

HOUSE BILL NO. HB0025

Funeral Service Practitioners Act.

Sponsored by: Joint Corporations, Elections and Political Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to embalmers, funeral directors,
2 undertakers and crematories; creating the board of funeral
3 service practitioners; providing for regulation of funeral
4 service practitioners and establishments; providing for
5 licensure; providing for fees; providing penalties;
6 providing for regulation of disposition of human remains;
7 and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 33-16-501 through 33-16-537 are
12 created to read:

13

14 **33-16-501. Short title.**

15

1 This act may be cited as the "Funeral Service Practitioners
2 Act".

3

4 **33-16-502. Definitions.**

5

6 (a) As used in this act:

7

8 (i) "Accredited program of funeral service
9 education" means a funeral service education program
10 accredited by the American Board of Funeral Service
11 Education to teach mortuary science and other funeral
12 service related curricula;

13

14 (ii) "Apprentice funeral service practitioner"
15 means a person, who has been issued an apprentice funeral
16 service practitioner license and is registered by the board
17 to engage in funeral service practice, which includes all
18 aspects of funeral directing, embalming and the final
19 disposition of human remains, under the supervision of a
20 funeral service practitioner licensed by the board;

21

22 (iii) "Board" means the Wyoming state board of
23 funeral service practitioners;

24

1 (iv) "Chemical disposer" means a licensed
2 funeral service practitioner who is also licensed by the
3 board as a person permitted to dispose of human remains by
4 chemical disposition;

5

6 (v) "Chemical disposition" means the process by
7 which a deceased human body is reduced to a powder by use
8 of materials other than heat and evaporation;

9

10 (vi) "Chemical disposition facility" means any
11 building or facility or part thereof engaging in the
12 chemical disposition of human remains;

13

14 (vii) "Conviction" means a finding or verdict of
15 guilt, an admission of guilt or a plea of nolo contendere;

16

17 (viii) "Cremated remains" means all human
18 remains recovered after the completion of a cremation,
19 including pulverization that leaves only bone fragments
20 reduced to unidentifiable dimensions;

21

22 (ix) "Cremation" means a technical process,
23 using heat, which reduces human remains to bone fragments.
24 The reduction takes place through heat and evaporation.

1 Cremation does not include other processes of disposition,
2 chemical or otherwise;

3

4 (x) "Cremation chamber" means an enclosed space
5 within which a cremation process takes place;

6

7 (xi) "Cremation container" means a container in
8 which the human remains are placed in a cremation chamber
9 for a cremation;

10

11 (xii) "Crematory" means the building or portion
12 of a building that houses the cremation chamber and the
13 holding facility;

14

15 (xiii) "Disposition" means the final disposal of
16 a dead human body by:

17

18 (A) Traditional burial or earth interment;

19

20 (B) Above ground burial;

21

22 (C) Cremation;

23

1 (D) Burial at sea or in any body of water,
2 as approved by applicable law;

3

4 (E) Delivery to a medical institution or to
5 another legally authorized person or entity as a full body
6 donation;

7

8 (F) Chemical disposition; or

9

10 (G) Other lawful means.

11

12 (xiv) "Embalming" means the disinfecting,
13 preparing or preserving for final disposition of dead human
14 bodies, in whole or in part, or any attempt to do so, by
15 the use or application of chemical substances, fluids or
16 gases on the body, or by the introduction of the same into
17 the body by vascular or hypodermic injection or by direct
18 introduction into organs or cavities, or by any other
19 method or process;

20

21 (xv) "Funeral director" means a person who
22 assumes the responsibility for the operations of a
23 particular funeral establishment or multiple funeral
24 establishments, who ensures that the establishment complies

1 with this chapter and all other laws under which the
2 funeral establishment is operated, who is permitted by law
3 to perform funeral directing and who:

4

5 (A) Has been licensed prior to July 1, 2014
6 by the board of embalming as a funeral director; or

7

8 (B) Is a licensed funeral service
9 practitioner.

10

11 (xvi) "Funeral establishment," "mortuary,"
12 "funeral home" or "funeral chapel" means a place of
13 business which has been issued a funeral establishment
14 permit by the board to conduct business at a specific
15 street address or location which is devoted to the
16 embalming of dead human bodies for burial, cremation,
17 chemical disposition, transportation or other disposition;

18

19 (xvii) "Funeral service practice," means the
20 all-encompassing combined practice of funeral directing or
21 undertaking, and embalming, and includes the practice of
22 conducting and overseeing all activities related to the
23 disposition of human remains. "Funeral service practice"

1 includes all of the following unless exempted from this act
2 pursuant to W.S. 33-16-529:

3

4 (A) Counseling individuals, families or
5 next of kin about the final disposition of human remains;

6

7 (B) Directing or supervising funerals;

8

9 (C) Providing for or maintaining a funeral
10 establishment;

11

12 (D) Making pre-need or at-need contractual
13 arrangements for funerals, memorial services, celebrations
14 of life, wakes or any similar service or activities;

15

16 (E) Removal and transportation of dead
17 human bodies from the location of death or any other
18 location for the purpose of final disposition;

19

20 (F) Preparing dead human bodies for viewing
21 or final disposition, other than by embalming, cremation or
22 chemical disposition;

23

1 (G) Maintaining a mortuary for the
2 preparation, disposition or care of dead human bodies;

3

4 (H) Representing oneself as or using in
5 connection with one's name the title of funeral director,
6 mortician, funeral service practitioner or any other title
7 implying that the person is engaged in the business of
8 funeral directing; and

9

10 (J) Obtaining burial or removal permits or
11 assuming other duties incidental to the practice of
12 embalming.

