

HOUSE BILL NO. HB0267

Funeral services.

Sponsored by: Representative(s) Osborn and Senator(s)
Vasey

A BILL

for

1 AN ACT relating to professions and occupations; providing
2 for the licensure of persons engaging in funeral services;
3 providing definitions; creating a funeral service board;
4 specifying membership; providing duties and powers of the
5 board; specifying compensation; creating an account;
6 specifying license and permit requirements; providing for
7 nonresident licenses; requiring display of license or
8 permit; providing for renewal; exempting licensees and
9 permittees from jury duty; exempting certain persons from
10 compliance; limiting liabilities; providing for cremation;
11 providing for the removal of human remains; authorizing the
12 leasing of caskets; requiring records; specifying
13 prohibited acts; providing penalties; providing for
14 disciplinary actions and appeals; recognizing licenses and
15 permits under prior law; providing for the transfer of

1 funds; making conforming amendments; and providing for an
2 effective date.

3

4 *Be It Enacted by the Legislature of the State of Wyoming:*

5

6 **Section 1.** W.S. 33-16-501 through 33-16-528 are
7 created to read:

8

9

CHAPTER 16

10

FUNERAL SERVICES

11

12

ARTICLE 5

13

STATE BOARD OF FUNERAL SERVICES

14

15 **33-16-501. Definitions.**

16

17 (a) As used in this act:

18

19 (i) "Apprentice" means a person who has been
20 issued an apprentice permit by the board to engage in the
21 practice of a funeral director under the supervision of a
22 licensed funeral director;

23

1 (ii) "Board" means the Wyoming state board of
2 funeral services;

3
4 (iii) "Convictions" mean unvacated
5 determinations of guilt by any court having legal
6 jurisdiction of the offense and from which no appeal is
7 pending. Pleas of guilty and nolo contendere shall be
8 deemed convictions for the purposes of this section, but
9 dispositions pursuant to W.S. 7-13-301 or 35-7-1037 shall
10 not be convictions for purposes of this section;

11
12 (iv) "Cremated remains" means human remains
13 after cremation in a crematory;

14
15 (v) "Cremation" means the reduction of the body
16 of a deceased person to cremated remains in a crematory;

17
18 (vi) "Crematory" means a building or structure
19 containing one (1) or more retorts for the reduction of
20 bodies of deceased persons to cremated remains;

21
22 (vii) "Crematory operator" means a person who
23 has been issued a crematory operator permit by the board;

24

1 (viii) "Embalming" means the removal,
2 disinfecting, preparing or preserving for final
3 disposition, transportation or funeral service of dead
4 human bodies, in whole or in part, or any attempt to do so,
5 by the use or application of chemical substances, fluids or
6 gases on the body, or by the introduction of chemical
7 substances, fluids or gases into the body by vascular or
8 hypodermic injection or by direct introduction into organs
9 or cavities, or by any other method or process;

10

11 (ix) "Funeral coordinator" means a person who
12 has been issued a funeral coordinator permit by the board
13 to arrange and direct funeral services under the
14 supervision of a licensed funeral director;

15

16 (x) "Funeral director" means a person who has
17 been issued a funeral director license by the board to
18 perform the following activities:

19

20 (A) Embalming dead human bodies;

21

22 (B) Directing or supervising the burial or
23 disposition of dead human bodies; and

24

1 (C) Conducting, directing, supervising or
2 arranging for funeral services for dead human bodies.

3

4 (xi) "Funeral establishment" means a place of
5 business which has been issued a funeral establishment
6 permit by the board to conduct business at a specific
7 street address or location which is devoted to the
8 embalming of dead human bodies for burial, cremation,
9 transportation or other disposition including all portions
10 of such business premises and all tools, instruments and
11 supplies used, and including any chapel or other facility
12 in which funeral or other religious services may be
13 conducted;

14

15 (xii) "Human remains" means the body of a
16 deceased person, or any part thereof, in any stage of
17 decomposition;

18

19 (xiii) "Removal assistant" means a person who
20 has been issued a removal assistant permit by the board to
21 remove human remains from the place of death and transport
22 the remains under the supervision of a licensed funeral
23 director;

24

1 (xiv) "Supervision" means the extent of
2 oversight necessary for an apprentice or other permittee
3 based upon the training, experience, judgment and
4 professional development of the permittee;

5

6 (xv) "This act" means W.S. 33-16-501 through
7 33-16-528.

8

9 **33-16-502. Wyoming state board of funeral services**
10 **created; composition; qualifications of members; removal;**
11 **vacancies; initial board.**

12

13 (a) There is created the Wyoming state board of
14 funeral services. The board shall consist of five (5)
15 persons appointed by the governor. Members of the board
16 shall be citizens of the United States and residents of
17 Wyoming.

