

Dear Senators TIPPETS, Patrick, Schmidt, and  
Representatives HENDERSON, Thompson, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the  
Bureau of Occupational Licenses - State Board of Morticians:

IDAPA 24.08.01 - Rules of the State Board of Morticians (Docket No. 24-0801-1301) - **Proposed  
Rule.**

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 10/07/2013. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/05/2013.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4845, or send a written request to the address on the  
memorandum attached below.



Jeff Youtz  
Director

# Legislative Services Office Idaho State Legislature

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*Serving Idaho's Citizen Legislature*

## MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Business Committee  
**FROM:** Principal Legislative Research Analyst - Brooke Brouman  
**DATE:** September 18, 2013  
**SUBJECT:** Bureau of Occupational Licenses - State Board of Morticians

IDAPA 24.08.01 - Rules of the State Board of Morticians (Docket No. 24-0801-1301) - **Proposed Rule**

The Bureau of Occupational Licenses, on behalf of the State Board of Morticians, submits notice of proposed rulemaking. The rule changes are as follows:

- (1) Provides for the operation of an alkaline hydrolysis retort with a pressurized vessel heated to 150 C/330 F for a minimum recommended period of 30 minutes, which meets or exceeds the United States Center for Disease Control requirements for the complete destruction of human pathogens;
- (2) Allows funeral directors to sign records regarding the burial, cremation and other disposition of human bodies; and
- (3) Clarifies that disciplinary rules apply to both mortician and funeral director licensees.

There is no negative fiscal impact on the general fund as a result of this rulemaking.

The Bureau's proposed rule is authorized pursuant to the provisions of Section 54-1107, Idaho Code.

cc: Bureau of Occupational Licenses  
Tana Cory, Bureau Chief, & Cherie Simpson

# **IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**

## **24.08.01 - RULES OF THE STATE BOARD OF MORTICIANS**

**DOCKET NO. 24-0801-1301**

### **NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1107, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 18, 2013.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Board of Morticians has been working with the Idaho Funeral Service Association to establish alkaline hydrolysis as an approved cremation process and to clarify that funeral directors can sign certain records. The Board is updating its discipline rule to include Funeral Directors.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule is simple in nature and was discussed during a noticed open meeting of the Board.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at 208 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 25, 2013.

DATED this 9th day of August, 2013.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W State St.  
P O Box 83720  
Boise, ID 83720-0063  
208 334-3233 phone 208 334-3945 fax

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**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-0801-1301**

**450. FUNERAL ESTABLISHMENT AND CREMATORY ESTABLISHMENT (RULE 450).**

All applicants for establishment license shall submit a completed application on a form approved by the Board. All newly licensed establishments and all branch or satellite facilities must meet the same requirements for licensure. (4-2-08)

**01. Contents of Application.** Each applicant for a license to operate a funeral establishment or crematory establishment in Idaho shall document the following: (4-2-08)

- a.** Name and address of owner whether individual or entity; and (4-2-08)
- b.** Notarized signature of applicant or authorized agent; and (4-2-08)
- c.** Name and license number of responsible licensee; and (4-2-08)
- d.** Other such information as the board may require. (4-2-08)

**02. Change in Ownership or Location.** Any change in the ownership or location of a funeral establishment shall constitute a new funeral establishment for the purposes of licensure. (7-1-93)

**03. Funeral Establishment.** All funeral establishments shall be required to provide each of the following: (4-2-08)

- a.** An operating room and necessary equipment for embalming; (4-2-08)
- b.** A selection room for caskets and merchandise which may include video, catalogs, and electronic depiction of caskets and merchandise; (4-2-08)
- c.** A chapel where funeral or other religious ceremonies may be held; and (4-2-08)
- d.** A room for viewing and visitation. (4-2-08)

**04. Funeral Firm.** Every funeral firm in the state of Idaho and/or licensee thereof shall give or cause to be given to the person or persons making funeral arrangements or arranging for the disposition of the dead human body at the time of said arrangements and prior to rendering that service or providing that merchandise, a written statement showing to the extent then known the following: (7-1-93)

