

Dear Senators COOK, Ward-Engelking, Lakey, and
Representatives CLOW, Berch, Crane:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Division of Occupational and Professional Licenses - State Board of Morticians:
IDAPA 24.08.01 - Rules of the State Board of Morticians (ZBR Chapter Rewrite, Fee Rule) -
Proposed Rule (Docket No. 24-0801-2401).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 11/11/2024. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/09/2024.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Business Committee

FROM: Division Manager - Matt Drake

DATE: October 25, 2024

SUBJECT: Division of Occupational and Professional Licenses - State Board of Morticians

IDAPA 24.08.01 - Rules of the State Board of Morticians (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule (Docket No. 24-0801-2401)

Summary and Stated Reasons for the Rule

The Division of Occupational and Professional Licenses - State Board of Morticians submits notice of proposed fee rulemaking. The Division states that the rulemaking streamlines and simplifies existing rules that were previously submitted to and reviewed by the Legislature. The rulemaking also adds references to current Idaho statutory provisions.

The Division states that the rulemaking includes changes consistent with House Bill 505 of 2024 which was passed by the Legislature. Pursuant to that legislation, the Division updated licensure fees from an annual renewal rate to a biennial renewal rate.

The Division further states that, pursuant to intent language contained in Senate Bill 1201 of 2024, which was passed by the Legislature, the board voted to address its low cash balance by adjusting fees upwards by twenty percent (20%).

Negotiated Rulemaking / Fiscal Impact

The Division states that negotiated rulemaking was conducted. The rulemaking is not anticipated to have a fiscal impact.

Statutory Authority

The proposed rule appears to be within the statutory authority granted pursuant to Sections 54-1106, 54-1107, 54-1115A, and 67-2604, Idaho Code.

cc: Division of Occupational and Professional Licenses - State Board of Morticians
Krissy Veseth

Paul Headlee, Deputy Director Matt Drake, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
legislature.idaho.gov

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.08.01 – RULES OF THE STATE BOARD OF MORTICIANS

DOCKET NO. 24-0801-2401 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, and Sections 54-1106 and 54-1107, Idaho Code.

PUBLIC HEARING SCHEDULE: The public hearing concerning this rulemaking will be held as follows:

24.08.01 – Rules of the State Board of Morticians
Thursday, September 12, 2024 – 9 a.m. (MT) Division of Occupational and Professional Licenses Coolwater Room, Chinden Campus Building 4 11341 W. Chinden Blvd. Boise, ID 83714
Virtual Meeting Link
Telephone and web conferencing information will be posted on https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/ .

The hearing site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Idaho Board of Morticians is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

During the 2024 Legislative session, House Bill 505 was passed by the Legislature. This bill moves all boards to a biennial renewal cycle and updates all fees set through Idaho Code from an annual rate to a biennial rate. The Idaho Board of Morticians fees are established within their administrative rules, therefore the increase of fees found in these proposed rules updates all fees within the fee table from an annual rate to a biennial rate.

Additionally, during the 2023 Legislative session, the Joint Finance Appropriations Committee required the Division to report on year-end cash balances for all boards and to present a plan for all boards where the cash balances either exceed 125% or drops below 30% of the Division's five-year rolling average of expenditures, pursuant to intent language found in Senate Bill 1201 passed by the Legislature. In response to the report and the plan, the board voted to address the board's low cash balance by adjusting the fees upwards of 20% within these proposed rules.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2401. Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 3, 2024, Idaho Administrative Bulletin, Vol. 24-4, pg. 41.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

N/A. No materials have been incorporated by reference into the proposed rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this proposed rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 25, 2024.

DATED this 2nd day of August, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2491
Email: krissy.veseth@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-0801-2401
(ZBR Chapter Rewrite)

24.08.01 – RULES OF THE STATE BOARD OF MORTICIANS

000. LEGAL AUTHORITY.

The following rules are promulgated pursuant to Section 54-1106 and 54-1107, Idaho Code. (3-28-23)

001. SCOPE.

These rules govern the practice of morticians, funeral directors, and funeral establishments in Idaho. (3-28-23)

002. -- 249. (RESERVED)

~~250~~100. RESIDENT TRAINEE LICENSURE.

