Selected Laws Relating to Death and the Funeral Profession

The Kansas State Board of Mortuary Arts (KSBMA)

Rule Book

January 1, 2020

$5.00

No charge if downloaded from the KSBMA website

The Kansas State Board of Mortuary Arts (KSBMA)
700 SW Jackson Street, Suite 904
Topeka, Kansas 66603-3733
Phone: (785) 296-3980
Fax: (785) 296-0891
Email: boma1@ks.gov
Website: https://ksbma.ks.gov/

ABOUT THIS RULE BOOK

This Rule Book includes selected laws involving the funeral industry in the State of Kansas. Copies can be purchased for $5.00 each by mailing a check or money order to the KSBMA office or may be downloaded/printed from the KSBMA's website, located at https://ksbma.ks.gov/.

The web site where you can search state statutes on-line is:

http://www.kslegislature.org/li/b2019_20/statute/

The web site where you can search state regulations on-line is:

http://www.kssos.org/Pubs/pubs_kar.aspx

Please feel free to provide us with any suggestions (corrections, additions, deletions, changes....) for future rule books. Your input is valuable and is appreciated.

Mack Smith, Executive Secretary
Kansas State Board of Mortuary Arts (KSBMA)
700 SW Jackson Street, Suite 904
Topeka, Kansas 66603-3733
Phone: (785) 296-3980
Fax: (785) 296-0891
Email: boma1@ks.gov
Website: https://ksbma.ks.gov/

RELATED INFORMATION

Kansas Department of Health & Environment (KDHE)
Office of Vital Statistics (OVS)
1000 SW Jackson St., Room 120
Topeka, Kansas 66612-2221
Telephone: (785) 296-1400
Fax: (785) 296-8075
Web site: http://www.kdheks.gov/vital/

Kansas Secretary of State's Office
Memorial Hall Building, 1st Floor
120 SW 10th Ave.
Topeka, Kansas 66612-1594
Telephone: (785) 296-1493
Fax: (785) 296-4570
Web site: https://sos.kansas.gov/

Kansas Insurance Department
420 SW 9th St.
Topeka, Kansas 66612-1678
Telephone: (785) 296-3071 or 1-800-432-2484
Fax: (785) 296-2283
Web site: http://www.ksinsurance.org/
To file a complaint: http://www.ksinsurance.org/department/complaint.php

Kansas Attorney General's Office
Consumer Protection Division
Memorial Hall Building
120 SW 10th Ave., 2nd Floor
Topeka, Kansas 66612-1597
Telephone: (785) 296-3751 or 1-800-432-2310
Fax: (785) 291-3699
Web site: http://www.ksag.org/home/
To file a complaint: http://ag.ks.gov/file-a-complaint

Two informational brochures – "Facts About Funerals" and "Pre-Planning Your Funeral Arrangements" as well as our "Memorial Planning Guide" are available at no cost from the Kansas State Board of Mortuary Arts office and web site. The board's web site, http://ksbma.ks.gov/ is updated regularly to include such items as: approved lists of continuing education programs (including home study/correspondence courses); funeral homes with open positions; individuals looking for employment; licensure requirements, listing of all licensees with their license numbers; listing of city directory of establishments and branch establishments; executive secretary comments; rules and regulations regulated by the Kansas State Board of Mortuary Arts and the two informational brochures mentioned above.

When reading this Rule Book:

Laws with two sets of number (such as 16-301) are statutes. These laws are titled K.S.A. (Kansas Statutes Annotated) and are a result of legislation passed by both the Senate and House of Representatives and signed by the Governor. Although most bills passed by the 2013 Kansas Legislature go into effect July 1, 2013, they all are not officially assigned a statute number until publication of the statute books in January of 2014. For that reason, sometimes legislative bill numbers instead of statute numbers may appear in this book.

Laws with three sets of numbers (such as 63-1-1) are regulations. These laws are titled K.A.R. (Kansas Administrative Regulations) and are a result of actions taken by state agencies (including a public hearing) and approved by the Kansas Legislature's Joint Committee of Administrative Rules and Regulations (JCARR.)

Some facts and figures

As of July 1, 2019, there was approximately 2,179 licenses/registrants regulated by the Kansas State Board of Mortuary Arts (KSBMA), including:

594–embalmers; 716–funeral directors; 223–assistant funeral directors; 192–crematory operators; 18–apprentices; 199–establishments, 150–branch establishments, 36–crematories, 33–pre-registered students and 18–registered student embalmers.

In fiscal year 2019 (July 1, 2018 until June 30, 2019) there were a total of 115 licenses issued by the board:

35–assistant funeral directors; 20–funeral directors; 17–embalmers; 24–crematory operators; 5–establishments, 13-branch establishments, and 1–crematory.

During fiscal year 2019 the board administered 22 funeral director examinations with a passing rate of 95% (21 of 22) and interviewed a total of 21 applicants for licensure.

Also, during fiscal year 2019, the board administered 46 assistant funeral director examinations with a 52% (24 of 46) passing rate.

Table of Contents **Page #**

Rule Book Cover	
About this Rule Book	A
Related Information	B
When reading this Rule Book	C
Table of Contents	D-L

Mortuary Laws; Chapter 16--Contracts and Promises; Article 3--Funeral and Cemetery Merchandise Agreements, Contracts and Plans, Prearranged Funeral Agreements

KSA 16-301	Prearranged funeral agreements; conditions	1
KSA 16-302	Same; payments, form and deposit of; exceptions	1
KSA 16-303	Same; payments and earnings; credit life insurance; irrevocable agreements	2
KSA 16-304	Same; payments upon death, conditions; balances; notice; liability	3
KSA 16-305	Same; penalties	3
KSA 16-306	Same; injunction	3
KSA 16-307	Same; severability	4
KSA 16-308	Same; administration of funds; payment into trust fund; investment; payment of administrative costs and taxes; prior existing trusts to comply	4
KSA 16-309	Same; "doing business in state" defined; nonresidents Subject to personal service outside state	4
KSA 16-310	Same; audit of accounts or trusts by secretary of state; redeposit of improperly paid moneys; actions by attorney general; funds held under agreements not subject to legal process; notice of intent to sell and engage in agreements; obstructing or refusing to submit to examination; audit fee	5
KSA 16-311	Same; duty of medical assistance recipient to inform; payments of balances upon death; conditions; liability	6
KSA 16-312	Prearranged funeral agreements; required disclosures	7
KSA 16-313	Same; additional disclosures	7
KSA 16-314	Same; definition	8

Chapter 17--Corporations: Article 13--Cemetery Corporations

KSA 17-1305	Private burying grounds; control by county clerk; actions for damages	8

Chapter 48--Militia, Defense and Public Safety: Article 34--Licensees in the Military Service

KSA 48-3403	Payment of renewal fee, time; continuing education requirement;	8

Chapter 65-Public Health: Article 17--Regulation of Embalmers And Funeral Directors; Funeral Establishments; Embalmers

KSA 65-1701	License; application, issuance; registration and display	9
KSA 65-1701a	Educational requirements; registration and examination, fees; apprenticeship	9
KSA 65-1701b	Reciprocal licenses; fees	10
KSA 65-1702	Embalmer's license; biennial renewal; fees; notice; Suspension and reinstatement; rules and regulations; evidence of continuing education required for license renewal; exemption	10
KSA 65-1702a	Temporary embalming permits for certain purposes; Conditions and limitations	11
KSA 65-1703	Unlicensed persons; unlawful acts; student and apprentice embalmers; definitions	12
KSA 65-1704	Officers of the law	12
KSA 65-1705	Penalties for violations	13
KSA 65-1706	Use of bodies by school for teaching embalming	13
KSA 65-1707	Penalty for embalming without permission of coroner, when	13
KSA 65-1710	Questions used for examination	13
KSA 65-1711	Record of licenses	13
KSA 65-1712	Rules and regulations; submission to secretary of health and environment; penalty for violations	13

Funeral Directors

KSA 65-1713	Funeral director defined	14
KSA 65-1713a	Funeral establishment defined; branch establishments; prearranged funeral agreements	14
KSA 65-1713b	Funeral service or interment, who in charge of	15
KSA 65-1714	Funeral director's license; application; qualifications; examination; display of license; special permits	15
KSA 65-1715	Same; examination fee	16
KSA 65-1716	Biennial renewal fee; notice; suspension of license; reinstatement fee; relicensure; rules and regulations; evidence of continuing education required for license renewal; exemption	16

KSA 65-1717	Assistant funeral director's license; qualifications; fees application; registration; suspension or revocation of license; procedure; biennial renewal; rules and regulations	17
KSA 65-1718	Disposition of moneys; mortuary arts fee fund	19
KSA 65-1719	Record of licenses	19
KSA 65-1721	Qualifications; persons from other states; examination	19
KSA 65-1723	Powers of state board of mortuary arts; fees and expenses	20
KSA 65-1725	Severability of 1935 act	20
KSA 65-1725a	Severability of 1941 act	20
KSA 65-1726	Penalties for violations	20
KSA 65-1727	Fees; fixed by rules and regulations; notice to licensee; licensure by endorsement	21
KSA 65-1728	Eye enucleation; embalmers and other persons; certificate of competence; liability	22

Funeral Establishments

KSA 65-1729	Funeral establishment license; branch establishment license; fees; disposition of moneys; unlawful acts	22
KSA 65-1730	Rules and regulations	23
KSA 65-1731	Failure, neglect or refusal to pay fee classified as class B misdemeanor	23
KSA 65-1732	Disposal of unclaimed cremated remains; veteran's Unclaimed cremated remains; rules and regulations	23
KSA 65-1734	Order of priority of persons authorized to dispose of decedents' remains; immunity of funeral directors, funeral establishments and crematories	24

General Provisions

KSA 65-1751	Denial, suspension or revocation of license, censure or Imposition of fine; grounds; procedure; definitions	25
KSA 65-1752	Solicitation of clients; prohibitions	27
KSA 65-1753	Dead human bodies; removal and delivery	27

Cremation

KSA 65-1760	Definitions	28
KSA 65-1761	Licensure of crematory; requirements of crematory and holding facility	29
KSA 65-1762	Supervision; crematory operator license requirement; cremation requirements; authorization form and coroner's permit	29

KSA 65-1763	Removal of pacemakers and hazardous implants; Procedural requirements for holding of and cremation of a dead human body, prohibitions, packaging of cremated remains; simultaneous cremations	30
KSA 65-1764	Effect of authorizing agent's representations; liability Regarding the refusal to accept a dead human body; to cremate a dead human body or the authorized cremation of a dead human body	31
KSA 65-1765	Failure to remove pacemaker or hazardous implants; liability for damage	32
KSA 65-1766	Rules and regulations; policies; licensure, revocation, suspension or denial of; penalty	32
KSA 65-1767	Conflicting Kansas laws; precedence of this act	34
KSA 65-1768	Licensure; fees; expiration of license; exemption from licensure; unlawful operation	34
KSA 65-1769	Crematory operator	34
KSA 65-1770	Cremations; conducted by whom and where	34
KSA 65-1771	Licensure of crematory operator; application; qualifications	35
KSA 65-1772	Same; renewal; reinstatement; rules and regulations	35
KSA 65-1773	Crematory; recycling materials; requirements	36
KSA 65-1774	Rules and regulations	36

Article 24-Uniform Vital Statistics Act (selected laws)

KSA 65-2401	Definitions	36
KSA 65-2412	Registration of deaths and stillbirths; official death records; use of verified forms; establishment and collection of fee; duties of coroners; filing of certificates; Kansas electronic death registration system	37
KSA 65-2414	Delayed determination of cause of death	38
KSA 65-2415	Form of certificates	38
KSA 65-2416	Certificates as evidence; reproduction of records; certification	38
KSA 65-2417	Certified copies or abstracts	38
KSA 65-2418	Fees for copies and searches; free copies of birth certificate, when; disposition; exemptions; copies, abstracts or data furnished to national office of vital statistics	38
KSA 65-2422c	Minor correction of records	40
KSA 65-2426a	Authorization for cremation; penalty for violation	40
KSA 65-2427	Foreign permit for removal, burial, or other disposition of body	40
KSA 65-2428a	Permit for transportation of dead body to location outside state	40
KSA 65-2429	Funeral directors' monthly reports	41
KSA 65-2434	Crimes, prosecution, penalties	41

KSA 65-2438	Notification of person transporting dead body for disposition that deceased had infectious or contagious disease; form; notification of embalmer, funeral director or other person taking possession of body; confidential information; penalties for violations; "infectious or contagious disease" defined	41
KSA 65-2440	Certificate of birth resulting in stillbirth	42

Article 32-Revised Uniform Anatomical Gift Act (selected law)

KSA 65-3228	Who may make anatomical gift of deceased's body or part	42

Chapter 74-State Boards, Commissions and Authorities: Article 1--Miscellaneous Provisions

KSA 74-139	Licensure, certification or registration by state authority; applicants requested to provide social security number	43
KSA 74-146	Licensing bodies; procedures to suspend or terminate a professional license	43
KSA 74-147	Notice of contempt, warrant or subpoena outstanding to licensing body; temporary license; ability to revoke or suspend; court jurisdiction	43

Article 17-State Board of Mortuary Arts

KSA 74-1701a	State board of mortuary arts established; appointment; vacancies; terms; qualifications; removal	45
KSA 74-1702	Certificate of appointment; oath office	45
KSA 74-1703	Meetings; quorum	45
KSA 74-1704	Officers; terms; salary and expenses of secretary; seal; administration of oaths; issuance of subpoenas; employment of agents, attorneys and an investigator-inspector; rules and regulations; meetings	45
KSA 74-1705	Compensation and expenses; educational extension and research work	46
KSA 74-1706	Injunction or quo warranto for unlawful practice	46
KSA 74-1707	Rules and regulations relative to funeral or burial insurance and prearranged funeral contracts	47
KSA 74-1709	State board of embalming abolished; powers, duties, Functions and property transferred to state board of mortuary arts; rules and regulations preserved	47
KSA 74-1710	Certain officers and employees transferred to state board of mortuary arts; civil service and retirement benefits preserved	48
KSA 74-1711	Investigations; subpoena power; petition to revoke, limit or modify subpoena; district court jurisdiction	48

Agency 63: The Kansas State Board of Mortuary Arts: Article 1-Embalming; Continuing Education of Embalmers And Funeral Directors

KAR 63-1-1	Definitions	49
KAR 63-1-3	Registration and apprenticeship	49
KAR 63-1-4	Examination	51
KAR 63-1-5	Requirements for a reciprocal embalmer's license	51
KAR 63-1-6	General requirements relating to the practice of embalming and funeral directing	51
KAR 63-1-12	Embalmer's biennial renewals	52
KAR 63-1-23	Requirements for an embalmer's license by endorsement	53

Article 2-Funeral Directing

KAR 63-2-1	Embalming regulations adopted	53
KAR 63-2-3	Responsibility of funeral director	54
KAR 63-2-7	General rule relating to the practice of funeral directing	54
KAR 63-2-10	Requirements for a funeral director's license	54
KAR 63-2-11	Requirements for a reciprocal funeral director's license	55
KAR 63-2-12	Funeral director apprenticeship	55
KAR 63-2-13	Funeral director's license examination	56
KAR 63-2-14	Funeral director's biennial renewals	56
KAR 63-2-15	Assistant funeral directors biennial renewals	57
KAR 63-2-26	Assistant funeral director's license examination	57

Article 3-Preparation And Transportation of Bodies; Burial In Mausoleums; and Funeral Establishments

KAR 63-3-9	Embalming fluids and compounds	58
KAR 63-3-10	Death from infectious or contagious diseases	58
KAR 63-3-11	Preparation and transportation of dead human bodies	59
KAR 63-3-12	Mangled, burned, and decomposed bodies	60
KAR 63-3-13	Disinterment	60
KAR 63-3-15	Dead bodies in transit	60
KAR 63-3-16	Burial in mausoleum	60

Agency 28-Kansas Department of Health and Environment: Article 9-Construction, Maintenance and Use of Mausoleums

KAR 28-9-4	Embalming of dead bodies	60

Chapter 65-Public Health: Article 1-Secretary of Health and Environment, Activities

KAR 65-123	Funeral services	61

Article 3-Preparation And Transportation of Bodies; Burial In Mausoleums; and Funeral Establishments

KAR 63-3-17	Services and merchandise pricing	61
KAR 63-3-18	Requirements for the funeral establishment and branch establishment	62
KAR 63-3-19	Establishment and branch establishment licenses; biennial renewals	62
KAR 63-3-20	Reporting of prefinanced funeral agreements	63
KAR 63-3-21	General requirements relating to prefinanced funeral agreements	64
KAR 63-3-22	Inspections of funeral establishments and branch establishments	64
KAR 63-3-23	Inspection generated by a complaint	65

Article 4-Fees

KAR 63-4-1	Payment of fees	65

Article 5-Administrative Hearings And Disciplinary Actions

KAR 63-5-1	Definition of unprofessional or dishonorable conduct	66
KAR 63-5-3	Potentially disqualifying civil and criminal records: advisory opinion; fee	67

Article 6-Continuing Education

KAR 63-6-1	Continuing education requirements	68
KAR 63-6-2	Standards for approval	69
KAR 63-6-3	Post approval and review	70
KAR 63-6-5	Report of licensee	70
KAR 63-6-6	Inactive status	70

Article 7-Crematories

KAR 63-7-1	Definitions	71
KAR 63-7-2	Crematory operator in charge; crematory operator; record keeping	72
KAR 63-7-3	Crematory license; biennial renewals	73
KAR 63-7-4	Responsibility of a crematory operator in charge	73
KAR 63-7-5	Requirements for crematories	74
KAR 63-7-6	Licensure applications for crematories	74
KAR 63-7-7	Inspection of crematories	74
KAR 63-7-8	Inspection generated by a complaint	75
KAR 63-7-9	Crematory operator's license; application requirements	75

KAR 63-7-10 Crematory operator's initial license; biennial renewal 75
KAR 63-7-11 Continuing education 76

Agency 40-Kansas Insurance Department: Article 2-Life Insurance

KAR 40-2-23 Life insurance; preneed funeral contracts or arrangements; disclosure; requirements 76

