ALABAMA BOARD OF FUNERAL SERVICE ADMINISTRATIVE CODE

CHAPTER 395-X-6 FUNERAL ESTABLISHMENT REQUIREMENTS

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395-X-6-.01 Preparation Room.

(1) The preparation room of a funeral establishment shall have at least:

(a) One approved embalming table,

(b) Operating embalming equipment,

(c) All professional instruments necessary for embalming and the preparation of dead human bodies.

(d) The walls and floors shall be non-porous for easy cleaning.

(e) The preparation room shall be equipped with hot and cold running water,

(f) A ventilation fan,

(g) Container or receptacles for soiled linen, clothing, and waste disposal,

(h) Devices for proper drainage and waste disposal.

(2) A funeral establishment that has more than one location in this state is not required to maintain more than one preparation room for embalming, unless its locations are more than 25 miles from each other. The funeral establishment shall maintain at each of its locations a preparation or holding room which shall be adequately equipped for the holding and storage of dead human bodies. The holding room shall meet the following requirements:

(a) The establishment must be under the same ownership as the embalming facility, and be within a 25 miles radius of the centralized embalming facility, and be located in this state.

(b) The walls and floors shall be non-porous for easy cleaning.

(c) The holding room shall be equipped with hot and cold running water,

(d) The holding room shall be equipped with an aspirator, trocar, nasal tube aspirator, aspirating hoses, and adequate drainage.

(e) Container or receptacles for soiled linen, or clothing, and waste disposal,

(f) It shall have adequate lighting.

(3) All contents or items shall be kept clean of blood when not in use and at no time shall the preparation room or holding room be used as a storage area.
Author: Charles M. Perine
Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-13-151.
History: Filed July 31, 1984. **Amended:** Filed January 30, 2012; effective March 5, 2012. **Amended:** Filed June 6, 2014; effective July 11, 2014.

395-X-6-.02 Display Or Selection Room.

Each establishment shall have a selection or display room for persons to view available funeral merchandise or supplies. In addition to statutory requirements the display room shall be clean and neatly arranged and shall contain a stock of adult caskets and funeral supplies displayed in full size, cuts, photographs, or electronic images. Each funeral establishment shall have a card or brochure in each full-size and cut casket and a clear statement on each photograph and electronic image of a casket stating the unit price of that casket. At no time shall less than eight different adult full size caskets be on the premises.
Author: Charles M. Perine
Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-13-113.

History: Filed July 31, 1984. **Amended:** Filed January 30, 2012; effective March 5, 2012. **Amended:** Filed June 6, 2014; effective July 11, 2014.

395-X-6-.03 Rest Rooms.

Each establishment shall have at least one public rest room. The rest room(s) shall have nonporous floors and clean walls and also shall be equipped with hot and cold running water, roll or disposable towels, and necessary lighting for adequate visibility. The rest room(s) shall not be used as a storage area for mops, brooms, or any other items.
Author:
Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-13-151.
History: Filed July 31, 1984.

395-X-6-.04 General Interior.

The interior of the establishment shall be maintained to assure that there are no rotten or deteriorated boards or flooring which would be subject to public travel. All outside openings shall be screened, covered, or otherwise sealed to prevent the entrance of insects or rodents. Any openings between the preparation room and public areas shall be sealed to prevent fumes from escaping into such areas. All public areas should be maintained to present a clean and attractive appearance which includes the repair and maintenance of all walls and floors which may have holes, scaling paint, or any other deterioration.
Author:
Statutory Authority: Code of Ala. 1975, §§ 34-13-26, 34-13-151.
History: Filed July 31, 1984.

395-X-6-.05 General Exterior.

The exterior and immediate surroundings of the establishment should be maintained to assure that the premises be free of litter and debris and that all areas subject to public travel be free of objects or other matter which could cause possible injury. All roofing or overhead covering shall be maintained to prevent any leaks to the interior of the establishment.
Author:
Statutory Authority: Code of Ala. 1975, §§ 34-13-26, 34-13-151.
History: Filed July 31, 1984.

395-X-6-.06 Embalming Records.

(1) Embalming Log.

(a) Each funeral establishment in this state, beginning January 1, 1986, shall keep a record of each human dead body embalmed at said establishment and shall retain such record for a period of not less than four (4) years.

(b) The record may be in simple log form, but shall contain

1. the name of the deceased

2. date of embalming

3. time embalming procedure began and ended

4. the signature of the embalmer.

(2) Embalming Authorization.

(a) In accordance with the Federal Trade Commission Funeral Rule, express consent must be obtained prior to embalming. The express consent must be documented and retained in the decedent's file. In addition, to express consent, the funeral establishment must obtain written authorization for embalming from the authorizing agent during the funeral arrangement conference.