~~A Resident Trainee is a person who is licensed to train, under the direct and immediate supervision of a sponsoring mortician, to become a licensed mortician or funeral director. (3-28-23)~~

01. ~~Training Requirements~~ Resident Trainee. To be licensed as a Resident Trainee, as defined in

Section 54-1112, Idaho Code, an applicant must meet the following requirements. (3-28-23)()

~~a. Full-time employment requires that the~~ To meet the twelve (12) month requirement set forth in Idaho Code 54-1109(2)(b), a Resident Trainee be employed for at least thirty-six (36) hours per week ~~for fifty (50) weeks per year~~ within ~~the~~ an Idaho mortuary where the Resident Trainee's sponsoring mortician is practicing ~~for the entirety of any twelve (12) months within the three-year trainee period set forth in Idaho Code 54-1112(4).~~ (3-28-23)()

~~i. At least three-fourths (3/4) of the Resident Trainee's training must consist of the sponsoring mortician instructing and demonstrating practices and procedures to increase the Resident Trainee's knowledge of the service performed by a mortician or a funeral director as defined in Chapter 11, Title 54, Idaho Code.~~ (3-28-23)

~~ii.b. For the balance of the required hours,~~ Personal supervision as required in Chapter 11, Title 54, Idaho Code, shall be defined as the sponsoring mortician, or ~~his~~ a licensed appointee, ~~must be~~ ing immediately available in person or remotely to consult with the Resident Trainee. (3-28-23)()

~~bc.~~ All training must occur within Idaho. (3-28-23)

~~ed.~~ A Resident Trainee shall not sign a death certificate. (3-28-23)

02. Sponsoring Mortician. A sponsoring mortician must: (3-28-23)

a. Be an Idaho-licensed mortician who practices in Idaho. (3-28-23)

b. Not serve as the sponsoring mortician for more than two (2) ~~"Resident Trainees at any given time."~~ (3-28-23)()

c. Supervise and instruct the Resident Trainee, and provide demonstrations for and consultations to the Resident Trainee, ~~as described in Subsection 250.01, of this rule.~~ (3-28-23)()

d. Complete and co-sign, with the Resident Trainee, quarterly and final reports. These reports must be completed on forms approved by the Board ~~and document the information described in Subparagraphs 250.04.c. and 250.04.d., of this rule.~~ The sponsoring mortician must ~~promptly~~ submit a report within thirty (30) days after the period of time covered by the report ~~ends.~~ (3-28-23)()

e. Promptly notify the Board in writing if a Resident Trainee's training is terminated, ~~including termination due to interruption as specified in Subsection 250.05, of this rule~~ and submit a final report documenting training up to the termination date. (3-28-23)()

03. Eligibility to Be Licensed. For purposes of accounting for total cumulative training as a Resident Trainee, the sponsoring mortician must notify the Division at the beginning and termination of the training period. ~~When a Resident Trainee completes training, the Resident Trainee must complete the remaining qualifications for licensure as a mortician or funeral director within the following three (3) years or show good reason for further delay.~~ (3-28-23)()

04. Inactive Licenses. Licensees may apply for inactive status by making written application and paying the established fee. ()

a. All continuing education requirements will be waived for any year or portion thereof that a licensee maintains an inactive license and is not actively practicing or supervising in Idaho. ()

b. An inactive license holder may convert from inactive to active license status by: ()

i. Providing documentation to the Board showing successful completion within the previous twelve (12) months of the continuing education requirements for renewal of an active license; and ()

ii. Paying a fee equivalent to the difference between the current inactive fee and the active renewal

fee. ()

05. Continuing Education. Each Idaho licensed mortician and funeral director must successfully complete a minimum of ten (10) hours of continuing education biennially for license renewal, such hours must be verified by a certificate of attendance which may be audited by the Board. A licensee shall not be required to complete continuing education in their first renewal period after initial licensure. The continuing education must be germane to the profession and approved by the Board. The Board has discretion to exempt a licensee from this requirement for reasons of individual hardship, including health, or other good cause. Applicants seeking reinstatement must provide proof of attendance of ten (10) hours of continuing education for the previous twenty-four (24) months. ()