13

14 (xviii) "Funeral service practitioner" means a
15 person licensed under this act to practice the profession
16 historically known as undertaking, mortuary science or
17 embalming, including individuals formerly licensed as
18 funeral directors or embalmers who meet the educational
19 requirements set forth in this act required of funeral
20 service practitioners;

21

22 (xix) "Human remains" means the body of a
23 deceased person or part of a body or limb that has been
24 removed from a deceased person, including the body, part of

1 a body or limb in any stage of decomposition. The following
2 are not "human remains":

3

4 (A) The cremated remains of any human;

5

6 (B) Powder resulting from chemical
7 disposition of a human body;

8

9 (C) Any body part removed and held for
10 testing, research or other medical or law enforcement
11 purposes; or

12

13 (D) Hair or nail clippings.

14

15 (xx) "This act" means W.S. 33-16-501 through
16 33-16-537.

17

18 **33-16-503. Privileges as to use of bodies for**
19 **dissecting, demonstrating or teaching.**

20

21 The board and schools for teaching embalming shall have
22 extended to them the same privileges as to the use of
23 bodies for dissecting, demonstrating or teaching as those
24 granted in this state to medical colleges.

1

2 **33-16-504. Created; designation; composition;**
3 **appointment; qualifications of members; officers; removal.**

4

5 The Wyoming state board of funeral service practitioners is
6 created to regulate the practice of professional funeral
7 service in Wyoming in order to safeguard life, health and
8 property and to promote the public welfare. The board
9 shall consist of five (5) persons to be appointed by the
10 governor. The governor may remove from office any member
11 of the board as provided in W.S. 9-1-202. The director of
12 the department of health or his designee shall be a member
13 of the board, and the other four (4) members shall be
14 licensed funeral service practitioners and shall serve for
15 a term of three (3) years. The members of the board shall
16 be citizens of the United States and residents of the state
17 of Wyoming, and except for the director of the department
18 of health or his designee, shall each have had at least
19 three (3) years' experience in the practice of embalming
20 and disposition of the dead human body and who shall each
21 have had for two (2) years previous to their appointment an
22 unexpired funeral service practitioners' license. The
23 board shall elect one (1) of its members to serve as
24 president.

1

2 **33-16-505. Certificate of appointment; oath.**

3

4 The governor shall furnish each person appointed to serve
5 on the board a certificate of appointment. The appointee
6 shall qualify by taking the usual oath of office before any
7 person authorized to administer oaths, of the county in
8 which the person resides, within ten (10) days after the
9 appointment has been made, and this fact shall be noted on
10 the certificate of appointment, and shall be filed with the
11 state board of health.

12

13 **33-16-506. Meetings; quorum.**

14

15 The board shall meet at least once each year and may meet
16 as often and at such place as the proper and efficient
17 discharge of its duties may require. Three (3) members
18 shall constitute a quorum.

19

20 **33-16-507. Compensation of board members.**

21

22 The members of the board shall receive mileage and per diem
23 allowance as allowed to state employees when engaged in
24 performing their duties as members of the board.

1

2 **33-16-508. Board account.**

3

4 All fees and other revenues received by the board shall be
5 deposited by the state treasurer to the credit of the
6 Wyoming board of funeral service account. All monies in
7 the account may be appropriated for the use of the board.
8 The account shall be used by the board to defray costs
9 incurred in the administration of this act. Disbursements
10 from the account shall not exceed the monies credited to
11 it.

12

13 **33-16-509. Duties and powers of the board.**

14

15 (a) The board:

16

17 (i) Shall have the authority to issue
18 registrations, permits and licenses to qualified persons;

19

20 (ii) Shall have the authority to enter into
21 interstate or intrastate agreements and associations with
22 other boards of licensure for the purpose of establishing
23 reciprocity, developing examinations, evaluating applicants
24 or other activities to enhance the services of the board to

1 the state, the licensee, the registrant, the permittee and
2 the public;

3

4 (iii) Shall adopt a seal to be affixed to all
5 licenses, registrations and permits issued;

6

7 (iv) Shall adopt rules not inconsistent with
8 this act or the laws of this state that are reasonable and
9 necessary to administer this act;

10

11 (v) May employ a board administrator and any
12 additional staff as necessary to administer and enforce
13 this act and board rules;

14

15 (vi) Shall have the authority to inspect the
16 premises in which the business of funeral service is
17 conducted, in which the business of cremation of human
18 remains is conducted, where embalming is practiced or where
19 chemical disposition is practiced. For purposes of this
20 paragraph the board may employ a funeral service
21 practitioner licensee of the state of Wyoming as an
22 inspector to aid in the enforcement of this act and rules
23 adopted pursuant thereto, whose compensation and expenses

1 shall be payable only out of the fees collected by the
2 board;