(3) Said records may contain any additional information, at the discretion of the establishment, so long as it meets the aforementioned provisions. Embalming records will be checked during the annual inspection beginning fiscal year 1986-87.
Author: Charles M. Perine
Statutory Authority: Code of Ala. 1975, §34-13-26.
History: Filed August 9, 1985. **Amended:** Filed September 12, 2017; effective October 27, 2017.

395-X-6-.07 Identification Of Dead Human Bodies.

In addition to the identification systems as provided in Section 22-19-5, Code of Ala. 1975, the Alabama Board of Funeral Service hereby provides:

(1) A non-detachable ankle bracelets are deemed as an approved method of identification of dead human bodies in the possession or custody of a funeral establishment in this state.

(2) The non-detachable ankle bracelet may contain any information at the discretion of the establishment in addition to the following required information the concerning the deceased:

(a) First and last name

(b) Date of Death

(c) Name of Funeral Establishment

Author: Charles M. Perine
Statutory Authority: Code of Ala. 1975, §34-13-26.
History: **New Rule:** Filed August 11, 2009; effective September 15, 2009. **Amended:** Filed September 12, 2017; effective October 27, 2017.

395-X-6-.08 Mortuary Services.

Each Mortuary Service establishment shall meet and comply with all provisions section 395-X-6-.01, 395-X-6-.04, 395-X-6-.05, 395-X-6-.06 and 395-X-6-.07 of this chapter and Title 34, Chapter 13, Code of Ala. 1975, relating to mortuary services.
Author: Charles M. Perine
Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-13-113(C).
History: **New Rule:** Filed January 30, 2012; effective March 5, 2012.

395-X-6-.09 Crematory.

(1) A funeral establishment that begin operating a crematory on or after October 1, 2017, shall comply with Title 34, Chapter 13, Code of Ala. 1975 and Alabama Administrative Code 395.

(2) A funeral establishment operating a crematory in this state before October 1, 2017, shall comply with Title 34, Chapter 13, Code of Ala. 1975 and Alabama Administrative Code 395, if any of the following occur:

(a) Major structural renovation are made to the crematory facility that includes the addition of square footage or redesign of the facility.

(b) Installation of an additional cremation chamber or the relocation of an existing chamber.

(c) The establishment closes and reopens.

(3) The cremation chamber must be:

(a) Reasonable clean and free of excessive residue

(b) Fully operational with a working thermostat

Author: Charles M. Perine
Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-13-120.
History: **New Rule:** Filed September 12, 2017; effective October 27, 2017.

395-X-6-.10 Crematory Holding Room.

(1) The holding room within a crematory facility for the retention of human remain before cremation and cremated remains after cremation shall be a minimum of 100 square feet.

(2) The holding room shall be secured by a locking door(s) with signs indicating "Employees Only".

(3) The walls and floors shall be non-porous for easy cleaning.

(4) The holding shall a container or receptacle for soiled linen, or clothing, and waste disposal.

(5) It shall have adequate lighting.

(6) All contents or items shall be kept clean of blood and at no time shall the holding room be used as a storage area.

(7) Any openings between the holding room and public areas shall be sealed to prevent odors from escaping into such areas.

(8) Human remains shall never be stacked or placed upon other human remains. For this rule stacked shall mean in direct contact one on top of the other.

Author: Charles M. Perine
Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-13-120.
History: **New Rule:** Filed September 12, 2017; effective October 27, 2017.

395-X-6-.11 Refrigeration Unit.

(1) Refrigeration units for the storage of human remains in a crematory facility shall:

(a) Hold a minimum 3 human remains.

(b) Maintain a constant temperature between 35 degrees to 45 degrees Fahrenheit at all times.

(2) Human remains shall never be stacked or placed upon other human remains. For this rule stacked shall mean in direct contact one on top of the other.
Author: Charles M. Perine
Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-13-120.
History: **New Rule:** Filed September 12, 2017; effective October 27, 2017.

395-X-6-.12 Combustible Cremation Container.

(1) All human remains shall be cremated in a combustible container that provides a complete covering of the remains.

(2) Human remains to be cremated shall be immediately placed in or delivered to the crematory in a combustible container marked with the following identifying information directly on the container:

(a) First and last name

(b) Date of Death

(c) Name of Funeral Establishment
Author: Charles M. Perine
Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-13-121.
History: **New Rule:** Filed September 12, 2017; effective October 27, 2017.

395-X-6-.13 Internal Identification System.

