



State of Tennessee

PUBLIC CHAPTER NO. 690

SENATE BILL NO. 1675

By Southerland, Ford

Substituted for: House Bill No. 1380

By Forgety

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 5, Part 2, relative to the board of funeral directors and embalmers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-5-203, is amended by deleting the section in its entirety and substituting instead the following:

62-5-203.

The board has the power to select from its members a president and vice president, to adopt, promulgate, and enforce rules and regulations to effectuate this chapter, to transact its business, and to establish standards of service, practice, and education for licensees, consistent with the laws of this state.

SECTION 2. Tennessee Code Annotated, Title 62, Chapter 5, Part 2, is amended by adding the following language as a new section:

62-5-208.

(a) Notwithstanding any provision of this chapter or rule to the contrary, the board is authorized to conduct inspections and investigate complaints to enforce this chapter.

(b) The board, utilizing an authorized representative licensed as a funeral director and embalmer, shall:

(1) Inspect a funeral establishment making application to the board for initial licensure, change of ownership, or change of location, prior to approving the application; and

(2) Conduct an unannounced inspection of every funeral establishment each year. The following provisions apply to inspections required by this subdivision (b)(2):

(A) Inspections shall be conducted on weekdays between the hours of eight o'clock a.m. (8:00 a.m.) and four-thirty p.m. (4:30 p.m.);

(B) Inspections shall be limited in scope to items in an inspection checklist that shall be published on the board's web site; provided, violations of other items that are plainly visible may be documented; and

(C) If a funeral establishment is unable to participate due to factors not reasonably within its control, the authorized representative may defer the inspection, or a portion thereof, and the funeral establishment shall not incur a reinspection fee.

(c) During the course of inspections, reasonable care shall be used to avoid disruption to invitees being served by the funeral establishment.

(d) A licensee shall not unreasonably fail to cooperate with an authorized representative acting in accordance with this chapter.

SECTION 3. Tennessee Code Annotated, Section 62-5-508(c), is amended by deleting the language "for inspection during normal business hours" and by substituting instead the language "for inspection on weekdays between the hours of eight o'clock a.m. (8:00 a.m.) and four-thirty p.m. (4:30 p.m.)".

SECTION 4. Notwithstanding any provision of this chapter or rule to the contrary, the board is authorized to require an application fee and a license fee for persons applying to the board for reciprocity.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect upon becoming law, the public welfare requiring it.

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PASSED: March 27, 2014



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 15th day of April 2014



BILL HASLAM, GOVERNOR