ARKANSAS INSURANCE DEPARTMENT
FUNERAL SERVICES DIVISION | EMBALMERS & FUNERAL DIRECTORS

NEW APPLICATION PACKET CHECKLIST
TYPE A (FULL SERVICE)

To ensure your application will not be returned please confirm documentation.

Documentation Checklist:

- ❑ Applicant's Confirmation of Potential Inspection Date/Location
- ❑ Applicant's Confirmation of Crematory
- ❑ Application for Funeral Establishment License
- ❑ Manager Change/Acceptance of Manager Position
- ❑ Embalmer Agreement
  [X-REF(S): **17 CAR § 30-202. Funeral Establishment Type A — Full-Service Funeral Firm.**]
- ❑ Municipal "Operating" or "Privilege" Certificate/License **if applicable**.
- ❑ Certificate of Liability Insurance (Must show the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services as a Certificate Holder and meet the minimum-required coverage limits)
- ❑ Municipal Certificate of Occupancy **if applicable**.
- ❑ Applicant's General Pricing List
  [X-REF(S): A.C.A. § 17-29-304 (a)(2)(A) thru (C), Effective 07-24-19]
- ❑ Applicant's Casket Pricing List
- ❑ Applicant's Outer Burial Container Pricing List
- ❑ Applicant's (Branded) *Statement of Funeral Goods and Services Selected*
  [X-REF(S): A.C.A. § 17-29-304 (a)(2)(A) thru (C), Effective 07-24-19]
- ❑ Refrigeration Unit [required of multi-unit funeral establishments; must have at least one (1) unit within the state or accessibility] [X-REF(S): A.C.A. § 17-29-304 (g)(5)(C), Effective 07-24-19]
- ❑ Refrigeration accessibility location:_____
- ❑ Application fee of $50 and Initial Inspection fee of $250 included. [$300.00]

ADDITIONAL COMMENT(S):

_____ _____

Owner signature | Manager signature (if different than owner)

ARKANSAS INSURANCE DEPARTMENT
FUNERAL SERVICES DIVISION | EMBALMERS & FUNERAL DIRECTORS

FUNERAL ESTABLISHMENT LICENSE – TYPE "A" OR "B" COMPLETION INSTRUCTIONS

Items required to be submitted at the time of application:

1. Completed, signed, and notarized ***Establishment License – Application*** form.
2. $300.00 Fee ($50.00 Application Fee + $250.00 Inspection Fee)
3. Completed, signed, and notarized ***Manager Change/Acceptance of Manager Position*** form.
    a. The funeral director will be required to be licensed for a minimum of 5 years preceding appointment.
4. Completed, signed, and notarized ***Embalmer Agreement*** form.
5. Cover Letter that indicates the (a) potential inspection date and (b) servicing crematory.
6. Certificate of Liability Insurance. (The **State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services** should be listed as a Certificate Holder.)
7. Complete copies of the following documents that will be used by the establishment:
    - ***Statement of Funeral Goods and Services*** **form**
    - **General Price List, Casket Price List, and Outer Burial Container Price List.**

To minimize delays in the processing of this application, you are encouraged to read, understand, and follow the requirements under the **Arkansas Code Annotated** and **17 CAR Pt. 30**:

- A.C.A. § 17-29-304 Funeral Establishment – Requirements [Effective July 28, 2021]
- A.C.A. § 17-29-305 Funeral Establishments – Examinations – Licenses [Effective July 28, 2021]
- 17 CAR Pt. 30 (Refer to 17 CAR § 30-201. Types and the provisions governing whichever type of license for which you are applying.)

The current A.C.A. is available online:
https://portal.insurance.arkansas.gov/LegalPubsPublic/web/funeralservices-statutes/index

The current Code of Arkansas Rules is available online:
https://codeofarrules.arkansas.gov/Rules/Rule?levelType=part&titleID=17&chapterID=92&subChapterID=117&partID=1043&subPartID=null&sectionID=null

Items required at the time of inspection:

1. City Occupancy Certificate or Business/Commercial License (if applicable)
2. Verification that the facility/location complies with and passes all local building safety and fire codes

Additional Instructions:

- All applications and supporting documentation should be received *at least* **twenty (20) business days** prior to the next board meeting. This will allow for the inspector to have enough time to complete the inspection and prepare the inspection report prior to the board meeting.
- Once a Board Meeting agenda is established in advance of the meeting date, it will not be amended/modified within the one (1) week prior to the meeting date.
- The funeral home, **owner and manager**, are **required** to appear before the Board during the Board Meeting in which the application is being considered/reviewed for approval.
- **Once the Board has approved the application, the remaining fee of $35.00 is due. Due at Board meeting.**

If you have any questions regarding the application process, please contact our offices at **(501) 682-0574**.

