STATE OF NEW YORK

7690

2025-2026 Regular Sessions

IN SENATE

April 30, 2025

Introduced by Sen. GIANARIS -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to the requirements for licensure of funeral directors

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (k) of section 3400 of the public health law, as amended by chapter 534 of the laws of 1983, is amended and a new subdivision (m) is added to read as follows:

(k) "Registered resident" means a person who passed a funeral directing examination and who is duly registered as such with the department while in the employ of a registered funeral firm and who is engaged in the practice of funeral directing under the **direct** supervision of a [~~licensed funeral director or undertaker and embalmer~~] **preceptor**; provided, however, that a registered resident shall not have authority to sign any form or document required by law which requires the signature of a licensed funeral director or make funeral arrangements or own or manage a funeral firm.

(m) "Preceptor" means a person who is licensed and registered as a funeral director or undertaker and embalmer who is engaged in the practice of funeral directing regularly employed at a funeral firm and who is certified by the department as a preceptor.

§ 2. Subdivision 1 of section 3401 of the public health law is amended to read as follows:

1. The commissioner may, from time to time, make and adopt such rules and regulations not inconsistent with law as may be necessary (a) in the performance of [~~his~~] **their** duties and in the administration of the provisions of this article; [~~and~~] (b) **to provide requirements for education and examination including residency and preceptor standards; and (c)** to govern and regulate the conduct and transaction of the business and practice of funeral directing, undertaking and embalming.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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§ 3. Section 3421 of the public health law, as amended by chapter 534 of the laws of 1983, paragraph (a) of subdivision 2 as amended by chapter 669 of the laws of 2022, paragraph (c) of subdivision 2 and paragraph (b) of subdivision 4 as amended by chapter 529 of the laws of 2000, is amended to read as follows:

§ 3421. Funeral directing; requirements for license to practice. 1. In order to be licensed, an applicant for licensure shall pass a funeral directing examination prepared or approved by the department to determine [~~his~~] **their** knowledge and fitness therefor, as required by this article. No person shall be permitted to enter funeral director school, apply for a funeral directing examination or apply for a funeral directing license without submitting to the department satisfactory evidence of good moral character.

2. Except as provided in subdivision three, the department shall admit to examination any applicant who pays a fee of forty dollars and submits evidence subscribed and affirmed as true under the penalties of perjury and satisfactory to the department that the applicant:

(a) is a citizen of the United States or a noncitizen lawfully admitted for permanent residence in the United States;

(b) has satisfactorily completed a course of collegiate level study in funeral service, the curriculum of which **(i)** has been approved by the department, consisting of not less than ninety quarter credits or sixty semester credits in an institution or institutions approved by the department or an accrediting agency recognized by the department**; and (ii) includes completion of a discernment period that has been approved by the department**;

(c) has upon entering an approved institution as herein provided for the purpose of beginning [~~his~~] **such applicant's** funeral service study, registered as a student with the department upon a form to be provided by the department, and has paid to the department a registration fee of fifty dollars.

3. Delay in registering as a student as herein required may be excused, in the discretion of the commissioner.

4. The department shall issue a license to practice funeral directing to an applicant for such license on the basis of the following procedures:

(a) who shall have successfully passed the examination as herein provided in subdivision one of this section, and

(b) who pays a fee of one hundred twenty-five dollars, and

(c) who, after having passed such examination, serves a one year period as a registered resident **in accordance with the requirements set forth in this section and** in a manner satisfactory to the department, and

(d) who, has passed a second examination after or during the serving of a one year period as a registered resident. The said examination shall be on the New York state laws, rules and regulations relating to funeral directing and shall be prepared or approved by the department of health.

5. An applicant must complete a one-year period residency in accordance with the following:

(a) The registered resident must serve one year of residency under the direct supervision of a preceptor. The ending dates of the residency shall be indicated on the pocket card. The registered resident shall engage in the practice of funeral directing only during the time indicated on the pocket card.

(b) The registered resident shall, during the residency, serve on a full-time work schedule with the funeral firm.

(c) No licensed funeral director shall permit any person in the funeral director's employ or under the funeral director's supervision or control to serve a residency in funeral directing unless that person is a registered resident approved by the department.

(d) Registered residents shall not advertise or hold themselves out as funeral directors or any other title or abbreviation indicating that the registered resident is a funeral director.