18

19 (b) Except as provided by subsection (e) of this
20 section, the board shall be composed of four (4) persons
21 licensed under this act for at least two (2) years and one
22 (1) member from the public at large who shall not be a
23 current or former licensee or permittee.

24

1 (c) Except as provided by subsection (e) of this
2 section, all members of the board shall serve terms of four
3 (4) years. No member shall serve more than two (2)
4 consecutive full terms. For the purposes of this
5 subsection, an appointment to fill an unexpired term is not
6 considered a full term.

7

8 (d) The governor shall remove any member from the
9 board whose license has been revoked or suspended, and may
10 remove any member of the board as provided by W.S. 9-1-202.
11 Any vacancies in the membership of the board occurring
12 other than by expiration of the term shall be filled by
13 appointment by the governor for the unexpired term.

14

15 (e) The initial board shall be composed of the
16 members of the state board of embalming who shall serve out
17 the remainder of their terms.

18

19 **33-16-503. Certificate of appointment; oath.**

20

21 The governor shall furnish each person appointed to serve
22 on the board a certificate of appointment. The appointee
23 shall take an oath of office within ten (10) days after
24 appointment before any person authorized to administer

1 oaths in the county in which the appointee resides, and the
2 oath shall be noted on the certificate of appointment.

3

4 **33-16-504. Officers; meetings; powers and duties;**
5 **exemption from liability.**

6

7 (a) The board shall elect annually one (1) of its
8 members to serve as president and one (1) of its members as
9 secretary and treasurer. The secretary and treasurer shall
10 be the executive officer of the board in matters relating
11 to the duties of the board when the board is not in session
12 and shall keep a record in which shall be registered the
13 names and addresses of all persons to whom a license or
14 permit has been granted and the numbers and dates of all
15 licenses and permits. The secretary of the board shall
16 also keep minutes of meetings in accordance with W.S.
17 16-4-401 through 16-4-407.

18

19 (b) The board shall hold meetings at least twice each
20 year, with the date and place to be set by the board. In
21 addition, the board may meet as designated by a majority of
22 the board. A majority of the board shall constitute a
23 quorum. All meetings of the board shall be conducted in
24 accordance with W.S. 16-4-401 through 16-4-407.

1

2 (c) In addition to other requirements of this act,
3 the board shall:

4

5 (i) Issue, suspend and revoke permits and
6 licenses;

7

8 (ii) Adopt a seal to be affixed to all licenses
9 and permits issued;

10

11 (iii) Adopt rules not inconsistent with this act
12 or the laws of this state and that are reasonable and
13 necessary to administer this act in accordance with the
14 Wyoming Administrative Procedure Act;

15

16 (iv) Receive and investigate complaints, hire
17 investigators, and take all appropriate action allowed by
18 law to enforce this act;

19

20 (v) Inspect the premises in which the business
21 of funeral services is conducted, in which the business of
22 cremation of human remains is conducted, or where embalming
23 is practiced, and for that purpose may employ a licensee
24 under this act as an inspector and to aid in the

1 enforcement of this act and rules adopted pursuant thereto,
2 whose compensation and expenses shall be payable only out
3 of the fees collected by the board;

4

5 (vi) Conduct meetings and hearings concerning
6 violations of this act and the rules adopted pursuant to
7 this act. The board shall have authority to administer
8 oaths, take affidavits, summon witnesses and take testimony
9 as to matters coming within the scope of its duties.

10

11 (d) The board may:

12

13 (i) Employ personnel and arrange for any
14 assistance it may require in the performance of its duties.
15 Costs and expenses related to these services shall be paid
16 from the special revenue fund created by W.S. 33-16-506;

17

18 (ii) Enter into interstate or intrastate
19 agreements and associations with other boards of licensure
20 for the purpose of establishing reciprocity, developing
21 examinations, evaluating applicants or other activities to
22 enhance the services of the board to the state, licensees,
23 permittees and the public;

24

1 (iii) In its own name, proceed in any court of
2 competent jurisdiction to enjoin and restrain an unlicensed
3 person from violating this act and may similarly act to
4 bring suit to prevent or remedy any other violation of this
5 act or of the rules adopted under this act. This action is
6 in addition to any other proceeding or remedy authorized by
7 law. The board shall be represented in all actions by the
8 attorney general, unless private counsel is secured with
9 approval of the attorney general;

10
11 (iv) Charge fees for application, examination,
12 licensing, permitting, renewal and any other service
13 provided in amounts established by board rule made in
14 accordance with W.S. 33-1-201.

15
16 (e) No member of the board is liable for any act
17 performed in good faith in accordance with W.S. 1-39-104.

