ALABAMA BOARD OF FUNERAL SERVICE ADMINISTRATIVE CODE

CHAPTER 395-X-2 LICENSE

TABLE OF CONTENTS

395-X-2-.01	**Application For License**
395-X-2-.02	**Renewal Of License**
395-X-2-.03	**Fees**
395-X-2-.04	**Display Of Licenses**
395-X-2-.05	**State Laws, Rules, Regulation (LRR) Examination**
395-X-2-.06	**Disaster Mutual Aid**
395-X-2-.07	**Continuing Education**
395-X-2-.08	**Cremationist**
395-X-2-.09	**Examinations**

395-X-2-.01 Application For License.

Anyone wishing to apply for any type of license, registration, or certification that is issued by the Board, must:

(1) Apply on a form supplied by the Board. Said applicant must meet and comply with all provisions of Title 34, Chapter 13, Code of Ala. 1975, relating to licensure and application thereof. No application is considered valid unless it is submitted to and received by the Board office.

(2) The passing score for any Board examination shall be either a scaled score of 75 or an average score of 75 percent, as determined by the scoring method used by the administering entity.

(3) The Board shall establish the beginning time of all examinations it administers. These examinations shall be completed within 210 minutes within said beginning time, as set by the Board, regardless of the length or number of sections of the examinations.

(4) In addition to the application fee, the Board shall charge each applicant an examination fee of $100.00 for each funeral directing or embalming exam taken.

(5) Any application to the Board for a license, certificate, or registration made on behalf of a sole proprietorship, firm, corporation, partnership, joint venture, or limited liability company for a certificate of authority to sell preneed contracts shall be sworn to by each:

(a) Owner, partner, member, shareholder, and/or other principal of such entity controlling a 10% or greater interest in the entity; and

(b) Any other individual(s) or officer(s) as may be needed to legally bind the entity.

(6) All individuals identified in subsection (5) must also include the following information for each such individual with their application:

(a) A form, prescribed by the board and sworn to by the applicant, that contains their:

1. Name

2. Date of Birth

3. Social Security Number

4. Two complete sets of fingerprints

(b) The information submitted in subsection (6)(a) will be used to complete a criminal history background check.

Author: Charles M. Perine
Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-13-27, 34-13-73(c), 34-13-94(c), 34-13-113, 34-13-190(c)(2).
History: **Amended:** Filed August 9, 1985; August 8, 1986 (rule title changed from "Application of License" to "Application for License"); August 7, 1991. **Amended:** Filed August 10, 2004; effective September 14, 2004. **Amended:** Filed January 30, 2012; effective March 5, 2012. **Amended:** Filed September 12, 2017; effective October 27, 2017. **Amended:** Published July 29, 2022; effective September 12, 2022. **Amended:** Published January 31, 2024; effective March 16, 2024.

395-X-2-.02 Renewal Of License.

(1) All licenses or certifications expire every two years on October 1, with the exception of apprentice certifications which expire every year on October 1.

(2) Each license or certification must be renewed on or before September 1 of the year in which it expires, or it shall be considered past due. A past due license or certification may only be renewed by paying all license renewal fees and past due penalties by October 1.

(3) The Board shall provide notice by electronic format to each apprentice, funeral director, embalmer, and establishment at least ninety (90) days prior to the expiration date of said license that

his or her renewal fee is due. Each license contains the expiration date and, therefore, failure to receive a renewal notice does not exempt a licensee from the renewal requirements.

(4) A license or certification not renewed by October 1 of its expiration year is expired. Reactivation of an expired license or certification is at the discretion of, and subject to the approval of, the Board. To seek reactivation of an expired license or certification, a reactivation applicant must satisfactorily complete each of the following:

(a) Submit an application for reactivation on a form prescribed by the Board.

(b) Submit payment of all outstanding fees and penalties.

(c) Complete a background check in accordance with Title 34, Chapter 13 of the Code of Ala. 1975.

(d) Complete the Laws, Rules, and Regulation Exam with a passing score, if no score is on file.