Return Completed Application To:

Arkansas Department of Commerce
Arkansas Insurance Department | **Funeral Services Division**
1 Commerce Way, Suite 502 | Little Rock, AR 72202-2087
Phone (501) 682-0574 | Fax (501) 682-0575
E-Mail: AID.EFD@arkansas.gov

ARKANSAS INSURANCE DEPARTMENT
FUNERAL SERVICES DIVISION | EMBALMERS & FUNERAL DIRECTORS

APPLICATION FOR FUNERAL ESTABLISHMENT LICENSE

FEES DUE:

- **Application Fee:** **$ 50.00** ◄ **Due at time of application**
- Original License Fee: $ 35.00
- **Inspection Fee:** **$250.00** ◄ **Due at time of application**
- **TOTAL FEES DUE:** $335.00

IMPORTANT: $300.00 is due at the time application is submitted. The remaining $35.00 is due once the application has been approved by the Board.

[For Office Use Only]
Board ID No.: _____
Date Issued: _____
Type: ❑ A ❑ B

I hereby make application to the **Arkansas Insurance Department | State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services** for a license to operate a funeral establishment. I submit the following information.

Name of Establishment: _____
(As it will appear on the License)

Mailing Address: _____
P.O. Box/Street City State ZIP Code

Physical Address: _____
Street City State ZIP Code

County: _____ **Phone:** (____)_____ **Fax:** (____)_____

E-Mail Address: _____

Website Address: _____

Establishment Owner(s): _____
(List the Corporation, LLC, Sole-Proprietor, etc., If applicable)

Owner(s) Address: _____
P.O. Box/Street City State ZIP Code

The establishment is under the management of _____, Board ID # _____, a duly licensed Funeral Director, with a minimum of 5 years' experience. Additional Funeral Directors employed at this establishment are:

_____ Board ID # _____
Name

_____ Board ID # _____
Name

Embalming ❑ **is** ❑ **is not** performed at this establishment. If embalming **is** performed onsite at this location it is done under the direct supervision of_____, Board ID # _____, a duly licensed Embalmer. Additional licensed embalmers employed at this establishment are:

_____ Board ID # _____
Name

_____ Board ID # _____
Name

This establishment ❑ **does** ❑ **does not** contain a preparation room and ❑ **is** ❑ **is not** equipped with sanitary floors, walls, and ceiling. The room must also have adequate sanitary drainage, disposal facilities, including running water, and must comply with the sanitary standards prescribed by the Arkansas State Department of Health.

If embalming is not performed at this Establishment, it will be done at _____,
a licensed establishment operated by _____,
_____.
Street City State ZIP Code Phone No.

This establishment ❑ **does** ❑ **does not** have onsite refrigeration. If establishment does not have onsite refrigeration, the establishment will have accessibility to refrigeration at this location_____
_____

Cremations will be performed at which Type C licensed crematory_____
_____
Street City State ZIP Code Phone No.

No owner of this Establishment has been found in violation of Section 11 of Act 325 of 1983, relating to unprofessional conduct.

It is understood that a license will not be granted until the Establishment has been inspected and approved.

I agree to equip, operate, and maintain the same in all respects, as a Funeral Establishment, as required by law and rules of the **Arkansas State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services** and the **Arkansas Department of Health**.

_____ _____ _____
Applicant Signature Applicant Title Date

State of _____
County of _____

Subscribed to and sworn before me this _____ day of _____, 20_____.

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES _____

Return Completed Application To:

Arkansas Department of Commerce
Arkansas Insurance Department **| Funeral Services Division**
1 Commerce Way, Suite 502 | Little Rock, AR 72202-2087
Phone (501) 682-0574 | Fax (501) 682-0575
E-Mail: AID.EFD@arkansas.gov

ARKANSAS INSURANCE DEPARTMENT
FUNERAL SERVICES DIVISION | EMBALMERS & FUNERAL DIRECTORS

MANAGER CHANGE / ACCEPTANCE OF MANAGER POSITION | Type A Establishment

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17 CAR § 30-202. Funeral Establishment Type A — Full-Service Funeral Firm.