18
19 **33-16-505. Compensation of board members.**

20
21 The members of the board shall receive the sum paid each
22 day to legislators, and mileage and per diem allowance as
23 allowed to state employees pursuant to W.S. 9-3-102 and

1 9-3-103, when engaged in performing their duties as members
2 of the board.

3

4 **33-16-506. Board fund creation; disbursements.**

5

6 All fees collected or received under the provisions of this
7 act and any interest thereon shall be deposited with the
8 Wyoming state treasurer who shall credit the monies to an
9 account within the special revenue fund. All monies
10 credited to the account shall be expended only upon
11 legislative appropriation to defray the costs and expenses
12 incurred in administration of this act.

13

14 **33-16-507. Funeral establishments; permit required;**
15 **qualifications.**

16

17 (a) It is unlawful for any person to operate a
18 funeral establishment without a permit from the board.
19 Every person who desires to operate a funeral establishment
20 within the state of Wyoming shall apply to the board for a
21 funeral establishment permit, upon a form and in the manner
22 prescribed by the board, accompanied by the appropriate fee
23 and satisfactory evidence that:

24

1 (i) The applicant has reached the age of
2 majority. The applicant, when an organization, shall have
3 an active officer or manager who has reached the age of
4 majority;

5

6 (ii) The applicant has no criminal convictions
7 which would negatively impact the abilities required to
8 operate a funeral establishment in accordance with this act
9 and the rules of the board. The applicant, when an
10 organization, shall have as an active officer or manager, a
11 person who has no criminal convictions which would impact
12 upon the applicant's abilities to operate a funeral
13 establishment in accordance with this act and the rules of
14 the board;

15

16 (iii) The funeral establishment meets the
17 standards required by the rules and regulations of the
18 board and the provisions of this act, and has received a
19 satisfactory inspection by the board.

20

21 (b) An application filed pursuant to this section
22 shall designate the licensed funeral director in charge of
23 the establishment. Any funeral establishment permittee
24 desiring to change the licensed funeral director in charge

1 of the establishment shall make application to the board
2 immediately. A fee as established by the board shall
3 accompany the application for the change.

4

5 (c) A funeral establishment engaging in embalming
6 shall have a preparation room equipped with a sanitary
7 floor, embalming table, necessary drainage and ventilation,
8 and containing necessary instruments and supplies for the
9 preparation and embalming of human dead bodies for burial
10 or transportation.

11

12 (d) If the applicant proposes to operate more than
13 one (1) funeral establishment, the applicant shall make a
14 separate application and procure a separate permit for each
15 separate location.

16

17 (e) Any funeral establishment permittee desiring to
18 change the location of the business shall make application
19 to the board at least thirty (30) days prior to the time
20 that the change in location is to take effect. A fee as
21 established by the board shall accompany the application
22 for the change. The board shall inspect the new location
23 and may grant the change provided the location conforms to
24 the provisions of this act.

1

2 (f) Any funeral establishment permittee desiring to
3 change the name of the business shall make application to
4 the board at least thirty (30) days prior to the time that
5 the change in name is to take effect. A fee as established
6 by the board shall accompany the application for the
7 change.

8

9 **33-16-508. Crematory operator; permit required;**
10 **qualifications.**

11

12 (a) It is unlawful for any person to operate a
13 crematory without being granted a permit by the board.
14 Every person desiring to operate a crematory within the
15 state of Wyoming shall apply to the board for a crematory
16 permit, upon a form and in the manner prescribed by the
17 board, accompanied by the appropriate fee and satisfactory
18 evidence that:

19

20 (i) The applicant has reached the age of
21 majority. The applicant, when an organization, shall have
22 as an active officer or manager a person who has reached
23 the age of majority;

24

1 (ii) The applicant has no criminal convictions
2 which would impact upon the applicant's abilities to
3 operate a crematory in accordance with this act and the
4 rules of the board. The applicant, when an organization,
5 shall have as an active officer or manager a person who has
6 no criminal convictions which would impact upon the
7 applicant's abilities to operate a crematory in accordance
8 with this act and the rules of the board;

9

10 (iii) The applicant has passed an examination
11 administered by authority of the board on the laws and
12 rules governing the practice of funeral service in Wyoming.
13 The examination may also contain questions relating to
14 embalming, funeral directing and other areas as deemed
15 proper by the board;

16

17 (iv) The crematory shall meet the standards
18 required by the rules and regulations of the board and the
19 provisions of this act, and receive a satisfactory
20 inspection by the board.

21

22 (b) An application filed pursuant to this section
23 shall designate the permittee in charge of the crematory.
24 Any crematory operator desiring to change the permittee in

1 charge of the crematory shall make application to the board
2 immediately. A fee as established by the board shall
3 accompany the application for the change.