Agency 92-Kansas Department of Revenue: Article 19-Kansas Retailers' Sales Tax (selected law)

KAR 92-19-15 Undertakers and funeral directors 77

Kansas Department for Children and Families (DCF): Chapter 39-Mentally Ill, Incapacitated and Dependent Persons; Social Welfare: Article 7-Social Welfare; Funeral Assistance

KSA 39-713d Funeral and cemetery expenses; limitations 78

Kansas Department for Children and Families (DCF); Article 4-Public Assistance Program

KAR 30-4-98 Funeral Assistance 79

Kansas Department of Health and Environment (KDHE) Division of Vital Statistics Article 17-Division of Vital Statistics (selected laws)

KAR 28-17-6 Fees for copies, abstracts, and searches 80
KAR 28-17-15 State registrar to prescribe forms 80
KAR 28-17-16 Funeral directors reports 81
KAR 28-17-20 Corrections to certificates and records 81

Chapter 22a-District Coroners and Employees: Article 2--District Coroners (selected laws)

KSA 22a-215 District coroner; disposition of body of deceased; burial, when; expenses, how paid; penalties 84
KSA 22a-231 Same; notification of death to coroner or deputy, when; jurisdiction regarding investigation 85
KSA 22a-232 Same; duties; transfer of jurisdiction 85
KSA 22a-233 Autopsy, when; fees and travel allowances; specimens; record and report to coroner and clerk of the district court; exhumation and autopsy 86

KSA 22a-242	Child death, notification of coroner; autopsy; notification of state review board; notification of parent or guardian; SIDS death; fee for autopsy	87

Chapter 65-Public Health: Article 9-Use of Dead Bodies by Medical School (selected laws)

KSA 65-901	Certain unclaimed dead bodies; use for medical, surgical and anatomical science	87
KSA 65-902a	Delivery of unclaimed bodies to medical school; notice; expenses; receipts; records	88
KSA 65-902b	Burial at expense of person failing to notify or deliver; recovery	88
KSA 65-903	Use of bodies; burial	89
KSA 65-904	When bodies not to be delivered to medical school; burial by relatives or friends; unclaimed body of deceased inmate	89
KSA 65-905	Penalty for violations	89

Chapter 75-State Departments; Public Officers and Employees Article 4-Secretary of State (selected law)

KSA 75-441	Cemetery and funeral audit fee fund; fees remitted and credited; expenditures	89
KSA 75-442	Audits of prearranged funeral agreements and cemetery corporations, payment of expenses; fixed and charged by secretary of state	90

Chapter 21-CRIMES AND PUNISHMENTS: Article 62-Crimes Against the Public Peace (selected law)

KSA 21-6205	Criminal desecration	90

Some additional information related to other related laws not included with this rule book 91

MORTUARY LAWS

Chapter 16–CONTRACTS AND PROMISES
Article 3–FUNERAL AND CEMETERY MERCHANDISE AGREEMENTS, CONTRACTS AND PLANS
Prearranged Funeral Agreements

16-301. Prearranged funeral agreements; conditions. Any agreement, contract or plan requiring the payment of money in a lump sum or installments which is made or entered into with any person, association, partnership, firm or corporation for the final disposition of a dead human body, or for funeral or burial services, or for the furnishing of personal property or funeral or burial merchandise, wherein the delivery of the personal property or the funeral or burial merchandise or the furnishing of services is not immediately required, is hereby declared to be against public policy and void, unless all money paid thereunder shall be deposited in a bank or savings and loan association which is authorized to do business in this state and insured by a federal agency, or invested in a credit union which is insured with an insurer or guarantee corporation as required under K.S.A. 17-2246, and amendments thereto, all as herein provided, and subject to the terms of an agreement for the benefit of the purchaser of the agreement, contract or plan. For the purposes of this act, personal property or funeral or burial merchandise shall include caskets, vaults and all other articles of merchandise incidental to a funeral service, but shall not include grave lots, grave spaces, grave memorials, tombstones, crypts, niches and mausoleums. This act shall not prohibit the funding of a prearranged funeral agreement with insurance proceeds derived from a policy issued by an insurance company authorized to conduct business in this state.
History: L. 1953, ch. 54, § 1; L. 1973, ch. 86, § 1; L. 1976, ch. 97, § 1; L. 1983, ch. 76, § 1; L. 1989, ch. 48, § 70; L. 1994, ch. 229, § 3; L. 2002, ch. 106, § 1; July 1

16-302. Same; payments, form and deposit of; exceptions. (a) Except as authorized by K.S.A. 16-308, and amendments thereto, all funds received pursuant to any agreement, contract or plan governed by K.S.A. 16-301, and amendments thereto, shall be deposited in a bank, credit union or savings and loan association and shall be held by such bank, credit union or savings and loan association in a separate account in the name or names of the purchaser of the merchandise or services and the name of the seller, until released as herein provided.
(b) In addition to the requirements under subsection (a) and except as otherwise provided in subsection (c), a seller which accepts payment under any agreement, contract or plan governed by K.S.A. 16-301, and amendments thereto, shall:
(1) Require such payments to be made in the form of checks, cashier's checks or money orders payable only to the bank, credit union or savings and loan association where deposited; and
(2) deposit such payment in such bank, credit union or savings and loan association within seven business days after receipt.
(c) A seller of agreements, contracts or plans governed by K.S.A. 16-301, and amendments thereto, shall be exempt from the requirements of subsection (b) if the seller maintains commercial insurance providing minimum coverage of $100,000 against

employee dishonesty. A seller of agreements, contracts or plans governed by K.S.A. 16-301, and amendments thereto, which is exempt from subsection (b) under this subsection and which accepts payment under any such agreement, contract or plan shall deposit such payment in a bank, credit union or savings and loan association within 30 days after receipt. Evidence of the commercial insurance maintained for compliance with this subsection shall be provided to the secretary of state within 10 days of a written request.
(d) Each funeral establishment which accepts payments from a purchaser under an agreement, contract or plan governed by K.S.A. 16-301, and amendments thereto, and is exempt from subsection (b) under the provisions of subsection (c), shall file with the state board of mortuary arts at the time of each funeral establishment license renewal required under K.S.A. 65-1729, and amendments thereto, evidence of the commercial insurance maintained for compliance with subsection (c). If such insurance lapses, is cancelled or otherwise ceases to be maintained by the funeral establishment, the insurance carrier shall notify immediately the state board of mortuary arts and the secretary of state of such occurrence.
History: L. 1953, ch. 54, § 2; L. 1973, ch. 86, § 2; L. 1976, ch. 97, § 2; L. 1983, ch. 76, § 2; L. 1989, ch. 48, § 71; L. 1991, ch. 68, § 1; L. 1992, ch. 127, § 1; July 1.

16-303. Same; payments and earnings; credit life insurance; irrevocable agreements. (a) Except as authorized by K.S.A. 16-308, and amendments thereto, all payments made under such agreement, contract or plan, and any earnings or interest thereon, shall remain with such bank, credit union or savings and loan association until the death of the person for whose service the funds were paid or, except as provided in subsection (c), until demand for payment is made by the purchaser of the merchandise or services to the bank, credit union or savings and loan association, and upon such payment to the purchaser, the contract shall terminate.
(b) At the option of a purchaser, any installment contract may provide for additional payments by the purchaser for the cost of group credit life insurance at such rate as is approved from time to time by the insurance commissioner. In the event of the death of the purchaser, the proceeds shall be treated as funds in accordance with K.S.A. 16-304, and amendments thereto.
(c) At the option of the purchaser, such agreement, contract or plan may be made irrevocable as to the retail price of a casket, urn and outside burial container and as to the first $7,000 of funds paid and set aside at the direction of the purchaser. Any interest and earnings accumulated under the agreement, contract or plan may also be irrevocable. This option shall not prohibit the purchaser to designate a different funeral home at any time prior to death, after written notice to the current funeral home, and upon such notification all documents and funds shall be transferred as necessary.
History: L. 1953, ch. 54, § 3; L. 1973, ch. 86, § 3; L. 1976, ch. 97, § 3; L. 1982, ch. 90, § 1; L. 1983, ch. 76, § 3; L. 1989, ch. 48, § 72; L. 1991, ch. 68, § 2; L. 1998, ch. 55, § 1; L. 2004, ch. 41, § 1; L. 2010, ch. 46, § 1; July 1.

16-304. Same; payments upon death, conditions; balances; notice; liability. (a) If any balance remains in the account upon the death of the person for whose services the funds were paid, the same shall not be paid by such bank, credit union or savings and loan association to the person, association, partnership, firm or corporation until a certified copy of the death certificate of such person, a verification of death form or other acceptable proof of death shall have been furnished to the bank, credit union or savings and loan association, together with a verified statement setting forth that all of the terms and conditions of such agreement have been fully performed by the person, association, partnership, firm or corporation.
(b) If any balance remains in the fund after disposition of the fund in accordance with the terms of the agreement, contract or plan such balance shall inure to the benefit of the estate of the purchaser of the agreement, contract or plan unless the purchaser was a person who received medical assistance from the Kansas department for children and families or a deceased surviving spouse of a recipient of medical assistance and the bank, credit union or savings and loan association has received written notice from the Kansas department for children and families, the funeral home or the recipient, stating that medical assistance has been expended on the recipient for which the Kansas department for children and families may have a claim. If such notice has been received, the balance shall be paid to the secretary for children and families or the secretary's designee to the extent of medical assistance expended on the deceased recipient.
(c) The bank, credit union or savings and loan association shall not be liable to the Kansas department for children and families for the balance in the fund if written notice has not been received and the balance of the fund has been paid to the estate of the purchaser of the agreement as provided above.
History: L. 1953, ch. 54, § 4; L. 1973, ch. 86, § 5; L. 1976, ch. 97, § 4; L. 1983, ch. 76, § 4; L. 1989, ch. 48, § 73; L. 1996, ch. 123, § 1; L. 2002, ch. 106, § 2; L. 2004, ch. 36, § 1; L. 2006, ch. 71, § 1; L. 2014, ch. 115, § 10; July 1.

16-305. Same; penalties. Every person who violates any provision of this act: (a) Other than by misappropriating funds in violation of an agreement shall be guilty of a misdemeanor, and, upon conviction shall be fined not less than $100 nor more than $500, or shall be imprisoned for not less than 10 days nor more than 90 days, or both; and (b) by misappropriating funds in violation of an agreement in an amount:
(1) Of $25,000 or more shall be guilty of a severity level 7, nonperson felony;
(2) of at least $1,000 but less than $25,000 shall be guilty of a severity level 9, nonperson felony; or
(3) of less than $1,000 shall be guilty of a class A nonperson misdemeanor.
History: L. 1953, ch. 54, § 5, L. 1994, ch. 348, § 1; L. 2006, ch. 194, § 14; May 25.

16-306. Same; injunction. In addition to other remedies, an action of injunction may be brought and maintained by the state of Kansas to enjoin the violation of this act.
History: L. 1953, ch. 54, § 6; June 30.

16-307. Same; severability. The provisions of this act shall be separable, and in case any provision or part thereof shall be held to be unconstitutional or invalid for any reason, the same shall not be held to affect any other paragraph, provision or part of this act.
History: L. 1953, ch. 54, § 7; June 30.

16-308. Same; administration of funds; payment into trust fund; investment; payment of administrative costs and taxes; prior existing trusts to comply. Any contract not providing for administration of payments thereunder in accordance with K.S.A. 16-302 and 16-303, and amendments thereto, shall provide for payment of all money received by the seller to a corporate trustee designated in a trust indenture or indentures referred to in such contract. All money so paid to and held by such corporate trustee, as well as all interest and earnings thereon, shall be held by such corporate trustee for the benefit of the purchaser in a separate account in the name of the purchaser, except that such trust indenture may provide that the funds in such account and in all other separate accounts covered by the same trust indenture may be invested collectively in a fund maintained by such corporate trustee in its capacity as such, if such fund is administered as required by the provisions of K.S.A. 58-1201 et seq., and amendments thereto; that all participations in the collective investment fund shall be on the basis of a proportionate interest in all of the assets in the fund; that not less frequently than once during each period of six months the corporate trustee shall determine the value of the assets in the fund; and the trust indenture may authorize the corporate trustee to charge the reasonable expenses of administering the trust against the income from the fund, including taxes imposed upon the fund or its income, the expenses of audits performed by independent public accountants and the reasonable expenses incurred in servicing mortgages held by the fund, but no compensation shall be paid for services performed for the corporate trustee by the seller or by anyone affiliated or connected with the seller which exceeds an annual fee of 1% of the current fair market value of the trust to be computed and distributed on either an annual, quarterly or monthly basis. Any seller who has presently established any trust for the purpose of complying with K.S.A. 16-301 to 16-307, inclusive, and amendments thereto, which does not comply with the applicable provisions of this act, is hereby given a period of one year after the effective date of this act within which to amend the trust indenture applicable thereto, to alter its portfolio of investments and to consummate any other changes necessary to comply with this act.
History: L. 1973, ch. 86, § 4; L. 1993, ch. 131, § 1; July 1.

16-309. Same; doing business in state defined; nonresidents subject to personal service outside state. Any person, association, partnership, firm or corporation shall be doing business in this state if they: Are in any way involved in or connected with the negotiation of any contract; enter into any contract as seller or are to perform any service or services covered by any such contract; receive, either as payee or as agent or as a bailment, any money paid by a purchaser on any contract; or solicit any resident of this state while such resident is in this state. If any nonresident person, association, partnership, firm or corporation is doing such business in this state, they shall be subject to the personal service of process outside this state as provided by K.S.A. 60-308.
History: L. 1973, ch. 86, § 6; July 1.

16-310. Same; audit of accounts or trusts by secretary of state; redeposit of improperly paid moneys; actions by attorney general; funds held under agreements not subject to legal process; notice of intent to sell and engage in agreements; obstructing or refusing to submit to examination; audit fee. (a) The secretary of state, or the secretary's representative, shall audit in accordance with this subsection all accounts or trusts of each prearranged funeral agreement, plan or contract entered into pursuant to K.S.A. 16-301 et seq., and amendments thereto. Audits under this section shall be conducted on a random basis and not more than 25 audits shall be conducted during any one calendar year, except that the secretary of state may conduct an audit under this section at any time upon receipt of a complaint. For such purposes, the secretary of state or the secretary's representative is authorized to administer oaths and to examine under oath the directors, officers, employees and agents of any seller of personal property or funeral or burial merchandise. Such examination may be reduced to writing by the person taking it and the examiner may make findings as to the condition of each account or trust examined. Accounting records and information required by this section shall be maintained in a format approved by the secretary of state. For the purposes of such audits, the secretary of state may require any person or officer of a partnership, association, firm or corporation who sells such merchandise to furnish and submit the books, records, papers and instruments of such partnership, association, firm or corporation for examination.

(b) In the event the secretary of state determines that moneys have been improperly obtained from the account or trust by the seller of personal property or funeral or burial merchandise during the period covered by the audit, then the secretary of state may order the seller of personal property or funeral or burial merchandise to redeposit to the account or trust such moneys improperly withdrawn within 30 days.

(c) The attorney general, at the request of the secretary of state, may initiate an action to recover payments required to be redeposited to the account or trust under subsection (b), or to recover other moneys received or disbursed in violation of this act. In addition, the attorney general may seek to enjoin any violation of this act.

(d) In the absence of fraud, all funds held in an account or trust established pursuant to a prearranged funeral agreement, plan or contract shall not be subject to attachment, garnishment or other legal process, nor be seized, taken, appropriated or applied to pay any debt or liability of the seller of personal property or funeral or burial merchandise, buyer or beneficiary, by any legal or equitable process or by operation of law.

(e) No person, partnership, association, firm or corporation shall enter into any prearranged funeral agreement, plan or contract until such person, partnership, association, firm or corporation has filed with the secretary of state a notification of its intention to sell and engage in such prearranged agreements, plans or contracts. Such notice shall include the name of the person, partnership, association, firm or corporation, its principal place of business and the name and address of the bank or savings and loan association, trustee or trustees to be utilized under the provisions of this section.

(f) Whenever any person, partnership, association, firm or corporation refuses to submit the books, records, papers and instruments to the examination and inspection of the secretary of state, or of any of the secretary's representatives, or in any manner obstruct or interfere with the examination or audit authorized by this section, or refuse to be examined under oath concerning any of the affairs of its prearranged funeral agreements,

plans or contracts, the secretary of state may request the attorney general to institute proceedings for the appointment of a receiver for such person, partnership, association, firm or corporation.
(g) Any person, partnership, association, firm or corporation which refuses or neglects to comply with the requirements of this act for a period of 90 days after demand to do so is made upon it by the secretary of state shall be subject to the penalties provided in K.S.A. 16-305, and amendments thereto. The attorney general, upon the request of the secretary of state, shall then begin an action for the appointment of a receiver for such person, partnership, association, firm or corporation and to dissolve the same.
(h) Whenever an audit is made pursuant to this section, the person, partnership, association, firm or corporation so audited shall pay to the secretary of state such expenses relating to the audit as assessed by the secretary of state pursuant to K.S.A. 75-442, and amendments thereto.
History: L. 1987, ch. 77, § 2; L. 1988, ch. 94, § 3; L. 1989, ch. 48, § 74; L. 1992, ch. 172, § 1; July 1.