(c)(1) 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.
(2) The establishment shall employ licensed staff so that services are competently provided to the public.
(3) No licensed funeral director shall serve as the manager of more than one (1) funeral establishment.
(4) However, it is permissible for a manager to serve as manager of two (2) locations of the same establishment, as long as the secondary location is a branch location of the establishment which employs the manager.
(5) The manager shall reside within fifty (50) miles of each location.

(e) 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.

Date: _____

I, _____, knowingly and willingly accept the position and responsibility as the
Name of Individual Licensee

manager of _____,
Name of the Establishment

physically located at _____, _____, AR _____.
Establishment Physical Address City ZIP Code

I, _____, confirm that I am not employed by a nonaffiliated funeral establishment.
Name of Individual Licensee

Establishment Board ID #: _____ Establishment License #: _____
(If different then BID#)

Printed Name: _____

Signature: _____

Effective Date of Change(if applicable): _____ Manager Board ID #: _____

Replaces Manager: _____

NOTARY PUBLIC

State of _____ [Notary Stamp or Seal]

County of _____

Subscribed and sworn to before me this _____ day of _____, 20_____.

_____ _____
Notary Public Signature My Commission Expires

A.C.A §17-29-304:

(b) (1) (A) Except as provided in subdivision (b)(2) of this section, the board shall not issue a license to operate a full-service funeral establishment unless the establishment has employed a full-time manager who:
(i) Is a licensed funeral director;
(ii) Actively supervises the staff of the establishment; and
(iii) Is not employed by a nonaffiliated funeral establishment.

Return Completed Form To: Arkansas Department of Commerce
Arkansas Insurance Department |Funeral Services Division
1 Commerce Way, Suite 502 | Little Rock, AR 72202-2087
Phone (501) 682-0574 | Fax (501) 682-0575
E-Mail: AID.EFD@arkansas.gov

ARKANSAS INSURANCE DEPARTMENT
FUNERAL SERVICES DIVISION | EMBALMERS & FUNERAL DIRECTORS

EMBALMER AGREEMENT

Subpart 2. Funeral Establishments

17 CAR § 30-202. Funeral Establishment Type A — Full-Service Funeral Firm

(v)(1) 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.
(2) This statement shall be submitted on a form provided by the board.
(3) The funeral establishment shall obtain express permission prior to embalming, and written permission before or after embalming.

17 CAR § 30-203. Funeral Establishments Type B — Mortuary Service Firms

(u)(1) 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.
(2) Embalmers shall obtain express permission prior to embalming, and written permission before or after embalming.

Date: _____

I, _____, knowingly and willingly accept the position and responsibility as the
Name of Licensed Embalmer or Mortuary Service

embalmer of _____,
Name of the Establishment

physically located at _____, _____, AR _____,
Establishment Physical Address City ZIP Code

and will always be available to the above-referenced establishment at all times within a reasonable time after death occurs, not to exceed six (6) hours, as required by Rule IV (3)(d).

Establishment Board ID #: _____ Embalmer or Mortuary Board ID #: _____

Printed Name: _____

Signature: _____

Effective Date of Change: _____

Replaces Embalmer or Mortuary Service: _____

NOTARY PUBLIC

State of _____ [Notary Stamp or Seal]

County of _____

Subscribed and sworn to before me this _____ day of _____, 20_____.

_____ _____
Notary Public Signature My Commission Expires

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17 CAR § 30-102. Definitions.

(21) "Embalmer" means 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:
(A) In the body; (B) By introduction of same into the body by vascular or hypodermic injection; or (C) By direct application into the organs or cavities;

(22) "Embalming" means the art of disinfecting or preserving a dead human body entirely, or in part, by the use of chemical substances, fluids, or gases: (A) In the body; (B) By introduction of same into the body by vascular or hypodermic injection; or (C) By direct application into the organs or cavities;

Return Completed Form To:

Arkansas Department of Commerce
Arkansas Insurance Department | Funeral Services Division
1 Commerce Way, Suite 502 | Little Rock, AR 72202-2087
Phone (501) 682-0574 | Fax (501) 682-0575
E-Mail: AID.EFD@arkansas.gov

17 CAR § 30-202. Funeral Establishment Type A – Full-Service Funeral Firm.

(a) Applicants seeking Type A licensure must meet the following minimum requirements:

(1)(A) The application shall be completed on forms provided by the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services and accompanied by the required fees.

