

APA-1

TRANSMITTAL SHEET FOR NOTICE  
OF INTENDED ACTION

Control: 395

Department or Agency: Alabama Board of Funeral Services

Rule No.: Chapter 395-X-8

Rule Title: General Purpose, Scope, Authority, and Definitions

Intended Action New

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? No

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

.....

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

.....

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Charles M. Perine  
Charles Perine

Date

Wednesday, January 17, 2024

REC'D & FILED  
JAN 17, 2024  
LEGISLATIVE SVC AGENCY

ALABAMA BOARD OF FUNERAL SERVICES

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Funeral Service

RULE NO. & TITLE: Chapter 395-X-8 General Purpose, Scope, Authority,  
and Definitions

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

Due to the passage of Alabama Preneed Funeral and Cemetery Act of 2023, SB131 (Act No. 2023-94 effective 10/1/2023), the board began regulating preneed funeral and cemetery services. The administrative rules under the Department of Insurance remained effected as administrative rules of the board until added, amended, or repealed by the board. This rule is being added to administrative rules under the Alabama Board of Funeral Services from DOI with technical changes.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written, verbal, or electronic mail comments will be accepted by the Board until:  
Time: 4:30 p.m., Wednesday March 6, 2024  
Place: 4276 Lomac Street, Montgomery, AL 36106  
Email: charles.perine@fsb.alabama.gov  
Phone: 334-242-4049

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Wednesday, March 6, 2024

CONTACT PERSON AT AGENCY:

Charles M. Perine

*Charles M. Perine*

---

Charles Perine

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

**ALABAMA BOARD OF FUNERAL SERVICES  
ADMINISTRATIVE CODE**

**CHAPTER 395-X-8  
GENERAL PURPOSE, SCOPE, AUTHORITY, AND DEFINITIONS**

**TABLE OF CONTENTS**

<b>395-X-8-.01</b>	<b>Purpose, Scope And Authority.</b>
<b>395-X-8-.02</b>	<b>Definitions</b>
<b>395-X-8-.03</b>	<b>Severability &amp; Effective Date</b>

**395-X-8-.01      Purpose, Scope And Authority..**

(1) The purpose of this chapter is to formalize the practice within the Alabama Board of Funeral Services preceding the effective date of this chapter and set various fees and fine amounts authorized in Code of Ala. 1975, §34-13-170 to -277 (2023), a part of the Alabama Preneed Funeral and Cemetery Act, Code of Ala. 1975, §§34-13-170 to -277, et seq. (2023), adjusted according to Alabama Act No. 2023-94.

(2) This chapter shall apply to all persons subject to the Alabama Preneed Funeral and Cemetery Act.

(3) This chapter is adopted pursuant to Code of Ala. 1975, §§34-13-26 and 34-13-27 (2023).

**Author:** Charles M. Perine

**Statutory Authority:** Code of Ala. 1975, §§34-13-26, 34-13-27.

**History: New Rule:** Published \_\_\_\_\_; effective \_\_\_\_\_.

**395-X-8-.02      Definitions.**

The definitions set forth in §34-13-1, Code of Ala. 1975, apply in this Chapter, together with the following definitions:

1. **Board.** The Alabama Board of Funeral Services.
2. **Department.** The Alabama Department of Insurance.
3. **GAAP (Generally Accepted Accounting Principles).** Uniform minimum standards of, and guidelines to, financial accounting and reporting. The Financial Accounting Standards Board

(FASB) and the Governmental Accounting Standards Board (GASB) are authorized to establish these principles.

4. **FINANCIAL STATEMENT.** The written disclosure of financial information by an applicant for or holder of a preneed certificate of authority according to accounting principles and in a form prescribed by this Chapter.
5. **PRENEED CONTRACT.** As defined in Code of Ala. 1975 §34-13-1 and Rule 395-X-9-.01.
6. **PRINCIPAL.** In reference to a preneed contract, the total sum of deposits on the individual items in the contract. In reference to a trust, the total sum of deposits in trust for all preneed contracts.
7. **THE ACT.** The Alabama Preneed Funeral and Cemetery Act of 2023, Code of Ala. 1975, §§34-13-170 to -277 (2023).

**Author:** Charles M. Perine

**Statutory Authority:** Code of Ala. 1975, §§34-13-26, 34-13-27.

**History: New Rule:** Published \_\_\_\_\_; effective \_\_\_\_\_.

### **395-X-8-.03      Severability & Effective Date.**

(1) If any rule or portion of a rule or its applicability to any person or circumstance is held invalid by a court, the remainder of Rule 395-X-8, 395-X-9, 395-X-10, 395-X-11, and 395-X-12 or the applicability of the provision to other persons or circumstances shall not be affected.

(2) Rule 395-X-8, 395-X-9, 395-X-10, 395-X-11, and 395-X-12 shall become effective on the first date eligible in accordance with the provisions of the Administrative Procedures Act.

**Author:** Charles M. Perine

**Statutory Authority:** Code of Ala. 1975, §§34-13-26, 34-13-27

**History: New Rule:** Published \_\_\_\_\_; effective \_\_\_\_\_.