(1) The approved method of internal identification for human remains to be cremated at a crematory shall be metal tags containing the following information:

(a) Crematory Name

(b) Identification Number

(2) The metal tag shall be present with the remains through-out all phases of the cremation process.

(a) When the human remains are present in the cremation chamber the assigned metal tag may be inside the chamber or attached to the outside of the chamber.

(3) Following the completion of the cremation process the metal tag shall be secured in the following manner:

(a) If the cremated remains are placed in a temporary container, then the metal tag shall be secured to the outside of the inner plastic bag containing the cremains.

(b) If the cremated remains are placed into a permanent receptacle, then the metal tag shall be placed inside of the receptacle.

(4) Cremated remains that have been divided into multiple receptacles with written consent from the authorizing agent shall be labeled with identifying information of the deceased.
Author: Charles M. Perine
Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-13-121.
History: New Rule: Filed September 12, 2017; effective October 27, 2017.

395-X-6-.14 Cremation Records.

(1) Cremation Log.

(a) The cremation log shall be in simple log form containing:

1. The name of the deceased

2. Internal identification number

3. Date of cremations

4. Start time and end time of cremation

5. Cremation preformed for

6. Disposition of Cremains

7. The signature of the cremationist.

(2) Cremation Authorization.

(a) The cremation authorization form must contain:

1. The name of the Crematory performing the cremation.

2. The name of the funeral home the cremation is being performed for.

3. Identifying information of the deceased including: Name, date of birth, date of death, age, place of death, time of death,

4. Mechanical or artificial implants

5. Authorizing agent(s) signatures and relationships to the deceased.

6. Disposition of cremated remains.

7. Party to receive cremated remains

8. Signature and title of funeral home representative

9. Signature for receipt of cremated remains.

(b) Funeral establishments arranging cremations must use the cremation authorization form of the crematory where the cremation will be performed.

(3) Cremation Log and Cremation Authorization may contain any additional information, at the discretion of the establishment, as long as it meets the aforementioned provisions.

(4) State Identification Form

(a) A funeral establishment shall complete a State Identification Form prior to the cremation of any human remains and said form shall accompany those human remains in all phases of transportation, cremation, and return of cremated remains.

(b) A funeral establishment must use the State Identification Form created by the Board and available on the Board's website or by contacting the Board's office. An establishment may not alter or amend the form created by the Board or create their own form.

Author: Charles M. Perine
Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-13-120, 34-13-121.
History: **New Rule:** Filed September 12, 2017; effective October 27, 2017. **Amended:** Published July 29, 2022; effective September 12, 2022.

395-X-6-.15 Inspection Penalties.

(1) Any violation under this section is a violation of minimum standards and a threat to the health, safety, and welfare of the public. A funeral establishment or mortuary service licensed by the board shall pay a fine to the board for each violation of this section. If the inspector or a representative of the board finds a violation during an inspection, he or she may immediately issue a citation listing each violation and fine or submit the matter to the board in accordance with the administrative procedures act. After a citation has been issued, the licensee shall either pay the amount of the fine to the board or submit a written request

for an administrative hearing before the board. A request for an administrative hearing before the board shall be received by the board not later than 30 calendar days after the day the citation is issued. Failure to either pay the fine or timely request an administrative hearing before the board shall cause additional disciplinary action to be taken against the licensee. The requirements for inspections and the fines for violations under this section are as follows:

Minimum Standards	**Fine for Violating**
1. Licenses	
a. A license issued under this chapter shall be current and on public display in an area not restricted from the public travel.	$200.00
b. Each license issued under this chapter shall be displayed in the place of business or employment of the licensee.	$100.00
2. Selection Room	
a. Each funeral establishment shall have a clean and neatly arranged selection or display room containing a stock of adult caskets and funeral supplies displayed in full size, cuts, photographs, or electronic images of caskets for persons to view available funeral merchandise or supplies.	$200.00
b. At no time shall less than eight different adult full-size caskets be on the premises of the funeral establishment.	$300.00 per casket below the minimum
c. Each funeral establishment shall have a card or brochure in each full-size and cut casket and on each photograph and electronic image of a casket stating the unit price of that casket.	$100.00 per casket without a card or brochure
3. Rest Room	
a. Each funeral establishment shall have at least one public rest room. Each rest room shall have a nonporous floor, clean walls, and shall be equipped with hot and cold running water, roll or disposable towels or an electronic hand dryer, and necessary lighting for adequate visibility.	$100.00
b. No public rest room shall be used as a storage area for mops, brooms, or any other such items.	$100.00
4. Preparation Room / Branch Location	
i. One approved embalming table	$200.00
ii. Correctly operating embalming equipment	$200.00
iii.A selection of all professional equipment necessary for embalming.	$200.00
iv. Nonporous floors and walls.	$200.00
v. Hot and cold running water.	$100.00
vi. A working ventilation fan.	$200.00