06. Funeral Establishment and Crematory Establishment. Applicants shall submit a Board approved application form. A walk-through inspection of the establishment must be arranged and completed before the board will issue an establishment license. ()

a. Change in Ownership or Location. Any change in the ownership or location of a funeral establishment shall constitute a new funeral establishment for the purposes of licensure. ()

b. Funeral Establishment. All funeral establishments shall be required to provide each of the following: ()

i. An operating room and necessary equipment for embalming; ()

ii. A selection room for caskets and merchandise which may include video, catalogs, and electronic depiction of caskets and merchandise; ()

iii. A chapel where funeral or other religious ceremonies may be held; and ()

iv. A room for viewing and visitation. ()

c. Crematory Establishment. All crematory establishments shall be required to provide each of the following: ()

i. Detailed information regarding each retort, specifically documenting that each retort and accompanying equipment is listed by an approved testing agency as listed in the Uniform Fire Code or in the case of alkaline hydrolysis, an appropriate purpose-built vessel with documented validation for sterilization; and ()

ii. One (1) set of plans approved by the local building department for the proposed new construction or remodeling where the retort is to be located. ()

d. Minimum Standards. ()

i. Reasonable Sanitation and Safety Required. No license will be issued to operate a funeral establishment or crematory unless it is apparent that the establishment or crematory can and will be operated in a reasonably sanitary and safe manner and that all pertinent federal, state, and local permits have been obtained when operating an alkaline hydrolysis retort. ()

ii. Delay Before Cremation. No dead human body, regardless of cause of death, is to be cremated, unless the county coroner in the county in which the death occurred gives written authorization to cremate the body. ()

iii. Embalming. If a dead human body is to be held longer than twenty-four (24) hours prior to burial, cremation, or other disposition, the body must be either embalmed or refrigerated at thirty-six degrees Fahrenheit (36F) or less until buried, cremated, or otherwise disposed of. ()

iv. Casket Not Necessary. While caskets may be used in cremation, a crematorium may develop internal requirements allowing other containers for aesthetic or sanitary reasons. ()

v. Funeral Rule. Licensees are required to comply with Federal Funeral Industry Practices, 16 CFR Part 453, commonly known as the Funeral Rule. ()

~~251101.~~ -- ~~299149.~~(RESERVED)

~~300. APPLICATIONS AND EXAMINATION.~~

~~In order to be admitted to the examination, the applicant must submit a completed application on forms provided by the Division and provide all requested documentation including proof of having completed the training period as prescribed by law and these rules, and meet the specific requirements for license as set forth in Section 54-1109 of the Idaho Code.~~ (3-28-23)

~~301.—324. (RESERVED)~~

~~325~~150. **APPROVED EXAMINATION.**

Applicants for licensure shall successfully pass the examinations set forth below. (3-28-23)

01. **Mortician Examination.** The Mortician examination shall consist of: (3-28-23)

~~a. A all sections of the International Conference of Funeral Service Examining Board's National Board Examination; and.~~ (3-28-23)()

~~b. The examination of the laws and rules of the state of Idaho relating to the care, disinfection, preservation, burial, transportation, or other final disposition of human remains; and the rules of the Department of Health and Welfare relating to infectious diseases and quarantine.~~ (3-28-23)

02. **Funeral Director.** The funeral director examination shall consist of: (3-28-23)

~~a. T the Arts section of the State Based Examination conducted by the International Conference of Funeral Service Examination Board; and.~~ (3-28-23)()

~~b. The examination of the laws and rules of the state of Idaho relating to the care, disinfection, preservation, burial, transportation, or other final disposition of human remains; and the rules of the Department of Health and Welfare relating to infectious diseases and quarantine.~~ (3-28-23)

~~03. Grading.~~ The required average grade to pass the examination is seventy five percent (75%). Provided further, that where the applicant has a score of less than seventy percent (70%) in one (1) or more subjects, such applicant shall not be passed, notwithstanding that his average mark may be higher than seventy five percent (75%); however, should the applicant apply for reexamination he may, by board approval, be required to retake only that portion of the examination which he failed in previous examination. (3-28-23)

~~326.—379. (RESERVED)~~

~~380. INACTIVE LICENSE.~~

~~01. Request for Inactive License.~~ Persons holding an unrestricted mortician or funeral director license in this state may apply for inactive status by making written application to the Board on a form prescribed by the Board and paying the established fee. (3-28-23)

~~02. Inactive License Status.~~ (3-28-23)

~~a. If a licensee holds a certificate of authority and places their license on inactive status, their certificate of authority expires as of the date their license becomes inactive.~~ (3-28-23)

~~b. All continuing education requirements will be waived for any year or portion thereof that a licensee maintains an inactive license and is not actively practicing or supervising in Idaho.~~ (3-28-23)

~~03. **Return to Active License Status.** An inactive license holder may convert from inactive to active license status by: (3-28-23)~~

~~a. Providing documentation to the Board showing successful completion within the previous twelve (12) months of the continuing education requirements for renewal of an active license; and (3-28-23)~~

~~b. Paying a fee equivalent to the difference between the current inactive fee and the active renewal fee. (3-28-23)~~

