

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 395
Department or Agency: Alabama Board of Funeral Service
Rule No.: 395-X-4-.08
Rule Title: Change of Ownership
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? No

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, August 21, 2024

REC'D & FILED
AUG 21, 2024

LEGISLATIVE SVC AGENCY

ALABAMA BOARD OF FUNERAL SERVICE

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Funeral Service

RULE NO. & TITLE: 395-X-4-.08 Change of Ownership

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

The Board seek to clarify when a change of ownership application must be submitted to the Board office for approval and to ensure that the correct owners on record in the Board's office.

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., Friday, October 4, 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:

Friday, October 4, 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)

395-X-4-.08 **Change of Ownership.**

1. A funeral establishment must immediately report to the Board:
 - a. Any transfer of a 10% or greater ownership interest;
 - b. Any series of transfers within a one-year period that accrue a 10% or greater ownership interest; or
 - c. Any transfer that results in an individual or entity controlling or losing control of a 50% or greater total ownership interest.
2. All changes of ownership are to be reported on a form prescribed by the Board.
3. An establishment that fails to submit a change of ownership form to the Board within 15 calendar days of any of the preceding shall incur a \$250 late fee.

Author: Charles M. Perine

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

History: New Rule: Published _____; effective _____.