3

4 (vii) Shall have the authority to receive and
5 investigate complaints, hire investigators and take all
6 appropriate action allowed by law to enforce this act;

7

8 (viii) Shall conduct hearings as recommended by
9 the complaint investigator on complaints concerning
10 violations of this act and the rules adopted under this
11 act. The board shall have authority to administer oaths,
12 take affidavits, summon witnesses and take testimony as to
13 matters coming within the scope of its duties;

14

15 (ix) In its own name, may bring an action for an
16 injunction, and courts of this state may enjoin any person
17 from violation of this act. These proceedings shall be
18 prosecuted by the attorney general's office or private
19 counsel may be secured by the board with approval of the
20 attorney general;

21

22 (x) May charge fees for application, examination,
23 licensing, registering, permitting, renewal and any other

1 service provided in amounts established pursuant to W.S.
2 33-1-201;

3

4 (xi) Shall adopt rules regulating the lease of
5 caskets to ensure sanitary use. Notwithstanding any other
6 provision of law, the lease of a casket for funeral and
7 other services of a person to be cremated shall be
8 authorized by those rules;

9

10 (xii) Shall promulgate rules and regulations
11 necessary to regulate the practice of professional funeral
12 service, including professional conduct, continuing
13 education and discipline.

14

15 **33-16-510. Prohibited acts, penalties, injunctive**
16 **relief.**

17

18 (a) No person shall:

19

20 (i) Engage in the business practice of funeral
21 service, cremation, chemical disposition or other activities
22 defined as part of funeral service practice, unless
23 licensed, registered or permitted to do so under this act or

1 lawfully doing so as an employee of a funeral establishment
2 under the supervision of a funeral service practitioner;

3

4 (ii) Advertise, represent or in any manner hold
5 himself out as being licensed, registered or permitted to
6 provide the services regulated by this act by use of any
7 title commonly associated with one engaged in the funeral,
8 crematory or funeral service practice without having first
9 complied with this act;

10

11 (iii) Conduct, direct or supervise any service
12 with human remains present for a fee, compensation or
13 reimbursement without having first complied with this act;

14

15 (iv) Maintain or operate a building or structure
16 within the state of Wyoming as a funeral establishment in
17 violation of the provisions of this act or the rules and
18 regulations of the board;

19

20 (v) Maintain or operate a building or structure
21 within the state of Wyoming as a crematory or chemical
22 disposition facility in violation of the provisions of this
23 act or the rules and regulations of the board; or

24

1 (vi) Embalm, cremate or chemically dispose of a
2 dead human body when any fact within the knowledge, or
3 brought to the attention, of the licensee, registrant or
4 permittee is sufficient to arouse suspicion of crime in
5 connection with the cause of death of the deceased, until
6 permission of the coroner is obtained.

7

8 33-16-511. Grounds for disciplinary action on
9 licensees, registrations and permits, generally.

10

11 (a) The board may refuse to renew, or may deny,
12 suspend, revoke or otherwise restrict a license,
13 registration or permit issued under this act for any of the
14 following acts:

15

18

19 (ii) Failure to make timely and proper application
20 for renewal or failure to meet the continuing education
21 requirements prior to the license, registration or permit
22 expiration date:

23

3

4 (iv) Willful violation of any provisions of this
5 act.

6

15

16 (c) The board may initiate proceedings under this act
17 on its own motion or on the written complaint of any person.

18 All proceedings before the board shall be conducted under
19 the rules and regulations adopted by the board and in
20 accordance with the provisions of the Wyoming Administrative
21 Procedure Act.

22

23 (d) Upon receipt from the department of family
24 services of a certified copy of an order from a court to

1 withhold, suspend or otherwise restrict a license,
2 registration or permit issued by the board, the board shall
3 notify the party named in the court order of the
4 withholding, suspension or restriction of the license,
5 registration or permit in accordance with the terms of the
6 court order. No appeal under the Wyoming Administrative
7 Procedure Act shall be allowed for a license, registration
8 or permit withheld, suspended or restricted under this
9 subsection. If a license, registration or permit is
10 suspended or restricted under this subsection, the license,
11 registration or permit may be reissued without a hearing if
12 the department of family services provides notice that the
13 person has complied with the terms of the court order that
14 resulted in the suspension or restriction of the license,
15 registration or permit issued under this act.

16

17 (e) In addition to other remedies, the board may
18 assess part or all of the costs of the proceeding against a
19 disciplined licensee, registrant or permittee.

20

21 **33-16-512. Limitation of practice.**

22

23 All persons licensed, registered or permitted under this act
24 shall adhere to the professional standards of practice

1 promulgated in the rules and regulations of the board. Any
2 person licensed, registered or permitted under this act who
3 refuses or neglects to obey those professional standards of
4 practice shall be subject to discipline.

5

6 **33-16-513. Petition for disciplinary action; notice**
7 **for hearing; review.**

8

9 (a) A petition for the discipline of a licensee,
10 registrant or permittee may be filed by the attorney general
11 or by the county attorney of the county in which the
12 licensee, registrant or permittee resides or has practiced.
13 The petition shall be filed with the board and the board
14 shall set the matter for hearing in accordance with the
15 Wyoming Administrative Procedure Act.

