

1 SENATE BILL 146

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Pat Woods

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10 AN ACT

11 RELATING TO FUNERAL SERVICES; CREATING A FUNERAL SERVICE
12 DIRECTOR LICENSE; DEFINING A FUNERAL SERVICE DIRECTOR'S SCOPE
13 OF PRACTICE; REQUIRING AN APPRENTICESHIP.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 61-32-3 NMSA 1978 (being Laws 1993,
17 Chapter 204, Section 3, as amended) is amended to read:

18 "61-32-3. DEFINITIONS.--As used in the Funeral Services
19 Act:

20 A. "apprentice funeral service director" means a
21 person learning to make arrangements for or direct funerals
22 under the supervision of a funeral services practitioner at a
23 funeral establishment or commercial establishment that is
24 licensed pursuant to the Funeral Services Act;

25 [~~A.~~] B. "board" means the board of funeral

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1 services;

2 ~~[B.]~~ C. "committal service" means a service at a
3 place of interment or entombment that follows a funeral
4 conducted at another location;

5 ~~[G.]~~ D. "cremains" means cremated remains;

6 ~~[D.]~~ E. "cremation" means the reduction of a dead
7 human body by direct flame to a residue, which includes bone
8 fragments;

9 ~~[E.]~~ F. "crematory" means every place or premises
10 that is devoted to or used for cremation and pulverization of
11 the cremains;

12 ~~[F.]~~ G. "crematory authority" means the individual
13 who is ultimately responsible for the operation of a crematory;

14 ~~[G.]~~ H. "department" means the regulation and
15 licensing department;

16 ~~[H.]~~ I. "direct disposer" means a person licensed
17 to engage solely in providing direct disposition at a direct
18 disposition establishment, licensed pursuant to the Funeral
19 Services Act, as provided in that act;

20 ~~[I.]~~ J. "direct disposition" means only the
21 disposition of a dead human body as quickly as possible,
22 without a direct disposer performing or arranging a funeral,
23 graveside service, committal service or memorial service,
24 whether public or private, and without embalming of the body
25 unless embalming is required by the place of disposition;

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1 ~~[J-]~~ K. "direct supervision" means that the
2 supervising funeral service practitioner is physically present
3 with and in direct control of the person being trained;

4 ~~[K-]~~ L. "disposition" means the final disposal of a
5 dead human body, whether it be by earth interment, above-ground
6 interment or entombment, cremation, burial at sea or delivery
7 to a medical school, when the medical school assumes complete
8 responsibility for the disposal of the body following medical
9 study;

10 ~~[L-]~~ M. "embalming" means the disinfection,
11 preservation and restoration, when possible, of a dead human
12 body by a licensed funeral service practitioner or a licensed
13 funeral service intern under the supervision of a licensed
14 funeral service practitioner;

15 ~~[M-]~~ N. "ennichement" means interment of cremains
16 in a niche in a columbarium, whether in an urn or not;

17 ~~[N-]~~ O. "entombment" means interment of a casketed
18 body or cremains in a crypt in a mausoleum;

19 ~~[O-]~~ P. "establishment" means every office,
20 premises or place of business where the practice of funeral
21 service or direct disposition is conducted or advertised as
22 being conducted and includes commercial establishments that
23 provide for the practice of funeral service or direct
24 disposition services exclusively to licensed funeral or direct
25 disposition establishments or a school of medicine;

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1 ~~[P.]~~ Q. "funeral" means a period following death in
2 which there is an organized, purposeful, time-limited, group-
3 centered ceremony or rite, whether religious or not, with the
4 body of the deceased present;

5 ~~[Q.]~~ R. "funeral merchandise" means that personal
6 property offered for sale in connection with the
7 transportation, funeralization or disposition of a dead human
8 body, including the enclosure into which a dead human body is
9 or cremains are directly placed, and excluding mausoleum
10 crypts, interment enclosures preset in a cemetery and
11 columbarium niches;

12 S. "funeral service director" means a person
13 licensed to make arrangements for or direct funerals at a
14 funeral establishment or commercial establishment that is
15 licensed pursuant to the Funeral Services Act;

16 ~~[R.]~~ T. "funeral service intern" means a person
17 licensed to be in training for the practice of funeral service
18 under the supervision and instruction of a funeral service
19 practitioner at a funeral establishment or commercial
20 establishment, licensed pursuant to the Funeral Services Act;