16-311. Same; duty of medical assistance recipient to inform; payments of balances upon death; conditions; liability. (a) Whenever a person, who is or has been a recipient of medical assistance from the Kansas department for children and families, enters into a prearranged funeral agreement, contract or plan pursuant to K.S.A. 16-301, and amendments thereto, or a prearranged funeral agreement, contract or plan funded by insurance proceeds, such person shall inform the secretary for children and families or the secretary's designee of the existence of such an agreement, contract or plan and shall inform the funeral establishment that such person is or has been a recipient of medical assistance.
(b) If any balance remains after payment for the final disposition of a dead human body, or for funeral or burial services, or funeral or burial merchandise, and the purchaser of the agreement, contract, or plan is or has been a recipient of medical assistance or a deceased surviving spouse of a recipient of medical assistance, any remaining balance shall be paid according to K.S.A. 16-304, and amendments thereto, or if such agreement, contract or plan was funded by insurance, any remaining balance shall be paid by the insurance company or the person, association, partnership, firm or corporation providing the services or merchandise to the secretary for children and families or the secretary's designee, to the extent of medical assistance expended on the deceased recipient. The insurance company or the person, association, partnership, firm or corporation providing the services or merchandise shall not be liable to the Kansas department for children and families for the balance in the account if written notice has not been received stating that medical assistance has been expended on the recipient for which the Kansas department for children and families may have a claim, and the balance of the account has been paid to the estate of the deceased or in the case of insurance, the designated beneficiary.
(c) Payments to the secretary for children and families under subsection (b) and K.S.A. 16-304, and amendments thereto, shall be governed by K.S.A. 39-709, and amendments thereto.
History: L. 2002, ch. 106, § 3; L. 2004, ch. 36, § 2; L. 2014, ch. 115, § 11; L. 2015, ch. 42, § 3; July 1.

16-312. Prearranged funeral agreements; required disclosures. Any prearranged funeral agreement that involves the payment of money or the purchase or assignment of an insurance policy or annuity shall be in writing and shall include the following information:

(a) The name, address and phone number of the seller and the name and address of the purchaser of the contract and if the contract involves the payment of money but not the purchase or assignment of an insurance policy or annuity, the social security number of the purchaser of the contract;

(b) a statement of the funeral goods and funeral services purchased. This disclosure may be made by attaching a copy of the completed statement of funeral goods and services selected to the prearranged funeral agreement;

(c) a disclosure informing the purchaser whether the contract is either a guaranteed prearranged funeral agreement or a non-guaranteed prearranged funeral agreement. If the contract is guaranteed only in part, the disclosure shall specify the funeral goods or funeral services included in the guarantee;

(d) if the prearranged funeral agreement is a guaranteed contract, a disclosure that in exchange for all of the proceeds paid pursuant to such prearranged funeral agreement, the seller shall provide the funeral goods and funeral services set forth in such prearranged funeral agreement without regard to the actual cost of such funeral goods and funeral services prevailing at the time of performance under such prearranged funeral agreement;

(e) if the prearranged funeral agreement is a non-guaranteed contract, a disclosure that the proceeds of the trust, insurance policy, or annuity shall be applied to the retail prices in effect at the time of the funeral for the funeral goods and funeral services set forth in the prearranged funeral agreement and that in the event of an insufficiency of funds, the seller shall not be required to perform under such prearranged funeral agreement until payment arrangements satisfactory to the seller have been made;

(f) a disclosure that any excess funds remaining after the payment of funeral goods and services shall be paid to the estate of the purchaser or the beneficiary named in the life insurance policy if the prearranged funeral agreement is funded by a life insurance policy. If the deceased was a recipient of medical assistance, the balance of unused funds shall be paid to the Kansas department for children and families to the extent of medical assistance expended;

(g) if the prearranged funeral agreement is irrevocable, a disclosure that the purchaser does not have a right to revoke the contract; and

(h) a disclosure that the seller may substitute funeral goods or funeral services of equal quality, value, and workmanship if those specified in the prearranged funeral agreement are unavailable at the time of need.

History: L. 2010, ch. 47, § 1; L. 2014, ch. 115, § 12; July 1.

16-313. Same; additional disclosures. If a prearranged funeral agreement is funded by any means other than an insurance policy or annuity, such prearranged funeral agreement shall include all of the following information in addition to the information required to be included under K.S.A. 2018 Supp. 16-312, and amendments thereto:

(a) A disclosure identifying the name and address of the bank, credit union, savings and loan association, or the trustee of the funeral trust the funds are being deposited into; and

(b) a notice that reasonable fees and expenses may be deducted from the trust if a funeral trust established pursuant to K.S.A. 16-308, and amendments thereto, is being used.
History: L. 2010, ch. 47, § 2; Jan. 1, 2011.

16-314. Same; definition. For the purposes of this act, the term "prearranged funeral agreement" shall mean any agreement, contract or plan authorized by K.S.A. 16-301, and amendments thereto.
History: L. 2010, ch. 47, § 3; Jan. 1, 2011.

Chapter 17-CORPORATIONS
Article 13-Cemetery Corporations

17-1305. Private burying grounds; control by county clerk; actions for damages. All private burying grounds not otherwise expressly provided for by will, deed, or in the actual possession of the owner in life, shall be under the exclusive control of the county clerk of the county in which said burying ground may be situated; and it is hereby made the duty of said clerk to commence a civil suit or suits for any damages that any other person may do or cause to be done to said burying ground, or to the fence, gates or bars enclosing the same, or any of the graves or monuments therein. The style of any such suit shall be "_____, as county clerk of _____ county, against _____, defendant."
History: L. 1870, ch. 44, § 1; R.S. 1923, 17-1305; L. 1976, ch. 145, § 41; L. 1977, ch. 109, § 12; July 1.

Chapter 48-MILITIA, DEFENSE AND PUBLIC SAFETY
Article 34-LICENSEES IN MILITARY SERVICE

48-3403. Payment of renewal fee, time; continuing education requirement. (a) A licensee who desires to engage in or practice an occupation or profession in this state after release from military service shall submit, within six months after such release, but not later than two weeks after engaging in or practicing such occupation or profession in this state after such release, the renewal fee required by law for the current license period with a completed renewal application, and thereupon, the licensee shall be deemed to have complied with all requirements of law relating to payment of licensure renewal fees. A licensee who submits the renewal fee and completed renewal application in accordance with this section shall not be charged any late payment fees or penalties. The license of a licensee who fails to renew the license pursuant to this section may be canceled, revoked or suspended in accordance with the applicable law.
(b) A licensee who is required by law to obtain continuing education as a condition prerequisite to renewal of a license shall be exempt from such continuing education requirement until completion of the next full licensure period so long as the licensee submits the renewal fee and completed renewal application in accordance with subsection (a).
History: L. 1991, ch. 282, § 3; L. 2005, ch. 117, § 3; Apr. 21.

Chapter 65-PUBLIC HEALTH
Article 17-REGULATION OF EMBALMERS AND FUNERAL DIRECTORS; FUNERAL ESTABLISHMENTS
EMBALMERS

65-1701. License; application, issuance; registration and display. Every person hereafter desiring to enter the practice of embalming dead human bodies within the state of Kansas shall make a written application to the state board of mortuary arts, upon forms prescribed by such board, for a license to practice the science of embalming. If the board finds that the applicant is of good moral character, has complied with the requirements of K.S.A. 65-1701a or 65-1701b, and amendments thereto, is possessed of skill and knowledge in the science of embalming and in the care and disposition of dead human bodies and has reasonable knowledge of sanitation and disinfection in case of death from infectious or contagious diseases, the board shall issue to such applicant a license to practice the science of embalming and shall register the applicant as a duly licensed embalmer. Each license shall be signed by the president and secretary of the board and attested by its seal. Each person receiving a license shall display the same in such person's establishment.
History: L. 1907, ch. 387, § 5; L. 1909, ch. 225, § 3; R.S. 1923, 65-1701; L. 1941, ch. 297, § 5; L. 1964, ch. 27, § 1 (Budget Session); L. 1977, ch. 218, § 1; L. 1985, ch. 215, § 1; July 1.

65-1701a. Educational requirements; registration and examination, fees; apprenticeship. (a) Except as otherwise provided by K.S.A. 65-1701b, and amendments thereto, each applicant for a license to practice embalming in this state, in order to be eligible for examination, shall be required to show to the satisfaction of the state board of mortuary arts that: (1) Prior to July 1, 1991, the applicant successfully completed courses in a community college, college or university accumulating at least 60 semester hours and attended a school of mortuary science approved by the board which offers a twelve-month course in mortuary science and prior to the effective date of this act graduated therefrom accumulating during this training at least 30 semester hours in mortuary science; or (2) on and after July 1, 1991, the applicant has graduated from a community college, college or university with at least an AA degree in mortuary science, which degree program is approved by the board.
(b) Except as otherwise provided in K.S.A. 65-1701b, and amendments thereto, each applicant for a license to practice embalming in this state, in order to be eligible for apprenticeship, shall be required to submit to an examination approved by the state board of mortuary arts. Each applicant shall be required to register with the secretary of the board in the manner and at the time required by the board before submitting to examination. The examination fee and registration fee shall be in the amounts fixed by the board in accordance with K.S.A. 65-1727, and amendments thereto. The board may require that fees paid for an examination be paid by the person taking the examination directly to the examination service providing the examination approved by the board.
(c) Except as otherwise provided by K.S.A. 65-1701b, and amendments thereto, each applicant for a license to practice embalming in this state, in order to be eligible for licensure, shall successfully pass a written examination established by rules and

regulations of the board and shall successfully serve a full-time apprenticeship of one year under the supervision of a Kansas licensed embalmer or an embalmer approved by the board. The board by rules and regulations shall establish the score for the successful completion of the written examination.
(d) The board shall adopt rules and regulations establishing the criteria which a school of mortuary science or college or university offering at least an AA degree in mortuary science shall satisfy in order to obtain board approval under subsection (a). The board may send a questionnaire developed by the board to any school of mortuary science or college or university offering at least an AA degree in mortuary science for which the board does not have sufficient information to determine whether the school, college or university meets the criteria for approval established by rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the school, college or university to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about such schools, colleges or universities. In entering such contracts the authority to approve schools, colleges or universities shall remain solely with the board.
History: L. 1927, ch. 291, § 4; L. 1941, ch. 297, § 6; L. 1949, ch. 332, § 1; L. 1955, ch. 291, § 1; L. 1964, ch. 27, § 2 (Budget Session); L. 1977, ch. 218, § 2; L. 1982, ch. 264, § 1; L. 1985, ch. 215, § 2; L. 1986, ch. 237, § 1; L. 1988, ch. 243, § 8; L. 1991, ch. 190, § 1; L. 1993, ch. 80, § 1; L. 2004, ch. 57, § 3; July 1.

65-1701b. Reciprocal licenses; fees. The state board of mortuary arts may enter into reciprocal relations with the boards of other states in granting licenses to duly licensed embalmers from such states: (a) If the requirements of the state from which the applicant applies are as high as those of the state of Kansas and if the applicant is favorably recommended in writing by the board of the applicant's prior state; or (b) if the applicant individually meets the Kansas requirements even though the requirements of the state from which the applicant applies are not as high as those of the state of Kansas and if the applicant is favorably recommended in writing by the board of the applicant's prior state. The original fee for such reciprocal license and the renewal fees shall be in the amounts fixed by the board in accordance with the provisions of K.S.A. 65-1727 and amendments thereto.
History: L. 1927, ch. 291, § 5; L. 1941, ch. 297, § 7; L. 1964, ch. 27, § 3 (Budget Session); L. 1979, ch. 188, § 2; L. 1985, ch. 215, § 3; L. 1986, ch. 237, § 2; July 1.

65-1702. Embalmer's license; biennial renewal; fees; notice; suspension and reinstatement; relicensure; rules and regulations; evidence of continuing education required for license renewal; exemption. (a) Every licensed embalmer who desires to continue the practice of embalming shall pay to the secretary of the state board of mortuary arts a renewal fee in the amount fixed by the board in accordance with the provisions of K.S.A. 65-1727 and amendments thereto. The secretary shall mail a notice of the due date for payment of the renewal fee at least 30 days prior to such date to the last known address of each licensee.
(b) If such licensee shall fail to pay the renewal fee prior to the expiration date, the licensee shall be automatically suspended and denied the right to practice embalming in

this state during such suspension. The board may reinstate such lapsed licenses upon payment of the fee in arrears and a reinstatement fee in the amount equal to the renewal fee, except such lapse shall not be over six months in duration.
(c) Any person who fails to reinstate a lapsed license within six months after the lapse of such license may apply for relicensure by making application on a form provided by the board. Relicensure shall be granted upon receipt of proof that the applicant is competent to act as a licensed embalmer, meets current qualifications to act as a licensed embalmer, has satisfied all of the requirements for renewal established by law and has paid the board all back renewal fees as established by the board by rules and regulations.
(d) The expiration date of each license issued or renewed shall be established by rules and regulations of the board. Subject to the provisions of this subsection, each license shall be renewable on a biennial basis upon the filing of a renewal application prior to the expiration date of the license and upon payment of the renewal fee established pursuant to K.S.A. 65-1727 and amendments thereto. To provide for a system of biennial renewal of licenses, the state board of mortuary arts may provide by rules and regulations that licenses issued or renewed for the first time after the effective date of this act may expire less than two years from the date of issuance or renewal. In each case in which a license is issued or renewed for a period of time less than two years, the board shall prorate to the nearest whole month the license or renewal fee established pursuant to K.S.A. 65-1727 and amendments thereto. The provisions of this subsection (d) shall not apply to apprentice licenses or periods of apprenticeship under K.S.A. 65-1701a and amendments thereto.
(e) Every licensed embalmer who desires to be actively engaged in the practice of embalming in Kansas shall submit with the renewal application evidence of satisfactory completion of a program of continuing education required by the board. The board by duly adopted rules and regulations shall establish the requirements for such program of continuing education as soon as possible after the effective date of this act.
(f) Every licensed embalmer who is not actively engaged in the practice of embalming in the state shall be exempt from the continuing education requirements set forth in subsection (e) of this section. If the person becomes engaged in the active practice of embalming, such person shall within the first full year after becoming engaged in active practice meet the continuing education requirements specified by the board.
History: L. 1907, ch. 387, § 6; R.S. 1923, 65-1702; L. 1927, ch. 291, § 2; L. 1935, ch. 233, § 1; L. 1941, ch. 297, § 8; L. 1953, ch. 291, § 1; L. 1964, ch. 27, § 4 (Budget Session); L. 1975, ch. 320,§ 1; L. 1979, ch. 188, § 3; L. 1985, ch. 215, § 4; L. 1991, ch. 190, § 2; July 1.

65-1702a. Temporary embalming permits for certain purposes; conditions and limitations. (a) The state board of mortuary arts may issue temporary embalming permits to out-of-state licensed embalmers for teaching purposes involving an approved continuing education program, or in emergency or disaster situations, as deemed necessary by the board. A temporary embalming permit shall be subject to such conditions and limitations as the board may specify in such permit and as may be specified by law. A temporary embalming permit shall authorize the permit holder to

practice embalming subject to the conditions and limitations specified by the board in such permit and the conditions and limitations specified by law.
(b) Each applicant for a temporary embalming permit shall hold an active embalmer license or certificate in another state.
(c) Each application for a temporary embalming permit shall be submitted on forms provided by the board.
(d) Each temporary embalming permit shall be issued for a maximum of 30 days at no cost to the applicant and shall be signed by the president or executive-secretary of the board and attested by the board's seal.
History: L. 1992, ch. 52, § 1; July 1.

65-1703. Unlicensed persons; unlawful acts; student and apprentice embalmers; definitions. It is unlawful for any person who is not licensed as an embalmer to advertise, practice, offer to practice, or hold oneself out as practicing the science of embalming, either by arterial or cavity treatment, or otherwise, in this state, or to embalm any dead human body for shipment or transportation by common or private carrier. It is unlawful for any common carrier to receive for transportation or to transport any dead human body unless the body has been prepared by a licensed embalmer, in accordance with this act and the rules and regulations of the board. No one except a licensed embalmer, an apprentice embalmer or a student embalmer under the provisions of this act and rules and regulations of the board shall be permitted to do any of the actual embalming of a dead human body, and no licensed embalmer shall permit anyone who is not a licensed embalmer, an apprentice embalmer or a student embalmer assigned to such embalmer, to perform in such embalmer's place of business, or elsewhere, or under such embalmer's supervision, any of the actual embalming of a dead human body, or perform any act necessary to embalm and preserve a dead human body.
Student embalmers shall preregister or register with the board and be under the direct personal supervision of a licensed Kansas embalmer at all times during the embalming process. Apprentice embalmers shall be under the personal supervision of a licensed embalmer.
The term "actual embalming" as used in this section shall not be construed to include dressing the hair, bathing, moving or dressing the body, or cosmetic work.
The term "direct personal supervision" means that a licensed Kansas embalmer takes full responsibility for actions of the student embalmer and shall be physically present at all times.
The term "personal supervision" means that a licensed embalmer takes full responsibility for the actions of the apprentice embalmer, but does not require any physical presence.
History: L. 1907, ch. 387, § 8; L. 1909, ch. 225, § 4; R.S. 1923, 65-1703; L. 1941, ch. 297, § 9; L. 1991, ch. 190, § 3; L. 1995, ch. 86, § 1; July 1.

65-1704. Officers of the law. Nothing in this act shall apply to or in any manner interfere with the duties of any officer of the law.
History: L. 1907, ch. 387, § 9; R.S. 1923, 65-1704; L. 1941, ch. 297, § 10; June 30.

65-1705. Penalties for violations. Any person who shall advertise, practice or hold oneself out as practicing the science of embalming without having complied with the provisions of this act shall be guilty of a class A nonperson misdemeanor.
History: L. 1907, ch. 387, § 10; L. 1909, ch. 225, § 5; R.S. 1923, 65-1705; L. 1974, ch. 295, § 5; L. 1978, ch. 105, § 20; L. 1995, ch. 86, § 2; July 1.

65-1706. Use of bodies by school for teaching embalming. The state board of mortuary arts and schools for teaching embalming shall have extended to them the same privileges as to the use of bodies for dissecting, demonstrating or teaching as those granted in this state to medical colleges.
History: L. 1907, ch. 387, § 11; L. 1909, ch. 225, § 6; R.S. 1923, 65-1706; L. 1985, ch. 215, § 5; July 1.

65-1707. Penalty for embalming without permission of coroner, when. It shall be unlawful to embalm a dead human body, when any fact within the knowledge or brought to the attention of the embalmer is sufficient to arouse suspicion of crime in connection with the cause of death of the deceased, until permission of the coroner or where there is no coroner or in case of his absence or inability to act, a sheriff or county or district attorney has first been obtained. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars ($25) nor more than one hundred dollars ($100).
History: L. 1907, ch. 387, § 13; R.S. 1923, 65-1707; L. 1941, ch. 297, § 11; L. 1973, ch. 134, § 52; July 1, 1974.