16

17 (b) Petitions for review shall be in accordance with
18 the Wyoming Administrative Procedure Act and the Wyoming
19 Rules of Appellate Procedures.

20

21 **33-16-514. Criminal penalty for violation.**

22

23 Unless otherwise provided for in this act for specific
24 violations, any person violating this act is guilty of a

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

9

10 **33-16-515. Funeral services to be conducted in**
11 **permitted funeral establishment by licensee or registrant.**

12

13 The business of a funeral service practice shall be
14 conducted in a funeral establishment that has been issued a
15 permit by the board. Unlicensed individuals employed by a
16 funeral establishment may assist funeral directors and
17 funeral service practitioners in the area of funeral
18 service practice, under the supervision of a licensed
19 funeral service practitioner. Individuals not licensed by
20 the board as funeral service practitioners or registered as
21 apprentice funeral service practitioners shall not conduct
22 other activities incidental to the practice of embalming
23 and shall not embalm, cremate or chemically dispose of
24 human remains.

1

2 **33-16-516. Funeral establishment; permit required;**
3 **qualifications.**

4

5 (a) It is unlawful for any person or entity to operate
6 a funeral establishment not permitted by the board.

7

8 (b) Every person or entity desiring to operate a
9 funeral establishment within the state of Wyoming shall
10 apply to the board for a funeral establishment permit, upon
11 a form and in the manner prescribed by the board,
12 accompanied by the fee set by the board and satisfactory
13 evidence of the following:

14

15 (i) The applicant, unless an organization, is a
16 licensed funeral director licensed prior to July 1, 2014, or
17 a licensed funeral service practitioner. The applicant,
18 when an organization, shall have as an active officer or
19 manager, a person who is a licensed funeral director
20 licensed prior to July 1, 2014, or a licensed funeral
21 service practitioner;

22

23 (ii) The applicant, unless an organization, has
24 no criminal convictions which would impact upon the

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

8

9 (iii) The application shall designate the funeral
10 service practitioner responsible for the funeral
11 establishment, and, if the establishment is operated by a
12 funeral director licensed prior to July 1, 2014, it shall
13 set forth the name and license number of at least one (1)
14 licensed funeral service practitioner employed by the
15 establishment to provide funeral practice services and
16 oversight to the employees of the funeral establishment;

17

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

22

23 (c) A funeral establishment engaging in embalming
24 shall have an embalming room equipped with a sanitary floor,

1 embalming table, necessary drainage and ventilation and
2 containing necessary instruments and supplies for the
3 preparation and embalming of human dead bodies for burial or
4 transportation. The floors of the room shall be made of
5 material that is impervious to the absorption of liquid and
6 sanitized. The premises shall be kept in a sanitary
7 condition providing adequate safety measures to all funeral
8 employees and consumers.

9

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

14

15 (e) Any funeral establishment permittee desiring to
16 change the location of the business shall make application
17 to the board at least thirty (30) days prior to the time
18 that the change in location is to take effect unless an
19 emergency change in location is authorized by the board. A
20 fee as established by the board shall accompany the
21 application for the change. The board shall grant the
22 change if the location conforms to the provisions of this
23 act.

24

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

6

7 (g) Any funeral establishment permittee desiring to
8 change the licensed funeral director or funeral service
9 practitioner in charge of the establishment shall make
10 application to the board immediately. A fee as established
11 by the board shall accompany the application for the change.
12 The change shall not be effective until approved by the
13 board. The board shall by rule and regulation provide for
14 emergencies if a director dies or becomes incapacitated.

15

16 **33-16-517. Funeral service practitioner; license**
17 **required; qualifications.**

18

19 (a) Persons employed by a funeral establishment may
20 assist funeral directors and funeral service practitioners
21 in the area of funeral directing, under the supervision of a
22 licensed funeral service practitioner. To be licensed as a
23 funeral service practitioner within the state of Wyoming, an
24 applicant shall apply to the board for a funeral service

1 practitioner license, upon a form and in the manner
2 prescribed by the board, accompanied by the appropriate fee
3 and satisfactory evidence of the following:

4

5 (i) The applicant has reached the age of
6 majority;

7

8 (ii) The applicant has no criminal convictions
9 which would impact upon the applicant's abilities to engage
10 in the practice of funeral service in accordance with this
11 act and the rules and regulations of the board. The board
12 may waive this provision based on individual circumstances;

13

14 (iii) The applicant has completed sixty (60)
15 credit hours at an accredited college or university in the
16 United States, and has separately obtained an associates'
17 degree in funeral service practice or mortuary science from
18 an accredited program of funeral service education, or, in
19 the alternative, the applicant has received a bachelor
20 degree in funeral service practice or mortuary science. The
21 board may accept education obtained outside the United
22 States on a case by case basis;

23

8

9 (v) The applicant has passed the National Board
10 Examination as administered by the Conference of Funeral
11 Service Examining Board; and

12

13 (vi) The applicant has passed an examination
14 administered by authority of the board on the laws, rules
15 and regulations governing the practice of funeral service in
16 Wyoming. The examination may also contain questions
17 relating to funeral service practice and other areas as
18 deemed proper by the board.