21 ~~[S.]~~ U. "funeral service practitioner" means a
22 person licensed to engage in the practice of funeral service at
23 a funeral establishment or commercial establishment that is
24 licensed pursuant to the Funeral Services Act;

25 ~~[T.]~~ V. "funeral services" means those immediate

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1 post-death activities related to a dead human body and its care
2 and disposition, whether with or without rites or ceremonies;
3 but "funeral services" does not include disposition of the body
4 by a school of medicine following medical study;

5 [U.] W. "general supervision" means that the
6 supervising funeral service practitioner is not necessarily
7 physically present in the establishment with the person being
8 trained but is available for advice and assistance;

9 [V.] X. "graveside service" means a funeral held at
10 the graveside only, excluding a committal service that follows
11 a funeral conducted at another location;

12 [W.] Y. "jurisprudence examination" means an
13 examination prescribed by the board on the statutes, rules and
14 regulations pertaining to the practice of funeral service or
15 direct disposition, including the Funeral Services Act, the
16 rules of the board, state health regulations governing human
17 remains and the Vital Statistics Act;

18 [X.] Z. "licensee in charge" means a funeral
19 service practitioner who is ultimately responsible for the
20 conduct of a funeral or commercial establishment and its
21 employees; or a direct disposer who is ultimately responsible
22 for the conduct of a direct disposition establishment and its
23 employees;

24 [Y.] AA. "make arrangements" means advising or
25 counseling about specific details for a funeral, graveside

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1 service, committal service, memorial service, disposition or
2 direct disposition;

3 ~~[Z.]~~ BB. "memorial service" means a gathering of
4 persons for recognition of a death without the presence of the
5 body of the deceased;

6 ~~[AA.]~~ CC. "practice of funeral service" means those
7 activities allowed under the Funeral Services Act by a funeral
8 service practitioner or funeral service intern; and

9 ~~[BB.]~~ DD. "pulverization" means the process that
10 reduces cremains to a granular substance."

11 **SECTION 2.** A new section of the Funeral Services Act is
12 enacted to read:

13 "[NEW MATERIAL] REQUIREMENTS FOR LICENSURE--FUNERAL
14 SERVICE DIRECTOR--SCOPE OF PRACTICE--LIMITATIONS--
15 APPRENTICESHIP.--

16 A. A license to practice as a funeral service
17 director shall be issued to any person who files a completed
18 application, accompanied by the required fees and
19 documentation, and who submits satisfactory evidence that the
20 person:

- 21 (1) is at least eighteen years of age;
22 (2) has graduated from high school or the
23 equivalent;

24 (3) has made at least fifty funeral
25 arrangements and directed at least fifty funerals during an

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1 apprenticeship period of not less than twelve months under the
2 supervision of a licensed funeral service practitioner; and

3 (4) has not been convicted of a crime
4 involving moral turpitude.

5 B. A funeral service director does not have the
6 rights and duties of a funeral service practitioner and is
7 subordinate to the funeral service practitioner.

8 C. A funeral service director may, under the
9 general supervision of a funeral service practitioner:

10 (1) make arrangements for a funeral, committal
11 service, graveside service or memorial service;

12 (2) direct a funeral, committal service,
13 graveside service or memorial service; and

14 (3) perform such other duties and services as
15 directed by a funeral service practitioner, except for direct
16 disposal services or other services requiring specialized
17 training and experience.

18 D. A funeral service director shall be employed by
19 and receive training at only one establishment. The board may
20 adopt rules that will allow training at more than one
21 establishment under special circumstances.

22 E. A funeral service director's change of
23 employment shall be reported to the board in writing within
24 thirty days of the change. A change of employment that is not
25 reported shall cause the period worked at the new establishment

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1 not to count as time served toward completion of the
2 apprenticeship. It is the responsibility of the funeral
3 service director and the licensee in charge to report changes
4 of employment.

5 F. A funeral service director may be under the
6 supervision of more than one funeral service practitioner at
7 the establishment at which the funeral service director is
8 employed; provided that the board has received notice in
9 writing prior to any changes in supervision. The board may
10 adopt rules specifying the maximum number of persons that may
11 be supervised by a funeral service practitioner.

12 G. An apprentice funeral service director shall
13 report to the board quarterly, upon forms provided by the
14 board, and shall:

15 (1) show the work that has been completed
16 during the preceding three months; and

17 (2) submit proof of employment and supervision
18 as required by board rules."