

Part 3 Licensing

58-9-301 Licensure required -- License classifications.

- (1) A license is required to engage in the practice of funeral service, except as specifically provided in Sections 58-1-307 and 58-9-305.
- (2) The division shall issue to a person who qualifies under this chapter a license in the classification of:
 - (a) funeral service director;
 - (b) funeral service intern;
 - (c) funeral service establishment; or
 - (d) preneed funeral arrangement sales agent.

Amended by Chapter 144, 2007 General Session

58-9-302 Qualifications for licensure.

- (1) Each applicant for licensure as a funeral service director shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee as determined by the department under Section 63J-1-504;
 - (c) be of good moral character in that the applicant has not been convicted of:
 - (i) a first or second degree felony;
 - (ii) a misdemeanor involving moral turpitude; or
 - (iii) any other crime that when considered with the duties and responsibilities of a funeral service director is considered by the division and the board to indicate that the best interests of the public are not served by granting the applicant a license;
 - (d) have obtained a high school diploma or its equivalent or a higher education degree;
 - (e) have obtained an associate degree, or its equivalent, in mortuary science from a school of funeral service accredited by the American Board of Funeral Service Education or other accrediting body recognized by the U.S. Department of Education;
 - (f) have completed not less than 2,000 hours and 50 embalmings, over a period of not less than one year, of satisfactory performance in training as a licensed funeral service intern under the supervision of a licensed funeral service director; and
 - (g) obtain a passing score on examinations approved by the division in collaboration with the board.
- (2) Each applicant for licensure as a funeral service intern shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee as determined by the department under Section 63J-1-504;
 - (c) be of good moral character in that the applicant has not been convicted of:
 - (i) a first or second degree felony;
 - (ii) a misdemeanor involving moral turpitude; or
 - (iii) any other crime that when considered with the duties and responsibilities of a funeral service intern is considered by the division and the board to indicate that the best interests of the public are not served by granting the applicant a license;
 - (d) have obtained a high school diploma or its equivalent or a higher education degree; and
 - (e) obtain a passing score on an examination approved by the division in collaboration with the board.

- (3) Each applicant for licensure as a funeral service establishment and each funeral service establishment licensee shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee as determined by the department under Section 63J-1-504;
 - (c) have in place:
 - (i) an embalming room for preparing dead human bodies for burial or final disposition, which may serve one or more facilities operated by the applicant;
 - (ii) a refrigeration room that maintains a temperature of not more than 40 degrees fahrenheit for preserving dead human bodies prior to burial or final disposition, which may serve one or more facilities operated by the applicant; and
 - (iii) maintain at all times a licensed funeral service director who is responsible for the day-to-day operation of the funeral service establishment and who is personally available to perform the services for which the license is required;
 - (d) affiliate with a licensed preneed funeral arrangement sales agent or funeral service director if the funeral service establishment sells preneed funeral arrangements;
 - (e) file with the completed application a copy of each form of contract or agreement the applicant will use in the sale of preneed funeral arrangements; and
 - (f) provide evidence of appropriate licensure with the Insurance Department if the applicant intends to engage in the sale of any preneed funeral arrangements funded in whole or in part by an insurance policy or product to be sold by the provider or the provider's sales agent.
- (4) Each applicant for licensure as a preneed funeral arrangement sales agent shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee as determined by the department under Section 63J-1-504;
 - (c) be of good moral character in that the applicant has not been convicted of:
 - (i) a first or second degree felony;
 - (ii) a misdemeanor involving moral turpitude; or
 - (iii) any other crime that when considered with the duties and responsibilities of a preneed funeral sales agent is considered by the division and the board to indicate that the best interests of the public are not served by granting the applicant a license;
 - (d) have obtained a high school diploma or its equivalent or a higher education degree;
 - (e) have obtained a passing score on an examination approved by the division in collaboration with the board;
 - (f) affiliate with a licensed funeral service establishment; and
 - (g) provide evidence of appropriate licensure with the Insurance Department if the applicant intends to engage in the sale of any preneed funeral arrangements funded in whole or in part by an insurance policy or product.

Amended by Chapter 183, 2009 General Session

58-9-303 Term of license -- Expiration -- Renewal.

- (1)
 - (a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule.
 - (b) The division may by rule extend or shorten a renewal cycle by as much as one year to stagger the renewal cycles it administers.
- (2) Notwithstanding Subsection (1), a person who has once held a license as a funeral service intern and has not qualified for licensure as a funeral service director may be issued a

subsequent funeral service intern license for only one additional two-year term upon the specific approval of the division in collaboration with the board.