(B) Applications are available on the board's website, or they can be obtained by contacting the board's office;

(2) The application must be received by board staff at least twenty (20) business days before the board's next regularly scheduled meeting;

(3) The manager and owner of the establishment shall appear at the board meeting for discussion of the license application;

(4) The application must be accompanied by proof of a minimum of one million dollars ($1,000,000) of general liability insurance coverage;

(5) The application must be accompanied by a copy of the certificate of liability insurance;

(6) The application must be accompanied by the embalmer/mortuary service acceptance form;

(7) The application must be accompanied by the manager acceptance form; and

(8) The establishment shall be inspected by a representative of the board prior to initial licensure.

(b) 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.

(c)(1) 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.

(2) The establishment shall employ licensed staff so that services are competently provided to the public.

(3) No licensed funeral director shall serve as the manager of more than one (1) funeral establishment.

(4) However, it is permissible for a manager to serve as manager of two (2) locations of the same establishment, as long as the secondary location is a branch location of the establishment which employs the manager.

(5) The manager shall reside within fifty (50) miles of each location.

(d) The name of the manager, embalmer, or mortuary service, primary crematory authority used, and owner of each funeral establishment shall be reported upon renewal on forms provided by the board.

(e) 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.

(f) The manager of the funeral establishment Type A shall be responsible for compliance with the following requirements:

(1) 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;

(2) 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;

(3) Every licensed funeral director shall give the consumer a copy of the general price list as required by the Federal Trade Commission and pursuant to 16 C.F.R. § 453.2, prior to discussing any funeral arrangements;

(4) 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 or persons making such arrangements, a written, itemized and signed statement of charges for the funeral merchandise and funeral services selected; and

(5)(A) At the time of need, a written, itemized, and signed statement of charges shall be completed and given to the person or persons making the at-need arrangements.

(B) The statement of charges shall be completed prior to the rendering of the funeral services, or the providing of merchandise.

(C) At a minimum, the statement shall contain the following:

(i) The name, signature, and license number of the funeral director responsible for making the arrangements, or providing the funeral merchandise;

(ii) The name and address of the licensed establishment in charge of providing the merchandise or funeral services;

(iii) 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);

(iv) The date of the signatures;

(v) The name of the deceased;

(vi) The date of death;

(vii) The price of the service or services selected and the price of any supplemental items;

(viii) The price of the merchandise selected, including a detailed description of the casket and outer burial container, if so selected;

(ix) The amount and description of all cash advance items; and

(x) The method of payment.

(g) 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.

(h) Each Type A establishment which contains a preparation room shall meet the following minimum requirements:

(1) All embalming performed therein must be performed by or under the direct personal supervision of a licensed embalmer;

(2) **Construction.**

(A) 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.

(B) The room must be of sufficient size and dimension to accommodate an embalming table.

(C) The door to the room must contain a functional lock, to prevent unauthorized entrance to the room.

(D) The room must also contain a sanitary floor, walls, and ceiling, and adequate sanitary drainage and disposal facilities, including hot and cold running water.

(E) The room must also comply with the sanitary standards and disposal requirements as prescribed by the Department of Health and the Occupational Safety and Health Administration to prevent the spread of contagious, infectious, or communicable diseases.

(F) The room shall also include an instrument table, cabinetry, and shelves, as necessary.

(G) Only equipment used in the preparation of dead human bodies, shall be stored in the preparation room;

(3) **Universal precautions**.

(A) 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 shall exercise all reasonable precautions to minimize the risk of transmitting any communicable disease from the body.

(B) 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 rules and federal regulations regarding the control of infectious disease and workplace health and safety;

(4) **Ventilation.**

(A) The preparation room shall be separately heated and cooled from the rest of the establishment.

(B) The preparation room must be properly ventilated with a ventilation system that provides for an adequate intake of fresh air.

(C) The preparation room shall also provide an exhaust system with all fumes exiting to the outside atmosphere.

(D) This ventilation system must provide adequate air exchanges per hour to maintain adequate formaldehyde levels in accordance with the Occupational Safety and Health Administration Formaldehyde Standard found at 29 C.F.R. § 1910.1048.

(E) The construction must be such that odors from the preparation room cannot enter the rest of the establishment; and

(5) **Preparation procedures – Access to the preparation room.**

(A) The preparation of a dead human body for final disposition shall be performed in privacy.

(B) 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:

(i) Licensed embalmers;

(ii) Registered embalmer apprentices or students;

(iii) Public officials or their representatives in the discharge of their official duties;

(iv) Licensed medical personnel; and

(v) Employees of the funeral establishment, whether licensed or not.