(e) Submit proof of completion of eight (8) hours of continuing education (in accordance with 395-X-2-.07) for the two-year licensing period immediately preceding the application for reactivation.

(5) Commencing on October 1, 2023, all funeral establishments and mortuary services must include proof of continuing coverage of general liability insurance in the amount of at least one-million dollars ($1,000,000) when seeking renewal of any funeral establishment license. Coverage must be maintained for the duration of the licensing period.
Author: Charles M. Perine
Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-16-53, 34-13-55, 34-13-113, 34-13-131.
History: **Amended:** Filed August 9, 1985; August 8, 1986. **Amended:** Filed June 6, 2014; effective July 11, 2014. **Amended:** Filed September 12, 2017; effective October 27, 2017. **Amended:** Published July 29, 2022; effective September 12, 2022.

395-X-2-.03 Fees.

1. The fees to be charged by the Board:

FEE TYPE/PURPOSE	AMOUNT
APPLICATION	

Funeral Director Application Fee	$230.00
Embalmer Application Fee	$230.00
Cremationist Application Fee	$150.00
Reciprocity Funeral Director Application Fee	$300.00
Reciprocity Embalmer Application Fee	$300.00
Reciprocity Funeral Director Special Work Permit Application Fee	$ 50.00
Reciprocity Embalmer Special Work Permit Application	$ 50.00
Apprentice Funeral Director Application Fee	$ 50.00
Apprentice Embalmer Application Fee	$ 50.00
Funeral Establishment Application Fee	$500.00
Crematory Registration Application Fee	$200.00
Funeral Establishment Change of Ownership Application Fee	$250.00
Continuing Education Provider Administrative Fee	$200.00
Certificate of Authority (COA) Application Fee	$250.00
Branch Registration Application Fee (COA)	$250.00
Transfer of Certificate of Authority - Ownership Application Fee	$500.00
Transfer of Branch Registration Application Fee (COA-Ownership)	$500.00
Preneed Sales Agent Application Fee	$50.00
RENEWAL	
Funeral Director/Embalmer/Practical Embalmer Renewal Fee per license	$230.00
Cremationist Renewal Fee	$150.00

Apprentice Funeral Director/Embalmer Renewal Fee per certificate	$ 50.00
Funeral Establishment Renewal Fee per establishment	$500.00
Certificate of Authority (COA)	$ 99.00
Branch Registration (COA)	$198.00
Preneed Sales Agent	$ 33.00
Late Renewal Fee or Lapsed Penalty per license	$100.00
INSPECTION/EXAMINATION	
Funeral Establishment Original Inspection Fee	$150.00
Funeral Establishment Re-Inspection Fee	$150.00
Funeral Establishment Annual Inspection Fee	$100.00
Late Penalty for Past Due Inspection Fee	$150.00
COA/Branch Special Preneed Examination Fee	$335 per day plus expenses per §34-13-196
COA/Branch Annual Preneed Mini Examination Fee	$335 per day per §34-13-196
EXAM	
Laws, Rules, Regulation Exam per exam	$ 50.00
Alabama Funeral Director Exam per exam	$100.00
Alabama Embalmer Exam per exam	$100.00
OTHER	
Administrative Fee Upon Final Disposition (*see* 395-X-2-.03(3) below)	$10.00 per final disposition
Funeral Establishment – License Transfer (Temporary Location)	$ 25.00

Funeral Establishment – Reissued License Due to Name Change	$ 25.00
Special Operating Permit Application Fee	$ 50.00
Replacement Wall Certificate per certificate	$ 15.00
Replacement Wallet or Wall License per license	$ 15.00
COA Certificate holder fails to file annual statement	$50 per day
COA Certificate holder fails to file statement of activities of the trust	$50 per day
Background Check Application Fee	**Current fee charged by Alabama Law Enforcement Agency**

(2) All fees paid to the board are non-refundable.

(3) **Administrative Fee Upon Final Disposition or Services Rendered**

(A) Definitions. For purposes of this rule the following terms have the following meanings:

(i) ADMINISTRATIVE FEE. The administrative fee provided for by Ala. Code § 34-13-30.1.