vii.A suitable container for waste disposal.	$100.00
viii. A suitable container for soiled linen or clothing	$100.00
ix. Proper drainage.	$200.00
x. Embalming room and its contents are kept clean of blood when not in use.	$200.00
xi. At no time shall the preparation room be used as a storage area.	$100.00
xii. Aspirator, trocar, nasal tube aspirator, aspirating hoses.	$200.00
5. Embalming Record	
a. Each funeral establishment in the state shall keep a current record of each human dead body embalmed at the establishment and shall retain such record for a period of not less than four years. The record may be in simple log form and shall contain the name of the deceased, the date of embalming, the time the embalming procedure began and ended, and the signature of the embalmer.	$200.00
6. Identification of Dead Human Bodies	
a. Each funeral establishment shall comply with Section 22-19-5 and 395-X-6-.07 by affixing a non-detachable ankle bracelet with identifying information to each dead human body in the possession or custody of the funeral establishment.	$100.00 per body not identified
7. General Interior	
a. There are no rotten or deteriorated floor boards or flooring which is subject to public travel.	$100.00
b. All outside openings are screened, covered, or otherwise sealed to prevent the entrance of insects or rodents.	$100.00
c. Any openings between the preparation room and public areas are sealed to prevent fumes from escaping into those public areas.	$100.00
d. All public areas are well maintained with a clean and attractive appearance including the repair and proper maintenance of all walls, ceilings, and floors and the absence of holes, scaling paint, or any other deterioration.	$200.00
8. General Exterior	
a. The premises are free of litter and debris.	$200.00
b. All areas subject to public travel are free of objects or other matter which could cause possible injury.	$200.00
c. All roofing or overhead coverings are well maintained to prevent any leaks to the interior of the funeral establishment.	$200.00
9. Hearse or Funeral Coach	

a. One operating and properly licensed funeral coach or hearse, equipped for transporting human remains in a casket or urn, on the premises.	$300.00
b. Mortuary Service must have at least one operating and properly licensed motor vehicle, equipped for transporting human remains in a casket or urn.	$300.00
10. Access	
a. Each funeral establishment shall allow reasonable access to the board, or an authorized agent or representative of the board, for inspecting the facilities of the funeral establishment.	$400.00
11. Crematory Facilities	
(a) Clean, Orderly and Sanitary	$100.00
(b) Nonporous floors	$200.00
(c) Hot and cold running water.	$100.00
(d) Operating processing equipment	$200.00
(e) Operational Ventilation unit in conjunction with processer	$200.00
(f) Necessary equipment and supplies to complete the cremation process	$200.00
(g) Combustible Container being used	$200.00 per body not in a combustible container
(h) Combustible Container present	$200.00
(i) Identifying information on Combustible Container	$100.00 per container not identified
(j) Operable Refrigeration system within the required constant temperature	$200.00
(k) Metal Tags with identifying information	$300.00
(l) Are Containers containing cremains properly identified	$200.00 per container
12. Cremation Chamber	
(a) Reasonable clean and free of excessive residue	$100.00
13. Record	
(a) Crematory Operator Certificates Posted	$100.00
(b) Cremation Authorization meets requirements	$500.00
(c) State ID Forms being completed	$500.00
(d) Cremation Log Current and has required information	$200.00
14. Pricing Requirements (All Funeral Establishment)	
(a) Does the establishment pricing meet the rules established by the Federal Trade Commission?	$500.00

(2) If the board finds a licensee guilty of any violation of Chapter 13, Title 34, Code of Alabama 1975 or Chapter 395 of the administrative code, including but not limited to, any violation of subsection (a) and the infractions therein, the board may refuse to grant, refuse to renew, or suspend or revoke a license, after proper hearing and notice to the licensee, upon the licensee being found guilty of any violation of this chapter. The board may levy and collect administrative fines for any violation of this chapter, or the rules or regulations of the board, in an amount not less than five hundred dollars ($500) nor more than two thousand five hundred dollars ($2,500) for each violation of this chapter for which the licensee has been found guilty. Repeat violators will be subject to further disciplinary action by the Board in accordance with the Code of Ala. 1975, Title 34 Chapter 13.

Author: Charles M. Perine

Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-13-56, 34-13-111, 34-13-113.

History: New Rule: Filed June 6, 2014; effective July 11, 2014. **Amended:** Filed September 12, 2017; effective October 27, 2017.

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