STATE OF NEW YORK

4367--A

2017-2018 Regular Sessions

IN SENATE

February 10, 2017

Introduced by Sens. GOLDEN, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- 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:

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

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 knowledge and fitness therefor, as required by this article**, provided that the exam meets the same qualification standards as either the national board exam given by the international conference of funeral service examining boards or an exam recognized or accepted by the American board of funeral service education for the assessment of content knowledge needed to engage in the practice of funeral directing, undertaking or embalming**. 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.

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

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

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

(d) who[~~,~~] has passed [~~a second~~] **an** examination after or during the serving of a one year period as a registered resident**, or in lieu of serving a one year period as a registered resident, has provided satisfactory evidence that he or she has met the education, experience and previous work requirements prescribed by this section**. 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.

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

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

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

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

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

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

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

§ 5. This act shall take effect immediately.