65-1710. Questions used for examination. The board shall select the examination to be used by applicants for a license.
History: L. 1907, ch. 387, § 16; R.S. 1923, 65-1710; L. 1993, ch. 80, § 2; July 1.

65-1711. Record of licenses. The secretary of said board shall keep a record in which shall be entered the names and residences of all persons to whom licenses have been issued hereunder, and the secretary shall record the license number and the date of issuance of each such license.
History: L. 1907, ch. 387, § 17; L. 1909, ch. 225, § 8; R.S. 1923, 65-1711; L. 1941, ch. 297, § 12; L. 1975, ch. 462, § 88; L. 1979, ch. 188, § 4; July 1.

65-1712. Rules and regulations; submission to secretary of health and environment; penalty for violations. The state board of mortuary arts shall from time to time adopt rules and regulations, not inconsistent with the laws of this state or of the United States, whereby the performance of the duties of the secretary and the board and the practice of embalming dead human bodies and transportation of same shall be regulated. Rules and regulations relating to embalming and transporting dead human bodies shall be adopted by the board after having first been submitted to and approved by the secretary of health and environment. All companies or individuals operating or controlling common carriers and public and private conveyances and all licensed embalmers in this state shall obey the rules and regulations when adopted and published as provided by law, and any licensed embalmer, or any person or owner having charge of

any such common carrier or public or private conveyance, who refuses or neglects to obey such rules and regulations shall be guilty of a misdemeanor and for each offense shall be punished by a fine of not less than $50 nor more than $200.
History: L. 1909, ch. 225, § 9; R.S. 1923, 65-1712; L. 1965, ch. 506, § 30; L. 1979, ch. 188, § 5; L. 1985, ch. 215, § 7; July 1.

FUNERAL DIRECTORS

65-1713. Funeral director defined; business name. (a) A "funeral director" is a person engaged in or conducting, or holding oneself out as engaged in or conducting, the business of:
(1) Preparing dead human bodies, other than by embalming, for disposition; or
(2) Meeting with families for the purpose of making at-need funeral arrangements; or
(3) Directing, arranging for or supervising the disposition of dead human bodies whether by burial or cremation; or
(4) Providing or maintaining a funeral establishment, branch funeral establishment or crematory.
(b) A funeral director shall, in connection with such person's name or business, use the words "funeral director," "undertaker," "mortician," or any other title implying that such person is engaged in the business herein described.
History: L. 1935, ch. 234, § 1; L. 2007, ch. 38, § 1; L. 2010, ch. 68, § 1; July 1.

65-1713a. Funeral establishment defined; branch establishments; prearranged funeral agreements. (a) A "funeral establishment," as the term is used herein, is a business premises where a funeral service, visitation or lying in-state of a dead human body is arranged and conducted, or dead human bodies are embalmed or otherwise prepared for a funeral service, visitation, lying in-state, burial, cremation or transportation. A funeral establishment shall be maintained at a fixed and specific street address or location and shall contain a preparation room equipped with a sanitary floor, walls and ceiling, with adequate sanitary drainage and disposal facilities, good ventilation and light, and the necessary instruments, equipment and supplies for the preparation and embalming of dead human bodies for burial or transportation. The preparation room shall be clearly identified by signs on all preparation room entrance doors, shall be separate from any funeral merchandise display room and chapel or visitation rooms and shall not be a part of the living quarters. Each funeral establishment shall have available or employ a Kansas licensed embalmer for all embalming work, if the funeral director in charge of the establishment is not a Kansas licensed embalmer. Each funeral establishment shall be under the personal supervision of a Kansas licensed funeral director.
(b) The provisions and requirements herein contained shall apply to all branch establishments as well as principal establishments, except that:
(1) Only the funeral director in charge of the funeral establishment who holds the funeral establishment license shall be eligible to apply for a branch establishment license;
(2) a branch establishment is not required to contain a funeral merchandise display room or a preparation room or to be a place where dead bodies are prepared for burial, cremation or transportation;

(3) a branch establishment ownership shall be identical to the ownership of the funeral establishment which owns the branch;
(4) the funeral director in charge of the funeral establishment also shall be responsible for the supervision of all branches of that funeral establishment; and
(5) a branch establishment is not required to be under the personal supervision and charge of a licensed funeral director.
(c) The funeral director in charge of any principal or branch establishment whose facility closes is responsible for notifying all individuals with prefinanced funeral agreements of the need to transfer their agreements to another facility. Such notification shall be provided prior to the closing of the facility with a copy of all letters provided to the state board of mortuary arts.
History: L. 1941, ch. 297, § 15; L. 1986, ch. 238, § 1; L. 1992, ch. 51, § 1; L. 1995, ch. 86, § 3; L. 2011, ch. 4, § 1; July 1.

65-1713b. Funeral service or interment, who in charge of. Every funeral service or interment, or part thereof, hereafter conducted in this state must be in the actual charge and under the supervision of a Kansas licensed funeral director, or of the duly licensed assistant funeral director: Provided, however, That this shall not prevent a family from burying its own dead where death did not result from a contagious, infectious or communicable disease, nor shall it prevent a religious group or sect whose religious belief require the burial of its own dead from conducting such services where death did not result from a contagious, infectious or communicable disease.
History: L. 1941, ch. 297, § 16; June 30.

65-1714. Funeral director's license; application; qualifications; examination; display of license; special permits. (a) It shall be unlawful for any person to engage in, or attempt to engage in, the business of a funeral director, conduct a funeral, or make an interment in this state, except as provided in K.S.A. 65-1713b, and amendments thereto, without a funeral director's license issued by the state board of mortuary arts.
(b) Every person desiring to enter the practice of funeral directing shall make written application therefor to the board on such forms and in such manner as shall be prescribed by the board. The application shall show that the applicant is of legal age, has successfully completed courses in an accredited academic community college or accredited academic college or university accumulating at least 60 semester hours with 20 semester hours earned in subjects designated by the state board of mortuary arts and has had practical experience in funeral directing working full-time for at least one year prior to the date of the application as a licensed Kansas assistant funeral director under a Kansas licensed funeral director. The application shall also show that the applicant has assisted in conducting at least 25 funeral services before applying for a funeral director's license, which showing shall be supported by a verified written statement giving the list of the cases with which the applicant assisted, the dates thereof and the places where the services were conducted. Funeral directors' licenses shall be issued to individuals only, and not to organizations, institutions, corporations or establishments.
(c) The applicant shall be present before the board for examination at a time and place fixed by the board. The manner and form of the examination shall be determined by the

board. It shall not be necessary for the applicant to be a licensed embalmer in order to obtain a funeral director's license under this act.
(d) All licenses shall be signed by the president and secretary of the board and attested by its seal. Every funeral director shall at all times prominently display the funeral director's license in the funeral director's place of employment. In the event of the death of the holder of a funeral director's license, or in other special cases, the board, in its discretion and for good cause shown, may issue special permits to persons otherwise qualified, except for examination, authorizing the temporary practice of funeral directing until the next examination by the board.
(e) Any person, who has lawfully engaged in the business of providing cremation services in Kansas for five consecutive years prior to the effective date of this act, shall be exempt from the apprenticeship requirements which are a prerequisite for licensure as a funeral director under K.S.A. 65-1701a, and amendments thereto, provided that such person shall apply for licensure within six months of the effective date of this act. Any person who is exempt from the apprenticeship requirements under this subsection shall have a grace period of 120 days following the effective date of the act to comply with the requirements for licensure as a funeral director.
History: L. 1935, ch. 234, § 2; L. 1941, ch. 297, § 17; L. 1979, ch. 188, § 6; L. 1982, ch. 264, § 2; L. 1985, ch. 215, § 8; L. 1988, ch. 247, § 3; L. 1991, ch. 190, § 4; L. 2010, ch. 68, § 2; July 1.

65-1715. Same; examination fee. All persons shall be licensed as funeral directors only after due examination by the state board of mortuary arts and the payment of an examination fee. The examination fee shall be in the amount fixed by the board in accordance with the provisions of K.S.A. 65-1727 and amendments thereto. The examination fee shall be in addition to the license fee.
History: L. 1935, ch. 234, § 3; L. 1964, ch. 27, § 5 (Budget Session); L. 1979, ch. 188, § 7; L. 1985, ch. 215, § 9; July 1.

65-1716. Biennial renewal fee; notice; suspension of license; reinstatement fee; relicensure; rules and regulations; evidence of continuing education required for license renewal; exemption. (a) The renewal fee for a funeral director's license shall be in the amount fixed by the state board of mortuary arts in accordance with the provisions of K.S.A. 65-1727 and amendments thereto. The fee shall be due and payable to the secretary of the board prior to the expiration date of the license. The secretary of the board shall mail a notice of the expiration date of each license and of the renewal fee at least 30 days prior to the date of expiration to the last known address of each licensee. If the licensee fails to pay such renewal fee within the time specified, the licensee shall be automatically suspended and denied the right to practice funeral directing in this state during such suspension.
(b) The board may reinstate such lapsed license upon the payment of the fee in arrears, plus the additional reinstatement fee in the amount equal to the renewal fee, if such lapse is not over six months in duration.
(c) Any person who fails to reinstate a lapsed license within six months after the lapse of such license may apply for relicensure by making application on a form provided by the board. Relicensure shall be granted upon receipt of proof that the applicant is competent

to act as a licensed funeral director, meets qualifications to act as a licensed funeral director, has satisfied all of the requirements for renewal established by law and has paid the board all back renewal fees as established by the board by rules and regulations.
(d) The expiration date of each license shall be established by rules and regulations of the board. Subject to the provisions of this subsection, each license shall be renewed on a biennial basis upon the filing of a renewal application prior to the expiration date of the license and upon payment of the renewal fee established pursuant to K.S.A. 65-1727 and amendments thereto. To provide for a system of biennial renewal of licenses, the board may provide by rules and regulations that licenses issued or renewed for the first time after the effective date of this act may expire less than two years from the date of issuance or renewal. In each case in which a license is issued or renewed for a period of time of less than two years, the board shall prorate to the nearest whole month the license or renewal fee established pursuant to K.S.A. 65-1727 and amendments thereto.
(e) Every licensed funeral director who desires to be actively engaged in the practice of funeral directing in Kansas shall submit with the renewal application and renewal fee evidence of satisfactory completion of a program of continuing education required by the board. The board by duly adopted rules and regulations shall establish the requirements for such program of continuing education as soon as possible after the effective date of this act.
(f) Every licensed funeral director who is not actively engaged in the practice of funeral directing in the state shall be exempt from the continuing education requirements set forth in this section. If the person becomes engaged in the active practice of funeral directing, such person shall within the first full year after becoming engaged in active practice meet the continuing education requirements specified by the board.
History: L. 1935, ch. 234, § 4; L. 1941, ch. 297, § 18; L. 1953, ch. 291, § 2; L. 1964, ch. 27, § 6 (Budget Session); L. 1976, ch. 271, § 1; L. 1979, ch. 188, § 8; L. 1985, ch. 215, § 10; L. 1991, ch. 190, § 5; July 1.

65-1717. Assistant funeral director's license; qualifications; fees; application; registration; suspension or revocation of license; procedure; biennial renewal; rules and regulations. (a) The term "assistant funeral director" as herein used means a person who assists a duly Kansas licensed funeral director in one or more of the principal functions of funeral directing, and is actively engaged in such work. An assistant funeral director must be an employee of the funeral director under whom the employee is registered, and shall be a person to whom the funeral director delegates the responsibility of conducting funeral services and making interments.
(b) The state board of mortuary arts may, in its discretion, license assistant funeral directors to each Kansas licensed funeral director. Licensure as an assistant funeral director shall be separate and distinct from registration as an apprentice embalmer. The board may issue an assistant funeral director license on successful completion of an examination, the manner and form of which is to be determined by the board, and upon the payment of the application fee which shall include the license fee for the current year or portion thereof, and such application and license fee shall be in the amount fixed by the board in accordance with the provisions of K.S.A. 65-1727, and amendments thereto. The renewal fee shall be in the amount fixed by the board in accordance with the provisions of K.S.A. 65-1727, and amendments thereto. Before issuing a license to an

applicant for an assistant funeral director's license, the board shall require satisfactory proof that the applicant is capable and trustworthy to act as such and that the applicant is a person of good moral character and temperate habits, has a good standing in the community and is qualified to engage in the business. In determining the moral character of any such applicant, the board shall take into consideration any felony conviction of such person, but such conviction shall not automatically operate as a bar to licensure. Each person applying for an assistant funeral director's license shall make application and be recommended in writing on forms provided by the board. The application shall show that the applicant is at least 17 years of age and has graduated from an accredited high school or has obtained the equivalent of a high school education as determined by the state department of education before such license can be issued to the applicant. Upon issuing a license to an assistant funeral director, as herein provided, the board shall cause the licensee to be registered in the office of the secretary of the board under the supervision of the Kansas licensed funeral director by whom such licensee is employed and under whom such licensee is registered. The funeral director under whom the assistant funeral director has been registered must immediately notify the secretary of the board when the licensee has left the director's employ. Upon the reemployment of the licensee by any other funeral director, such licensee shall be reinstated by the board and receive credit on their apprenticeship for the period of time the licensee had theretofore served as an apprentice. The work of an assistant funeral director shall at all times be under the supervision and control of the Kansas licensed funeral director under whom the licensee is registered. Licenses of assistant funeral directors may be suspended or revoked, or the board may refuse to issue or renew the same, for any of the reasons and in the manner stated herein for funeral directors' licenses. Any such license suspension or revocation action shall be in accordance with the provisions of the Kansas administrative procedure act.

(c) The expiration date of each license shall be established by rules and regulations of the board. Subject to the provisions of this section, each license shall be renewable on a biennial basis upon the filing of a renewal application prior to the expiration date of the license and upon payment of the renewal fee established pursuant to K.S.A. 65-1727, and amendments thereto. To provide for a system of biennial renewal of licenses, the board may provide by rules and regulations that licenses issued or renewed may expire less than two years from the date of issuance or renewal. In each case in which a license is issued or renewed for a period of time less than two years, the board shall prorate to the nearest whole month the license or renewal fee established pursuant to K.S.A. 65-1727, and amendments thereto.

(d) The examination and education requirements set forth in subsection (b) shall not apply to any person holding a valid assistant funeral director's license as of December 31, 2007, or to registered apprentice funeral directors.

History: L. 1935, ch. 234, § 5; L. 1941, ch. 297, § 19; L. 1953, ch. 291, § 3; L. 1964, ch. 27, § 7 (Budget Session); L. 1968, ch. 187, § 1; L. 1972, ch. 231, § 4; L. 1979, ch. 188, § 9; L. 1984, ch. 313, § 110; L. 1985, ch. 215, § 11; L. 2007, ch. 87, § 1; Jan. 1, 2008.

65-1718. Disposition of moneys; mortuary arts fee fund. (a) The state board of mortuary arts shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Ten percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the mortuary arts fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of the state board of mortuary arts or by a person or persons designated by the secretary.
(b) On July 1, 1985, the director of accounts and reports shall transfer all moneys in the embalming board fee fund to the mortuary arts fee fund. On July 1, 1985, all liabilities of the embalming board fee fund are hereby imposed upon the mortuary arts fee fund, and the embalming board fee fund is hereby abolished.
(c) Whenever the embalming board fee fund, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the mortuary arts fee fund.
History: L. 1935, ch. 234, § 6; L. 1973, ch. 309, § 17; L. 1985, ch. 215, § 12; L. 2001, ch. 5, § 230; L. 2011, ch. 53, § 28; July 1.

65-1719. Record of licenses. The secretary of the board shall annually send to the office of the secretary of health and environment a list containing the names, addresses and license numbers of all funeral directors and assistant funeral directors as of July first of that year. A copy of the records of the board, or of any portion thereof, certified by its secretary, shall be deemed lawful evidence in any court of this state.
History: L. 1935, ch. 234, § 7; L. 1941, ch. 297, § 20; L. 1975, ch. 462, § 90; July 1.

65-1721. Qualifications; persons from other states; examination. (a) The board may, in its discretion, upon payment of the fees herein provided for, issue licenses to funeral directors residing in other states who are funeral directors in good standing in their own states, and whose methods of transacting business do not, in the opinion of the board, violate any of the laws of Kansas or the rules and regulations of the board.
(b) If a funeral director from another state desires to locate and engage in that business in this state, the funeral director shall not be required to serve one year as a licensed assistant funeral director in this state if the funeral director is favorably recommended in writing by the license board of the state of the funeral director's previous residence, and if the funeral director has had at least one full year of actual experience as a funeral director in that state, and if the state of the funeral director's previous residence has educational requirements for funeral directors equal to or greater than those in Kansas or the funeral director individually meets the Kansas educational requirements even though the state of the funeral director's previous residence has educational requirements for funeral directors which are not equal to or greater than those in Kansas. Such person shall pay the same fees as required of other applicants in this state.
(c) The board may administer a written or oral examination to a funeral director from another state on the statutes, rules and regulations that govern funeral directing in this state.

History: L. 1935, ch. 234, § 9; L. 1941, ch. 297, § 21; L. 1982, ch. 264, § 3; L. 1983, ch. 211, § 1; L. 1986, ch. 237, § 3; July 1.

