STATE OF NEW YORK

10089

IN ASSEMBLY

May 3, 2024

Introduced by M. of A. BUTTENSCHON -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to authorizing funeral directing apprenticeships as an alternative to licensing examinations

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

Section 1. The public health law is amended by adding a new section 3422-a to read as follows:

§ 3422-a. Funeral directing; apprenticeship. 1. The department shall develop criteria for funeral director apprenticeships for individuals who have successfully completed a course of collegiate level study in funeral service. Such apprenticeship shall serve as an alternative to the examinations required for licensure as a funeral director under section thirty-four hundred twenty-one of this title. To satisfy the requirements of paragraph (b) of subdivision four of section thirty-four hundred twenty-one of this title, a funeral director apprenticeship shall be certified by the department.

2. A funeral director apprenticeship certified under subdivision one of this section shall:

(a) consist of a one- to four-year apprenticeship, including a one-year residency as required under subparagraph (iii) of paragraph (b) of subdivision four of section thirty-four hundred twenty-one of this title;

(b) be led by a licensed funeral director; and

(c) include specialized curriculum models that align with the content and requirements of the examination for licensure under this title, which shall cover topics including, but not limited to, embalming techniques, funeral arrangement procedures, regulatory compliance, ethics, industry best practices, and any other topics as determined by the department.

3. The department shall develop a process under which apprenticeships may be certified under subdivision one of this section, and under which individuals may apply for such apprenticeships. Applicants accepted to

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

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an apprenticeship shall be issued a certificate of registration which shall be posted in some conspicuous place in the place of business where such apprenticeship will be conducted.

4. An individual who has satisfactorily completed an apprenticeship under this section shall be issued a certificate of completion of such apprenticeship. Such certificate of completion shall qualify an individual to be licensed as a funeral director under section thirty-four hundred twenty-one of this title, and as an undertaker and embalmer under section thirty-four hundred twenty-three of this title.

§ 2. Subdivisions 1, 2 and 4 of 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 and paragraph (c) of subdivision 2 and 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, or an apprenticeship approved by the department, to determine [~~his~~] such applicant's 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, apply for a funeral directing apprenticeship, 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 of this section, the department shall admit to examination, or to an apprenticeship under section thirty-four hundred twenty-two-a of this title, 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 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;

(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.

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) (i) who shall have successfully passed the examination as herein provided in subdivision one of this section[~~, and~~]; [~~(b)~~] (ii) who pays a fee of one hundred twenty-five dollars[~~, and~~]; [~~(c)~~] (iii) who, after having passed such examination, serves a one year period as a registered resident in a manner satisfactory to the department[~~,~~]; and [~~(d)~~] (iv) 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[~~.~~]; or

(b) (i) who shall have successfully completed an apprenticeship under section thirty-four hundred twenty-two-a of this title;

(ii) who pays a fee of one hundred twenty-five dollars; and

(iii) who, as part of such apprenticeship, serves a one-year period as a registered resident in a manner satisfactory to the department.

§ 3. Section 3423 of the public health law is amended by adding a new subdivision 6 to read as follows:

6. The department shall issue an undertaker or embalmer license to those who, upon payment of a fee of ten dollars, successfully complete a funeral directing apprenticeship under section thirty-four hundred twenty-two-a of this title.

§ 4. 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.