4

5 (c) If the applicant proposes to operate more than
6 one (1) crematory, the applicant shall make a separate
7 application and procure a separate permit for each
8 location.

9

10 (d) Any crematory permittee desiring to change the
11 location of the business shall make application to the
12 board at least thirty (30) days prior to the time that the
13 change in location is to take effect. A fee as established
14 by the board shall accompany the application for the
15 change. The board shall inspect the location and may grant
16 the change provided the location conforms to the provisions
17 of this act and rule of the board.

18

19 (e) Any crematory permittee desiring to change the
20 name of the business shall make application to the board at
21 least thirty (30) days prior to the time that the change in
22 name is to take effect. A fee as established by the board
23 shall accompany the application for the change.

24

1 **33-16-509. Funeral director; license required;**
2 **qualifications.**

3

4 (a) It is unlawful for any person to provide or
5 attempt to provide funeral services without being granted a
6 license as a funeral director by the board. Every person
7 desiring to provide funeral services within the state of
8 Wyoming shall apply to the board for a funeral director
9 license, upon a form and in the manner prescribed by the
10 board, accompanied by the appropriate fee and satisfactory
11 evidence of the following:

12

13 (i) The applicant has reached the age of
14 majority;

15

16 (ii) The applicant has no criminal convictions
17 which would impact upon the applicant's abilities to
18 provide the services of a funeral director in accordance
19 with this act and the rules of the board;

20

21 (iii) The applicant has received an associate's
22 degree in mortuary science from an accredited program of
23 mortuary science, or a minimum of an associate's degree and

1 completion of a twelve (12) month or longer course of
2 instruction from an accredited program of mortuary science;

3

4 (iv) The applicant has completed a one (1) year
5 apprenticeship under the supervision of a Wyoming licensed
6 funeral director, which shall include practical experience
7 of having assisted in the embalming of at least twenty-five
8 (25) dead human bodies and having assisted in the arranging
9 and conducting at least twenty-five (25) funeral or
10 memorial services;

11

12 (v) The applicant has passed the National Board
13 Examination as administered by the Conference of Funeral
14 Service Examining Board; and

15

16 (vi) The applicant has passed an examination
17 administered by authority of the board on the laws and
18 rules governing the practice of funeral services in
19 Wyoming. The examination may also contain questions
20 relating to embalming, funeral directing and other areas as
21 deemed proper by the board.

22

23 **33-16-510. Funeral coordinator; permit required;**
24 **qualifications.**

1

2 (a) It is unlawful for any person to engage in the
3 arranging and directing of funeral and memorial services
4 without being granted a permit as a funeral coordinator by
5 the board. Any person desiring to engage in the arranging
6 and directing of funeral and memorial services within the
7 state of Wyoming shall apply to the board for a funeral
8 coordinator permit, upon a form and in the manner
9 prescribed by the board, accompanied by the appropriate fee
10 and satisfactory evidence that the applicant:

11

12 (i) Has reached the age of majority;

13

14 (ii) Has no criminal convictions which would
15 impact upon the applicant's abilities to provide the
16 services of a funeral coordinator in accordance with this
17 act and the rules of the board;

18

19 (iii) Has three (3) years of experience in
20 arranging and directing funeral and memorial services under
21 the supervision of a licensed funeral director;

22

23 (iv) Works at all times under the supervision of
24 a Wyoming licensed funeral director; and

1

2 (v) Has passed an examination administered by
3 authority of the board on the laws, rules and regulations
4 governing the practice of funeral services in Wyoming. The
5 examination may also contain questions relating to funeral
6 service topics as deemed proper by the board.

7

8 **33-16-511. Apprentices; permit required;**
9 **qualifications.**

10

11 (a) It is unlawful for any person to assist with
12 funeral directing, arranging and directing of funeral and
13 memorial services, removals or embalming without being
14 granted a permit as an apprentice by the board. Every
15 person desiring to engage in assisting with removals and
16 embalming within the state of Wyoming shall apply to the
17 board for an apprentice permit, upon a form and in the
18 manner prescribed by the board, accompanied by the
19 appropriate fee and satisfactory evidence that the
20 applicant:

21

22 (i) Has reached the age of majority;

23

1 (ii) Has no criminal convictions which would
2 impact upon the applicant's abilities to provide the
3 services of an apprentice in accordance with this act and
4 the rules of the board; and

5
6 (iii) Has passed an examination administered by
7 authority of the board on the laws and rules governing the
8 practice of funeral services in Wyoming. The examination
9 may also contain questions relating to funeral service
10 topics as deemed proper by the board.