(i)(1) 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.

(2) It is permissible to allow the family into the preparation room for this limited purpose.

(j) **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:

(1) If the body will be transported by public transportation, provided the carrier allows the body to be packed in dry ice;

(2) 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;

(3) If the body will be publicly viewed;

(4) If ordered by the director of health for the control of infectious disease and the protection of public health; and

(5) 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.

(k) **Equipment.**

(1) The preparation room shall contain sufficient supplies and equipment for normal operation.

(2) Nothing in this section shall require embalming chemicals to be stored in the preparation room.

(3) No excess equipment shall be stored in the preparation room.

(4) The only items and equipment allowed to be maintained in the preparation room are the items and equipment necessary for preparing dead human bodies.

(5) There shall be storage shelves or cabinetry for all:

(A) Supplies;

(B) Instruments; and

(C) Equipment.

(l) **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.

(m) **Custodial log.**

(1) Each location of a funeral establishment Type A shall maintain a log on the premises that chronologically lists the decedents that enter and leave the facility.

(2) The log must be available at all times for inspection by the board.

(3) The log 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)(i) The name and signature of the licensed embalmer who performed the embalming.

(ii) 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.

(n) **Identification.**

(1) 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.

(2) This identification tag must continuously remain on the decedent until the completion of final disposition.

(3) Each deceased must be identified by a family member or their appointed designee by viewing the decedent or by one of the following methods:

(A) In-person visual;

(B) A photo of the decedent that the establishment took with permission from the family;

(C) Piercings or tattoos;

(D) Law enforcement or medical records; or

(E) DNA.

(o) **Embalmer's case report.**

(1) Each funeral establishment Type A that conducts embalming shall maintain an embalmer's case report for each case embalmed in the establishment.

(2) The case report shall be signed by the licensed embalmer and registered apprentice embalmer if such apprentice assisted.

(3) The case report shall be maintained on file for each case and it shall become a part of the death record.

(p) **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 Department of Health and Occupational Safety and Health Administration training, requirements, and standards.

(q)(1) Each funeral establishment Type A must have at least three (3) adult size caskets, or nine (9) quarter cuts, or twelve (12) one-eighth (1/8) cuts, or a combination of both, and the caskets and cuts may be in conjunction with electronic and photo presentation.

(2) For purposes of this section, a casket selection room is not required to be a separate room for the sole purpose of displaying caskets.

(3) In addition to the three (3) adult size caskets, establishments may also have:

(A) Virtual display rooms;

(B) Cut-outs;

(C) Casket catalogs; and

(D) Any other forms of various displays.

(4) A branch establishment, within forty (40) miles, without an area available for display, may use electronic display only.

(r)(1) 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.

(2) 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.

(3) 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.

(s)(1) When an establishment closes, the board shall be immediately notified in writing.

(2) The license in force at the time of closure shall be returned to the board office within seven (7) days.

(t) 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.

(u)(1) Renewal of all funeral establishment licenses Type A must be made timely, and the renewal must be accompanied by the renewal fee.

(2) Licenses not renewed timely shall be considered delinquent and may be grounds for disciplinary action by the board.

(3) The Department of Health will be notified to decline death certificates filed by an establishment whose license has expired.

(v)(1) 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.

(2) This statement shall be submitted on a form provided by the board.

(3) The funeral establishment shall obtain express permission prior to embalming, and written permission before or after embalming.

(w)(1) Mobile homes, or mobile units, are prohibited for use as a funeral establishment firm or as a branch thereof.

(2) 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.

(3) 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.

(x)(1) 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.

(2) The manager is responsible for the supervision of all work performed by the establishment's agents and employees.

(3) 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.

(y) 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.

(z)(1) 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).

(2) A certificate of coverage shall be provided to the board at initial licensure and upon each renewal of the insurance policy.

(3) When possible, the board should be listed as a certificate holder.

(4) The board should be notified of each renewal and any cancellation for any reason.

(aa)(1) A licensed funeral director or funeral establishment may employ or use the services of nonlicensed persons to sell preneed, prearranged, or prefinanced funerals and funeral merchandise.

(2) A licensed funeral director or funeral establishment will be held accountable for the actions of all sales personnel.

(3) 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.

A.C.A. § 17-29-304

17-29-304. Funeral establishment -- Requirements. [Effective 91 days after final adjournment of the 2019 Regular Session.]