19

20 33-16-518. Funeral director; license required;
21 qualifications.

22

23 It is unlawful for any person to engage in the business of
24 funeral directing without being granted a license as a

1 funeral service practitioner or permitted as a funeral
2 director under a permit originally issued prior to July 1,
3 2014 as provided in W.S. 33-16-520.

4

5 **33-16-519. Apprentice funeral service practitioner;**
6 **registration required; qualifications.**

7

8 (a) Individuals apprenticesing with a funeral service
9 practitioner, shall be licensed as an apprentice funeral
10 service practitioner by the board prior to beginning the
11 apprenticeship. Apprentice credit shall only be given by
12 the board for time actually spent apprenticesing under an
13 apprentice license granted by the board. Every person
14 desiring to be licensed as an apprentice, shall apply to the
15 board upon a form and in the manner prescribed by the board,
16 accompanied by the appropriate fee and satisfactory evidence
17 of the following:

18

19 (i) The applicant has reached the age of
20 majority;

21

22 (ii) The applicant has no criminal convictions
23 which would impact upon the applicant's abilities to provide
24 the services of an apprentice in accordance with this act

1 and the rules and regulations of the board. The board may
2 waive this provision based on individual circumstances; and
3

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

10

11 **33-16-520. Licenses, registrations and permits under**
12 **prior law; recognition given; subject to this act.**

13

14 (a) Persons who hold a current license in good
15 standing as an embalmer on June 30, 2014, issued by the
16 board of embalmers under prior laws of Wyoming shall be
17 issued a license as a funeral service practitioner under
18 the provisions of this act without additional requirements.

19

20 (b) Persons who hold a current permit in good
21 standing as a funeral director on June 30, 2014, issued by
22 the board of embalmers under prior laws of Wyoming, shall
23 be issued a funeral director permit under the provisions of
24 this act without additional requirements, which license may

1 be renewed year after year, unless otherwise suspended or
2 revoked by the board or until the failure of the permittee
3 to renew the permit under this act or the death of the
4 permittee, whichever comes first.

5

6 (c) Persons who hold a current permit in good
7 standing as an apprentice embalmer on June 30, 2014, issued
8 by the board of embalmers under prior laws of Wyoming,
9 shall be issued an apprentice permit, as an apprentice
10 funeral service practitioner, under the provisions of this
11 act without additional requirements.

12

13 (d) Funeral establishments which hold a current
14 license in good standing associated with a funeral director
15 permittee on June 30, 2014, issued by the board of
16 embalmers under prior laws of Wyoming, shall be issued an
17 establishment permit under the provisions of this act
18 without additional requirements.

19

20 **33-16-521. Record keeping for licensees.**

21

22 The board administrator shall keep a record in which shall
23 be registered the names and residence of all persons to
24 whom a certificate of license has been granted, and the

1 number and date of these licenses. A copy of each
2 individual license shall be furnished to the licensee.

3

4 **33-16-522. Out-of-state licensees; reciprocity; state**
5 **of disaster or emergency; entities and individuals.**

6

7 (a) The board shall have the power to issue reciprocal
8 licenses to applicants licensed in other states which have
9 equal or like educational requirements as required by this
10 state or the board as follows:

11

12 (i) A license as a funeral service practitioner
13 may be issued by the board to an out-of-state resident who
14 submits to the board satisfactory evidence that the
15 applicant has met all the requirements of this act, passes
16 an examination determined by the board addressing Wyoming
17 state specific funeral laws and pays the fees required by
18 this act;

19

20 (ii) The board may issue an appropriate license
21 without further apprenticeship to a resident of a state
22 which has similar educational requirements necessary for
23 reciprocity with this state, if the applicant:

24

1 (A) Has a current license to practice as a
2 funeral service practitioner, mortician, undertaker or
3 similar license, in the state of residence of the person;

4

5 (B) Has been an active funeral service
6 practice licensee and has actually been engaged in funeral
7 service practice for at least five (5) years;

8

9 (C) Has never been convicted of a felony or
10 misdemeanor related to funeral service practice. The board
11 may waive this provision based on individual circumstances.

12

13 (D) Has never had a funeral service practice
14 related license revoked or suspended;

15

16 (E) Is not currently facing disciplinary
17 action;

18

19 (F) Intends to practice in this state:

20

21 (G) Has filed documents required by the
22 board;

23

1 (H) Has paid the fees as required by this
2 act;

3

4 (J) Is a citizen or permanent resident of
5 the United States;

6

7 (K) Is a graduate of an accredited funeral
8 service education program;

9

10 (M) Has passed the national board
11 examination or state board examination; and

12

13 (N) Has passed an examination determined by
14 the board addressing Wyoming state specific funeral laws.

15

23

1 (c) The board may issue an annual or occasional
2 nonresident permit to an individual or entity who does not
3 reside in Wyoming, but who wishes to conduct any service for
4 a fee where human remains are present in the state of
5 Wyoming. The board may issue the permit upon payment of a
6 fee, the amount of which shall be determined by the board,
7 if the applicant can establish that he resides in another
8 state and conducts funeral service operations under the laws
9 of that state.

