

HOUSE BILL No. 2262

AN ACT concerning public health; relating to embalmer educational requirements; allowing an individual to complete six months of an embalmer apprenticeship prior to enrolling in a school of mortuary science; amending K.S.A. 65-1701a and 65-1703 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 65-1701a is hereby amended to read as follows: 65-1701a. (a) Except as otherwise provided by K.S.A. 65-1701b, and amendments thereto, each applicant for a license to practice embalming in this state, in order to be eligible for examination, shall be required to show to the satisfaction of the state board of mortuary arts that:

(1) Prior to July 1, 1991, the applicant: (A) Successfully completed courses in a community college, college or university accumulating at least 60 semester hours; and (B) ~~attended graduated~~ *from a school of mortuary science approved by the board which that offers a twelve-month 12-month course in mortuary science and prior to the effective date of this act graduated therefrom accumulating during this training with* at least 30 semester hours in mortuary science; or

(2) on and after July 1, 1991, the applicant has graduated from a community college, college or university with at least an AA degree in mortuary science, ~~which degree program is~~ approved by the board.

(b) Except as otherwise provided in K.S.A. 65-1701b, and amendments thereto, each applicant for a license to practice embalming in this state, in order to be eligible for *a full* apprenticeship, *as provided in subsection (c)*, shall be required to submit to an examination approved by the ~~state board of mortuary arts~~. *An applicant who is completing a split apprenticeship, as provided in subsection (c), in order to be eligible for the second six-month period of the apprenticeship, shall be required to submit to an examination approved by the board.* Each applicant shall be required to register with the secretary of the board in the manner and at the time required by the board before submitting to examination. The examination fee and registration fee shall be in the amounts fixed by the board in accordance with K.S.A. 65-1727, and amendments thereto. The board may require that fees paid for an examination be paid by the person taking the examination directly to the examination service providing the examination approved by the board.

(c) Except as otherwise provided by K.S.A. 65-1701b, and amendments thereto, each applicant for a license to practice embalming in this state, in order to be eligible for licensure, shall successfully pass a written examination established by rules and regulations of the board and shall successfully ~~serve complete~~ *serve complete* a full-time *12-month* apprenticeship ~~of one year~~ under the supervision of a Kansas licensed embalmer or an embalmer approved by the board. The board by rules and regulations shall establish the score for the successful completion of the written examination.

(1) *Such 12-month apprenticeship may be completed as either a:*

(A) *Full apprenticeship, with all 12 months being served after graduation from a school of mortuary science; or*

(B) *split apprenticeship, wherein the 12-month apprenticeship is split into two continuous six-month periods. The first six-month period shall be completed within the 12 months prior to enrollment in a school of mortuary science, and the remaining six-month period shall be completed after graduation from such school of mortuary science.*

(d) (1) The board shall adopt rules and regulations establishing the criteria which a school of mortuary science or college or university offering at least an AA degree in mortuary science shall satisfy in order to obtain board approval under subsection (a).

(2) The board may send a questionnaire developed by the board to

any school of mortuary science or college or university offering at least an AA degree in mortuary science for which the board does not have sufficient information to determine whether the school, college or university meets the criteria for approval established by rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the school, college or university to be considered for approval.

(3) The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about such schools, colleges or universities. In entering such contracts the authority to approve schools, colleges or universities shall remain solely with the board.

Sec. 2. K.S.A. 65-1703 is hereby amended to read as follows: 65-1703. (a) (1) It is unlawful for any person who is not licensed as an embalmer to advertise, practice, offer to practice, or hold oneself out as practicing the science of embalming, either by arterial or cavity treatment, or otherwise, in this state, or to embalm any dead human body for shipment or transportation by common or private carrier.

(2) It is unlawful for any common carrier to receive for transportation or to transport any dead human body unless the body has been prepared by a licensed embalmer, in accordance with this act and the rules and regulations of the board.

(3) No one except a licensed embalmer, an apprentice embalmer or a student embalmer under the provisions of this act and rules and regulations of the board shall be permitted to do any of the actual embalming of a dead human body, and no licensed embalmer shall permit anyone who is not a licensed embalmer, an apprentice embalmer or a student embalmer assigned to such embalmer, to perform in such embalmer's place of business, or elsewhere, or under such embalmer's supervision, any of the actual embalming of a dead human body, or perform any act necessary to embalm and preserve a dead human body.

(b) Student embalmers shall preregister or register with the board and be under the direct personal supervision of a licensed Kansas embalmer at all times during the embalming process. Apprentice embalmers shall be under the personal supervision of a licensed embalmer *except under a split apprenticeship pursuant to K.S.A. 65-1701a, and amendments thereto, during which the apprentice embalmer shall be under the direct personal supervision of a licensed embalmer for the first six-month period.*

(c) *As used in this section:*

(1) ~~The term "Actual embalming" as used in this section shall not be construed to~~ *does not* include dressing the hair, bathing, moving or dressing the body; or cosmetic work.

(2) ~~The term "Direct personal supervision"~~ means that a licensed Kansas embalmer takes full responsibility for actions of the student embalmer and shall be physically present at all times.

(3) ~~The term "Personal supervision"~~ means that a licensed embalmer takes full responsibility for the actions of the apprentice embalmer; but does not require any physical presence.

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Sec. 3. K.S.A. 65-1701a and 65-1703 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above Bill originated in the House, and passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE

President of the Senate.

Secretary of the Senate.

APPROVED

Governor.