~~c. An inactive licensee who held a certificate of authority at the time their license became inactive who returns to active license status pursuant to this rule may be reissued a certificate of authority by paying the renewal fee for the certificate of authority. (3-28-23)~~

~~381.—409. (RESERVED)~~

410. CONTINUING EDUCATION.

~~01. **Continuing Education (CE) Requirement.** Each Idaho licensed mortician and funeral director must successfully complete a minimum of eight (8) hours of continuing education annually for license renewal. (3-28-23)~~

~~a. Each licensee certifies on their renewal application form that compliance with the annual CE requirements has been met during the previous twelve (12) months. The Board may conduct such continuing education audits and require verification of attendance as deemed necessary to ensure compliance with the CE requirements. (3-28-23)~~

~~b. A licensee is considered to have satisfied the CE requirements for the first renewal of the initial license. (3-28-23)~~

~~c. Prior to reinstatement of a license lapsed, canceled, or otherwise non-renewed for less than five (5) years, the applicant must provide proof of attendance of eight (8) hours of continuing education for the previous twelve (12) months. (3-28-23)~~

~~02. **Credit.** Continuing education credit will only be given for actual time in attendance or for the time spent participating in the educational activity. One (1) hour of continuing education is equal to sixty (60) minutes. Courses taken by correspondence or by computer on-line may be approved for continuing education if the courses require an exam or other proof of successful completion. Only four (4) hours of the required continuing education may be from correspondence, computer on-line, or self-study in each renewal period. The remaining hours must be in an interactive setting that provides the opportunity for participants to communicate directly with the instructor. Each licensee must maintain proof of attendance or successful completion documentation of all continuing education courses for a period of three (3) years. (3-28-23)~~

~~a. A licensee may carryover a maximum of eight (8) hours of continuing education to meet the next year's continuing education requirement. Only four (4) hours may be carried over from correspondence, computer on-line, or self-study. (3-28-23)~~

~~03. **Providers/Sponsors/Subjects of Continuing Education.** The continuing education must be provided by a college or university, a national or state association, trade group, or other person or entity approved by the Board and must be germane to the license held. Continuing education may include, but will not be limited to, the following subject areas: (3-28-23)~~

~~a. **Public Health and Technical.** This includes, but is not limited to, embalming, restorative art, after care, organ procurement, sanitation, and infection control. (3-28-23)~~

~~b. **Business Management.** This includes, but is not limited to, computer application, marketing, personnel management, accounting, or comparable subjects. (3-28-23)~~

~~c. Social Science. This includes, but is not limited to, communication skills (both written and oral), sociological factors, counseling, grief psychology, funeral customs, or comparable subjects. (3-28-23)~~

~~d. Legal, Ethical, Regulatory. This includes, but is not limited to, OSHA (Occupational Safety and Health Association), FTC (Federal Trade Commission), ethical issues, legal interpretations, or comparable subjects. (3-28-23)~~

~~04. **Verification of Attendance.** Each licensee must maintain verification of attendance by securing authorized signatures or other documentation from the course instructors or sponsoring institution substantiating any and all hours attended by the licensee. (3-28-23)~~

~~05. **Failure to Fulfill the Continuing Education Requirements.** The license will not be renewed for a licensee who fails to certify compliance with CE requirements. A licensee who makes a false attestation regarding compliance with the CE requirements is subject to disciplinary action by the Board. (3-28-23)~~

~~06. **Special Exemption.** The Board has authority to make exceptions for reasons of individual hardship, including health or other good cause. Each licensee must provide any information requested by the Board to assist in substantiating hardship cases. This exemption is granted at the sole discretion of the Board. Request for special exemption must be made prior to licensure renewal. (3-28-23)~~

~~411151. -- 424199.(RESERVED)~~

~~425200. MAINTENANCE OF PRE-NEED TRUST ACCOUNT FEES~~**PRACTICE STANDARDS.**

~~01. **Maintenance or Pre-Need Trust Account Services.** Maintenance of pre-need trust accounts fee. Pursuant to Section 54-1134(4), Idaho Code, a fee not to exceed ten percent (10%) of the annual earned interest income may be charged for maintenance of pre-need trust accounts. (3-28-23)(____)~~

~~02. **Receipt for Bodies to be Cremated.** The following must be performed by the operator of a crematory upon receipt of a human body for cremation. (____)~~