65-1723. Powers of state board of mortuary arts; fees and expenses. The state board of mortuary arts shall have the power to adopt and enforce all necessary rules and regulations not inconsistent with this act for examining and licensing funeral directors and assistant funeral directors, issuing licenses by reciprocity, establishing ethical standards and practices and regulating the general practice of funeral directing and cremation. The board shall have the power to inspect funeral establishments, branch establishments and crematories, and to require that funeral establishments, branch establishments and crematories, be maintained, operated and kept in a clean and sanitary condition in accordance with the provisions of this act, rules and regulations of the board and any applicable rules and regulations of the secretary of health and environment. If a person applies for a license for the purpose of opening a new funeral establishment or branch establishment for the purpose of operating a funeral establishment, branch establishment or crematory which has not been heretofore inspected and approved by the board, or if a licensed funeral director or crematory operator in charge makes structural alterations or additions to an existing funeral establishment, branch establishment or crematory, the board shall have the right to withhold the issuance or renewal of any license until any such funeral establishment, branch establishment or crematory has been inspected and approved by the board or its representatives. All references herein to "board" shall refer to the state board of mortuary arts of the state of Kansas unless otherwise clearly indicated. The board is hereby authorized and empowered to do all things necessary and proper in the administration of all the provisions of this act. Members of the state board of mortuary arts shall be allowed the same fees and expenses as are allowed for administering the embalmers' license law.
History: L. 1935, ch. 234, § 11; L. 1941, ch. 297, § 23; L. 1975, ch. 462, § 92; L. 1979, ch. 188, § 10; L. 1985, ch. 215, § 14; L. 1986, ch. 238, § 2; L. 2001, ch. 183, § 10; Jan. 1, 2002.

65-1725. Severability of 1935 act. This act shall be separable, and in case for any reason any provision or part of this act shall be held to be unconstitutional or invalid, the same shall not be held to affect any other paragraph, provision or part of this act.
History: L. 1935, ch. 234, § 13; May 15.

65-1725a. Severability of 1941 act. This act shall be separable, and in case for any reason any provision or part of this act shall be held to be unconstitutional or invalid, the same shall not be held to affect any other paragraph, provision or part of this act.
History: L. 1941, ch. 297, § 14; June 30.

65-1726. Penalties for violations. Any person who violates any provision of article 17 of chapter 65 of the Kansas Statutes Annotated shall be guilty of a class A nonperson misdemeanor.
History: L. 1935, ch. 234, § 14; L. 1995, ch. 86, § 4; July 1.

65-1727. Fees; fixed by rules and regulations; notice to licensee; licensure by endorsement. (a) On or before October 15 of each year, the state board of mortuary arts shall determine the amount of funds that will be required during the next ensuing two years to properly administer the laws which the board is directed to enforce and administer under the provisions of article 17 of chapter 65 of the Kansas Statutes Annotated, and acts amendatory of the provisions thereof and supplemental thereto, and by rules and regulations shall fix fees in such reasonable sums as may be necessary for such purposes within the following limitations:
Embalmers endorsement application fee, not more than $500
Embalmers reciprocity application fee, not more than $500
Funeral directors examination fee, not more than $400
Funeral directors reciprocity application fee, not more than $500
Embalmers/funeral directors reciprocity application fee, not more than $500
Assistant funeral directors application fee, not more than $300
Assistant funeral directors examination fee, not more than $300
Embalmers license and renewal fee, not more than $350
Funeral directors license and renewal fee, not more than $450
Crematory operator's license and renewal fee, not more than $200
Assistant funeral directors license and renewal fee, not more than $400
Apprentice embalmers registration fee, not more than $250
Funeral establishment license fee, not more than $1,000
Branch establishment license fee, not more than $1,000
Crematory license fee, not more than $1,000
Crematory renewal fee, not more than $1,000
Funeral establishment/crematory license fee, not more than $1,500
Funeral establishment/crematory renewal fee, not more than $1,500
Branch establishment/crematory license fee, not more than $1,500
Branch establishment/crematory renewal fee, not more than $1,500
Duplicate licenses $30
Rulebooks $20
Continuing education program sponsor applications $25
Continuing education program licensee applications $25
At least 30 days prior to the expiration date of any license issued by the board, the board shall notify the licensee of the applicable renewal fee therefor.
(b) The fees established by the board under this section immediately prior to the effective date of this act shall continue in effect until such fees are fixed by the board by rules and regulations as provided in this section. An owner of a licensed funeral establishment or licensed branch establishment and a licensed crematory may be charged by the board a combined funeral establishment/crematory license or renewal fee or branch establishment/crematory license or renewal fee under this section in lieu of a separate license or renewal fee for each facility.
(c) The state board of mortuary arts may license embalmers via endorsement from another state: (1) If the individual has been licensed for at least five years and has completed at least five consecutive years of active practice in embalming; (2) has passed the national examination written by the international conference of funeral service examining boards; and (3) has not had any adverse action taken against such licensee

by the state board in which licensure is held. The original fee for such endorsement license and the renewal fee shall be in the amounts fixed by the board in accordance with the provisions of this section.
(d) Fees paid to the board are not refundable.
History: L. 1964, ch. 27, § 8 (Budget Session); L. 1973, ch. 251, § 1; L. 1979, ch. 188, § 11; L. 1981, ch. 300, § 4; L. 1982, ch. 264, § 4; L. 1985, ch. 215, § 15; L. 1986, ch. 238, § 3; L. 1991, ch. 190, § 6; L. 1995, ch. 86, § 5; L. 2001, ch. 183, § 11; L. 2007, ch. 87, § 2; L. 2010, ch. 131, § 7; July 1, 2011.

65-1728. Eye enucleation; embalmers and other persons; certificate of competence; liability. For the purpose of removing an eye or part thereof, any embalmer licensed in accordance with the provisions of article 17 of chapter 65 of the Kansas Statutes Annotated, and acts amendatory thereof, a licensed nurse, technician employed by a nationally certified eye bank, licensed optometrist, attendant as defined under K.S.A. 65-6112, and amendments thereto, or physician assistant, who has completed a course in eye enucleation at a school certified by the department of ophthalmology, college of medicine of the university of Kansas school of medicine, and holds a valid certificate of competence from such certified school, or a person licensed to practice medicine and surgery is hereby authorized to enucleate eyes from any body when the gift of such eye has been made in accordance with the terms of the revised uniform anatomical gift act (K.S.A. 65-3220 through 65-3244, and amendments thereto). Persons certified in accordance with this section and persons licensed to practice medicine and surgery who perform the enucleation of eyes in accordance with the provisions of K.S.A. 65-3220 through 65-3244, and amendments thereto, shall incur no liability, civil or criminal, for his acts in performance of enucleation of eyes.
History: L. 1972, ch. 238, § 1; L. 1998, ch. 65, § 1; L. 2004, ch. 117, § 4; L. 2007, ch. 127, § 31; July 1.

FUNERAL ESTABLISHMENTS

65-1729. Funeral establishment license; branch establishment license; fees; disposition of moneys; unlawful acts. (a) The funeral director in charge of a funeral establishment, as defined by K.S.A. 65-1713a and amendments thereto, including any branch establishment, located or doing business within the state shall apply for and obtain a funeral establishment license or branch establishment license, as appropriate, from the state board of mortuary arts for each location within the state of such funeral establishment or branch establishment.
(b) An application for a new license is required if the funeral establishment or branch establishment changes ownership, name or location. Such application shall be made to the state board of mortuary arts at least 30 days prior to such change of ownership, name or location.
(c) The funeral establishment license fee or branch establishment license fee shall be fixed by the state board of mortuary arts under K.S.A. 65-1727 and amendments thereto and shall be due and paid to the state board of mortuary arts on or before the expiration date of such license. The disposition of all funds collected under the provisions of this act shall be in accordance with the provisions of K.S.A. 65-1718 and amendments thereto.

(d) Each funeral establishment license or branch establishment license shall expire every two years on a date established by the state board of mortuary arts by duly adopted rules and regulations.
(e) It is unlawful for any person who does not hold a funeral establishment or branch establishment license to operate, offer to operate, advertise or represent oneself as operating a funeral or branch establishment.
History: L. 1973, ch. 250, § 1; L. 1979, ch. 188, § 12; L. 1981, ch. 300, § 5; L. 1985, ch. 215, § 16; L. 1986, ch. 238, § 4; L. 1991, ch. 190, § 7; L. 1992, ch. 51, § 2; L. 1995, ch. 86, § 6; July 1.

65-1730. Rules and regulations. The state board of mortuary arts shall adopt rules and regulations for the administration of this act.
History: L. 1973, ch. 250, § 2; L. 1985, ch. 215, § 17; July 1.

65-1731. Failure, neglect or refusal to pay fee classified as class B misdemeanor. It shall be unlawful for any officer or agent of any funeral establishment or branch establishment required to pay the establishment fee authorized by the provisions of this act to fail, neglect or refuse to pay such fee. Any officer or agent of such funeral establishment or branch establishment who fails, neglects or refuses to pay such fee shall be guilty of a class B misdemeanor.
History: L. 1973, ch. 250, § 3; L. 1986, ch. 238, § 5; July 1.

65-1732. Disposal of unclaimed cremated remains; veteran's unclaimed cremated remains; rules and regulations. (a) A funeral establishment, branch establishment or crematory which has possession of the cremated remains of a dead human body may dispose of the cremated remains, if:
(1) Such cremated remains have not been claimed for at least 90 days from the time of cremation;
(2) the funeral establishment, branch establishment or crematory has sent a notice by certified mail, return receipt requested, to the last known address of the authorizing agent as defined under K.S.A. 65-1760, and amendments thereto. Such notice shall state that such remains will be disposed of in accordance with the provisions of this section unless claimed within 30 days of the date such notice is sent; and
(3) the funeral establishment, branch establishment or crematory has not received any claim on the cremated remains for at least 30 days from the date that such notice was sent.
(b) Such disposal under subsection (a) shall include burial by placing the remains in a church or cemetery plot, scatter garden, pond, or columbarium; relinquishing possession of the cremated remains of veterans to the director of the Kansas commission of veterans affairs office, or the director's designee, or a national cemetery in accordance with the provisions of subsection (c); or otherwise disposing of the remains as provided by rule and regulation of the board of mortuary arts. Disposition may include the commingling of the cremated remains with other cremated remains and thus the cremated remains would not be recoverable.
(c) (1) A funeral establishment, branch establishment or crematory which has held in its possession cremated remains for more than 90 days from the date of cremation and has

provided notice pursuant to subsection (a) and the cremated remains remain unclaimed may, in accordance with the provisions of this section, determine if such cremated remains are those of a veteran, and if so, may dispose of such remains as provided in this section.
(2) Notwithstanding any law or rules and regulations to the contrary, nothing in this section shall prevent a funeral establishment, branch establishment or crematory from sharing information with the United States department of veterans affairs or the Kansas commission on veterans affairs office for the purpose of determining whether the cremated remains are those of a veteran. A funeral establishment, branch establishment, crematory, funeral director, assistant funeral director or crematory operator shall be discharged from any legal obligations or liability with regard to the releasing or sharing of information with such entities.
(3) Should a funeral establishment, branch establishment or crematory ascertain the cremated remains in its possession are those of a veteran and they are unclaimed cremated remains to be disposed of pursuant to provisions of subsection (a), the funeral establishment, branch establishment or crematory may relinquish possession of the cremated remains to the director of the Kansas commission on veterans affairs office, or the director's designee, or a national cemetery for disposition. Disposition shall be by placement of cremated remains in a tomb, mausoleum, crypt, niche in a columbarium or burial in a cemetery but shall not include the scattering of cremated remains.
(d) Nothing in this section shall require a funeral establishment, branch establishment or crematory to determine or seek others to determine that an individual's cremated remains are those of a veteran if the funeral establishment, branch establishment or crematory was informed by the person in control of the disposition that: (1) Such individual was not a veteran; or (2) such individual did not desire any funeral or burial-related services or ceremonies recognizing service as a veteran.
(e) The funeral establishment, branch establishment, crematory, funeral director, assistant funeral director or crematory operator, upon disposing of cremated remains in accordance with the provisions of this section, shall be held harmless for any costs or damages, except if there is gross negligence or willful misconduct, and shall be discharged from any legal obligation or liability concerning the cremated remains.
History: L. 1988, ch. 227, § 1; L. 2001, ch. 183, § 12; L. 2012, ch. 86, § 1; L. 2014, ch. 83, § 5; July 1.

65-1734. Order of priority of persons authorized to dispose of decedent's remains; immunity of funeral directors, funeral establishments and crematories. (a) The following persons, in order of priority stated, may order any lawful manner of final disposition of a decedent's remains including burial, cremation, entombment or anatomical donation:
(1) The agent for health care decisions established by a durable power of attorney for health care decisions pursuant to K.S.A. 58-625 et seq., and amendments thereto, if such power of attorney conveys to the agent the authority to make decisions concerning disposition of the decedent's remains;
(2) the spouse of the decedent;
(3) the decedent's surviving adult children. If there is more than one adult child, any adult child who confirms in writing the notification of all other adult children, may direct the

manner of disposition unless the funeral establishment or crematory authority receives written objection to the manner of disposition from another adult child;
(4) the decedent's surviving parents;
(5) the persons in the next degree of kinship under the laws of descent and distribution to inherit the estate of the decedent. If there is more than one person of the same degree, any person of that degree may direct the manner of disposition;
(6) a guardian of the person of the decedent at the time of such person's death;
(7) the personal representative of the decedent; or
(8) in the case of indigents or any other individuals whose final disposition is the responsibility of the state or county, the public official charged with arranging the final disposition pursuant to K.S.A. 22a-215, and amendments thereto.
(b) If the decedent died during active military service, as provided in 10 U.S.C. § 1481(a)(1) through (8), in any branch of the United States armed forces, United States reserve forces or national guard, the person authorized by the decedent to direct disposition pursuant to public law 109-163, § 564, as listed on the decedent's United States department of defense record of emergency data, DD form 93, or its successor form, shall take priority over all other persons described in subsection (a).
(c) A funeral director, funeral establishment or crematory shall not be subject to criminal prosecution or civil liability for carrying out the otherwise lawful instructions of the person or persons under subsection (a) if the funeral director reasonably believes such person is entitled to control final disposition.
History: L. 2000, ch. 122, § 2; L. 2011, ch. 33, § 1; July 1.

GENERAL PROVISIONS

65-1751. Denial, suspension or revocation of license, censure of licensee or imposition of fine; grounds; procedure; definitions. (a) The state board of mortuary arts may refuse to issue or renew a license, may condition, limit, revoke or suspend a license or may publicly or privately censure a licensee, or may impose a fine not to exceed $1,000 per violation upon a finding that a licensee or an applicant for a license:
(1) Has made any misleading, deceptive, untrue or fraudulent statements in applying for or securing an original or renewal license;
(2) has committed an act of unprofessional or dishonorable conduct or professional incompetency;
(3) has been convicted of a felony, and the licensee or applicant for a license is unable to demonstrate to the board's satisfaction that such person has been sufficiently rehabilitated to warrant the public trust, has been convicted of any offense involving moral turpitude or has been convicted of criminal desecration or any other crime which reflects on the licensee's fitness to practice;
(4) has violated any law, ordinance or rule and regulation affecting the handling, custody, care or transportation of dead human bodies;
(5) is rendered unfit or unable to practice embalming or funeral directing by reason of illness, alcohol, chemicals or other types of substances, or as a result of any mental or physical condition as determined by the board after receiving the results of an evaluation by a person licensed to practice medicine and surgery or a person licensed to diagnose and treat mental illness, or both, as directed by the board;

(6) has failed or refused to properly protect or guard against contagious, communicable or infectious disease, or the spreading thereof;
(7) has refused to surrender a dead human body upon the request of the next of kin, or legal representative, if there is no next of kin, or person entitled to the custody and control of the body if there is no next of kin available and no legal representative qualified to act;
(8) or the agent, employee or representative thereof, has advertised, solicited or sold merchandise or services in a manner which is fraudulent, deceptive or misleading in form or content;
(9) or the agent, employee or representative thereof, has engaged in the uninvited, in-person solicitation of an actual or potential customer, who, because of the customer's particular circumstances, was vulnerable to undue influence, intimidation, coercion or overreaching or has violated a provision of K.S.A. 65-1752, and amendments thereto;
(10) or the agent, employee or representative thereof, has knowingly engaged in at-need solicitation;
(11) has used or employed, directly or indirectly, any agent, representative or person, for the purpose of contacting public officials or agents of institutions by whose influence dead human bodies may be turned over to a particular licensee or funeral establishment;
(12) has aided or abetted an unlicensed person to practice any activity for which a license is required under article 17 of chapter 65 of the Kansas Statutes Annotated, and acts amendatory of the provisions thereof or supplemental thereto;
(13) has had a license to practice embalming or funeral directing revoked or suspended, has been censured or has had other disciplinary action taken against oneself or has had an application for a license denied by the proper licensing authority of another state, territory, District of Columbia or other country, an attested copy of the record of the action of the other jurisdiction being presumptive evidence thereof;
(14) has cheated on or attempted to subvert the validity of the examination for a license;
(15) has been found to be mentally ill, mentally disabled, not guilty by reason of insanity, not guilty because the licensee suffers from a mental disease or defect or incompetent to stand trial by a court of competent jurisdiction;
(16) has failed to furnish the board, or its investigators or representatives, any information legally requested by the board;
(17) has failed to report to the board any adverse action taken against the licensee by another state or licensing jurisdiction, a professional association or society, a governmental agency, by a law enforcement agency or a court for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section;
(18) has an adverse judgment, award or settlement against the licensee resulting from the practice of funeral directing or embalming which related to acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section or has failed to report such matter to the board;
(19) has knowingly submitted any misleading, deceptive, untrue or fraudulent representation on a claim form, bill or statement;
(20) has violated any lawful rules and regulations promulgated by the board or any state or federal law including the federal trade commission's funeral rule related to the practice of funeral directing, embalming, cremation or funeral establishments;
(21) has failed to pay any fee required under this act;

(22) has been found liable for or guilty of negligence, incompetence, fraud, misrepresentation or deceit in connection with services rendered as a licensee by a court of competent jurisdiction;
(23) has provided misleading, fraudulent or deceptive statements to the board, its investigators or its representatives, when information is legally requested; or
(24) has provided misleading, fraudulent or deceptive information when filing a death certificate.
(b) The board may adopt rules and regulations defining, construing and interpreting the above grounds for licensure action. All administrative proceedings taken by the board pursuant to this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act.
(c) As used in this section:
(1) "License" means an embalmer's license, funeral director's license, assistant funeral director's license, funeral establishment license, crematory license or branch establishment license.
(2) "At-need solicitation" means any uninvited contact for the purpose of the sale, or attempted sale, of funeral services or merchandise to the family or next of kin of a person after the person's death, or where death is imminent.
History: L. 1987, ch. 237, § 1; L. 1992, ch. 51, § 3; L. 1995, ch. 86, § 7; L. 1995, ch. 251, § 35; L. 1996, ch. 248, § 1; L. 2004, ch. 57, § 4; L. 2007, ch. 38, § 2; July 1.

