

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 791

Introduced by Ebke, 32; Craighead, 6.

Read first time January 07, 2016

Committee:

- 1 A BILL FOR AN ACT relating to the Funeral Directing and Embalming
- 2 Practice Act; to amend section 38-1424, Reissue Revised Statutes of
- 3 Nebraska; to eliminate certain grounds for refusal or discipline of
- 4 a credential under the Funeral Directing and Embalming Practice Act;
- 5 and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-1424, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 38-1424 (1) In addition to the grounds for disciplinary action found
4 in sections 38-178 and 38-179, a credential issued under the Funeral
5 Directing and Embalming Practice Act may be denied, refused renewal,
6 limited, revoked, or suspended or have other disciplinary measures taken
7 against it in accordance with section 38-196 when the applicant or
8 credential holder is found guilty of any of the following acts or
9 offenses:

10 (a) Solicitation of dead human bodies by the credential holder or
11 his or her agents, assistants, or employees, either prior to or following
12 death;

13 (b) The purchasing of funeral or embalming engagements or the
14 payment of a commission either directly or indirectly or offer of payment
15 of such commission to any agent, assistant, or employee for the purpose
16 of securing business;

17 (c) Using indecent, profane, or obscene language ~~in the presence of~~
18 ~~a dead human body or~~ within the immediate presence or hearing of the
19 family, relatives, or friends of the deceased prior to the burial of the
20 deceased;

21 (d) Soliciting or accepting any remuneration, commission, bonus, or
22 rebate in consideration of the recommending or causing a dead human body
23 to be placed in any crematory, mausoleum, or cemetery;

24 (e) Using any casket or part thereof which has previously been used
25 as a receptacle for, or in connection with, the shipment, burial, or
26 other disposition of a dead human body without first identifying such
27 item as used;

28 (f) Violations of any state law, municipal ordinance, or rule or
29 regulation of the department or other body having regulatory powers,
30 relating to the handling, custody, care, or transportation of dead human
31 bodies;

1 (g) Refusal to surrender promptly the custody of a dead human body
2 upon request of a person or persons lawfully entitled to the custody
3 thereof; or

4 (h) Taking undue advantage of a patron or patrons, or being found
5 guilty of fraud, or misrepresentation in the selling of merchandise or
6 service to patrons.

7 (2) An applicant or a credential holder shall be subject to the
8 penalty provisions of this section if found guilty of any of the
9 following:

10 (a) Paying, directly or indirectly, any money or other thing of
11 value as a commission or gratuity for the securing of business;

12 (b) The buying of a business of any person, firm, or corporation, or
13 the paying of a commission to any person, firm, or corporation or to any
14 hospital or any institution where death occurs or to any hospital
15 superintendent, nurse, intern, or other employee, whether directly or
16 indirectly; or

17 (c) Willful malpractice.

18 (3) Any funeral director and embalmer who commits any of the acts or
19 things prohibited by this section or otherwise violates any of the
20 provisions thereof shall be guilty of a Class II misdemeanor.

21 (4) Nothing in this section shall be construed to prohibit a
22 licensed funeral director and embalmer from engaging in sales of funeral
23 goods or services under the Burial Pre-Need Sale Act.

24 Sec. 2. Original section 38-1424, Reissue Revised Statutes of
25 Nebraska, is repealed.