(e) The registered resident shall, during the residency, complete the requirements set forth in this section, including to embalm not fewer than twelve human remains and direct or assist in the direction of not fewer than twenty-five funerals under the direct supervision of the preceptor and to submit reports on forms furnished by the department. Work on the first five embalming cases, first five funeral arrangements, and first five funeral or memorial services must be completed in the physical presence of the preceptor. The first six embalming cases and the first twelve funeral case reports must be completed and submitted by the completion of the sixth month of the residency.

(f) (i) The preceptor shall ensure that the registered resident is knowledgeable of each of the following items during the residency:

(A) the requirements of the Federal Trade Commission Funeral Rule;

(B) the requirements of the Occupational Safety and Health Act;

(C) the requirements of the Americans with Disabilities Act;

(D) the benefits of the Social Security and Veterans Health Administration; and

(E) the requirements of the New York state funeral law and forms.

(ii) The preceptor shall ensure that the registered resident performs each of the following under the preceptor's direct supervision:

(A) Assists with or performs a minimum of twelve transfers of human remains.

(B) Performs twelve embalmings of human remains to include:

(1) Obtaining permission to embalm.

(2) Placement of human remains on preparation table.

(3) Pre-embalming analysis.

(4) Primary disinfection.

(5) Setting features.

(6) Selection of injection/drainage sites and raising those vessels.

(7) Selection and mixing of embalming chemicals and operation of the embalming machine.

(8) Injection and drainage methods.

(9) Cavity treatment.

(10) Suturing techniques.

(C) Prepares a minimum of twelve human remains for viewing to include:

(1) Dressing;

(2) Cosmetizing; and

(3) Casketing.

(D) Assists with cremation procedures to include:

(1) Completing required cremation forms; and

(2) Preparing human remains for cremation.

(E) Assists with making funeral arrangements with a minimum of twenty-five families to include assisting with each of the following, as applicable:

(1) Presentation of funeral goods, products and services;

(2) Presentation of payment options for families;

(3) Contacting third-party suppliers of goods and services, such as clergy, cemetery personnel, outer burial container provider, cremation establishment, florist, and musicians;

(4) Completing the obituary;

(5) Presentation of general price list and associated price lists; and

(6) Preparation and presentation of statement of funeral goods and services.

(F) Coordinates, at a minimum, twelve visitations to include:

(1) Preparing the chapel, visitation room or other facility;

(2) Setting up oral arrangements; and

(3) Setting up register book and memorial folders or prayer cards.

(G) Directs a minimum of twenty-five funerals or memorial services to include, as applicable:

(1) Greeting funeral attendees;

(2) Assisting casket bearers;

(3) Preparing for funeral procession;

(4) Driving a vehicle in procession;

(5) Assisting at graveside committal;

(6) Transporting flowers; and

(7) Coordinating with officiant and family.

(g) Due, in part, to the requirement in clause (A) of subparagraph (ii) of paragraph (f) of this subdivision, if both of the following conditions are satisfied, a preceptor's funeral firm may require that a resident have a driver's license:

(i) The preceptor reasonably expects driving to be one of the job functions during the residency; and

(ii) The employer reasonably believes that satisfying the residency requirements using an alternative form of transportation would not be comparable in travel time or cost to the employer. For purposes of this subparagraph, "alternative form of transportation" includes, but is not limited to, all of the following:

(A) using a ride hailing service;

(B) using public transportation;

(C) carpooling;

(D) bicycling; and

(E) walking.

(h) The registered resident must complete and submit quarterly reporting forms to the department. These reports shall be answered in full and signed by both the registered resident and preceptor.

(i) When, for any valid reason, the department determines that the education a registered resident is receiving under the supervision of the present preceptor might be detrimental to the registered resident or the profession at large, the registered resident may be required to serve the remainder of the residency under the supervision of a licensed funeral director who is approved by the department.

(j) The length of a residency may be extended if the department determines that the registered resident requires additional time or supervision in order to meet the minimum proficiency in the practice of funeral directing.

(k) The department views a one-year residency completed in a consecutive twelve-month period as the best training option. If a residency is interrupted, the residency must be completed within twenty-four months of the date it started in order to be readily accepted by the department. Residencies that are not completed within twenty-four months shall be pre-approved by the department on such terms as the department deems reasonable under the circumstances, including but not limited to,

for reasons of health certified by an appropriate health care professional or for extended active duty with the armed forces of the United States.

(l) The department may require any or all of the following:

(i) Completion of a college course or continuing education course covering funeral directing laws and rules;

(ii) Additional case reports; and

(iii) Extension of a residency up to an additional twelve months depending on such factors as the number of months completed during the residency, length of time that has lapsed since the registered resident was actively involved in the residency program and the experience attained by the registered resident.