- a.** The price of the service that the person or persons have selected and what is included therein. (7-1-93)
- b.** The prices of each of the supplementary items of service and/or merchandise requested. (7-1-93)
- c.** The amount involved for each of the items for which the firm will advance monies as an accommodation for the family. (7-1-93)
- d.** The method of payment. (7-1-93)
- e.** If the quoted price includes a basic component of a funeral or a part thereof which is not desired, then a credit thereof should be granted. (7-1-93)

**05. Crematory Establishment.** All crematory establishments shall be required to provide each of the following: (4-2-08)

- a.** Detailed information regarding each retort, specifically documenting that each retort and accompanying equipment is listed by an approved testing agency as listed in the Uniform Fire Code or in the case of alkaline hydrolysis, a pressurized vessel heated to 150 C (330 F) for a minimum recommended period of thirty (30)

minutes, thereby meeting or exceeding the United States Center for Disease Control (CDC) requirements for the complete destruction of human pathogens; and ~~(4-2-08)~~( )

**b.** One (1) set of blueprints for the proposed new construction or remodeling where the retort is to be located. The blueprints must be approved by the local building department as being in compliance with applicable building codes and ordinances. (4-2-08)

**451. (RESERVED)**

**452. MINIMUM STANDARDS (RULE 452).**

**01. Reasonable Sanitation and Safety Required.** In the interest of the protection of the public welfare, no license will be issued on an application to operate a funeral establishment or crematory unless it is apparent that the establishment or crematory can and will be operated in a reasonably sanitary and safe manner and that all pertinent federal, state, and local permits have been obtained when operating an alkaline hydrolysis retort. ~~(4-11-06)~~( )

**02. Reduction of Cremated Remains.** No crematory will be licensed or operated unless it is capable of reducing human remains to cremains containing not more than five percent (5%) of the weight of the body immediately after death. (3-16-04)

**03. Delay Before Cremation.** No dead human body, regardless of cause of death, is to be cremated, nor is actual cremation of such a body to be commenced, unless the county coroner in the county in which the death occurred gives his written authorization to cremate the body. (3-16-04)

**04. Embalming.** If a dead human body is to be held longer than twenty-four (24) hours prior to burial, cremation, or other disposition, the body must be either embalmed or refrigerated at thirty-six degrees Fahrenheit (36F) or less until buried, cremated, or otherwise disposed of. (4-11-06)

**05. Casket Not Necessary.** It is not necessary for the body to be in a casket for cremation to take place. (3-16-04)

**a.** This is not to be construed to mean that the crematory must cremate without a casket; and (3-16-04)

**b.** It will not prevent the operators from developing their own internal requirements for aesthetic or sanitary reasons. (3-16-04)

**(BREAK IN CONTINUITY OF SECTIONS)**

**455. RESPONSIBILITY, INSPECTION, AND CONFIDENTIALITY OF RECORDS (RULE 455).**

**01. Responsibility for Record.** Records regarding the burial, cremation, and other disposition of human bodies must be made as soon as reasonably possible after the burial, cremation, or other disposition and must be dated and signed by the licensed mortician or funeral director who supervised or was otherwise directly responsible for the burial, cremation, or other disposition. ~~(4-11-06)~~( )

**02. Inspection of Records.** Records regarding the receipt, burial, cremation, and other disposition of human bodies must be maintained at the funeral establishment and crematory and be open for inspection at any reasonable time by the Board or its designated representatives. (4-11-06)

**03. Confidentiality of Records.** Any disclosure of information obtained by the Board in connection with licensure activities and records of funerals or cremations must comply with Idaho Public Records Act 9-337 et seq., Idaho Code. (4-11-06)

**(BREAK IN CONTINUITY OF SECTIONS)**

**501. DISCIPLINE (RULE 501).**

**01. Civil Fine.** The Board may impose a civil fine not to exceed one thousand dollars (\$1,000) upon a licensed ~~de mortician~~ for each violation of Section 54-1116, Idaho Code. ~~(3-18-99)~~( )

**02. Costs and Fees.** The Board may order a licensed ~~de mortician~~ to pay the costs and fees incurred by the Board in the investigation or prosecution of the licensee ~~for~~ if found in violation of Section 54-1116, Idaho Code. ~~(3-18-99)~~( )