

1 HB211  
2 189605-1  
3 By Representative Brown  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 16-JAN-18

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8 SYNOPSIS: Under existing law, the Alabama Board of  
9 Funeral Service is responsible for the licensing  
10 and regulation of funeral establishments, funeral  
11 directors, and embalmers in the state.

12 This bill would clarify that a student who  
13 holds a valid apprenticeship or internship in  
14 another state may attend mortuary school in this  
15 state.

16 This bill would clarify the jurisdiction of  
17 district courts over the prosecution of criminal  
18 violations of funeral service laws.

19 This bill would require certain appeals  
20 taken by a licensee to be in the Circuit Court of  
21 Montgomery County.

22 This bill would also clarify that a majority  
23 of the appointed members of the board constitute a  
24 quorum for the transaction of board business.

25  
26 A BILL  
27 TO BE ENTITLED

1 AN ACT

2  
3 To amend Sections 34-13-3, as amended by Act  
4 2017-433, 2017 Regular Session, 34-13-5, 34-13-6, and  
5 34-13-22, Code of Alabama 1975, relating to the Alabama Board  
6 of Funeral Service; to clarify that students who hold valid  
7 apprenticeships or internships in another state may attend  
8 mortuary school in this state; to clarify the jurisdiction of  
9 district courts over the criminal prosecution of funeral  
10 service law violations; to require certain appeals to be in  
11 the Circuit Court of Montgomery County; and to provide further  
12 for a quorum of the board.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Sections 34-13-3, as amended by Act  
15 2017-433, 2017 Regular Session, 34-13-5, 34-13-6, and 34-13-22  
16 of the Code of Alabama 1975, are amended to read as follows:

17 "§34-13-3.

18 "Nothing in this chapter shall be construed to give  
19 any cemetery or cemetery authority or any other person or  
20 entity the right to enter into or engage in any funeral home  
21 operation or the practice of embalming or funeral directing or  
22 any related funeral home or funeral directing activities. Nor  
23 shall this chapter include any temporary or occasional or  
24 extra help to assist in the conduct of a funeral employed on  
25 such basis by a funeral director, provided such funeral is  
26 under the direct supervision of a licensed funeral director.  
27 Nor shall this chapter require an out-of-state student to

1 obtain an Alabama apprenticeship for the purposes of attending  
2 mortuary school in the state, as long as the student has an  
3 existing active apprenticeship or internship in his or her  
4 state of residence.

5 "§34-13-5.

6 "~~Circuit District~~ courts shall have jurisdiction in  
7 all criminal prosecutions arising under this chapter. The  
8 district attorney is authorized to institute criminal  
9 prosecutions for violations of this chapter by information, or  
10 prosecutions may be instituted by indictment or by complaint  
11 verified before any magistrate.

12 "§34-13-6.

13 "In the event a licensee under this chapter should  
14 have cause to believe that the board, or a member or members  
15 thereof, has used the powers of the board to promulgate orders  
16 or rulings or requirements not intended by this chapter and  
17 that such orders or rulings or requirements are used to  
18 subject the licensee to unreasonable and wrongful  
19 interpretations of this chapter by the board or that the board  
20 or a member or members thereof have imposed the powers of the  
21 board or the wrongful interpretations of this chapter upon the  
22 licensee to such extent that it constitutes harassment of the  
23 licensee, then the licensee may take an appeal for relief to  
24 ~~the circuit court of the county in which the licensee~~  
25 ~~practices embalming, funeral directing, or operates a funeral~~  
26 ~~establishment~~ Circuit Court of Montgomery County as prescribed  
27 in Section 34-13-31.

1                   "§34-13-22.

2                   "The Alabama Board of Funeral Service shall hold not  
3 less than one meeting quarterly, such meeting to be held at  
4 such time and place as the board may determine after notice of  
5 such meeting has been given in the manner prescribed herein at  
6 least 15 days prior to such meeting. The board may hold such  
7 other meetings as it may deem necessary. ~~Five or more members~~  
8 A majority of the appointed members shall ~~comprise~~ constitute  
9 a quorum authorized to transact business in the name of the  
10 board. The board shall not meet on the premises of any  
11 embalming school or college of mortuary science; and, if any  
12 such meeting is held, all the proceedings of such meeting  
13 shall be void."

14                   Section 2. This act shall become effective on the  
15 first day of the third month following its passage and  
16 approval by the Governor, or its otherwise becoming law.