

STATE OF NEW YORK

7630--A

2025-2026 Regular Sessions

IN ASSEMBLY

April 1, 2025

Introduced by M. of A. DINOWITZ, OTIS, STECK, BRAUNSTEIN, McDONALD, RAJKUMAR, SANTABARBARA, HEVESI -- 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 requirements for licensure of funeral directors

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

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

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

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

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

19 1. The commissioner may, from time to time, make and adopt such rules
20 and regulations not inconsistent with law as may be necessary (a) in the
21 performance of [~~his~~] their duties and in the administration of the

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

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1 provisions of this article; [~~and~~] (b) to provide requirements for educa-
2 tion and examination including residency and preceptor standards; and
3 (c) to govern and regulate the conduct and transaction of the business
4 and practice of funeral directing, undertaking and embalming.

5 § 3. Section 3421 of the public health law, as amended by chapter 534
6 of the laws of 1983, paragraph (a) of subdivision 2 as amended by chap-
7 ter 669 of the laws of 2022, paragraph (c) of subdivision 2 and para-
8 graph (b) of subdivision 4 as amended by chapter 529 of the laws of
9 2000, is amended to read as follows:

10 § 3421. Funeral directing; requirements for license to practice. 1. In
11 order to be licensed, an applicant for licensure shall pass a funeral
12 directing examination prepared or approved by the department to deter-
13 mine [~~his~~] their knowledge and fitness therefor, as required by this
14 article. No person shall be permitted to enter funeral director school,
15 apply for a funeral directing examination or apply for a funeral direct-
16 ing license without submitting to the department satisfactory evidence
17 of good moral character.

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

22 (a) is a citizen of the United States or a noncitizen lawfully admit-
23 ted for permanent residence in the United States;

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

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

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

38 4. The department shall issue a license to practice funeral directing
39 to an applicant for such license on the basis of the following proced-
40 ures:

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

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

44 (c) who, after having passed such examination, serves a one year peri-
45 od as a registered resident in accordance with the requirements set
46 forth in this section and in a manner satisfactory to the department,
47 and

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

53 5. An applicant must complete a one-year period residency in accord-
54 ance with the following:

55 (a) The registered resident must serve one year of residency under the
56 direct supervision of a preceptor. The ending dates of the residency

1 shall be indicated on the pocket card. The registered resident shall
2 engage in the practice of funeral directing only during the time indi-
3 cated on the pocket card.

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

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

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

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

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

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

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

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

28 (D) the benefits of the Social Security and Veterans Health Adminis-
29 tration; and

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

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

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

35 (B) Performs twelve embalming of human remains to include:

36 (1) Obtaining permission to embalm.

37 (2) Placement of human remains on preparation table.

38 (3) Pre-embalming analysis.

39 (4) Primary disinfection.

40 (5) Setting features.

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

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

44 (8) Injection and drainage methods.

45 (9) Cavity treatment.

46 (10) Suturing techniques.

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

48 (1) Dressing;

49 (2) Cosmetizing; and

50 (3) Casketing.

51 (D) Assists with cremation procedures to include:

52 (1) Completing required cremation forms; and

53 (2) Preparing human remains for cremation.

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

1 (1) Presentation of funeral goods, products and services;
2 (2) Presentation of payment options for families;
3 (3) Contacting third-party suppliers of goods and services, such as
4 clergy, cemetery personnel, outer burial container provider, cremation
5 establishment, florist, and musicians;
6 (4) Completing the obituary;
7 (5) Presentation of general price list and associated price lists; and
8 (6) Preparation and presentation of statement of funeral goods and
9 services.

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

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

12 (2) Setting up oral arrangements; and

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

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

16 (1) Greeting funeral attendees;

17 (2) Assisting casket bearers;

18 (3) Preparing for funeral procession;

19 (4) Driving a vehicle in procession;

20 (5) Assisting at graveside committal;

21 (6) Transporting flowers; and

22 (7) Coordinating with officiant and family.

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

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

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

34 (A) using a ride hailing service;

35 (B) using public transportation;

36 (C) carpooling;

37 (D) bicycling; and

38 (E) walking.

39 (h) The registered resident must complete and submit quarterly report-
40 ing forms to the department. These reports shall be answered in full and
41 signed by both the registered resident and preceptor.

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

48 (j) The length of a residency may be extended if the department deter-
49 mines that the registered resident requires additional time or super-
50 vision in order to meet the minimum proficiency in the practice of
51 funeral directing.

52 (k) The department views a one-year residency completed in a consec-
53 utive twelve-month period as the best training option. If a residency is
54 interrupted, the residency must be completed within twenty-four months
55 of the date it started in order to be readily accepted by the depart-
56 ment. Residencies that are not completed within twenty-four months

1 shall be pre-approved by the department on such terms as the department
2 deems reasonable under the circumstances, including but not limited to,
3 for reasons of health certified by an appropriate health care profes-
4 sional or for extended active duty with the armed forces of the United
5 States.

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

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

9 (ii) Additional case reports; and

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

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

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

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

25 6. The provisions of clause (B) of subparagraph (ii) of paragraph (f)
26 of subdivision five of this section relating to embalming shall not
27 apply to applicants who hold genuine and sincere religious beliefs which
28 are contrary to the practices therein required, and no training pertain-
29 ing to those practices shall be required as a prerequisite to such
30 applicants being awarded their funeral director license.

31 § 4. The public health law is amended by adding two new sections
32 3421-a and 3421-b to read as follows:

33 § 3421-a. Funeral directing; student discernment. 1. A student shall
34 complete a minimum one hundred-hour discernment period with one or more
35 licensed funeral firms prior to the start of the third semester of study
36 for full-time students or the equivalent number of credit hours for
37 part-time students.

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

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

42 (b) is affiliated with a funeral firm that has not had formal disci-
43 plinary action within the past five years.

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

46 § 3421-b. Funeral directing; preceptor. 1. A preceptor shall have
47 completed a training course within two years prior to accepting a regis-
48 tered resident. This training course shall cover New York state laws,
49 rules and regulations on content areas including, but not limited to,
50 New York state law and rules governing licensure and the practice of
51 funeral directing and human resource issues. The training course may be
52 counted toward the continuing education hours required for the licensure
53 biennium in which the training course was completed.

54 2. Any licensed funeral director who has (a) been practicing for a
55 minimum of five years and, (b) who has not had any formal disciplinary
56 action within the past five years with the department and, (c) who has

1 had no more than two disciplinary actions since being licensed and, (d)
2 has completed a preceptor training course will be eligible to be a
3 preceptor.

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

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

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

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

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

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

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

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

27 (f) at the end of the residency, complete a confidential evaluation of
28 the registered resident on a form provided by the department. This eval-
29 uation shall be submitted within two weeks of the end of the residency.
30 The twelve month report shall be submitted to the department for review
31 and approval prior to the department's approval of the registered resi-
32 dent for licensure.

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

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

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

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

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

50 (b) the primary preceptor is responsible for coordinating all regis-
51 tered resident training and activities;

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

55 (d) the primary preceptor may make arrangements with a maximum of two
56 additional preceptors to share preceptor responsibilities for such

1 purposes as providing a registered resident with a higher-volume prac-
2 tice or a broader range of registered resident experiences; and

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

8 § 5. This act shall take effect on the one hundred eightieth day after
9 it shall have become a law. Effective immediately, the addition, amend-
10 ment and/or repeal of any rule or regulation necessary for the implemen-
11 tation of this act on its effective date are authorized to be made and
12 completed on or before such effective date.