

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Tuesday, January 9, 2024, and filed with the agency secretary on Tuesday, January 9, 2024.

AGENCY NAME: Alabama Board of Funeral Service

INTENDED ACTION: Amend

RULE NO.: 395-X-2-.01

(If amended rule, give specific paragraph, subparagraphs, etc., being amended) **New Paragraph and subparagraphs: 5, 5(a), 5(b), 6, 6(a), 6(a)(i), 6(a)(ii), 6(a)(iii), 6(a)(iv), 6(b)**

RULE TITLE: Application For License

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted without changes. No Comments Received

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLII, ISSUE NO. 2, AAM,
DATED THURSDAY, NOVEMBER 30, 2023.

STATUTORY RULEMAKING 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).

(Date Filed)
(For LRS Use Only)
REC'D & FILED
JAN 17, 2024
LEGISLATIVE SVC AGENCY

Charles M. Perine

Charles Perine

Certifying Officer or his or her
Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

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:

i. Name

ii. Date of Birth

iii. Social Security Number

iv. 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.