

HOUSE BILL REPORT

HB 2636

As Passed Legislature

Title: An act relating to funeral directors and embalmers.

Brief Description: Revising regulation of funeral directors and embalmers.

Sponsors: Representatives Scott and Cairnes.

Brief History:

Committee Activity:

Commerce & Labor: 1/30/96, 1/31/96 [DP].

Floor Activity:

Passed House: 2/6/96, 97-0.

Passed Legislature.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass. Signed by 12 members: Representatives McMorris, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith; Horn and Lisk.

Staff: Pam Madson (786-7166).

Background: The Department of Licensing and the Board of Funeral Directors and Embalmers license and regulate funeral directors, embalmers, and funeral establishments.

License Requirements

An applicant for a funeral director's license must meet certain requirements including two years' course work at an accredited college. Applicant's must also pass an exam that includes specified subjects.

An applicant for an embalmer's license must also meet certain requirements, including two years' course work at an accredited college plus a full course of instruction at an approved embalming school. Applicants must also pass an exam that includes specified subjects.

The requirement for two years of college course work for both funeral directors and embalmers includes courses in specified subjects such as chemistry and biology or zoology.

For an applicant to pass the state exam, he or she must achieve a 75 percent passing grade in each subject of the exam. An applicant who fails to make a passing grade in a subject may be retested on that subject at the next scheduled exam. Exams are held at least once a year.

Licenses are issued in the individual's name and must be signed by the licensee for purposes of identification. Licenses are renewed annually.

Licenseses from other state's may be licensed in Washington if the license qualifications are comparable to those in Washington and the licensee pays the license fee.

Business Practices

Funeral establishments that sell services or merchandise through a prearrangement funeral service contract must establish a trust for collecting and holding money received under the contracts. Fees for administration of the trust may be deducted from the trust in an amount not to exceed 1 percent annually of the face amount of the contract.

A Funeral Directors and Embalmers Account is created in the custody of the State Treasurer for deposit of license and examination fees and fines and civil penalties. The account is a dedicated account. Expenses of the board are paid from this account only after legislative appropriation.

Statutes contain references to practices that have changed and are no longer relevant. For example, the board has authority to establish fees for crematories in conjunction with the Cemetery Board, but fees are no longer set in this manner. A requirement to post a statement containing the names of all licensees at the place of business is no longer necessary in that the individual's license must be conspicuously displayed at the business. Licensees are required to report contagious diseases to the local health officer; however, this requirement has been removed from public health laws.

Summary of Bill: License requirements for funeral directors and embalmers are clarified and revised. Funeral director or embalmer applicants may meet the college course requirement by obtaining an associate of arts degree in mortuary science. Science courses are eliminated from the required curriculum for a funeral director's license. Required college course work for embalmers is reduced from three to two years.

The required examination must cover the funeral arts and the laws of Washington as they pertain to this field. Reference to specific subjects is eliminated. Applicants must get a 75 percent passing grade on the entire exam rather than a passing grade on each subject of the exam and may retake the exam if they fail to make a passing grade.

Licensees are no longer required to sign their licenses. The department is no longer required to renew licenses annually to provide flexibility should licenses be extended to cover a longer period.

Licensees from other states who may not have the education requirements necessary to be licensed in Washington may substitute five years of experience. In addition, licensees from another state must pass an exam covering Washington State laws that pertain to this field.

The method of calculating fees for administering the trust account for money collected under prearrangement funeral services contracts is changed to reflect a maximum of 1 percent annually of the amount in the trust.

The Funeral Directors and Embalmers Account is redesignated as an account in the state treasury rather than an account in the custody of the State Treasurer.

The following obsolete references are eliminated as being inconsistent with current authorized practices: requiring the names of all licensees of the business to be displayed at the business; requiring licensees to report contagious diseases to the local health officer; and having the Board of Funeral Directors and Embalmers establish fees for crematories with the Cemetery Board.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Changes in the laws governing funeral directors and embalmers were partially initiated to bring Washington into compliance with the national exam standards soon to be adopted. Licensee candidates would be able to use the national exam to satisfy the exam requirement to be licensed in Washington. There is a shortage of licensees in the profession in Washington. Candidates find themselves in a perpetual state of apprenticeship because of certain specific education requirements like chemistry and biology. Some candidates have more than two years of course work but may not have the specific course requirements currently in Washington state law. The current calculation of the fee for trust administration is based on the face amount of each prearrangement contract. Only 90 percent of the contract may go into

the trust account, and the money may come in by payments over time. By changing to a straight 1 percent of the amount in the trust, the amount taken for administration may actually be less under this formula. It is better for the consumer, easier for the licensee, and easier to track.

Testimony Against: None.

Testified: Gene Fear, Washington State Funeral Directors Association; and Jon Donnellan, Department of Licensing, Board of Funeral Directors and Embalmers.