- (3) At the time of renewal, the funeral service director licensee shall show satisfactory evidence of completion of continuing education as required under Section 58-9-304.
- (4) Each license automatically expires on the expiration date shown on the license unless the licensee renews it in accordance with Section 58-1-308.
- (5)
 - (a) Except as otherwise provided in Subsections (5)(b) and (c), the division may take action against the license of a funeral service establishment that does not have a licensed funeral service director.
 - (b) If a licensed funeral service director dies and leaves the funeral service establishment as part of the assets of the funeral service director's estate:
 - (i) the personal representative of the funeral service director's estate may operate the funeral service establishment under the license, or renewals of the license, for not more than two years from the date of the funeral service director's death without meeting the qualifications of an applicant and without having a licensed funeral service director; but
 - (ii) Subsection (5)(b)(i) does not allow an unlicensed person to perform a function that requires performance by a funeral service director licensed under this chapter.
 - (c) If the funeral service director of a licensed funeral service establishment terminates employment with the establishment, the establishment has 90 days to hire a new licensed funeral service director before action may be taken against the license under Subsection (5)(a).

Amended by Chapter 144, 2007 General Session

58-9-304 Continuing education.

- (1) As a condition precedent for license renewal, each funeral service director shall, during each two-year licensure cycle or other cycle defined by rule, complete 20 hours of qualified continuing professional education in accordance with standards defined by rule.
- (2) If a renewal cycle is extended or shortened under Section 58-9-303, the continuing education hours required for license renewal under this section shall be increased or decreased proportionally.

Enacted by Chapter 49, 2003 General Session

58-9-305 Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, a person may engage in the following acts included within the definition of the practice of funeral service, subject to the stated circumstances and limitations, without being licensed under this chapter:

- (1) transportation of a dead human body in accordance with other applicable state and federal laws;
- (2) ambulance or other emergency transportation of a dead human body;
- (3) the sale of any of the following that is delivered to the buyer or the buyer's designee within 90 days after the day of the sale:
 - (a) funeral merchandise;
 - (b) headstones; or
 - (c) other memorial merchandise;
- (4) the performance of funeral, graveside, or memorial services by:

- (a) a member of the clergy;
 - (b) a member of the decedent's family; or
 - (c) any other recognized individual;
- (5) assisting a Utah licensed funeral service director regarding disasters or special emergencies by individuals licensed in other states as funeral service directors or embalmers;
- (6) activities of an unlicensed individual employed by a funeral service establishment involving arrangement for a funeral service or the sale of funeral merchandise if the binding contract is reviewed, approved, and signed in behalf of the funeral service establishment by a licensed funeral service director; and
- (7) nonprofessional tasks or activities which:
- (a) do not require independent professional judgment; and
 - (b) are required of persons employed by a funeral service establishment under the supervision of a funeral service director.

Amended by Chapter 144, 2007 General Session

58-9-306 License by endorsement.

The division may issue a license by endorsement under this chapter to a person who:

- (1) provides documentation that the funeral service director's current licensure is active, in good standing, and free from any disciplinary action;
- (2) submits an application on a form provided by the division;
- (3) pays a fee determined by the department;
- (4) is of good moral character in that the person has not been convicted of:
 - (a) a first or second degree felony;
 - (b) a misdemeanor involving moral turpitude; or
 - (c) any other crime that when considered with the duties and responsibilities of the license for which the person is applying is considered by the division and the board to indicate that the best interests of the public are not served by granting the applicant a license;
- (5) has completed five years of lawful and active practice as a licensed funeral service director and embalmer within the 10 years immediately preceding the application for licensure by endorsement;
- (6) has passed a national examination determined by the division; and
- (7) has demonstrated competency of the laws and the rules of the state as determined by the division.

Amended by Chapter 144, 2007 General Session

58-9-307 Supervision of funeral service intern.

- (1) A person seeking licensure as a funeral service intern shall submit as a part of the application for a license:
 - (a) the name of the licensed funeral service director who has agreed to supervise all duties performed by the applicant as an intern; and
 - (b) the name of the licensed funeral service establishment at which the training and supervision shall take place.
- (2) A licensed funeral service director may supervise only one licensed funeral service intern at one time.
- (3)

- (a) Within 30 days after the day on which the supervisor-supervisee relationship between a licensed funeral service director and a licensed funeral service intern terminates, the funeral service director shall furnish to the division a report of the performance of the funeral service intern.
 - (b) The report shall be in form and content as prescribed by the division.
- (4)
- (a) A licensed funeral service intern shall notify the division of any change in the intern's supervising funeral service director.
 - (b) The supervising funeral service director shall submit to the division, in accordance with Subsection (3), a report of the funeral service intern's performance.
- (5) The licensed funeral service director is responsible for supervision of all of the duties and functions performed by the funeral service intern throughout the entire internship period.

Amended by Chapter 144, 2007 General Session