

COUNCIL OF THE DISTRICT OF COLUMBIA

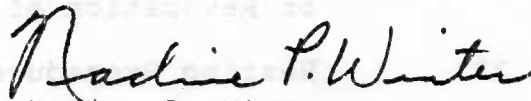
NOTICE

D.C. LAW 5-84

"District of Columbia Funeral Services  
Regulatory Act of 1984".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 5-7 on first and second readings, February 28, 1984 and March 13, 1984, respectively. Following the signature of the Mayor on March 29, 1984, this legislation was assigned Act No. 5-120, published in the April 20, 1984 edition of the D.C. Register, (Vol. 31 page 1815) and transmitted to Congress April 2, 1984 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 5-84, effective May 22, 1984.



Nadine P. Winter  
Chairman Pro Tempore

Dates Counted During the 30-day Congressional Review Period:

April 2,3,4,5,6,9,10,11,12,13,24,25,26,27,30

May 1,2,3,4,7,8,9,10,11,14,15,16,17,18,21

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAR 29 1984

To regulate the funeral industry in the District of Columbia; and for other purposes.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,  
 That this act may be cited as the "District of Columbia  
 Funeral Services Regulatory Act of 1984".

CODIFICATION,  
 new chapter 28  
 of title 2,  
 "Funeral  
 Directors"

Sec. 2. Purposes. The purposes of this act are to  
 provide for the licensure and regulation of funeral  
 directors, apprentice funeral directors, and funeral  
 services establishments in the District of Columbia, and to  
 protect the public from fraudulent, unfair, and deceptive  
 practices by persons licensed to provide funeral directing  
 services.

New  
 D.C. Code, sec.  
 2-2801  
 (1985 supp.)

Sec. 3. Definitions. As used in this act, the term:

(1) "Adult" means a person who is 18 years of age  
 or older.

New  
 D.C. Code, sec.  
 2-2802  
 (1985 supp.)

(2) "Apprentice funeral director" means any  
 person licensed by the District to engage in learning the  
 practice, or to engage in the practice, of funeral directing  
 by performing funeral directing under the direct or  
 immediate supervision of a full-time funeral director  
 licensed by the District.

(3) "Board" means the Board of Funeral Directors  
 for the District of Columbia.

(4) "Consumer" means a person who makes arrangements with a funeral services establishment for the care and disposition of human remains, including arrangements made prior to the death of a person.

(5) "Council" means the Council of the District of Columbia.

(6) "Direct supervision" means that in those instances when an apprentice funeral director is handling, preparing, or embalming human remains which have become infected by a contagious disease, the apprentice funeral director must always be supervised by a licensed funeral director who is present and assisting.

(7) "District" means the District of Columbia.

(8) "Full-time employee" means a person whose primary occupation or employment is with a funeral services establishment as a funeral director.

(9) "Funeral director" means any person licensed by the District to perform the practice of funeral directing. As used in this act, the term "funeral director" includes the terms "mortician", "undertaker", and "embalmer" as these terms relate to licensure in those jurisdictions where these categories are licensed separately, or under these terms.

(10) "Funeral provider" means any person, partnership, or corporation that sells or offers to sell funeral goods and funeral services to the public.

(11) "Funeral services establishment" means any place or premises in the District devoted to, or wherein is

engaged, the business of the care or preparation of human remains for funeral, burial, cremation, or transportation, consisting of a chapel (or a room in which funeral services, including visiting hours prior to disposition, may be conducted) or a preparation room, and where arrangements can be made for funeral services or purchasing funeral supplies including accouterments by the public, and where payment for the rendering of funeral services and supplies can be arranged. The term "funeral services establishment" includes the term "funeral home".

(12) "Human remains" means the remains of a deceased human being or fetus or any part thereof.

(13) "Immediate supervision" means that a funeral director currently licensed to practice funeral directing in the District is available on the premises and within vocal communication of the supervisee.

(14) "License" means an authority from the District which entitles the holder to practice in the District either as a funeral director or apprentice funeral director, or an authority from the District which entitles the holder to own and operate a funeral services establishment.

(15) "Mayor" means the Mayor of the District of Columbia.

(16) "Nationally approved examination" means the examination approved by the Conference of Funeral Service Examining Boards.

(17) "Person" means any natural person.

(18) "Practice of funeral directing" means engaging in the care and disposal of human remains or the preserving by embalming or otherwise of human remains for transportation, funeral services, burial, or cremation.

(19) "Solicitation" means any annoying or unseemly conduct by a licensee, his employees, or agents, such as (A) loitering in or about a hospital, sanitarium, personal care home, or other place for the purpose of soliciting the employment of the licensee's services; (B) offering, giving, or promising any gratuity or payment, either in money or property, to any person for information concerning human remains; (C) requesting or recommending that a consumer change from another funeral services establishment to the soliciting party's funeral services establishment; (D) engaging in a dispute with another licensee for the possession of human remains; or (E) initiating contact with the next of kin, relations, friends, or associates of the deceased in order to provide funeral services or disposition of the deceased without being contacted by the next of kin or his or her representative. The term "solicitation" shall not include general advertising, the sale of burial insurance, or responses to requests for information from consumers.