10

11 (d) It is unlawful for out-of-state licensees to bury
12 or dispose of human remains or conduct funeral services
13 within the state of Wyoming without first obtaining a permit
14 to do so from the board.

15

16 (e) The board shall promulgate rules under which
17 nonresident licensees shall operate which shall be designed
18 to protect the public.

19

20 **33-16-523. Investigation of applicants for license;**
21 **granting or refusing license.**

22

23 Upon receipt of an application for an establishment license
24 under this act, the board may cause an investigation to be

1 made as to the character of the applicant, including its
2 officers or members if the application is by or in behalf
3 of business entity, and may require a showing that will
4 reasonably prove the good character of the applicant. The
5 board may subpoena witnesses and administer oaths upon
6 proper notice. After proper hearing, the board shall grant
7 a license if it finds the applicant is of good character
8 and the proposed funeral establishment is, or will be,
9 constructed and equipped as required by this act. Every
10 application shall be granted or refused within ninety (90)
11 days from the date of the filing of the application.

12

13 **33-16-524. Renewal of license; fees; penalties;**
14 **continuing education.**

15

16 Every licensee and permittee under this act shall pay
17 annually a fee for the renewal of his license. All licenses
18 and permits issued by the board shall expire annually on a
19 date set by the board. Persons licensed and permitted
20 under this act shall submit an application on an annual
21 basis for license or permit renewal in the form and manner
22 established by rules and regulations of the board. All
23 application forms shall be accompanied with the annual fee
24 for renewal set by the board. The amount of the renewal

1 fee, payable by a licensee of the board shall be
2 established by the board pursuant to W.S. 33-1-201. The
3 board shall mail on or before the first day of January of
4 each year to each licensee, addressed to his last known
5 address, a notice that his renewal application and renewal
6 fee is due and payable. If the renewal application is not
7 submitted by the expiration date, the license or permit
8 shall be void. Within thirty (30) days after the
9 expiration date a person may apply for renewal of his
10 license or permit in a manner established by rules and
11 regulations of the board. Any person whose license or
12 permit has been voided for failure to renew shall comply
13 with all requirements of a new applicant before a license
14 or permit may be reissued. Upon receipt of the renewal
15 application and full payment of fees, the board shall cause
16 the renewal certificate to be issued. The application for
17 renewal for funeral service practitioners, funeral
18 directors and apprentices shall also be accompanied by
19 satisfactory evidence of participation in continuing
20 education activities as established by rules and
21 regulations of the board.

22

23 **33-16-525. License to be signed and displayed;**
24 **business to be in name of licensee.**

1

2 Every license issued under this act shall specify the name
3 of the licensee, shall be signed by the licensee and shall
4 be displayed conspicuously in the place of business or
5 employment of the licensee. No funeral establishment shall
6 be conducted or held forth as being conducted, or
7 advertised as being conducted, under any name except the
8 name appearing as licensee in the license issued by the
9 board.

10

11 **33-16-526. Specific prohibited conduct of licensees.**

12

13 (a) The board may suspend or revoke licenses or
14 impose other disciplinary action appropriate under the
15 circumstances on licensees, permittees and registrants,
16 after hearing by the board and after ten (10) days' notice
17 to the licensee, upon the licensee, permittee or registrant
18 being found by the board to have committed any of the
19 following acts or omissions, as the acts are further
20 defined by the board:

21

22 (i) Conviction of a felony or misdemeanor
23 related to the licensee's ability to practice funeral
24 services;

1

2 (ii) Unprofessional conduct, including, but not
3 limited to:

4

5 (A) Misrepresentation or fraud in the
6 conduct of the business or the profession of a funeral
7 director or funeral service practitioner;

8

9 (B) False or misleading advertising as a
10 funeral service practitioner;

11

12 (C) Solicitation of human dead bodies by
13 the licensee, his agents, assistants or employees, whether
14 the solicitation occurs after death or while death is
15 impending, provided this shall not be deemed to prohibit
16 general advertising;

17

18 (D) Aiding or abetting an unlicensed person
19 to engage in funeral service practice, unless the
20 unlicensed person is lawfully doing so as an employee of a
21 funeral establishment permitted by the board under the
22 supervision of a funeral service practitioner also employed
23 by the same funeral establishment;

24

1 (E) Except as otherwise provided by rule
2 and regulation, using any casket or part of a casket which
3 has previously been used as a receptacle for, or in
4 connection with, the burial or other disposition of a dead
5 human body;

6

7 (F) Violation of any of the provisions of
8 this act;

9

10 (G) Violation of any state law or municipal
11 or county ordinance or regulation affecting the handling,
12 custody, care or transportation of dead human bodies;

13

14 (H) Fraud or misrepresentation in obtaining
15 a license;

16

17 (J) Refusing to promptly surrender the
18 custody of a dead human body, upon the express order of the
19 person lawfully entitled to the custody thereof.

20

21 (b) Notwithstanding any other provision of law the
22 lease of a casket for funeral and other services of a
23 person to be cremated is hereby authorized. The board shall

1 adopt rules regulating the lease of caskets to ensure
2 sanitary use.