(ii) FINAL DISPOSITION. The lawful disposal of human remains whether by interment, cremation, or other method of lawful disposition of human remains.

(iii) QUARTER. Each three-month period of the Alabama Board of Funeral Services fiscal year, which ends on December 31, March 31, June 30, and September 30.

(B) Administrative Fee Assessment & Reporting.

(i) Each funeral establishment shall be assessed an Administrative Fee of ten dollars ($10.00) for each final disposition for which the establishment made funeral arrangements or otherwise rendered services regulated by this chapter during the reporting period as provided in Ala. Code § 34-13-30.1.

(ii) Total payment due shall be calculated based on the total number of final dispositions performed during each quarter, beginning with the quarter ending December 31, 2026.

(iii) Payment shall be made within 30 days after the end of each quarter. If the 30th day falls on a weekend or holiday, the payment must be made no later than the next business day.

(iv) Concurrent with submission of the payment provided in subsection (c), each funeral establishment shall submit a quarterly report on a form prescribed by the Board certifying the total number of final dispositions performed by the funeral establishment for that quarter and attested to by the notarized signature of the establishment's managing funeral director.

(v) The assignment of a death certificate to a funeral establishment shall be considered prima facie evidence that the funeral establishment is responsible for the Administrative Fee as to that decedent's arrangements. The Board may verify reported final dispositions against death certificate data maintained through the Electronic Death Registration System (EDRS) or any other records.

(vi) Funeral establishments shall maintain accurate records sufficient to substantiate all reported final dispositions for a minimum of four (4) years and shall make such records available to the Board upon request.

(vii) Failure to timely submit the required quarterly report or fee shall constitute a separate violation of this rule for each day after the deadline provided above that such submission is not made. Each such violation shall incur an administrative fine of $50 per day. Provided, any such submission not made within 10 days of the deadline may be referred for additional or further discipline as provided in (viii) below.

(viii) Any violations of this rule, including submission of misleading or inaccurate information on the report, shall constitute grounds for disciplinary action pursuant to Ala. Code § 34-13-56 including fines, probation, suspension, or revocation of licensure.

(ix) The Administrative Fee shall appear as a separate entry on the funeral establishment's general price list and any statement of goods and services.

Author: Charles M. Perine

Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-13-30.1, 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-72, 34-13-74, 34-13-90, 34-13-92, 34-13-111, 34-13-113, 34-13-114, 34-13-120, 131.34-13-120.1, 34-13-130, 34-13-131, 34-13-191, 34-13-196, 34-13-199.

History: Originally filed as Rule No. 395-X-2-.04 entitled "Cost of Renewal License." **Amended:** Filed April 5, 1983; August 9, 1985. **Amended:** Filed May 3, 2002; effective June 7, 2002. **Amended:** Filed May 14, 2003; effective June 18, 2003. **Amended:** Filed January 30, 2012; effective March 5, 2012. **Amended:** Filed June 6, 2014; effective July 11, 2014. **Amended:** Filed September

12, 2017; effective October 27, 2017. **Amended:** Published July 29, 2022; effective September 12, 2022. **Amended:** Published March 29, 2024; effective May 13, 2024. **Amended:** Published August 31, 2026; effective October 15, 2026.

395-X-2-.04 Display Of Licenses.

All licenses, registration, or certificate granted by the Board shall be on public display in a location of the establishment that is not restricted from the public travel.
Author: Charles M. Perine
Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-13-52.
History: **Amended:** Filed April 6, 1983; August 9, 1985. (Formerly Rule No. 395-X-2-.05.) **Amended:** Filed May 3, 2002; effective June 7, 2002. **Repealed and New Rule:** Filed January 30, 2012; effective March 5, 2012. **Amended:** Filed September 12, 2017; effective October 27, 2017.

395-X-2-.05 State Laws, Rules, Regulation (LRR) Examination.

(1) All candidates for original cremationist, funeral director and/or embalmer licensure must successfully complete an examination on Alabama Funeral Service law, rules and regulations.

(2) A passing score on the LRR exam shall be 75% correct answers.