65-1752. Solicitation of clients; prohibitions. A licensee or the licensee's representative shall not initiate contact with a client or prospective client:
(a) If the person solicited has made known a desire not to receive the communication; or
(b) if the solicitation involves coercion, duress or harassment; or
(c) if the solicitation takes place at the residence of the client or prospective client, is uninvited by the client or prospective client and has not been previously agreed to by the client or prospective client.
History: L. 1987, ch. 237, § 2; July 1.

65-1753. Dead human bodies; removal and delivery. (a) Except as otherwise provided by law and in accordance with any applicable legal requirements, a dead human body which is removed from the location of death shall be transported only to a licensed funeral establishment, a licensed branch funeral establishment containing an embalming preparation room or a holding facility, a licensed crematory containing a holding facility, a hospital, a cemetery, a coroner or medical examiner facility, the university of Kansas medical center, a federally certified organ procurement organization serving the state of Kansas or other location of final disposition.
(b) A dead human body which is to be removed in accordance with subsection (a) to a federally certified organ procurement organization serving the state of Kansas shall be removed only upon the release of a person listed in the order of priority pursuant to K.S.A. 65-3228, and amendments thereto.
History: L. 2004, ch. 57, § 1; L. 2008, ch. 152, § 1; July 1.

CREMATION

65-1760. Definitions. As used in this act, unless the context clearly shows otherwise:
(a) "Alternative container" means a receptacle, other than a casket, in which dead human bodies are transported to the crematory and placed in the cremation chamber for cremation. An alternative container shall be (1) composed of readily combustible or consumable materials suitable for cremation, (2) able to be closed in order to provide a complete covering for the dead human bodies, (3) resistant to leakage or spillage, (4) rigid enough for handling with ease, and (5) able to provide protection for the health, safety and personal integrity of crematory personnel.
(b) "Authorizing agent" means a person legally entitled to authorize the cremation and final disposition of specific dead human bodies as defined in K.S.A. 65-1734, and amendments thereto.
(c) "Board" means the state board of mortuary arts.
(d) "Cremated remains" means all human remains recovered after the completion of the cremation of a dead human body, which may possibly include the residue of any foreign matter including casket material, bridgework or eyeglasses, that was cremated with the dead human body.
(e) "Cremation" means the mechanical and/or other dissolution process that reduces human remains to bone fragments. Cremation includes the processing and usually includes the pulverization of the bone fragments.
(f) "Cremation chamber" means the enclosed space within which the cremation of a dead human body is performed. Such chambers shall be used exclusively for the cremation of human remains.
(g) "Crematory" means a business premises that houses the cremation chamber and holding facility where dead human bodies are cremated. A crematory shall be maintained at a fixed and specific street address.
(h) "Crematory operator" means a person who is engaged in, conducting or holding oneself out as engaged in or conducting, the business of cremation.
(i) "Crematory operator in charge" means the licensed crematory operator who is responsible to ensure that the crematory's license is current and that the licensed crematory is in compliance with the laws and regulations of this state. Nothing in this definition shall relieve other persons involved with a cremation from complying with state and federal laws and regulations.
(j) "Dead human body" means a lifeless human body or such parts of a human body or the bones thereof from the state of which it reasonably may be concluded that death recently occurred.
(k) "Funeral director" means a person who holds a current license as a funeral director issued by the board.
(l) "Funeral establishment" means a funeral establishment or branch establishment as licensed by the board.
(m) "Holding facility" means an area within or adjacent to a licensed crematory designated for the retention of dead human bodies prior to the act of cremation that shall:
(1) Comply with any applicable public health statute, regulation or ordinance;
(2) preserve the dignity of the dead human body;

(3) recognize the integrity, health and safety of the crematory's personnel operating the crematory; and
(4) be secure from access by anyone other than authorized personnel.
(n) "Potentially hazardous implant" means any device previously placed within the now deceased human body that would result in potential harm or damage at any time during the cremation process.
(o) "Temporary container" means a receptacle for cremated remains, usually composed of cardboard, plastic or similar material, that can be closed in a manner that prevents the leakage or spillage of the cremated remains or the entrance of foreign material, and is a single container of sufficient size to hold the cremated remains.
(p) "Urn" means a receptacle designed to encase the cremated remains.
History: L. 2001, ch. 183, § 1; L. 2010, ch. 131, § 8; July 1, 2011.

65-1761. Licensure of crematory; requirements of crematory and holding facility. (a) No person shall operate a crematory to cremate a dead human body or cause any dead human body to be cremated unless the crematory is licensed under this act.
(b) Any building used as a crematory shall comply with all applicable local and state building codes, zoning laws, ordinances and environmental standards. A crematory shall have, on site, a motorized mechanical device for processing cremated remains either in the building or adjacent to it and a holding facility for the retention of dead human bodies awaiting cremation. The holding facility shall be secure from access by anyone except authorized personnel of the crematory, shall preserve the dignity of the dead human bodies and shall protect the health and safety of the crematory personnel.
(c) All applications for licensure as a crematory shall be on forms furnished and prescribed by the state board of mortuary arts.
History: L. 2001, ch. 183, § 2; Jan. 1, 2002.

65-1762. Supervision; crematory operator license requirement; cremation requirements; authorization form and coroner's permit. (a) The licensed crematory operator in charge shall supervise the licensed crematory on a full-time or a part-time basis and perform such other duties relating to the supervision of a licensed crematory as prescribed by the board by rules and regulations. The crematory operator in charge of a licensed crematory must hold a Kansas crematory operator's license. Additionally, a crematory operator in charge must hold a funeral director's license unless the crematory only receives dead human bodies for cremation through licensed funeral establishments or branch funeral establishments.
(b) Only licensed crematory operators may perform cremation.
(c) No crematory operator or crematory operator in charge shall cremate or cause to be cremated any dead human body until it has received:
(1) A cremation authorization form signed by an authorizing agent. The written authorization shall include:
(A) The identity of the dead human body and the time and date of death;
(B) the name of the funeral director or assistant funeral director and the funeral establishment or branch establishment, or the authorizing agent, that obtained the cremation authorization;

(C) notification as to whether the cause of death occurred from a disease declared by the department of health and environment to be infectious, contagious, communicable or dangerous to the public health;
(D) the name of the authorizing agent and the relationship between the authorizing agent and the decedent;
(E) authorization for the crematory to cremate the dead human body;
(F) a representation that the dead human body does not contain a pacemaker or any other material or implant that may be potentially hazardous or cause damage to the cremation chamber or the person performing the cremation;
(G) the name of the person authorized to receive the cremated remains from the crematory; and
(H) the signature of the authorizing agent, attesting to the accuracy of all representations contained on the cremation authorization form.
(2) A completed and executed coroner's permit to cremate, as is provided in K.S.A. 65-2426a, and amendments thereto, indicating that the dead human body is to be cremated.
History: L. 2001, ch. 183, § 3; L. 2004, ch. 43, § 1; L. 2010, ch. 131, § 9; July 1, 2011.

65-1763. Removal of pacemakers and hazardous implants; procedural requirements for holding of and cremation of a dead human body, prohibitions, packaging of cremated remains; simultaneous cremations. (a) No body shall be cremated with a pacemaker or other potentially hazardous implant in place. The authorizing agent for the cremation of the dead human body shall be responsible for informing the licensed funeral director, assistant funeral director, embalmer, crematory operator or crematory operator in charge about a known pacemaker or other potentially hazardous implant. The authorizing agent shall be responsible for ensuring that any known pacemaker or hazardous implant is removed before delivery of the dead human body to the crematory. Bodies with pacemakers or hazardous implants in the custody of a crematory operator shall have any pacemaker or hazardous implant removed by an embalmer at a funeral establishment or branch establishment with an embalming preparation room unless the removal is to take place at a medical facility by the appropriate medical personnel.
(b) A crematory shall hold dead human bodies, prior to their cremation, according to the following provisions of this subsection:
(1) Whenever a crematory is unable to cremate the dead human body immediately upon taking custody thereof, the crematory operator in charge shall place the dead human body in a refrigeration facility at 40 degrees Fahrenheit or less, unless the dead human body has been embalmed, or shall store the dead human body in a cremation container at a funeral establishment or branch establishment with a preparation room or holding facility approved by the board; and
(2) a crematory operator or crematory operator in charge shall not be required to accept for holding a cremation container from which there is any evidence of leakage of body fluids from the dead human body therein.
(c) No unauthorized person as determined by the crematory operator in charge of the crematory shall be permitted in the crematory area while any dead human body is in the crematory area awaiting cremation, being cremated or being removed from the cremation chamber.

(d) The simultaneous cremation of more than one dead human body within the same cremation chamber is prohibited without specific written authorization to do so from all authorizing agents for the dead human bodies to be so cremated. Such written authorization shall exempt the crematory operator and crematory operator in charge from all liability for the comingling of the cremated remains during the cremation process.
(e) The crematory shall maintain an identification system that will insure that the cremated remains can be identified, as indicated on the cremation authorization form, throughout all phases of the cremation process.
(f) Upon completion of the cremation, and insofar as practicable, all of the recoverable residue of the cremation process shall be removed from the cremation chamber. If possible, the noncombustible materials or items shall be separated from the cremated remains and disposed of, in a lawful manner, by the crematory. The cremated remains shall be reduced by motorized mechanical device to granulated appearance appropriate for final disposition.
(g) Cremated remains shall be packed as follows:
(1) The cremated remains with proper identification shall be placed in a temporary container or urn, unless specific written authorization has been received from the authorizing agent or as provided in paragraph (2) of this subsection. The temporary container or urn contents shall be packed with clean packing materials;
(2) if the cremated remains will not fit within the dimensions of a temporary container or urn, the remainder of the cremated remains shall be returned to the authorizing agent or its representative in a separate container attached to the first container or urn identifying such containers as belonging together;
(3) when a temporary container is used to return the cremated remains, that container shall be, at a minimum, a cardboard box with all seams taped closed to increase the security and integrity of that container. The outside of the container shall be clearly identified with the name of the crematory and an indication that the container is a temporary container; and
(4) if the cremated remains are to be shipped, the temporary container or designated receptacle ordered by the authorizing agent shall be securely packed in a suitable, sturdy, non-fragile container and sealed properly. Cremated remains shall be shipped only by a method which has an internal tracing system available and which provides a receipt signed by the person accepting delivery.
History: L. 2001, ch. 183, § 4; L. 2010, ch. 131, § 10; July 1, 2011.

65-1764. Effect of authorizing agent's representations; liability regarding the refusal to accept a dead human body; to cremate a dead human body or the authorized cremation of a dead human body. (a) An authorizing agent signing a cremation authorization form shall be deemed to warrant the truthfulness of any facts set forth in such cremation authorization form, including the identity of the deceased whose remains are sought to be cremated and such authorization agent's authority to order such cremation. Any person signing a cremation authorization form as an authorizing agent shall be personally and individually liable for all damage occasioned thereby and resulting therefrom. A crematory operator, crematory operator in charge, embalmer, assistant funeral director or a funeral director may rely upon the representations of the authorizing agent in the cremation authorization form.

(b) A funeral director, assistant funeral director or crematory operator in charge shall have the authority to arrange the cremation of a dead human body upon the receipt of a cremation authorization form signed by an authorizing agent. A funeral director, assistant funeral director, embalmer, crematory operator or crematory operator in charge who pursuant to a cremation authorization arranges a cremation, cremates a dead human body then releases or disposes of the cremated remains shall not be liable for such acts.
(c) A funeral director, assistant funeral director, crematory operator or crematory operator in charge who refuses to arrange a cremation, to accept a dead human body or to perform a cremation shall not be liable for refusing to arrange, to accept the dead human body or to perform the cremation until they receive a court order or other suitable confirmation that the cause of the refusal has been settled. Circumstances causing such a refusal may include:
(1) Awareness of a dispute concerning the cremation of the dead human body; or
(2) a reasonable basis for questioning any of the representations made by the authorizing agent; or
(3) any other lawful reason.
History: L. 2001, ch. 183, § 5; L. 2010, ch. 131, § 11; July 1, 2011.

65-1765. Failure to remove pacemaker or hazardous implants; liability for damage. If an authorizing agent informs the funeral director, assistant funeral director, embalmer, crematory operator or the crematory operator in charge on the cremation authorization form of the presence of a pacemaker or hazardous implant in the dead human body such informed person shall be responsible for ensuring that all necessary steps have been taken to remove the pacemaker or hazardous implant. Should anyone who delivers a dead human body to a crematory after being informed that a pacemaker or hazardous implant is within the dead human body fail to ensure that the pacemaker or hazardous implant has been removed from the dead human body pursuant to subsection (b) of K.S.A. 65-1762, and amendments thereto, prior to delivery, and should the dead human body be cremated with the pacemaker or hazardous implant, then such individual who delivered the dead human body to the crematory shall be liable for all resulting damages.
History: L. 2001, ch. 183, § 6; L. 2010, ch. 131, § 12; July 1, 2011.

65-1766. Rules and regulations; policies; licensure, revocation, suspension or denial of; penalty. (a) The state board of mortuary arts shall adopt rules and regulations for the administration and implementation of this act. Such rules and regulations shall include the conditions under which dead human bodies of persons who died from an infectious, contagious, communicable or dangerous disease can be transported from any place in the state to a crematory for the purpose of cremation; shall establish minimal standards of sanitation, required equipment and fire protection for all crematories as deemed necessary for the protection of the public.
(b) A crematory operator in charge may adopt reasonable policies, not inconsistent with this act or rules and regulations adopted by the board.
(c) The state board of mortuary arts may refuse to issue or renew a license or revoke, condition, limit, censure, fine or suspend a license for the crematory or crematory operator upon a finding that a crematory operator or the crematory operator in charge:

(1) Has maintained or operated a building or structure within the state as a crematory in violation of the provisions of this act or the rules and regulations adopted by the board of mortuary arts;
(2) has performed a cremation without a cremation authorization form signed by an authorizing agent;
(3) has made any misleading, deceptive, untrue or fraudulent statements in applying for or securing an original or renewal license;
(4) has been convicted of a felony or an offense of moral turpitude, and has not demonstrated to the board's satisfaction that such crematory operator in charge has been sufficiently rehabilitated to warrant the public trust;
(5) has violated any law, ordinance or rule and regulation affecting the handling, custody, care or transportation of dead human bodies or cremated remains;
(6) has been rendered unfit to operate a crematory by reason of illness, alcohol, chemicals or other types of substances, or as a result of any mental or physical condition;
(7) has failed or refused to properly protect or guard against contagious, communicable or infectious disease, or the spreading thereof;
(8) has or such person's agent, employee or representative has advertised, solicited or sold merchandise or services in a manner which is fraudulent, deceptive or misleading in form or content;
(9) has been found by a court of competent jurisdiction to be mentally ill, mentally disabled, not guilty by reason of insanity or incompetent to stand trial by a court of competent jurisdiction;
(10) has failed to furnish the board, its investigators or representatives, information requested by the board;
(11) has failed to report to the board any adverse action taken against the crematory operator, crematory operator in charge or the crematory by another state or licensing jurisdiction, professional association or society, governmental agency, law enforcement agency or a court;
(12) has knowingly submitted any misleading, deceptive, untrue or fraudulent representation on a claim form, bill, statement or similar information to an authorizing agent, consumer or representative of the board;
(13) has had a license to operate a crematory, crematory operator or similar license revoked or suspended, or had other action taken against oneself or had an application for a license denied by the proper licensing authority of another state, territory, District of Columbia or other country. A certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof;
(14) has aided or abetted an unlicensed person to practice any activity for which a license is required under article 17 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, or supplemental thereof;
(15) has violated any rules and regulations adopted by the board or any state or federal law related to the practice of operating a crematory; or
(16) has failed to pay any fee required under this act.
(d) All administrative proceedings taken by the board pursuant to this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act.
(e) A violation of this section or any provision of this act is hereby declared to be a class A nonperson misdemeanor.

History: L. 2001, ch. 183, § 7; L. 2010, ch. 131, § 13; July 1, 2011.

65-1767. Conflicting Kansas laws; precedence of this act. This act shall take precedence over any conflicting Kansas laws, other than state environmental laws, that govern the handling and disposition of dead human bodies for cremation and cremated remains.
History: L. 2001, ch.183, § 8; Jan. 1, 2002.

65-1768. Licensure; fees; expiration of license; exemption from licensure; unlawful operation. (a) The crematory operator in charge of a crematory, located or doing business within the state, shall apply for and obtain a crematory license from the board for each crematory.
(b) An application for a new license is required if the crematory has a change in ownership, name, location or a change in the crematory operator in charge. Such application shall be made to the board at least 30 days prior to the change of ownership, name or location or change in the crematory operator in charge.
(c) The crematory license fee and crematory license renewal fee shall be fixed by the board under K.S.A. 65-1727, and amendments thereto. The disposition of all funds collected under the provisions of this act shall be in accordance with the provisions of K.S.A. 65-1718, and amendments thereto.
(d) A crematory license shall expire every two years on a date established by the board. To continue operation of a crematory, a crematory operator in charge shall submit a biennial renewal application form and the crematory license renewal fee to the board before the expiration date of such license.
(e) A crematory license shall be judged delinquent on midnight of the expiration date and may only be renewed after that day by payment of a renewal fee and a reinstatement fee in an amount equal to the renewal fee.
(f) It is unlawful for any person who is not an operator in charge of a crematory or a crematory operator under this act to operate a crematory, hold oneself out as operating a crematory or engage or attempt to engage in the business of crematory operator.
(g) The Kansas university medical center shall be exempt from this statute for the purpose of cremating remains donated for dissecting, demonstrating or teaching purposes.
History: L. 2001, ch. 183, § 9; L. 2010, ch. 131, § 14; July 1, 2011.