3

4 **33-16-527. Duty to ascertain cause of death; funeral**
5 **service practitioner to prepare body for transportation or**
6 **removal if death due to communicable, contagious or**
7 **infectious disease.**

8

9 It shall be the duty of every funeral director and funeral
10 service practitioner, when called to take charge of a dead
11 body, to first ascertain the cause of death from the
12 coroner or medical professional. If death has occurred
13 from any communicable, contagious or infectious disease,
14 the funeral director or funeral service practitioner shall
15 not remove or transport the body until after the body has
16 been prepared for transportation or removal by a licensed
17 funeral service practitioner of this state.

18

19 **33-16-528. Persons barred from embalming room;**
20 **exceptions.**

21

22 It shall be the duty of every funeral director and funeral
23 service practitioner, not to permit any person or persons
24 to enter any room in any funeral establishment where dead

1 bodies are being embalmed, except licensed funeral service
2 practitioners and their assistants, funeral directors and
3 their apprentices, public officers in the discharge of
4 their official duties, and attending physicians and their
5 assistants, unless by direct permission of the immediate
6 family.

7

8 **33-16-529. Exemptions from this act; limitation.**

9

10 (a) Any duly authorized representative of any church,
11 fraternal order or other association or organization
12 honoring the dead who performs a religious ceremony under
13 the authority of and pursuant to the religious tenets or
14 practices of the organization is hereby exempted from the
15 terms and provisions of this act and from the enforcement of
16 the provisions hereof related to performing of religious
17 ceremonies.

18

19 (b) Any person may:

20

21 (i) Counsel individuals, families or next of kin
22 about the final disposition of human remains and about the
23 selection and purchase of funeral goods and services;

24

1 (ii) Conduct a memorial service or provide a
2 setting for a memorial service and any goods or assistance
3 needed for a memorial service, except providing for the
4 presence of human remains at the memorial service.

5

6 (c) Any person licensed pursuant to title 26 of
7 Wyoming statutes may sell insurance or pre-need funeral
8 contracts authorized by that license.

9

10 (d) Any person licensed pursuant to title 33 of
11 Wyoming statutes while practicing within the scope of his
12 license is exempt from the provisions of this act.

13

14 (e) Any health care institution licensed pursuant to
15 title 35 of Wyoming statutes when operating within the scope
16 of its license is exempt from the provisions of this act.

17

18 33-16-530. Crematory operator; chemical disposer;
19 permit required: qualifications.

20

21 (a) It is unlawful for any person or entity to
22 operate a crematory disposing of human remains without the
23 crematory being first granted a permit by the board as a
24 crematory, or to chemically dispose of human remains in a

1 chemical disposition facility, unless the chemical
2 disposition facility is first granted a permit by the board
3 to operate as a chemical disposition facility.

4

5 (b) The board shall examine the premises and
6 structure of any crematory or chemical disposition facility
7 and shall issue the permit only if the applicant and the
8 structure meet the standards required by rules and
9 regulations of the board and the provisions of this act.

10

11 (c) Every person desiring to operate a crematory or
12 chemically dispose of human remains within the state of
13 Wyoming shall apply to the board for a crematory permit or
14 a chemical disposition facility permit, upon a form and in
15 the manner prescribed by the board, accompanied by the
16 appropriate fee and satisfactory evidence of the following:

17

18 (i) The applicant, unless an organization, shall
19 be a licensed funeral service practitioner who is a
20 shareholder or officer in or is directly employed by a
21 licensed funeral establishment. The applicant, when an
22 organization, shall be a funeral establishment permitted by
23 the board that employs at least one (1) licensed funeral
24 service practitioner assigned as the funeral service

1 licensee responsible for the crematory or chemical
2 disposition facility;

3

4 (ii) The application shall designate a licensed
5 funeral service practitioner as the funeral service
6 practitioner responsible for the crematory or chemical
7 disposition facility; and

8

9 (iii) The crematory or chemical disposition
10 facility shall meet the standards required by the rules and
11 regulations of the board and the provisions of this act,
12 and receive a satisfactory inspection by the board.

13

14 (d) If the applicant proposes to operate more than
15 one (1) crematory or chemical disposition facility, the
16 applicant shall make a separate application and procure a
17 separate license for each separate location.

18

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

1 change provided the location conforms to the provisions of
2 this act.

3

4 (f) Any crematory or chemical disposition facility
5 desiring to change the name of the business shall make
6 application to the board at least thirty (30) days prior to
7 the time that the change in name is to take effect. A fee
8 as established by the board shall accompany the application
9 for the change.

10

11 (g) Any crematory or chemical disposition facility
12 desiring to change the licensed funeral service
13 practitioner responsible for the crematory or chemical
14 disposition facility shall make application to the board
15 immediately. A fee as established by the board shall
16 accompany the application for the change.