11
12 **33-38-512. Removal assistant; permit required;**
13 **qualifications.**

14
15 (a) It is unlawful for any person to remove a dead
16 human body from the place of death without being granted a
17 permit as a removal assistant by the board, unless under
18 the direct authority of the county coroner. Every person
19 desiring to engage in assisting with removal within the
20 state of Wyoming shall apply to the board for a removal
21 assistant permit, upon a form and in the manner prescribed
22 by the board, accompanied by the appropriate fee and
23 satisfactory evidence that the applicant:

24

1 (i) Has reached the age of majority;

2

3 (ii) Has no criminal convictions which would
4 impact upon the applicant's abilities to provide the
5 services of an apprentice in accordance with this act and
6 the rules of the board; and

7

8 (iii) Has passed an examination administered by
9 authority of the board on the laws and rules governing the
10 practice of funeral services in Wyoming. The examination
11 may also contain questions relating to funeral service
12 topics as deemed proper by the board.

13

14 **33-16-513. Nonresident licensees.**

15

16 (a) Subject to subsections (b) and (c) of this
17 section, the board shall promulgate rules under which
18 nonresident licensees shall operate which shall be designed
19 to protect the public.

20

21 (b) The board may issue a license to engage in the
22 practice of funeral services or any part thereof to an
23 applicant who has held a license in good standing in
24 another jurisdiction continuously for the past five (5)

1 years, upon completion of an examination on the laws and
2 rules governing funeral services in the state of Wyoming.
3 The examination may also contain questions relating to
4 other funeral service topics as deemed proper by the board.

5

6 (c) In the event of a disaster or a state of
7 emergency, or for the purpose of conducting a bona fide
8 educational program, the board may grant temporary
9 authority to practice funeral services in Wyoming, for the
10 duration of the declared state of emergency, or for the
11 duration of the educational program, to an out-of-state
12 licensee upon proof of current license in good standing in
13 the applicant's state of residence.

14

15 **33-16-514. Investigation of applicants; granting or**
16 **refusing license or permit.**

17

18 Upon receipt of an application the board may cause an
19 investigation to be made as to the character of the
20 applicant, including its officers or members if the
21 application is by or in behalf of an organization, and may
22 require such showing as will reasonably prove the good
23 character of the applicant.

24

1 **33-16-515. License and permit to be signed and**
2 **displayed; business to be properly identified.**

3

4 Every license and permit issued under this act shall be
5 displayed conspicuously in the place of business or
6 employment of the licensee or permittee. No funeral
7 establishment or crematory shall be advertised in any
8 manner under any name except the name appearing exactly as
9 on the permit issued by the board.

10

11 **33-16-516. Renewal.**

12

13 (a) Except as provided by this act, licenses and
14 permits issued by the board shall be valid for a period of
15 two (2) years from the date of issuance. A license or
16 permit issued pursuant to this act may be renewed by the
17 filing of an application for renewal not later than thirty
18 (30) days after expiration of the license upon a form and
19 in a manner established by rule of the board. An
20 application for renewal shall be accompanied by
21 satisfactory evidence of participation in continuing
22 education activities as established by rule of the board
23 and a fee as set by rule of the board. The board by rule
24 may waive the continuing education requirement for the

1 first renewal of a license or permit and for retired or
2 inactive license and permit holders.

3

4 (b) If a renewal application is not submitted by the
5 date required by subsection (a) of this section, the
6 license or permit shall be void. A person whose license or
7 permit has been voided for failure to renew shall comply
8 with all requirements of a new applicant before a license
9 or permit may be reissued.

10

11 **33-16-517. Exemption from jury service.**

12

13 All licensees and permittees under the provisions of this
14 act who are actively engaged in funeral services shall be
15 exempted from jury service.

16

17 **33-16-518. Churches, fraternal orders, and other**
18 **organizations; exemptions.**

19

20 Any duly authorized representative of any church, fraternal
21 order or other association or organization honoring the
22 dead who performs a religious or other service under the
23 authority of and pursuant to the religious tenets or
24 practices of the church, order or organization is exempted

1 from the terms and provisions of this act, provided that
2 nothing in this section shall be construed to authorize,
3 permit or allow a person to perform the functions of a
4 funeral director or apprentice under this act.

5

6 **33-16-519. Privileges as to use of bodies for**
7 **dissecting, demonstrating or teaching.**

8

9 The board and schools for teaching embalming shall have the
10 same privileges to use bodies for dissecting, demonstrating
11 or teaching as granted to medical schools and other
12 institutions of higher learning in this state.

