§ 3441. Funeral firms; operation by licensed persons. 1. No funeral firm shall be operated within the state unless:

(a) if the owner is an individual, he shall be a duly licensed funeral director or undertaker; if the owner is a partnership organized at any time after the seventh day of April in the year nineteen hundred forty-four and first registered with the department after that date all partners shall be duly licensed funeral directors or undertakers; if the owner is a corporation, or is a partnership organized and registered with the department before the seventh day of April in the year nineteen hundred forty-four and having any unlicensed partners, or is the legal representative of a deceased funeral director or undertaker, the manager registered with the department shall be a duly licensed funeral director or undertaker;

(b) the owner shall biennially register with the department in accordance with the provisions of this article;

(c) the certificate of registration issued by the department to a funeral firm shall be conspicuously displayed at the funeral establishment for which the registration was issued;

(d) the license of the registered manager of a registered firm, shall be conspicuously displayed at the establishment for which the firm registration was issued;

(e) it shall be under the immediate and personal supervision, direction, management, and control of a licensed funeral director or undertaker, registered with the department, who shall not serve as the manager at more than one funeral establishment for more than one firm;

(f) all funeral directing, undertaking, and embalming shall be under the immediate and personal supervision, direction, management, and control of a duly licensed funeral director, undertaker and embalmer, respectively; and,

(g) the operation thereof and the maintenance of the establishment shall conform to the rules and regulations of the department.

2. A license or registration certificate granted or issued by the department shall not be assignable or transferable.

3. No funeral firm shall be operated or located on real property owned, leased or under the control of a cemetery corporation, a family

cemetery corporation or a private cemetery corporation; or on real property dedicated for cemetery purposes or land adjacent thereto, which is owned, leased or under the control of a religious corporation, county, town, village or municipal corporation.

4. No funeral firm shall engage in the sale or cross-marketing of goods or services with any cemetery corporation. Such prohibition shall apply to any financial relationship and co-management between a funeral firm and cemetery corporation. For the purposes of this subdivision, "cross-marketing" shall include, but not be limited to, solicitation, provider discounts (except as authorized by the regulations of the commissioner), or carrying on business or affairs between a funeral firm and cemetery corporation.