

316.140 Reciprocity for embalmer or funeral director licensed out of state -- Application for courtesy card -- Privileges and duties of courtesy card holder -- Prohibited acts.

- (1) A person holding an embalmer's or a funeral director's license issued in another state or federal district may obtain a Kentucky embalmer's or a Kentucky funeral director's license if the board finds that the person, before or after obtaining a license in another state or federal district, has met the same or similar requirements for a license as set out in KRS 316.030 and pays to the board a fee equal to the license renewal fee.
- (2) A person holding an embalmer's or a funeral director's license issued in another state or federal district may obtain a courtesy card if the following conditions are met:
 - (a) The person is licensed as an embalmer or a funeral director in another state or federal district;
 - (b) The other state or federal district issues courtesy cards or similar permits to embalmers or funeral directors licensed in Kentucky;
 - (c) The person completes an application for a courtesy card on a form provided by the board; and
 - (d) The person pays a fee that shall not exceed the amount of the fee an embalmer or a funeral director licensed under this chapter is required to pay for license renewal.
- (3) The board may issue a courtesy card to a licensed funeral director or licensed embalmer upon application and payment by the funeral director or embalmer of a fee prescribed by the board in administrative regulations promulgated under KRS Chapter 13A. The application shall be approved by the board, at its discretion. The requirement in KRS 316.030 that all Kentucky-licensed embalmers or funeral directors who practice in Kentucky shall practice from a funeral establishment that is licensed to operate under the provisions of this chapter shall not apply to the holder of a courtesy card. The board shall promulgate administrative regulations necessary to administer and enforce this section.
- (4) A courtesy card issued under this chapter shall expire on July 31 of each year.
- (5) The holder of a courtesy card issued under this chapter may undertake the following acts of funeral directing:
 - (a) Remove and transport unembalmed and embalmed dead human bodies to and from Kentucky to the state or states where the courtesy card holder is licensed as a funeral director;
 - (b) Prepare and complete sections of death certificates and other disposition permits needed for the disposition of deceased human remains, without the assistance of, or being under the supervision of, an embalmer or funeral director licensed under this chapter; and
 - (c) Only a licensed funeral director who has been issued a courtesy card under this subsection may supervise and conduct funeral ceremonies in Kentucky without the assistance of a Kentucky funeral director.
- (6) A courtesy card holder pursuant to this chapter shall comply with all the laws of

Kentucky when engaged in any acts of funeral directing in this state. The board may revoke or suspend the courtesy card, or subject the courtesy card holder to discipline in accordance with the laws applicable to funeral directors and embalmers licensed under this chapter. Any disciplinary measures taken by the board against a courtesy card holder shall be reported by the board to the state board or agency that issued the courtesy card holder's funeral director or embalmer's license or certification.

- (7) The holder of a courtesy card issued under this chapter shall not engage in the following acts:
- (a) Transfer the courtesy card to another individual;
 - (b) Own or operate a funeral home, crematory, or office that provides or offers to sell or arrange funeral or disposition services in Kentucky; and
 - (c) Except as provided in subsection (5) of this section, perform any of the acts related to the practice of funeral directing in Kentucky, including:
 - 1. Arranging for a funeral or disposition service with members of the public;
 - 2. Being employed by, or contracted to perform funeral or embalming services in Kentucky by, a funeral home licensed under this chapter;
 - 3. Advertising funeral or disposition services;
 - 4. Executing contracts for funeral or disposition services in Kentucky;
 - 5. Preparing or embalming deceased human remains in Kentucky; or
 - 6. Exhuming or disinterring human remains in Kentucky.

Effective: June 25, 2013

History: Amended 2013 Ky. Acts ch. 122, sec. 1, effective June 25, 2013. -- Amended 2012 Ky. Acts ch. 31, sec. 1, effective July 12, 2012. -- Amended 2004 Ky. Acts ch. 69, sec. 2, effective July 13, 2004. -- Amended 1998 Ky. Acts ch. 90, sec. 3, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 149, sec. 5, effective July 15, 1996. -- Amended 1988 Ky. Acts ch. 125, sec. 9, effective July 15, 1988. -- Amended 1960 Ky. Acts ch. 52, sec. 14, effective June 16, 1960. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599a-15.

Legislative Research Commission Note (7/15/96). In codifying the changes made to this statute by 1996 Ky. Acts ch. 149, sec. 5, a citation to KRS 316.030 (Section 2 of the Act) has been substituted for the Act's reference to 316.125 (Section 3 of the Act) pursuant to KRS 7.136(1)(h). It is clear from context that the subject matter being treated here relates to the Section 2 of the Act, not Section 3.