(3) The Board shall establish the beginning time of all LRR examinations it administers. These examinations shall be completed within 60 minutes from said beginning time, as set by the Board, regardless of the length or number of sections of the examinations.

(4) In addition to the license application fee, the Board shall charge each applicant an LRR examination fee of $50.00 for each LRR exam taken.

(5) The Board's staff may administer the LRR exam.

(6) This examination shall be in addition to any other examinations or tests prescribed in Title 34, Chapter 13, Code of Ala. 1975. This requirement shall become effective October 1, 1986. The Board shall supply to each funeral establishment, within fiscal year 1985-86, a copy of the state funeral service laws and regulations and any amendments or revisions of the same made thereafter.
Author: Charles M. Perine
Statutory Authority: Code of Ala. 1975, §34-13-26.

History: Filed August 9, 1985. **Amended:** Filed January 30, 2012; effective March 5, 2012. **Amended:** Filed September 12, 2017; effective October 27, 2017.

395-X-2-.06 Disaster Mutual Aid.

In the event that a disaster or state of emergency occur resulting in massive casualties which overwhelms the capabilities of funeral directors and embalmers of the affected community, licensed embalmers and funeral directors from other states may assist such local efforts in providing funeral directing and embalming services under the following conditions:

(a) That the disaster related casualties exceed the capabilities of the local licensees;

(b) That the disaster be declared as such by the appropriate emergency management officials;

(c) That the out-of-state licensees be eligible for reciprocity licensure in Alabama;

(d) That the out-of-state licensees be authorized members of disaster mortuary teams;

(e) That the services provided by these licensees be limited for the duration of servicing the disaster and that their service be under the supervision of Alabama licensees;

(f) That only Alabama licensed funeral directors may sign death certificates relating to the disaster.

Author: Warren S. Higgins
Statutory Authority: Code of Ala. 1975, §§34-13-3, 34-13-26.
History: Filed August 7, 1991.

395-X-2-.07 Continuing Education.

(1) Beginning October 1, 2014, each cremationist, funeral director and embalmer, licensed by the Board, shall complete a minimum of eight hours of Board approved continuing education within a two year period ending September 30, 2016 and then continuing each two year period thereafter. Included in the required eight hours, all licensees must complete a board approved continuing education course in ethics and blood-borne pathogens/universal precautions.

(2) An approved program of activity shall:

(a) Constitute an organized program or course of learning dealing with matters directly related to the practice of funeral directing, embalming, or funeral service.

(b) Be in the format of a lecture, workshop, seminar, conference, or internet based program or course.

(c) It permits attendance by all funeral directors and embalmers in the State of Alabama.

(3) A provider, organization or person which desires to obtain approval of a course, program or other continuing education activity shall obtain approval prior to the activity. A provider, organization or person shall make application on a form provided by the Board at least 90 days prior to the activity. The applicant shall state the dates, subjects offered, total hours of instruction, names and qualifications of speakers, and other pertinent information.

Commencing with the continuing education period for fiscal year 2019-2020 and continuing each two-year period thereafter, a provider, organization, or person applying to be a continuing education provider in this state shall pay an administrative fee of $200.00.

(4) Certification of completion must be awarded upon the successful completion of all approved continuing education courses and must include the following information:

(a) Provider’s name;

(b) Licensee's name and license number;

(c) Approved course title;

(d) Date of course completion;

(e) Number of approved continuing education credit hours awarded; and

(5) The board shall approve one hour of continuing education credit time for every one hour of instruction completed by the licensee at an approved program of activity.

(6) The licensee shall retain all certifications of completion for three years after the course.

(7) Failure to comply with the continuing education requirements shall result in:

(a) The Board shall not renew the license of an individual who fails to obtain the continuing education requirements of this section, except as provide by statute, until the Board

receives documentation that the licensee has obtained the required continuing education.

(b) A licensee who fails to obtain the required number of continuing education hours prior to the expiration date appearing on the license shall not have their license renewed until the licensee has obtained the required continuing education hours for that period and paid all applicable fees and penalties.