17

18 **33-16-531. Records of crematories and chemical**
19 **disposition facilities; crematory and chemical disposition**
20 **authorization.**

21

22 (a) Upon the receipt of a human body for cremation or
23 chemical disposition, the crematory or chemical disposition
24 facility shall deliver to the funeral director, funeral

1 service practitioner or his agent who delivers the body to
2 the crematory or chemical disposition facility, a receipt
3 therefor, showing the date of delivery, name of the funeral
4 director or funeral service practitioner from whom the body
5 is received and the name of the deceased. Each crematory
6 or chemical disposition facility shall maintain a record of
7 each cremation or chemical disposition of human remains,
8 submitted to it by the person authorizing cremation or
9 chemical disposition disclosing, at a minimum:

10

11 (i) The name of the person cremated or
12 chemically disposed;

13

14 (ii) The name of the person authorizing the
15 cremation or chemical disposition;

16

17 (iii) A statement that the person authorizing
18 cremation or chemical disposition has the right of
19 disposition with regard to the person being cremated or
20 chemically disposed;

21

22 (iv) The date the body was received;

23

1 (v) The date the cremation or chemical
2 disposition was performed;

3

4 (vi) Whether the person being cremated or
5 chemically disposed has been implanted with medical
6 devices; and

7

8 (vii) Any other information as the board may
9 require.

10

11 (b) The record of each cremation or chemical
12 disposition shall be signed by the owner or operator of the
13 crematorium or chemical disposition facility and by the
14 funeral service practitioner or other authorized person
15 having charge of the preparation of the human remains for
16 cremation or chemical disposition. The record shall be kept
17 at the crematory or chemical disposition facility for
18 inspection by the board which may also require copies
19 thereof to be filed with it containing such information as
20 may be necessary for the use of the board.

21

22 33-16-532. Cremation chambers and crematories for
23 disposition of human remains.

24

1 Cremation chambers of crematoriums and facilities of
2 chemical disposition permitted by this act shall be used
3 exclusively for the cremation or chemical disposition of
4 human remains.

5

6 **33-16-533. Cremation of human remains; chemical**
7 **disposition.**

8

9 The funeral director, funeral service practitioner, or
10 other person having charge of the preparation of human
11 remains for burial or the last rites and committal services
12 thereof shall have the right to be present either in person
13 or by his employees, at any stage of the cremation or
14 chemical disposition of such human remains. No crematorium
15 or other appropriately licensed entity conducting chemical
16 disposition shall accept human remains for cremation or
17 chemical disposition until it has received a burial-transit
18 permit required by law.

19

20 **33-16-534. Inspection of crematories and facilities**
21 **for chemical disposition; rules and regulations.**

22

23 The board shall promulgate reasonable rules and regulations
24 governing the cremation and chemical disposition of human

1 remains. The rules shall provide minimum standards of
2 sanitation, required equipment and fire and environmental
3 protection which the board deems necessary for the
4 protection of the public. The board shall inspect all
5 crematoriums and other appropriately permitted entities
6 conducting chemical disposition at least once each year.

7

8 **33-16-535. Removal of human remains from casket or**
9 **other container; use of container.**

10

11 Human remains delivered to a crematorium or other
12 appropriately permitted entity conducting chemical
13 disposition shall not be removed from the casket or other
14 container without the written authorization of the person
15 giving the consent to or requesting the cremation or
16 chemical disposition of the human remains. Notwithstanding
17 any other provision of law the lease of a casket for
18 funerals and other services of a person to be cremated is
19 authorized.

20

21 **33-16-536. Violation declared public nuisance;**
22 **enforcement; criminal penalties.**

23

1 Maintenance or operation of a building or structure within
2 the state of Wyoming as a crematorium or chemical
3 disposition facility in violation of the provisions of this
4 act or the rules and regulations of the board is a public
5 nuisance and may be abated as provided by law. A person
6 violating this section or rules and regulations promulgated
7 by the board related to crematories, cremation or chemical
8 disposition is guilty of a misdemeanor punishable by a fine
9 of not more than seven hundred fifty dollars (\$750.00), by
10 imprisonment for not more than six (6) months, or both. A
11 second or subsequent conviction for violation of this act
12 during a thirty-six (36) month period shall constitute a
13 misdemeanor punishable by imprisonment for not more than
14 one (1) year, a fine of not more than two thousand dollars
15 (\$2,000.00), or both. Each violation shall constitute a
16 separate offense.

17

18 **33-16-537. Cremation containers.**

19

20 (a) A cremation container shall meet substantially
21 all of the following standards:

22

23 (i) Be composed of readily combustible materials
24 suitable for cremation;

1

2 (ii) Be able to be closed in order to provide a
3 complete covering for the human remains;

4

5 (iii) Be resistant to leakage and spillage;

6

7 (iv) Be rigid enough for handling with ease; and

8

9 (v) Provide protection for the health, safety,
10 and integrity of crematory personnel and the cremation
11 facility.

12

13 **Section 2.** W.S. 33-16-101 through 33-16-111,
14 33-16-201 through 33-16-207, 33-16-301 through 33-16-318
15 and 33-16-401 through 33-16-409 are repealed.

16

17 Section 3.

18

24

1 (b) All duties of the board of embalmers shall be
2 transferred to the board of funeral service.

3

4 (c) All unexpended funds not otherwise obligated and
5 any other property, if any, of the board of embalmers shall
6 be transferred to the board of funeral service.

7

13

14 (e) Any policy, rule or regulation adopted by the
15 board of embalmers shall remain in effect unaltered as
16 policy, rule or regulation of the board of funeral service
17 until amended or repealed by the board of funeral service.

18

19 **Section 4.** This act is effective July 1, 2014.

20

21 (END)