Sec. 4. Board of Funeral Directors; Powers of the Mayor.

(a) There is hereby established a Board of Funeral Directors for the District of Columbia.

(b) The Board shall consist of 5 members appointed by

New,  
D.C. Code, sec.  
2-2803  
Note, D.C.  
Code, secs.  
1-612.8,  
1-1462 &  
2-2809  
(1985 supp.)

the Mayor with the advice and consent of the Council. Three of the members shall be funeral directors licensed to practice in the District; 1 shall be the Director of the Department of Human Services or his or her designee; and 1 shall be a consumer.

(c) The funeral director members of the Board, at the time of their appointment and throughout their terms, shall:

(1) Be licensed in the District and be in good standing to engage in the practice of funeral directing in the District;

(2) Have had at least 3 years experience in funeral directing in the District; and

(3) Be residents of the District.

(d)(1) The consumer member of the Board shall:

(A) Be a resident of the District;

(B) Be at least 18 years of age;

(C) Not be engaged, either directly or indirectly, in the business of the care or preparation of human remains for funeral, burial, cremation, or transportation; and

(D) Not receive, directly or indirectly, more than 10% of his or her gross annual income from any one or a combination of the following:

(i) Fees or other compensation for research into or instruction in mortuary science;

(ii) Entities engaged in the provision of care or preparation of human remains for funeral, burial, cremation, or transportation; or

(iii) Producing or supplying chemicals or other articles for individuals or entities to use in the preparation of, or research into or instruction in the care or preparation of, human remains for funeral, burial, cremation, or transportation.

(2) The consumer member shall have all the powers that other Board members have, except for those relating to the practical examination for licensure.

(e)(1) Except as provided in paragraph (2), the members of the Board shall be appointed by the Mayor for a term of 3 years.

(2) Members of the Board who are appointed to fill vacancies which occur prior to the expiration of a former member's full term shall serve only the unexpired portion of the former member's term.

(f) Of the members first appointed under this act, 3 shall serve a term of 3 years, 1 of whom shall be the consumer member; and 1 member shall serve a term of 2 years. This subsection shall not apply to the representative of the Department of Human Services.

(g) The Mayor shall designate a chairperson from the members of the Board. The chairperson of the Board shall preside at all meetings of the Board and shall be responsible for the performance of all the duties and functions of the Board.

(h) The Mayor shall delegate to the Board those responsibilities which the Mayor deems appropriate.

(i) The Mayor shall issue within 30 days of the



effective date of this act, and may amend from time to time, rules and regulations necessary to carry out the provisions of this act.

(j) The Mayor shall make any studies and investigations the Mayor deems necessary to assist in preparing or prescribing rules, regulations, and orders under this act, and to assist the administration and enforcement of this act.

(k) The Mayor shall conduct hearings pursuant to section 10, upon written charges, that may result in discipline, revocation, suspension, or denial of a license.

(l) The Board shall advise the Mayor with respect to the professional and technical aspects of the examining, licensing, registration, and regulation of funeral services establishments in the District.

(m) Members of the Board shall be compensated pursuant to section 1108 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-612.8).

Sec. 5. Fees.

New,  
D.C. Code, sec.  
2-2804  
(1985 supp.)

(a) The Mayor shall establish, increase, or decrease the fees necessary to cover the costs of administering this act. The Mayor shall not revise the fees except after a 30-day notice.

(b) The Mayor is authorized after a 30-day notice to establish and to change the expiration date of licenses provided for in this act. Upon the change of an expiration date, the renewal fee for licenses shall be prorated on the

basis of the time covered.

Sec. 6. Qualifications, Applications, and Examinations for Licensure.

New,  
D.C. Code, se  
2-2805  
Note, D.C.  
Code, secs.  
2-1606 & -280  
20-741,  
47-2842  
(1985 supp.)

(a) Funeral Director's License. Except as provided in subsections (b) and (c), an applicant for licensure as a funeral director shall furnish satisfactory proof to the Mayor that he or she:

- (1) Is at least 18 years of age;
- (2) Is a graduate of a high school or possesses the equivalent education as approved by the Mayor;
- (3) Is a graduate of an accredited school or college of mortuary science whose course of instruction is not less than 12 months in duration or is composed of not less than 840 hours of study; or has successfully completed a 2-year course of study leading to an associate degree in mortuary science;
- (4) Has had at least 2 years of practical experience as an apprentice funeral director if he or she is a graduate of a school or college of mortuary science, or at least 1 year of practical experience if he or she possesses an associate degree in mortuary science; has actually embalmed at least 25 human remains; and has actually conducted or directed at least 25 funerals. This experience shall be verified by the sworn affidavit of each funeral director under whose immediate supervision the apprentice funeral director's duties were performed, indicating the number of human remains embalmed by the applicant and the number of funerals conducted or directed during the period