13

14 **33-16-520. Cremation of human remains.**

15

16 (a) Human remains may not be cremated except in a
17 permitted crematory. No crematory shall accept human
18 remains for cremation until the crematory has received a
19 burial-transit permit required by law, and no crematory
20 shall accept unidentified human remains. Appropriate
21 identification shall be placed upon the exterior of the
22 cremation container upon receipt of the human remains.

23

1 (b) No crematory shall cremate human remains until
2 after receipt of a signed authorization form. A person who
3 signs a cremation authorization form shall warrant the
4 truthfulness of any facts set forth in the form, including
5 the identity of the deceased whose remains are to be
6 cremated and the signer's right and authority to authorize
7 cremation. The funeral establishment and the crematory are
8 not liable when relying on a cremation authorization form
9 alleged by the signer to be made in compliance with this
10 subsection.

11

12 (c) Human remains may not be cremated within twenty-
13 four (24) hours after the time of death without written
14 permission of the coroner.

15

16 (d) Human remains shall not be cremated with a
17 pacemaker or other potentially hazardous implant as defined
18 by the board, including any toxic or explosive-type sealed
19 implants, in place. The authorizing agent is responsible
20 for disclosing the existence of any pacemakers or other
21 hazardous implants.

22

23 (e) A crematory shall not hold human remains, prior
24 to their cremation, except under the following conditions:

1

2 (i) In the event the crematory is unable to
3 perform cremation upon receipt of the human remains, it
4 shall place the human remains in a holding facility;

5

6 (ii) If the human remains are not embalmed, they
7 may be held not longer than thirty-six (36) hours after the
8 time of death outside of a refrigerated facility; and

9

10 (iii) Human remains delivered to a crematory may
11 not be removed from the cremation container except as
12 provided by W.S. 33-16-521, and the cremation container
13 shall be cremated with the human remains.

14

15 (f) Unauthorized persons may not be permitted in the
16 retort area while any human remains are awaiting cremation,
17 being cremated, or being removed from the cremation
18 chamber, provided that the funeral director or other person
19 having charge of the preparation of human remains for
20 burial or last rites and committal services shall have the
21 right to be present either in person or by employee at any
22 stage of the cremation of the human remains.

23

1 (g) The person arranging the cremation shall require
2 the authorizing agent to provide a signed statement that
3 specifies the ultimate disposition of the cremated remains,
4 if known. The authorizing agent shall be responsible for
5 specifying the disposition of the cremated remains.
6 Cremated remains shall be delivered to the individual
7 specified by the authorizing agent on the cremation
8 authorization form.

9

10 (h) The identification of the human remains, as
11 indicated on the cremation container, shall be verified by
12 the crematory operator or crematory technician immediately
13 prior to the cremation container being placed within the
14 cremation chamber. The identification shall be removed from
15 the cremation container and be placed near the cremation
16 chamber control panel where it shall remain until the
17 cremation process is complete.

18

19 (j) Upon completion of the cremation process, all
20 recoverable residues shall be removed from the cremation
21 chamber. All residue of the cremation process shall be
22 separated from material other than bone fragments, which
23 shall be processed so as to reduce the bone fragments to
24 unidentifiable particles.

1

2 (k) Cremated remains, with proper identification,
3 shall be packed and placed in a temporary container or urn
4 ordered by the authorizing agent. If the cremated remains
5 will not fit within the dimensions of the temporary
6 container or urn, the remainder of the cremated remains
7 shall be returned to the authorizing agent in a separate
8 container.

9

10 (m) If the cremated remains are to be shipped, the
11 temporary container or designated receptacle ordered by the
12 authorizing agent shall be packed securely in a suitable,
13 sturdy and properly sealed container. Cremated remains may
14 be shipped only by a method that has an internal tracing
15 system available and that provides a receipt signed by the
16 person accepting delivery.

17

18 (n) A representative of the crematory and the
19 individual receiving the cremated remains shall sign a
20 receipt indicating the name of the deceased and the date,
21 time and place of the delivery. The crematory shall retain
22 a copy of the receipt, and the original shall be given to
23 the authorizing agent. After this delivery, the cremated

1 remains may be transported in this state without a permit
2 and disposed of in accordance with this act.

3

4 (o) If, after a period of ninety (90) days from the
5 date of cremation, the authorizing agent has not specified
6 the ultimate disposition or claimed the cremated remains,
7 the crematory or person in possession of the cremated
8 remains is responsible for disposition of the cremated
9 remains and may then dispose of the cremated remains in any
10 manner permitted by law. A record of the disposition shall
11 be made and kept by the crematory operator.

12

13 (p) The unauthorized, simultaneous cremation of human
14 remains of more than one (1) person within the same
15 cremation chamber is prohibited unless the crematory has
16 received express written authorization from all appropriate
17 authorizing agents for the human remains to be cremated
18 simultaneously. Should a crematory receive and comply with
19 a written authorization made pursuant to this subsection,
20 the crematory, the operator and related employees of the
21 crematory shall be exempted from all liability relating to
22 the commingling of the human remains or of the product of
23 the cremation process.