(m) Application for change of preceptor or any other alteration must be made in writing and approval granted by the department before the status of the registered resident is altered.

(n) The registered resident shall complete on a form provided by the department a confidential evaluation of the preceptorship program at the end of the residency. This form shall be submitted before a funeral director license is issued to the registered resident.

(o) The registered resident must be approved and licensed following a successful residency before the registered resident may practice funeral directing.

§ 4. The public health law is amended by adding two new sections 3421-a and 3421-b to read as follows:

§ 3421-a. Funeral directing; student discernment. 1. A student shall complete a minimum one hundred-hour discernment period with one or more licensed funeral firms prior to the start of the third semester of study for full-time students or the equivalent number of credit hours for part-time students.

2. Students serving a discernment shall be under the direct physical supervision of a funeral director who meets the following requirements:

(a) has not had any formal disciplinary action within the past five years; and

(b) is affiliated with a funeral firm that has not had formal disciplinary action within the past five years.

3. Students shall be registered as students with the department prior to commencing a discernment.

§ 3421-b. Funeral directing; preceptor. 1. A preceptor shall have completed a training course within two years prior to accepting a registered resident. This training course shall cover New York state laws, rules and regulations on content areas including, but not limited to, New York state law and rules governing licensure and the practice of funeral directing and human resource issues. The training course may be counted toward the continuing education hours required for the licensure biennium in which the training course was completed.

2. Any licensed funeral director who has (a) been practicing for a minimum of five years and, (b) who has not had any formal disciplinary action within the past five years with the department and, (c) who has had no more than two disciplinary actions since being licensed and, (d) has completed a preceptor training course will be eligible to be a preceptor.

3. The preceptor shall be affiliated with a funeral firm that has not had any formal disciplinary action within the past five years and that has had no more than two disciplinary actions since it was first registered.

4. The preceptor shall certify that the registered resident engages in the practice of funeral directing only during the time frame designated on the pocket card.

5. A preceptor's duties shall include the following:

(a) ensure the registered resident completes the training program set forth in paragraph (f) of subdivision five of section thirty-four hundred twenty-one of this title;

(b) directly supervise the registered resident's performance of the duties set forth in subparagraph (ii) of paragraph (f) of subdivision five of section thirty-four hundred twenty-one of this title;

(c) familiarize the registered resident in the areas specified in the preceptor training outline;

(d) read, add appropriate comment to, and sign each of the twelve embalming reports and the twenty-five funeral directing reports completed by the registered resident;

(e) complete written quarterly reports of the registered resident on a form provided by the department. This report is to be reviewed with and signed by the registered resident and submitted to the department within ten days of the end of each quarter; and

(f) at the end of the residency, complete a confidential evaluation of the registered resident on a form provided by the department. This evaluation shall be submitted within two weeks of the end of the residency. The twelve month report shall be submitted to the department for review and approval prior to the department's approval of the registered resident for licensure.

6. Failure of a preceptor to fulfill the requirements set forth by the department, including failure to remit the required final evaluation, shall result in an investigation of the preceptor by the department and may result in actions which may include, but not be limited to, the loss of preceptor status for current and future registered residents or discipline or both.

7. If a preceptor does not serve the entire year, the department will evaluate the situation; and if a certified preceptor is not available, a licensed funeral director may serve with the approval of the department.

8. No licensed funeral director or licensed funeral firm shall have more than one registered resident funeral director for the first one hundred human remains embalmed or funerals conducted per year, and with a maximum of two registered residents per funeral firm.

9. With prior department approval, a registered resident may serve under the supervision of more than one preceptor under the following terms and conditions:

(a) a single preceptor must act in the role of the primary preceptor;

(b) the primary preceptor is responsible for coordinating all registered resident training and activities;

(c) the registered resident shall be deemed an employee of the funeral firm of the primary preceptor; however, the registered resident's compensation may be an expense shared between preceptors;

(d) the primary preceptor may make arrangements with a maximum of two additional preceptors to share preceptor responsibilities for such purposes as providing a registered resident with a higher-volume practice or a broader range of registered resident experiences; and

(e) each preceptor shall be individually responsible for directly supervising the registered resident's activities performed under the preceptor's guidance, but the primary preceptor remains responsible for coordinating the registered resident's activities and submitting all forms to the department.

§ 5. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.