

STATE OF NEW YORK

7814--A

2017-2018 Regular Sessions

IN ASSEMBLY

May 16, 2017

Introduced by M. of A. BRAUNSTEIN, BENEDETTO -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to the practice of funeral directing

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

1 Section 1. Subdivisions 1 and 4 of section 3421 of the public health
2 law, as amended by chapter 534 of the laws of 1983, paragraph (b) of
3 subdivision 4 as amended by chapter 529 of the laws of 2000, are amended
4 to read as follows:

5 1. In order to be licensed, an applicant for licensure shall pass a
6 funeral directing examination prepared or approved by the department to
7 determine his knowledge and fitness therefor, as required by this arti-
8 cle, provided that the exam meets the same qualification standards as
9 either the national board exam given by the international conference of
10 funeral service examining boards or an exam recognized or accepted by
11 the American board of funeral service education for the assessment of
12 content knowledge needed to engage in the practice of funeral directing,
13 undertaking or embalming. No person shall be permitted to enter funeral
14 director school, apply for a funeral directing examination or apply for
15 a funeral directing license without submitting to the department satis-
16 factory evidence of good moral character.

17 4. The department shall issue a license to practice funeral directing
18 to an applicant for such license on the basis of the following proce-
19 dures:

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

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

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

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1 (c) who, after having passed such examination, serves a one year peri-
2 od as a registered resident in a manner satisfactory to the department
3 or, in lieu of serving a residency holds a valid license or certifi-
4 cation to practice as a funeral director or embalmer in another state
5 or possession of the United States or the District of Columbia, provided
6 that the applicant has met education and experience requirements
7 substantially equivalent to the requirements set forth in this section
8 and can provide documentation verifying that he or she has been actively
9 engaged in the practice of mortuary science for at least the previous
10 three years, and

11 (d) who[~~7~~] has passed [~~a second~~] an examination after or during the
12 serving of a one year period as a registered resident, or in lieu of
13 serving a one year period as a registered resident, has provided satis-
14 factory evidence that he or she has met the education, experience and
15 previous work requirements prescribed by this section. The said exam-
16 ination shall be on the New York state laws, rules and regulations
17 relating to funeral directing and shall be prepared or approved by the
18 department of health.

19 § 2. Subdivision 5 of section 3425 of the public health law, as added
20 by chapter 534 of the laws of 1983, is amended to read as follows:

21 5. The commissioner may, in lieu of the foregoing approval procedures,
22 accept the certification of accreditation of an accredited school of
23 funeral service or mortuary science education issued by [~~an~~] a
24 nationally recognized accrediting [~~organization recognized by the~~
25 ~~department of health~~] agency that is included in the list of such agen-
26 cies published by the United States secretary of education.

27 § 3. Subdivisions (a) and (b) of section 3426 of the public health
28 law, as amended by chapter 103 of the laws of 1981, are amended to read
29 as follows:

30 (a) that such other state or political subdivision of the United
31 States maintains a system and standard of qualification and examination
32 for funeral director license, which is substantially equivalent or
33 greater to those required in this state; and,

34 (b) that such other state or political subdivision of the United
35 States gives similar recognition and endorsement to licenses of this
36 state unless they are substantially greater than those required in this
37 state; and,

38 § 4. Subdivision 2 of section 3428 of the public health law is amended
39 by adding a new paragraph (f) to read as follows:

40 (f) The department shall issue a pocket identification card for the
41 biennial period to any undertaker, embalmer, or funeral director who
42 pays the required registration fee, which shall include a photograph of
43 such undertaker, embalmer or funeral director. Once issued, the licen-
44 see assumes the right of possession of his or her license which can only
45 be revoked, rescinded or suspended by specific violation of state law or
46 regulation by the licensee as it pertains to the business of funeral
47 directing, and only after timely notification and due process by the
48 bureau of funeral directing, the commissioner, or his or her appointed
49 representative.

50 § 5. This act shall take effect immediately.