(8) A license shall not be renewed unless the licensee certifies on the renewal application that the individual completed the required number of continuing education hours specified in paragraph (a) of this rule.

(9) The Board shall not allow continuing education credit for courses where the principal purpose of the course is to promote, sell or offer goods, products or services to funeral homes or crematories.

(10) A licensee who has more than 8 hours of continuing educations in one renewal period, may carry over a maximum of 4 hours to the next renewal period.

(11) All course providers shall retain records of all licensees attending and those satisfactorily completing such continuing education courses for a period of three years following each course. The Board may require course providers to submit copies of such records or certifications, as it deems necessary, to ensure compliance with continuing education requirements.
Author: Charles M. Perine
Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-13-53.
History: New Rule: Filed June 6, 2014; effective July 11, 2014.
Amended: Filed September 12, 2017; effective October 27, 2017.

395-X-2-.08 Crematorist.

(1) An individual seeking licensure as a crematorist must:

(a) Be certified as a crematory operator by successfully completing a crematory operator training course approved by the board, in addition to other requirements as stated in Title 34 Chapter 13, Code of Ala. 1975. The course must be no less than 7 hours instructional time.

(b) Submit the crematory operator training course certificate of completion to the Board before a license is issued.

(c) Individual who completed a board approved crematory operator training course prior to October 1, 2017 and the completion date is greater than 4 years must complete a re-

fresher course or another crematory operator training course approved by the board.

(d) Submit an affidavit of at least one crematory operator to the effect that the applicant is of good character and has qualified himself or herself to become licensed as prescribed by Title 34 Chapter 13, Code of Ala. 1975.

(2) Once an individual receives his/her crematory operator certification, a cremationist must complete crematory operator training approved by the board every 4 years, said training shall count toward continuing education.

(3) The board may issue a special work permit to individuals seeking licensure as a cremationist, if the board determines that the applicant satisfies all the requirements for licensure except for having successfully completed a board approved crematory operator training course. The special work permit shall expire one year from the date of issuance allowing the applicant the time to comply with the one year time frame to obtain a crematory operator certification as stated in §34-13-120.1(b), Code of Ala. 1975.
Author: Charles M. Perine
Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-13-120, 34-13-120.1.
History: New Rule: Filed September 12, 2017; effective October 27, 2017.

395-X-2-.09 Examinations.

(1) The Executive Director of the Board may oversee the preparation and administration of examinations of funeral director and embalmer licensure applicants.

(2) Board-administered examinations of funeral director and embalmer licensure applicants shall consist of 125 multiple choice questions selected by Board staff that:

(a) Cover each of the subjects listed:

1. In Code of Ala. 1975, §34-13-73(a) and (b) for examinations of funeral director licensure applicants; or

2. In Code of Ala. 1975, §34-13-94(a), for examinations of embalmer licensure applicants; and

(b) Comply with the curriculum requirements adopted by the American Board of Funeral Service Education.

(3) The Board staff may acquire and compile questions from the American Board of Funeral Service Education, other similar national and regional organizations, or instructors from an

accredited mortuary or funeral service school or college that has been approved by the board pursuant to Code of Ala. 1975, §34-13-50.

(4) A passing score on the examinations is 75% correct answers.

(5) Applicants shall be allowed 150 minutes for each examination.

(6) The Executive Director shall furnish each applicant a copy of instructions and rules that must be followed at the exam site.

(7) The intended purpose of the exams provided for by this rule are for Alabama licensing only. Each applicant wishing to take these exams must sign a written statement acknowledging this purpose and acknowledging that the results of this exam may or may not be accepted by another state for reciprocity, endorsement, or any other purpose.

(8) The cost to the applicant for each exam shall be a fee of $100.00.

(9) Nothing in this Rule precludes the Board from accepting the results of an examination administered by an entity other than the Board as authorized by Title 34, Chapter 13 of the Code of Ala. 1975.

Author: Charles M. Perine
Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-13-72, 34-13-73, 34-13-92, 34-13-93, 34-13-94.
History: **New Rule:** Published January 31, 2022; effective March 17, 2022.