65-1769. Crematory operator. On and after July 1, 2011, a crematory operator shall, in connection with such person's licensed crematory, use the words "crematory operator" or any other title implying that such person is engaged in the business of cremation.
History: L. 2010, ch. 131, § 1; July 1.

65-1770. Cremations; conducted by whom and where. On and after July 1, 2011, every cremation conducted in this state shall be under the personal supervision of a licensed crematory operator or crematory operator in charge with all cremations performed at a licensed crematory.
History: L. 2010, ch. 131, § 2; July 1.

65-1771. Licensure of crematory operator; application; qualifications. (a) On and after July 1, 2011, it shall be unlawful for any person to engage in or attempt to engage in the business of a crematory operator in this state without a crematory operator's license issued by the state board of mortuary arts.
(b) On and after July 1, 2011, every person desiring to enter the practice of a crematory operator shall make written application to the board on forms as prescribed by the board. The application shall show that the applicant is of legal age, has successfully completed training in performing cremation services and received certification by an organization whose program with a minimum of six hours has been approved by the board within twelve months of the board's approval of application. If the applicant has not received such training when applying to the board, they must have received training from another person who has already received such training. That training must also be a minimum of six hours with the trainer and program approved by the board. At the end of one year of licensure as a crematory operator if the individual has not received training from an organization of an approved program as previously described, the crematory operator's license will be automatically suspended until such time as approved training has been completed.
History: L. 2010, ch. 131, § 3; July 1.

65-1772. Same; renewal; reinstatement; rules and regulations. (a) The renewal fee for a crematory operator's license shall be in the amount fixed by the state board of mortuary arts in accordance with the provisions of K.S.A. 65-1727, and amendments thereto. The fee shall be due and payable to the secretary of the board prior to the expiration date of the license. The secretary of the board shall mail a notice of the expiration date of each license and of the renewal fee at least 30 days prior to the date of expiration to the last known address of each licensee. If the licensee fails to pay such renewal fee within the time specified, the license shall automatically lapse, and the licensee shall be denied the right to practice cremation in this state during such lapse.
(b) The board may reinstate such lapsed license upon the payment of the fee in arrears, plus an additional reinstatement fee in the amount equal to the renewal fee, if such lapse is not over six months in duration.
(c) Any person who fails to reinstate a lapsed license within six months after the lapse of such license may apply for relicensure by making application on a form provided by the board. Relicensure shall be granted upon receipt of proof that the applicant meets qualifications to act as a licensed crematory operator, has satisfied all of the requirements for renewal established by law and has paid the board back renewal fees as established by the board by rules and regulations.
(d) The expiration date of each license shall be established by rules and regulations of the board. Subject to the provisions of this subsection, each license shall be renewed on a biennial basis upon the filing of a renewal application prior to the expiration date of the license and upon payment of the renewal fee established pursuant to K.S.A. 65-1727, and amendments thereto. To provide for a system of biennial renewal of licenses, the board may provide by rules and regulations that licenses issued or renewed for the first time after the effective date of this act may expire less than two years from the date of issuance or renewal. In each case in which a license is issued or renewed for a period of

time of less than two years, the board shall prorate to the nearest whole month the license or renewal fee established pursuant to K.S.A. 65-1727, and amendments thereto.
(e) Every licensed crematory operator in Kansas shall submit with the renewal application and renewal fee evidence of satisfactory completion of a program of continuing education required and approved by the board. The board by duly adopted rules and regulations shall establish the requirements for such program of continuing education.
(f) This section shall take effect on and after July 1, 2011.
History: L. 2010, ch. 131, § 4; July 1.

65-1773. Crematory; recycling materials; requirements. (a) Any intent of the crematory to recycle metallic remnants, prosthetic implants or anything else remaining after cremation or removed prior to cremation requires consent from the legal next of kin of the deceased as defined in K.S.A. 65-1734, and amendments thereto.
(b) Any such recycling must be in compliance with state and federal laws.
(c) This section shall take effect on and after July 1, 2011.
History: L. 2010, ch. 131, § 5; July 1.

65-1774. Rules and regulations. The board shall prepare proposed rules and regulations the board deems necessary to carry out the provisions of K.S.A. 65-1769 through 65-1773, and amendments thereto, on or before January 1, 2011. The board shall adopt such rules and regulations to be effective on or after July 1, 2011.
History: L. 2010, ch.131, § 6; July 1.

Article 24-UNIFORM VITAL STATISTICS ACT

65-2401. Definitions. As used in this act: (a) "Vital statistics" includes the registration, preparation, transcription, collection, compilation, and preservation of data pertaining to birth, adoption, legitimation, death, stillbirth, marriage, divorce, annulment of marriage, induced termination of pregnancy, and data incidental thereto.
(b) "Live birth" means the complete expulsion or extraction from its mother of a human child, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.
(c) "Gestational age" means the age of the human child as measured in weeks as determined by either the last date of the mother's menstrual period, a sonogram conducted prior to the 20th week of pregnancy or the confirmed known date of conception.
(d) "Stillbirth" means any complete expulsion or extraction from its mother of a human child the gestational age of which is not less than 20 completed weeks, resulting in other than a live birth, as defined in this section, and which is not an induced termination of pregnancy.
(e) "Induced termination of pregnancy" means abortion, as defined in K.S.A. 65-6701, and amendments thereto.

(f) "Dead body" means a lifeless human body or such parts of a human body or the bones thereof from the state of which it reasonably may be concluded that death recently occurred.
(g) "Person in charge of interment" means any person who places or causes to be placed a stillborn child or dead body or the ashes, after cremation, in a grave, vault, urn or other receptacle, or otherwise disposes thereof.
(h) "Secretary" means the secretary of health and environment.
History: L. 1951, ch.355, § 1; L. 1963, ch.319, § 1; L. 1974, ch.352, § 119; L. 1995, ch.260, § 4; L. 2014, ch.128, § 3; July 1.

65-2412. Registration of deaths and stillbirths; official death records; use of verified forms; establishment and collection of fee; duties of coroners; filing of certificates; Kansas electronic death registration system. (a) A death certificate or stillbirth certificate for each death or stillbirth which occurs in this state shall be filed with the state registrar within three days after such death and prior to removal of the body from the state and shall be registered by the state registrar if such death certificate or stillbirth certificate has been completed and filed in accordance with this section. If the place of death is unknown, a death certificate shall be filed indicating the location where the body was found as the place of death. A certificate shall be filed within three days after such occurrence; if death occurs in a moving conveyance, the death certificate shall record the location where the dead body was first removed from such conveyance as the place of death.
(b) The funeral director or person acting as such who first assumes custody of a dead body shall file the death certificate. Such person shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the medical certification of cause of death from the physician last in attendance prior to burial. The death certificate filed with the state registrar shall be the official death record, except that a funeral director licensed pursuant to K.S.A. 65-1714, and amendments thereto, may verify as true and accurate information pertaining to a death on a form provided by the state registrar, and any such form, verified within 21 days of date of death, shall be prima facie evidence of the facts therein stated for purposes of establishing death. The secretary of health and environment shall fix and collect a fee for each form provided a funeral director pursuant to this subsection. The fee shall be collected at the time the form is provided the funeral director and shall be in the same amount as the fee for a certified copy of a death certificate.
(c) When death occurred without medical attendance or when inquiry is required by the laws relating to postmortem examinations, the coroner shall investigate the cause of death and shall complete and sign the medical certification within 24 hours after receipt of the death certificate or as provided in K.S.A. 65-2414, and amendments thereto.
(d) In every instance a certificate shall be filed prior to interment or disposal of the body.
(e) On and after January 1, 2017, any death certificate, stillbirth certificate or medical certification required to be filed by this section shall be filed through the Kansas electronic death registration system maintained by the Kansas department of health and environment.
History: L. 1951, ch. 355, § 12; L. 1963, ch. 319, § 4; L. 1979, ch. 188, § 13; L. 1990, ch. 226, § 5; L. 1993, ch. 214, § 9; L. 2014, ch. 128, § 4; L. 2016, ch. 26, § 1; July 1.

65-2414. Delayed determination of cause of death. If the cause of death cannot be determined within three days, the certification of the cause of death may be filed as pending. In such cases, the cause of death is to be reported to the state registrar as soon as possible.
History: L. 1951, ch. 355, § 14; L. 1990, ch. 226, § 6; L. 1993, ch. 214, § 10; July 1.

65-2415. Form of certificates. The forms of certificates shall include as a minimum the items required by the respective standard certificates as recommended by the national office of vital statistics subject to approval of and modification by the secretary. The form and use of such certificate shall be subject to the provisions of K.S.A. 65-2422.
History: L. 1951, ch. 355, § 15; L. 1974, ch. 352, § 124; July 1.

65-2416. Certificates as evidence; reproduction of records; certification. (a) Certificates filed within six months after the time prescribed therefor shall be prima facie evidence of the facts therein stated. Data therein pertaining to the father of a child are prima facie evidence only if the alleged father is the husband of the mother, or if the father has consented in writing that the father's name be entered as the father on the certificate as provided in K.S.A. 65-2409, and amendments thereto; if not, the data pertaining to the father of a child are not evidence in any proceeding adverse to the interest of the alleged father, or of the alleged father's heirs, next of kin, devisees, legatees or other successors in interest, if the paternity is controverted.
(b) The state registrar of vital statistics is authorized to prepare typewritten, photographic or other reproductions of original records and files of vital statistics. Such reproductions when certified by the state registrar shall be accepted as the original record. For deaths occurring on and after the effective date of this act, the state registrar shall not certify a death certificate in which the manner of death is marked other than natural unless the death certificate is signed by a district coroner.
History: L. 1951, ch. 355, § 16; L. 1963, ch. 319, § 5; L. 1993, ch. 214, § 11; July 1.

65-2417. Certified copies or abstracts. (a) Subject to the requirements of K.S.A. 65-2421, 65-2422d and 65-2423 and amendments thereto, the state registrar shall, upon request, furnish to any applicant a certified copy or a certified abstract of any certificate, or any part thereof.
(b) Copies or abstracts of the contents of any certificate on file or any part thereof, certified by the state registrar shall be considered for all purposes the same as the original subject to the requirements of K.S.A. 65-2421, 65-2422d and 65-2423.
History: L. 1951, ch. 355, § 17; L. 1974, ch. 352, § 125; L. 2002, ch. 160, § 2; May 23.

65-2418. Fees for copies and searches; free copies of birth certificate, when; disposition; exemptions; copies, abstracts or data furnished to national office of vital statistics. (a) (1) The secretary shall fix and charge by rules and regulations the fees to be paid for certified copies or abstracts of certificates or for search of the files for birth, death, fetal death, marriage or divorce records when no certified copy or abstract is made. Except as otherwise provided in this section, the secretary shall remit all moneys

received by or for the secretary from fees, charges or penalties, under the uniform vital statistics act, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the civil registration and health statistics fee fund created by K.S.A. 65-2418e, and amendments thereto.

(2) The secretary shall not charge any fee for a certified copy of a certificate or abstract or for a search of the files or records if the certificate, abstract or search is requested by a person who exhibits correspondence from the United States department of veterans affairs or the Kansas commission on veterans affairs office which indicates that the person is applying for benefits from the United States department of veterans affairs and that such person needs the requested information to obtain such benefits, except that, for a second or subsequent certified copy of a certificate, abstract or search of the files requested by the person, the usual fee shall be charged. The secretary may provide by rules and regulations for exemptions from such fees.

(3) The secretary shall not charge or accept any fee for a certified copy of a birth certificate if the certificate is requested by any person who is 17 years of age or older for purposes of voting if the applicant lacks the identification required by K.S.A. 25-2908(h), and amendments thereto, or to meet the voter registration requirements of K.S.A. 25-2309, and amendments thereto. For voter registration purposes, an applicant for registration shall swear under oath: (1) That such person plans to register to vote in Kansas; and (2) that such person does not possess any of the documents that constitute evidence of United States citizenship under K.S.A. 25-2309(l), and amendments thereto. The affidavit shall specifically list the documents that constitute evidence of United States citizenship under K.S.A. 25-2309(l), and amendments thereto. The secretary shall adopt rules and regulations in order to implement the provisions of this subsection.

(4) Upon receipt of any such remittance of a fee for a certified copy of a birth certificate or abstract, $3 of each such fee for the first copy of a birth certificate or abstract and $1 of each such fee for each additional copy of the same birth certificate or abstract requested at the same time shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the permanent families account of the family and children investment fund created by K.S.A. 38-1808, and amendments thereto. The balance of the money received for a fee for a certified copy of a birth certificate or abstract shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the civil registration and health statistics fee fund created under this act.

(5) Upon receipt of any such remittance of a fee for a certified copy of a death certificate or abstract, $4 of each such fee for the first certified copy of a death certificate or abstract and $2 of each such fee for each additional copy of the same death certificate or abstract requested at the same time shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the district coroners fund created by K.S.A. 22a-245, and amendments thereto.

The balance of the money received for a fee for a certified copy of a death certificate or abstract shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the civil registration and health statistics fee fund created by K.S.A. 65-2418e, and amendments thereto.
(b) Subject to K.S.A. 65-2415, and amendments thereto, the national office of vital statistics may be furnished copies or data it requires for national statistics. The state shall be reimbursed for the cost of furnishing the data. The data shall not be used for other than statistical purposes by the national office of vital statistics unless so authorized by the state registrar of vital statistics.
History: L. 1951, ch. 355, § 18; L. 1957, ch. 431, § 9; L. 1963, ch. 398, § 14; L. 1973, ch. 309, § 21; L. 1974, ch. 352, § 126; L. 1975, ch. 324, § 1; L. 1978, ch. 347, § 12; L. 1982, ch. 182, § 139; L. 1983, ch. 286, § 11; L. 1992, ch. 313, § 15; L. 1993, ch. 214, § 15; L. 1994, ch. 19, § 1; L. 2001, ch. 5, § 237; L. 2002, ch. 160, § 3; L. 2003, ch. 151, § 2; L. 2011, ch. 112, § 8; L. 2012, ch. 122, § 5; L. 2014, ch. 83, § 6; July 1.

65-2422c. Minor correction of records. The secretary may by regulation prescribe procedures for making minor corrections to certificates or records. Any certificate so corrected shall be marked "amended," and shall have such further marking as shall be prescribed by the secretary. The medical certification portion of a death certificate signed by a district coroner acting in the district coroner's official capacity shall not be modified by anyone except the district coroner who signed the death certificate.
History: L. 1963, ch. 319, § 9; L. 1974, ch. 352,§ 130; L. 1993, ch. 214, § 12; July 1.

65-2426a. Authorization for cremation; penalty for violation. No dead body, as such term is defined in subsection (f) of K.S.A. 65-2401, and amendments thereto, shall be cremated unless a coroner's permit to cremate has been furnished to authorize such cremation. A telefacsimile signed copy of the coroner's permit to cremate which authorizes the cremation shall constitute legal authorization for such cremation under this section. The provisions of this section shall be construed as supplemental to and as a part of the uniform vital statistics act. Any person who knowingly violates this section, upon conviction, shall be fined not more than $500.
History: L. 1965, ch. 164, § 19; L. 1982, ch. 266, § 1; L. 1993, ch. 214, § 13; L. 2014, ch. 128, § 5; July 1.

65-2427. Foreign permit for removal, burial, or other disposition of body. When death or stillbirth occurs outside this state and the body is accompanied by a permit for burial, removal or other disposition issued in accordance with the law and regulations in force where the death or stillbirth occurred, the permit shall authorize the transportation of the body into or through this state.
History: L. 1951, ch. 355, § 27; L. 1982, ch. 266, § 2; July 1.

65-2428a. Permit for transportation of dead body to location outside state. No dead body located in this state shall be transported to a location outside the boundaries

of this state, either by commercial or private conveyance, without a permit issued by a funeral director or the state registrar on a form provided by the state registrar.
This section shall be a part of and supplemental to the uniform vital statistics act.
History: L. 1982, ch. 266, § 4; L. 1990, ch. 226, § 8; July 1.

65-2429. Funeral directors' monthly reports. Each Kansas funeral director shall submit to the secretary monthly reports of bodies prepared for burial by his establishment as required by said secretary.
History: L. 1951, ch. 355, § 29; L. 1974, ch. 352, § 132; July 1.

65-2434. Crimes, prosecution, penalties. (a) Vital records identity fraud related to birth, death, marriage and divorce certificates shall be prosecuted pursuant to K.S.A. 2018 Supp. 21-5918, and amendments thereto.
(b) Any person who knowingly transports or accepts for transportation, a dead body located in this state to a location outside the boundaries of this state without an accompanying permit issued in accordance with the provisions of K.S.A. 65-2428a, and amendments thereto, shall be guilty of a class C misdemeanor.
(c) Except where a different penalty is provided in this section, any person who violates any of the provisions of this act or neglects or refuses to perform any of the duties imposed upon such person by this act, shall be fined not more than $200.
History: L. 1951, ch. 355, § 34; L. 1982, ch. 266, § 3; L. 2002, ch. 160, § 6; L. 2005, ch. 131, § 3; L. 2011, ch. 30, § 240; July 1.