~~426.---449. (RESERVED)~~

~~450. **FUNERAL ESTABLISHMENT AND CREMATORY ESTABLISHMENT.**~~

~~Applicants shall submit a board approved application form. All newly licensed establishments and all branch or satellite facilities must meet the same requirements for licensure. A walk-through inspection of the establishment must be arranged and completed within six (6) months of the Board's review of the application or the application will be deemed denied and will be terminated upon a thirty (30) day written notice, unless good cause is demonstrated to the Board. (3-28-23)~~

~~01. **Change in Ownership or Location.** Any change in the ownership or location of a funeral establishment shall constitute a new funeral establishment for the purposes of licensure. (3-28-23)~~

~~02. **Funeral Establishment.** All funeral establishments shall be required to provide each of the following: (3-28-23)~~

~~a. An operating room and necessary equipment for embalming; (3-28-23)~~

~~b. A selection room for caskets and merchandise which may include video, catalogs, and electronic depiction of caskets and merchandise; (3-28-23)~~

~~c. A chapel where funeral or other religious ceremonies may be held; and (3-28-23)~~

~~d. A room for viewing and visitation. (3-28-23)~~

~~03. **Funeral Firm.** Every funeral firm in the state of Idaho and/or licensee thereof shall give or cause to be given to the person or persons making funeral arrangements or arranging for the disposition of the dead human~~

~~body at the time of said arrangements and prior to rendering that service or providing that merchandise, a written statement showing to the extent then known the following: (3-28-23)~~

- ~~a. The price of the service that the person or persons have selected and what is included therein. (3-28-23)~~
- ~~b. The prices of each of the supplementary items of service and/or merchandise requested. (3-28-23)~~
- ~~c. The amount involved for each of the items for which the firm will advance monies as an accommodation for the family. (3-28-23)~~
- ~~d. The method of payment. (3-28-23)~~
- ~~e. If the quoted price includes a basic component of a funeral or a part thereof which is not desired, then a credit thereof should be granted. (3-28-23)~~

~~**04. Crematory Establishment.** All crematory establishments shall be required to provide each of the following: (3-28-23)~~

- ~~a. Detailed information regarding each retort, specifically documenting that each retort and accompanying equipment is listed by an approved testing agency as listed in the Uniform Fire Code or in the case of alkaline hydrolysis, an appropriate purpose-built vessel with documented validation for sterilization; and (3-28-23)~~
- ~~b. One (1) set of plans approved by the local building department for the proposed new construction or remodeling where the retort is to be located. (3-28-23)~~

~~**451. (RESERVED)**~~

~~**452. MINIMUM STANDARDS.**~~

~~**01. Reasonable Sanitation and Safety Required.** No license will be issued to operate a funeral establishment or crematory unless it is apparent that the establishment or crematory can and will be operated in a reasonably sanitary and safe manner and that all pertinent federal, state, and local permits have been obtained when operating an alkaline hydrolysis retort. (3-28-23)~~

~~**02. Delay Before Cremation.** No dead human body, regardless of cause of death, is to be cremated, nor is actual cremation of such a body to be commenced, unless the county coroner in the county in which the death occurred gives written authorization to cremate the body. (3-28-23)~~

~~**03. Embalming.** If a dead human body is to be held longer than twenty-four (24) hours prior to burial, cremation, or other disposition, the body must be either embalmed or refrigerated at thirty-six degrees Fahrenheit (36F) or less until buried, cremated, or otherwise disposed of. (3-28-23)~~

~~**04. Casket Not Necessary.** It is not necessary for the body to be in a casket for cremation to take place. (3-28-23)~~

~~**a.** This is not to be construed to mean that the crematory must cremate without a casket; and (3-28-23)~~

~~**b.** It will not prevent the operators from developing their own internal requirements for aesthetic or sanitary reasons. (3-28-23)~~

~~**453. RECEIPT FOR BODIES TO BE CREMATED.**~~

~~The following must be performed by the operator of a crematory upon receipt of a human body for cremation: (3-28-23)~~

~~**01a. Provide a Receipt.** A receipt must be delivered to the licensed mortician or funeral director, his~~

agent, or another person who delivers such body to the crematory. (3-28-23)()

02b. Contents of Receipt. The receipt must show: (3-28-23)()

a.i. The name of the decedent whose body was received; and (3-28-23)

b.ii. The date on which that body was received; and (3-28-23)

c.iii. The place where that body was received; and (3-28-23)

d.iv. The name and address of the funeral establishment from whom that body was received; and (3-28-23)

e.v. The name and address of the person, or the names and addresses of the persons, if more than one (1), who actually delivers the body. (3-28-23)