24

1 **33-16-521. Removal of human remains; leasing of**
2 **caskets.**

3

4 (a) The use of a casket or an alternative container
5 is a necessary requirement of cremation. Human remains
6 delivered to a crematory shall not be removed from the
7 casket or other container without the written authorization
8 of the person giving the consent to or requesting the
9 cremation of the human remains.

10

11 (b) Notwithstanding any other provision of law, the
12 lease of a casket for funerals and other services of a
13 person to be cremated is authorized.

14

15 **33-16-522. Records of crematories.**

16

17 Upon the receipt of a human body for cremation, the
18 crematory shall deliver to the funeral director or his
19 agent who delivers the body to the crematory, a receipt
20 showing the date of delivery, name of the funeral director
21 from whom the body is received and the name of the
22 deceased. Each crematory shall maintain a record of each
23 cremation of human remains which shall include the name of
24 the deceased, the name of the person authorizing the

1 cremation, the date the body was received, the date the
2 cremation was performed and other information as the board
3 may require. The record of each cremation shall be signed
4 by the crematory permittee and by the person having charge
5 of the preparation of the human remains for cremation. The
6 record shall be kept at the crematory for inspection by the
7 board which may also require copies thereof to be filed
8 with the board containing information as may be necessary
9 for the use of the board.

10

11 **33-16-523. Prohibited acts; penalties; injunctive**
12 **relief.**

13

14 (a) No person shall:

15

16 (i) Engage in the practice of funeral, memorial,
17 crematory or mortuary science services unless licensed,
18 permitted or otherwise authorized to do so under this act;

19

20 (ii) Advertise, represent or in any manner hold
21 himself out as being licensed or permitted to provide the
22 services regulated by this act by use of any title commonly
23 associated with one engaged in the funeral, memorial,

1 crematory or mortuary science services without having first
2 complied with this act;

3

4 (iii) Conduct, direct or supervise a funeral
5 service to the public without having first complied with
6 this act;

7

8 (iv) Maintain or operate a building or structure
9 within the state of Wyoming as a funeral establishment in
10 violation of the provisions of this act or the rules of the
11 board;

12

13 (v) Maintain or operate a building or structure
14 within the state of Wyoming as a crematory in violation of
15 the provisions of this act or the rules of the board;

16

17 (vi) Embalm a dead human body when any fact
18 within the knowledge, or brought to the attention of, the
19 licensee or permittee is sufficient to arouse suspicion of
20 crime in connection with the cause of death of the
21 deceased, until permission of the coroner is obtained.

22

23 (b) Any person violating this act is guilty of a
24 misdemeanor punishable by a fine of not more than seven

1 hundred fifty dollars (\$750.00), by imprisonment for not
2 more than six (6) months, or both. A third or subsequent
3 conviction for violation of this section during a thirty-
4 six (36) month period shall constitute a felony punishable
5 by imprisonment for not more than two (2) years, a fine of
6 not more than two thousand dollars (\$2,000.00), or both.
7 Each violation of this act shall constitute a separate
8 offense.

9

10 (c) In addition to other remedies as provided by this
11 act, the board may seek an injunction in the district court
12 to enjoin any person from violating this act.

13

14 **33-16-524. Grounds for disciplinary action.**

15

16 (a) The board may deny, refuse to renew, suspend,
17 revoke or otherwise restrict a license or permit issued
18 under this act for violations of this act or rules of the
19 board, including:

20

21 (i) Unprofessional conduct, as defined by rules
22 of the board;

23

1 (ii) Failure to make timely and proper
2 application for renewal or failure to meet the continuing
3 education requirements prior to the license or permit
4 expiration date;

5
6 (iii) Willful violation of any provision of the
7 rules promulgated by the board;

8
9 (iv) Willful violation of any provision of this
10 act.

11
12 **33-16-525. Limitation of practice; ethical standards.**

13
14 All persons licensed or permitted under this act shall
15 adhere to the ethical standards of the profession as
16 established by the rules of the board. Any person
17 licensed, permitted or otherwise authorized under this act
18 who refuses or neglects to abide by the ethical standards
19 of the profession shall be subject to discipline or other
20 action by the board.

21
22 **33-16-526. Disciplinary action; petition; notice for**
23 **hearing; review; limitations of review; other remedies.**

1 (a) The board may initiate proceedings under this act
2 on its own motion or on the written complaint of any
3 person. In addition, a petition for the discipline of a
4 licensee or permittee may be filed by the attorney general
5 or by the county attorney of the county in which the
6 licensee or permittee resides or has practiced. The
7 petition shall be filed with the board, and the board shall
8 set the matter for hearing in accordance with its rules and
9 the Wyoming Administrative Procedures Act.

