with the list of itemized cash advance items required by [§ 453.2\(b\)\(5\)\(i\)\(B\)](#): “We charge you for our services in obtaining: (specify cash advance items),” if the funeral provider makes a charge upon, or receives and retains a rebate, commission or trade or volume discount upon a cash advance item.

[§ 453.4 Required purchase of funeral goods or funeral services.](#)

(a) *Casket for cremation provisions* -

(1) ***Unfair or deceptive acts or practices.*** In selling or offering to sell funeral goods or funeral services to the public, it is an unfair or deceptive act or practice for a funeral provider, or a crematory, to require that a casket be purchased for direct cremation.

(2) ***Preventive requirement.*** To prevent this unfair or deceptive act or practice, funeral providers must make an alternative container available for direct cremations, if they arrange direct cremations.

(b) *Other required purchases of funeral goods or funeral services* -

(1) ***Unfair or deceptive acts or practices.*** In selling or offering to sell funeral goods or funeral services, it is an unfair or deceptive act or practice for a funeral provider to:

(i) Condition the furnishing of any funeral good or funeral service to a person arranging a funeral upon the purchase of any other funeral good or funeral service, except as required by law or as otherwise permitted by this part;



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(ii) Charge any fee as a condition to furnishing any funeral goods or funeral services to a person arranging a funeral, other than the fees for: (1) Services of funeral director and staff, permitted by [§ 453.2\(b\)\(4\)\(iii\)\(C\)](#); (2) other funeral services and funeral goods selected by the purchaser; and (3) other funeral goods or services required to be purchased, as explained on the itemized statement in accordance with [§ 453.3\(d\)\(2\)](#).

(2) Preventive requirements.

(i) To prevent these unfair or deceptive acts or practices, funeral providers must:

(A) Place the following disclosure in the general price list, immediately above the prices required by [§ 453.2\(b\)\(4\) \(ii\)](#) and [\(iii\)](#): “The goods and services shown below are those we can provide to our customers. You may choose only the items you desire. If legal or other requirements mean you must buy any items you did not specifically ask for, we will explain the reason in writing on the statement we provide describing the funeral goods and services you selected.” Provided, however, that if the charge for “services of funeral director and staff” cannot be declined by the purchaser, the statement shall include the sentence: “However, any funeral arrangements you select will include a charge for our basic services” between the second and third sentences of the statement specified above herein. The statement may include the phrase “and overhead” after the word “services” if the fee includes a charge for the recovery of unallocated funeral provider overhead;

(B) Place the following disclosure in the statement of funeral goods and services selected, required by [§ 453.2\(b\)\(5\)\(i\)](#): “Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use any items, we will explain the reasons in writing below.”

(ii) A funeral provider shall not violate this section by failing to comply with a request for a combination of goods or services which would be impossible, impractical, or excessively burdensome to provide.

[§ 453.5 Services provided without prior approval.](#)

(a) **Unfair or deceptive acts or practices.** In selling or offering to sell funeral goods or funeral services to the public, it is an unfair or deceptive act or practice for any provider to embalm a deceased human body for a fee unless:

(1) State or local law or regulation requires embalming in the particular circumstances regardless of any funeral choice which the family might make; or

(2) Prior approval for embalming (expressly so described) has been obtained from a family member or other authorized person; or



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(3) The funeral provider is unable to contact a family member or other authorized person after exercising due diligence, has no reason to believe the family does not want embalming performed, and obtains subsequent approval for embalming already performed (expressly so described). In seeking approval, the funeral provider must disclose that a fee will be charged if the family selects a funeral which requires embalming, such as a funeral with viewing, and that no fee will be charged if the family selects a service which does not require embalming, such as direct cremation or immediate burial.

(b) **Preventive requirement.** To prevent these unfair or deceptive acts or practices, funeral providers must include on the itemized statement of funeral goods and services selected, required by [§ 453.2\(b\)\(5\)](#), the statement: "If you selected a funeral that may require embalming, such as a funeral with viewing, you may have to pay for embalming. You do not have to pay for embalming you did not approve if you selected arrangements such as a direct cremation or immediate burial. If we charged for embalming, we will explain why below."

[§ 453.6 Retention of documents.](#)

To prevent the unfair or deceptive acts or practices specified in [§§ 453.2](#) and [453.3](#) of this rule, funeral providers must retain and make available for inspection by Commission officials true and accurate copies of the price lists specified in [§§ 453.2\(b\)\(2\)](#) through [\(4\)](#), as applicable, for at least one year after the date of their last distribution to customers, and a copy of each statement of funeral goods and services selected, as required by [§ 453.2\(b\)\(5\)](#), for at least one year from the date of the arrangements conference.

[§ 453.7 Comprehension of disclosures.](#)

To prevent the unfair or deceptive acts or practices specified in [§§ 453.2](#) through [453.5](#), funeral providers must make all disclosures required by those sections in a clear and conspicuous manner. Providers shall not include in the casket, outer burial container, and general price lists, required by [§§ 453.2\(b\)\(2\)-\(4\)](#), any statement or information that alters or contradicts the information required by this part to be included in those lists.

[§ 453.8 Declaration of intent.](#)

(a) Except as otherwise provided in [§ 453.2\(a\)](#), it is a violation of this rule to engage in any unfair or deceptive acts or practices specified in this rule, or to fail to comply with any of the preventive requirements specified in this rule;

(b) The provisions of this rule are separate and severable from one another. If any provision is determined to be invalid, it is the Commission's intention that the remaining provisions shall continue in effect.

(c) This rule shall not apply to the business of insurance or to acts in the conduct thereof.



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[§ 453.9 State exemptions.](#)

If, upon application to the Commission by an appropriate state agency, the Commission determines that:

- (a) There is a state requirement in effect which applies to any transaction to which this rule applies; and
- (b) That state requirement affords an overall level of protection to consumers which is as great as, or greater than, the protection afforded by this rule; then the Commission's rule will not be in effect in that state to the extent specified by the Commission in its determination, for as long as the State administers and enforces effectively the state requirement.