454. RECORDS OF BODIES.

013. Content of Record Records of Bodies. Each funeral establishment and crematory must maintain a record of each burial, cremation, or other disposition of human remains, disclosing: (3-28-23)()

a. The name of the decedent; ~~and~~ (3-28-23)()

b. The name and address of the person, or names and addresses of the persons if more than one (1), authorizing the burial, cremation, or other disposition of that body; ~~and~~ (3-28-23)()

c. ~~A statement as to whether or not the body was embalmed; and~~ An embalming report or refrigeration log which shows the date(s) and time(s) a body was placed into or removed from refrigeration. (3-28-23)()

d. The date of the burial, cremation, or other disposition of that body; and (3-28-23)

e. The ~~subsequent disposal~~ custodial transfer of any cremated remains, including the name and signature of the recipient and date of transfer. (3-28-23)()

455. RESPONSIBILITY, INSPECTION, AND CONFIDENTIALITY OF RECORDS.

014. Responsibility for Record. Records regarding the burial, cremation, and other disposition of human bodies must be made as soon as reasonably possible after the burial, cremation, or other disposition and must be dated and signed by the licensed mortician or funeral director who supervised or was otherwise directly responsible for the burial, cremation, or other disposition. (3-28-23)

025. Inspection of Records. Records regarding the receipt, burial, cremation, and other disposition of human bodies must be maintained at the funeral establishment and crematory and be open for inspection at any reasonable time by the Board or its designated representatives. (3-28-23)

456201. -- 499299. (RESERVED)

300. DISCIPLINE.

The Board may impose a civil fine not to exceed one thousand dollars (\$1,000) upon a licensee for each violation of Section 54-1116, Idaho Code. ()

301. -- 399. (RESERVED)

500400. FEES.

FEE TYPE	AMOUNT (Not to Exceed)
Funeral Director	\$85 200
Funeral Establishment	\$125 300
Crematory Establishment	\$200 480
Mortician	\$85 200
Inactive License	\$40 90
Resident Trainee	\$50 120
Application Fee	\$100 120
Certificate of Authority	\$50 120

(3-28-23)

~~501. DISCIPLINE.~~

~~The Board may impose a civil fine not to exceed one thousand dollars (\$1,000) upon a licensee for each violation of Section 54-1116, Idaho Code.~~

~~(3-28-23)~~

~~502~~**401. -- 999. (RESERVED)**

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Division of Occupational and Professional Licenses

Agency Contact: Krissy Veseth

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Date: August 2, 2024

IDAPA, Chapter and Title Number and Chapter Name: IDAPA 24.08.01, Rules of the State Board of Morticians

Fee Rule Status: Proposed Temporary

Rulemaking Docket Number: 24-0801-2401

STATEMENT OF ECONOMIC IMPACT:

During the 2024 Legislative session, House Bill 505 was passed by the Legislature. This bill moves all boards to a biennial renewal cycle and updates all fees set through Idaho Code from an annual rate to a biennial rate. The Idaho Board of Morticians fees are established within their administrative rules, therefore the increase of fees found in these proposed rules updates all fees within the fee table from an annual rate to a biennial rate.

Additionally, during the 2023 Legislative session, the Joint Finance Appropriations Committee required the Division to report on year-end cash balances for all boards and to present a plan for all boards where the cash balances either exceed 125% or drops below 30% of the Division's five-year rolling average of expenditures, pursuant to intent language found in Senate Bill 1201 passed by the Legislature. In response to the report and the plan, the board voted to address the board's low cash balance by adjusting the fees upwards of 20% within these proposed rules.

Fee Type	Annual Amount	Biennial Amount	20% Adjustment	Final Adjusted Amount
Funeral Director	\$85	\$170	\$30	\$200
Funeral Establishment	\$125	\$250	\$50	\$300
Crematory Establishment	\$200	\$400	\$80	\$480
Mortician	\$85	\$170	\$30	\$200
Inactive License	\$40	\$80	\$10	\$90
Resident	\$50	\$100	\$20	\$120
Application Fee	\$100	N/A	\$20	\$120
Certificate of Authority	\$50	\$100	\$20	\$120

In the above table, the 20% adjustment column indicates the additional cost that will be imposed on those specific licensees on a biennial basis. Utilizing data from Fiscal Year 2024 Year End, the increase in fees will result in approximately a projected additional \$16,670 for the board's cash balance during starting in Fiscal Year 2026 biennially.