(a)

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

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

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

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

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

(3) A funeral establishment shall:

(A) Establish a permanent place of business;

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

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

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

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

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

(i) Is a licensed funeral director;

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

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

(B) A funeral establishment shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The funeral establishment shall comply with the rules of the department and standards and regulations of the United States Occupational Safety and Health Administration for the prevention of the spread of contagious, infectious, or communicable diseases.
(f) Each funeral establishment using an available embalmer shall file with the board a notarized statement signed by the embalmer, stating that his or her services are available to the establishment at all times, and within a reasonable time after death occurs, not to exceed six (6) hours.
(g) A funeral establishment shall:
(1) Contain a separate conference room that is used to make funeral arrangements;
(2) Display on site a reasonable number of caskets as determined by the board;
(3) Maintain proper care and maintenance of the interior and exterior of the funeral establishment;
(4) Maintain the interior and exterior of the funeral establishment in a manner that does not present a potential or actual hazard to the health, safety, or welfare of the public; and
(5)
(A) Maintain at least one (1) refrigeration unit or have access to a refrigeration unit within a reasonable time after death as determined by rule of the board.
(B) Accessibility to a refrigeration unit by a funeral establishment shall be reported as determined by rule of the board.
(C) A multi-unit funeral establishment enterprise is required to maintain at least one (1) refrigeration unit or have access to a refrigeration unit within a reasonable time after death as determined by rule of the board.
(h) Mobile homes or mobile units are prohibited for use as a funeral establishment or branch thereof. No mobile home or mobile units shall be used for the performance of any function or service of a funeral establishment except in case of emergency as prescribed by the board. Mobile homes, modular units, manufactured homes, and similar mobile units may be granted a replacement license on a case-by-case basis.
(i)
(1) A funeral establishment shall provide proof of general liability insurance.
(2) The board shall develop and promulgate rules requiring sufficient and appropriate minimum levels of general liability insurance coverage for licensed funeral establishments.
(j) Upon renewal of its license, a funeral establishment that is currently operating under this section shall be subject to the provisions in this section as determined by rules of the board.
(k) Multiple funeral establishments are not permitted to share the same physical location without the prior approval of the board.

History

Acts 1983, No. 325, § 4; A.S.A. 1947, § 71-904; Acts 1999, No. 1138, § 4; 2003, No. 367, § 3; 2011, No. 874, § 2; 2015, No. 1095, §§ 20-24; 2017, No. 788, §§ 9-12; Acts 2019, No. 697, § 1.

A.C.A. § 17-29-305

Current through all laws of the 2018 Fiscal Session and 2018 Second Extraordinary Session, including changes and corrections by the Arkansas Code Revision Commission.

- Arkansas Code Annotated
- Title 17 Professions, Occupations, and Businesses
- Subtitle 2. Nonmedical Professions
- Chapter 29 Embalmers, Funeral Directors, and Funeral Establishments
- Subchapter 3-- Embalmers and Funeral Directors Law -- Licensing

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

History

Acts 1983, No. 325, § 4; A.S.A. 1947, § 71-904; Acts 1997, No. 839, § 4; 1999, No. 1138, § 5; 2011, No. 874, § 3; 2015, No. 1095, §§ 25, 26; 2017, No. 788, § 13.

A.C.A. § 17-29-306

Copy Citation

Current through all legislation of the 2024 Fiscal Session and the Second Extraordinary Session (2024)

17-29-306. Renewal.

(a)

(1)

(A) A licensee 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 by the last day of the calendar year of expiration of the license.

(B) A licensee may pay the renewal fee required under subdivision (a)(1)(A) of this section:

(i) Annually; or

(ii) Biennially.

(2) A license not renewed by the last day of the calendar year of expiration of the license is delinquent.

(3) The board may renew a license after the last day of the calendar year of expiration of the license if during the first twelve (12) months of delinquency the 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)

(A) Renewal of a funeral establishment license shall be made on or before December 31 either annually or biennially, and shall be accompanied by the renewal fee under this section.

(B) A funeral establishment license may be renewed under subdivision (b)(1)(A) of this section:

(i) Annually; or

(ii) Biennially.

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

(c) Failure to receive the renewal notice does not relieve the licensee or establishment of the duty to pay the renewal fee under this section.

History

Acts 1983, No. 325, §§ 4, 7; A.S.A. 1947, §§ 71-904, 71-907; Acts 1997, No. 839, § 5; 2011, No. 874, § 4; 2015, No. 1095, § 27; 2017, No. 788, § 14; 2023, No. 368, § 1.

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