10

11 (b) Except as provided by subsection (c) of this
12 section, and in addition to other rights or protections
13 afforded by this act, licensees and permittees shall have
14 the right to judicial review in accordance with the Wyoming
15 Administrative Procedure Act.

16

17 (c) Upon receipt from the department of family
18 services of a certified copy of an order from a court to
19 withhold, suspend or otherwise restrict a license or permit
20 issued by the board, the board shall notify the party named
21 in the court order of the withholding, suspension or
22 restriction of the license or permit in accordance with the
23 terms of the court order. No appeal to the board under the
24 Wyoming Administrative Procedure Act shall be allowed for a

1 license or permit withheld, suspended or restricted under
2 this subsection. If a license or permit is suspended or
3 restricted under this subsection, the license or permit may
4 be reissued without a hearing if the department of family
5 services provides notice that the person has complied with
6 the terms of the court order that resulted in the
7 suspension or restriction of the license or permit issued
8 under this chapter.

9

10 (d) In addition to other remedies provided by this
11 act, the board may:

12

13 (i) Assess part or all of the costs of the
14 proceeding against a disciplined licensee or permittee; and
15

16 (ii) Assess an administrative penalty not to
17 exceed two thousand dollars (\$2,000.00) for each violation
18 of this act or rule promulgated under this act, to be paid
19 into the county treasury to the credit of the public school
20 fund of the county in which the violation occurred.

21

22 **33-16-527. Licenses under prior law; date of license.**

23

1 (a) Persons who hold a current license in good
2 standing as an embalmer on July 1, 2003, issued under prior
3 laws of Wyoming shall be issued a license as a funeral
4 director under the provisions of this act without
5 additional requirements.

6

7 (b) Persons who hold a current permit in good
8 standing as a crematory operator on July 1, 2003, issued
9 under prior laws of Wyoming, shall be issued a crematory
10 operator permit under the provisions of this act without
11 additional requirements.

12

13 (c) Persons who hold a current license in good
14 standing as a funeral director on July 1, 2003, issued
15 under prior laws of Wyoming, shall be issued an
16 establishment permit and a license as a funeral director
17 under the provisions of this act without additional
18 requirements.

19

20 (d) Persons desiring to provide the services of a
21 funeral coordinator, crematory operator, apprentice or a
22 removal assistant shall have until December 31, 2003 to
23 apply for these licenses or permits.

24

1 (e) A license issued pursuant to subsections (a)
2 through (c) of this section shall be deemed to have been
3 issued on the date on which the original license was issued
4 for the purposes of board membership pursuant to W.S.
5 33-16-502(b).

6

7 **33-16-528. Disposition of unexpended funds.**

8

9 All monies of the former state board of embalming, whether
10 from fines collected, unexpended appropriations, budget
11 authorizations or any other source, and all monies to be
12 credited by the state treasurer to the embalming account
13 pursuant to W.S. 33-16-313, shall be transferred from the
14 embalming account within the earmarked revenue fund as
15 created by W.S. 33-16-205 to the account created pursuant
16 to W.S. 33-16-506. Monies transferred pursuant to this
17 section are appropriated to be used to defray the costs and
18 expenses incurred in administration of this act.

19

20 **Section 2.** W.S. 35-5-111(a) is amended to read:

21

22 **35-5-111. Eye tissue recovery; persons eligible to**
23 **perform recovery of donated eye tissue.**

24

1 (a) A licensed funeral director ~~or undertaker~~ as
2 defined in W.S. ~~33-16-301~~ 33-16-509, a registered nurse
3 licensed to practice in this state, a physician's assistant
4 certified in Wyoming or an ophthalmic technician certified
5 by the American Board of Ophthalmology may upon
6 certification of competence under subsection (b) of this
7 section, enucleate eyes. Any individual who has
8 successfully completed a course of training in eye tissue
9 recovery sponsored by an Eye Bank Association of America
10 accredited eye bank may perform eye tissue recovery for a
11 gift in accordance with W.S. 35-5-101 through 35-5-109
12 after proper determination of death by a physician. For
13 purposes of this subsection, proper determination of death
14 does not mean the execution and registration of a formal
15 death certificate.

16

17 **Section 3.** W.S. 33-16-101 through 33-16-110,
18 33-16-201 through 33-16-206, 33-16-301 through 33-16-317
19 and 33-16-401 through 33-16-409 are repealed.

20

21 **Section 4.** This act is effective July 1, 2003.

22

23

(END)