65-2438. Notification of person transporting dead body for disposition that deceased had an infectious or contagious disease; form; notification of embalmer, funeral director or other person taking possession of body; confidential information; penalties for violations; "infectious or contagious disease" defined. (a) When a person who has been diagnosed as having an infectious or contagious disease dies, the attending physician or, if there is no attending physician, the director of nursing, or the director's designee, at a medical care facility or adult care home, if the person dies at the medical care facility or adult care home, or a family member or person making arrangements for the disposition of the dead body who knows of such diagnosis, shall indicate, on a form promulgated by the secretary, that the deceased person had an infectious or contagious disease. The completed form shall accompany the body when it is transported for disposition.
(b) Any person who transports a dead body for disposition and who has been notified pursuant to the provisions of subsection (a) that the deceased person had been diagnosed as having an infectious or contagious disease shall present notification thereof accompanying the dead body to any embalmer, funeral director or other person taking possession of the dead body.
(c) Any person who completes the form required in subsection (a) in good faith and without malice shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed in an action resulting from such report.
(d) Any information relating to an infectious or contagious disease which is required to be disclosed or communicated under subsections (a) and (b) shall be confidential and

shall not be disclosed or made public beyond the disclosure necessary under subsections (a) and (b).
(e) Any person required to perform duties specified under subsection (a) or (b) who knowingly refuses or omits to perform such duties is guilty of a class C misdemeanor. Any person who violates any provision of subsection (d) shall be guilty of a class C misdemeanor.
(f) As used in this section, "infectious or contagious disease" means the disease acquired immune deficiency syndrome, human immunodeficiency virus and any other causative agent of acquired immune deficiency syndrome and any disease designated as infectious or contagious by the secretary of health and environment by rules and regulations under K.S.A. 65-128 and amendments thereto.
History: L. 1988, ch. 232, § 8; L. 1994, ch. 135, § 1; July 1.

65-2440. Certificate of birth resulting in stillbirth. (a) A certificate of birth resulting in stillbirth shall be established by the state registrar.
(b) The certificate of birth resulting in stillbirth shall contain personal and demographic information describing the stillbirth event and shall not contain any information relating to the child's death.
(c) The certificate of birth resulting in stillbirth is not proof of a live birth.
(d) This section shall be part of and supplemental to the uniform vital statistics act, K.S.A. 65-2401 et seq., and amendments thereto.
History: L. 2014, ch. 128, § 2; July 1.

Article 32-REVISED UNIFORM ANATOMICAL GIFT ACT

65-3228. Who may make anatomical gift of decedent's body or part. (a) Subject to subsections (b) and (c) and unless barred by K.S.A. 65-3226 or 65-3227, and amendments thereto, an anatomical gift of a decedent's body or part for purpose of transplantation, therapy, research or education may be made by any member of the following classes of persons who is reasonably available, in the order of priority listed:
(1) An agent of the decedent at the time of death who could have made an anatomical gift under K.S.A. 65-3223(2), and amendments thereto, immediately before the decedent's death;
(2) the spouse of the decedent;
(3) adult children of the decedent;
(4) parents of the decedent;
(5) adult siblings of the decedent;
(6) adult grandchildren of the decedent;
(7) grandparents of the decedent;
(8) the persons who were acting as the guardians of the person of the decedent at the time of death;
(9) an adult who exhibited special care and concern for the decedent and who was familiar with the decedent's personal values; and
(10) any other person having the authority to dispose of the decedent's body.
(b) If there is more than one member of a class listed in subsection (a)(1), (3), (4), (6), (7), or (9) entitled to make an anatomical gift, an anatomical gift may be made by a

member of the class unless that member or a person to which the gift may pass under K.S.A. 65-3230, and amendments thereto, knows of an objection by another member of the class. If an objection is known, the gift may be made only by a majority of the members of the class who are reasonably available. If both parents are living and available to decide, an anatomical gift may be made only if both parents agree.
(c) A person may not make an anatomical gift if, at the time of the decedent's death, a person in a prior class under subsection (a) is reasonably available to make or to object to the making of an anatomical gift.
History: L. 2007, ch. 127, § 9; L. 2018, ch. 31, § 6; July 1.

Chapter 74-STATE BOARDS, COMMISSIONS AND AUTHORITIES
Article 1-MISCELLANEOUS PROVISIONS

74-139. Licensure, certification or registration by state authority; applicants requested to provide social security number. (a) In addition to any information required to be submitted to a state authority by an applicant for original licensure, certification or registration, or a renewal thereof, the applicant shall be requested to provide the social security number of such applicant. Upon request of the director of taxation, each such authority shall provide to the director of taxation a listing of all such applicants, along with such applicant's social security number and address.
(b) The provisions of this section shall apply to all such applications for licensure, certification or registration, or renewal thereof, submitted after December 31, 1988.
History: L. 1988, ch. 307, § 1; July 1.

74-146. Licensing bodies; procedures to suspend or terminate a professional license. (a) As used in K.S.A. 74-146 and 74-147 and amendments thereto:
(1) "Licensing body" means an official, agency, board or other entity of the state which authorizes individuals to practice a profession in this state and issues a license, certificate, permit or other authorization to an individual so authorized; and
(2) "licensee" means an individual who is or may be authorized to practice a profession in this state.
(b) All licensing bodies of this state shall have or adopt procedures for the suspension, termination, nonrenewal or denial of a licensee's authority to practice a profession in this state if the licensing body receives notice pursuant to K.S.A. 74-147 and amendments thereto.
History: L. 1994, ch. 292, § 15; L. 1997, ch. 182, § 75; July 3.

74-147. Notice of contempt, warrant or subpoena outstanding to licensing body; temporary license; ability to revoke or suspend; court jurisdiction. (a) Any notice to a licensing body served pursuant to K.S.A. 20-1204a, and amendments thereto, shall have attached a copy of the court order finding the licensee in contempt of court in a child support proceeding. Any notice to a licensing body served pursuant to K.S.A. 2018 Supp. 23-3119, and amendments thereto, shall have attached a copy of the warrant or subpoena outstanding against the licensee. Any notice to a licensing body served pursuant to K.S.A. 2018 Supp. 23-3120, and amendments thereto, shall have attached a copy of the court order stating the findings of fact required by K.S.A. 2018 Supp. 23-3120,

and amendments thereto. The notice shall advise the licensing body of the duty to comply with K.S.A. 74-146 and 74-147, and amendments thereto; shall provide the name of the licensee and information which will assist the licensing body to identify the correct person; and shall provide the name, mailing address and telephone number of the person serving the notice. If inadequate identifying information is included in the notice, the licensing body shall promptly contact the person serving the notice to request additional information.

(b) If a licensing body receives a notice pursuant to subsection (a), the licensing body shall, within 30 days after receiving the notice, notify the licensee of the licensing body's intent to suspend or to withhold issuance or renewal of the licensee's authorization to practice a profession in this state and of the licensee's rights and duties under this section. If the licensing body does not receive sufficient information with the notice to identify the correct licensee, the 30 days shall commence when sufficient identifying information is received.

(c) If the licensing body receives a notice pursuant to subsection (a), the licensing body shall provide the licensee a temporary license, authorizing the individual to practice a profession in this state, if the licensee is otherwise eligible. The temporary license shall be valid for a period of six months from the date the notice to the licensee pursuant to subsection (b) was issued. A temporary license issued under this section shall not be extended, except that the licensing body may extend the temporary license up to 30 days to prevent extreme hardship for a person being served by the licensee. If the licensee does not furnish a release pursuant to subsection (c) within the time required by the licensing body, the licensing body shall proceed to suspend, terminate, deny or refuse to renew the licensee's authority to practice a profession in this state.

(d) If an authorization to practice a profession in this state is suspended, denied or not renewed pursuant to this section, any funds paid by the licensee shall not be refunded by the licensing body.

(e) If a temporary license has been issued pursuant to subsection (c), the licensee shall obtain a release from the court that authorized the notice to the licensing body, as a condition for the issuance or renewal of the licensee's authorization to practice a profession in this state. The licensing body may require the licensee to furnish the release before the temporary license expires.

(f) In any review of the licensing body's actions pursuant to K.S.A. 74-146 and 74-147, and amendments thereto, conducted by the licensing body at the request of the licensee, the issues shall be limited to the identity of the licensee and the validity of notices pursuant to this section. The licensing body shall have no jurisdiction over issues related to the support obligation of the licensee.

(g) The licensing body shall immediately terminate any proceedings, concerning a court order for support of a child, against a licensee upon presentation by the licensee of a notice of compliance from the court that authorized the initial notice as provided in subsection (a). The court shall issue a notice of compliance to the licensee if the licensee has contacted the court and is attempting to comply with a payment plan. If the licensee's license has been suspended or not renewed, and the licensee has provided the notice of compliance from the court and otherwise qualifies for the license, the licensing body shall reinstate the license or issue the renewal license to the licensee.

History: L. 1994, ch. 292, § 16; L. 1997, ch. 182, § 76; L. 2009, ch. 52, § 2; L. 2012, ch. 162, § 85; May 31.

STATE BOARDS, COMMISSIONS AND AUTHORITIES
Article 17-STATE BOARD OF MORTUARY ARTS

74-1701a. State board of mortuary arts established; appointment; vacancies; terms; qualifications; removal. (a) There is hereby established the state board of mortuary arts. The board shall consist of five members appointed by the governor. All vacancies occurring on the board shall be filled by appointment by the governor. Appointments shall be made on or before August 1, and each member appointed shall serve for a term of three years from August 1 following the year of appointment. The governor shall fill any vacancy in an unexpired term by appointing a person to serve for the remainder of the unexpired term.
(b) All members of the state board of mortuary arts shall be residents of the state of Kansas. Three members of the board shall hold an embalmer's license issued by the state board of mortuary arts, shall have five consecutive years' experience in the practice of embalming and shall be currently engaged in the practice of embalming and in care of and disposition of dead human bodies in this state. Two members of the board shall be representative of the public in general and shall not hold any license issued by the board. The governor shall have power to remove from office any member of the board for neglect of duty, incompetency or improper conduct.
(c) All members of the state board of embalming immediately prior to July 1, 1985, shall continue as members of the state board of mortuary arts until the time of the expiration of the term for which such member was appointed to the state board of embalming.
History: L. 1985, ch. 215, § 18; July 1.

74-1702. Certificate of appointment; oath of office. The governor shall furnish to each person appointed to serve on said board a certificate of appointment. The appointee shall qualify by taking the usual oath of office before any person authorized to administer oaths before beginning his duties as a member of said board.
History: L. 1907, ch. 387, § 2; R.S. 1923, 74-1702; L. 1941, ch. 297, § 1; June 30.

74-1703. Meetings; quorum. The board shall hold at least four meetings each year. All meetings shall be held at a time and place to be designated by the board. Three members shall constitute a quorum.
History: L. 1907, ch. 387, § 3; R.S. 1923, 74-1703; L. 1976, ch. 339, § 2; L. 1981, ch. 300, § 2; L. 1991, ch. 190, § 8; July 1.

74-1704. Officers; terms; salary and expenses of secretary; seal; administration of oaths; issuance of subpoenas; employment of agents, attorneys and an investigator-inspector; rules and regulations; meetings. The board shall annually elect a president and vice-president from the members of said board. The vice-president shall act for the president when the president is absent or unable to act. Said officers shall serve for one year or until their successors are elected and qualified. The board shall also elect a secretary, who shall serve for four (4) years, unless removed for cause,

and such secretary shall be the executive officer of said board, but not a member thereof. The secretary shall receive such salary as may be fixed by the board, which shall not be in excess of just compensation for the duties required, and in addition thereto all necessary expenses incurred in the discharge of the duties of said office. The board shall adopt a common seal. The president of said board is hereby authorized to administer oaths to witnesses testifying before said board. In order to carry out the provisions of this act said board shall have the authority to issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the district courts.

The board shall employ an investigator-inspector. Such employee shall perform all inspections and conduct the investigative duties of the board and shall be within the classified service of the Kansas civil service act. Upon presentation of proper credentials the investigator-inspector shall have the authority to enter into and inspect any funeral establishment, as said term is defined in K.S.A. 65-1713a, at any reasonable time.

The board shall also have power to employ such agents and attorneys as it may deem necessary for the performance of the work of the board, and may allow them reasonable compensation and their actual necessary expenses incurred in the performance of their duties. It shall also have power to make reasonable rules and regulations establishing ethical standards and practices for embalming and funeral directing, provided the same are not inconsistent with the provisions of this act. Said board shall meet quarterly and may meet as often as the proper and efficient discharge of its duties shall require, but at no time shall the board contract in excess of the amount of its funds on hand.

History: L. 1907, ch. 387, § 4; L. 1909, ch. 225, § 2; R.S. 1923, 74-1704; L. 1927, ch. 291, § 3; L. 1941, ch. 297, § 2; L. 1967, ch. 434, § 29; L. 1979, ch. 188, § 16; L. 2004, ch. 57, § 5; July 1.

74-1705. Compensation and expenses; educational extension and research work. Members of the state board of mortuary arts attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto. Within appropriations therefor, the board may provide for such educational extension and research work.

History: L. 1907, ch. 387, § 7; R.S. 1923, 74-1705; L. 1927, ch. 291, § 1; L. 1941, ch. 297, § 3; L. 1953, ch. 291, § 4; L. 1974, ch. 348, § 53; L. 1985, ch. 215, § 21; July 1.

74-1706. Injunction or quo warranto for unlawful practice. An action in injunction or quo warranto may be brought and maintained in the name of the state board of mortuary arts of the state of Kansas, to enjoin or oust from the unlawful practice of embalming or funeral directing any person who shall in any manner practice or attempt to practice embalming or funeral directing in the state of Kansas, as defined by the laws of Kansas, in violation of the laws or the rules and regulations of the board. Nothing herein contained shall confer upon the district courts of the state the right to grant temporary restraining orders or temporary injunctions under this act, and no injunction matter shall be heard or decided until the defendant has an opportunity to present a defense. The court shall

require the issues in such cases to be joined without delay and shall set the same for trial immediately thereafter.
The authority conferred by this statute shall be in addition to, and not in lieu of, authority to prosecute criminally any person unlawfully engaged in the practice of embalming or funeral directing in this state, and shall also be in addition to the right of the board to suspend or revoke the license to the person complained against. The granting and enforcement of an injunction or quo warranto to prevent the unlawful practice of embalming or funeral directing is a preventative measure, and not a punitive measure, and the fact that a person has been charged with or convicted of criminally having practiced embalming or funeral directing shall not prevent the issuance of a writ of injunction or quo warranto to prevent such person's further practice of embalming or funeral directing. The fact that a writ of injunction or quo warranto has been granted to prevent further practice shall not preclude the institution of criminal prosecution and punishment.
History: L. 1941, ch. 297, § 4; L. 1976, ch. 145, § 235; L. 1985, ch. 215, § 22; July 1.

74-1707. Rules and regulations relative to funeral or burial insurance and prearranged funeral contracts. The state board of mortuary arts is hereby authorized and empowered to adopt and enforce rules and regulations relative to the selling and servicing of insurance or contracts of the burial or funeral benefit type and the collection of premiums and assessments thereon by embalmers, funeral directors and assistant funeral directors and to also adopt and enforce rules and regulations relative to prearranged funeral contracts made by or with embalmers, funeral directors and assistant funeral directors. Before any such rules or regulations are promulgated the same shall be submitted to and approved by the commissioner of insurance.
History: L. 1945, ch. 256, § 1; L. 1985, ch. 215, § 23; July 1.

74-1709. State board of embalming abolished; powers, duties, functions and property transferred to state board of mortuary arts; rules and regulations preserved. (a) On July 1, 1985, the state board of embalming is hereby abolished.
(b) All of the powers, duties and functions of the state board of embalming are hereby transferred to and conferred and imposed upon the state board of mortuary arts.
(c) The state board of mortuary arts shall be the successor in every way to the powers, duties and functions of the state board of embalming in which the same were vested prior to July 1, 1985, except as otherwise provided in this act. Every act performed in the exercise of such powers, duties and functions by or under the authority of the state board of mortuary arts shall be deemed to have the same force and effect as if performed by the state board of embalming in which the same were vested prior to July 1, 1985.
(d) Whenever the state board of embalming, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the state board of mortuary arts established under this act.
(e) All rules and regulations of the state board of embalming shall continue to be effective and shall be deemed to be the duly adopted rules and regulations of the state board of mortuary arts until revised, amended, revoked or nullified pursuant to law.
(f) All books, records and other property of the state board of embalming are hereby transferred to the state board of mortuary arts on July 1, 1985.

(g) Whenever any conflict arises as to the proper disposition of any property or records as a result of any abolishment or transfer made under this act, or under authority of this act, such conflict shall be resolved by the governor, and the decision of the governor shall be final.
(h) The state board of mortuary arts shall be a continuation of the state board of embalming.
History: L. 1985, ch. 215, § 19; July 1.

74-1710. Certain officers and employees transferred to state board of mortuary arts; civil service and retirement benefits preserved. On July 1, 1985, all officers and employees who were engaged prior to such date in the performance of powers, duties and functions of the state board of embalming and who, in the opinion of the state board of mortuary arts, are necessary to perform the powers, duties and functions of the state board of mortuary arts shall become officers and employees of the state board of mortuary arts and shall retain all retirement benefits and all rights of civil service which such officer or employee had before July 1, 1985, and then service shall be deemed to have been continuous. All transfers and any abolishment of positions of personnel in the classified civil service shall be in accordance with civil service laws and rules and regulations.
History: L. 1985, ch. 215, § 20; July 1.

74-1711. Investigations; subpoena power; petition to revoke, limit or modify subpoena; district court jurisdiction. (a) In connection with any investigation, based upon a complaint or other reasonably reliable information received by the state board of mortuary arts, the board or its duly authorized agent or employee may issue subpoenas and subpoenas duces tecum to compel the attendance of witnesses, to compel the production of any physical evidence for examination or copying or to compel the taking of the deposition of witnesses, residing within or outside of the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the district courts, if such evidence relates to practices which may be grounds for disciplinary action.
(b) Within five days after the service of the subpoena or subpoena duces tecum on any person requiring the production of any evidence in the person's possession or under such person's control, such person may petition the state board of mortuary arts to revoke, limit or modify such subpoena. The board shall revoke, limit or modify such subpoena if in its opinion the evidence required does not relate to practices which may be grounds for disciplinary action, is not relevant to the charge which is the subject matter of the proceeding or investigation, or does not describe with sufficient particularity the physical evidence which is required to be produced.
(c) Upon application by the state board of mortuary arts or by the person subpoenaed, the district court shall have jurisdiction to issue an order:
(1) Requiring such person to appear before the board or a duly authorized agent of the board to produce evidence relating to the matter under investigation; or
(2) revoking, limiting or modifying the subpoena if in the court's opinion the evidence demanded does not relate to practices which may be grounds for disciplinary action, is not relevant to the charge which is the subject matter of the hearing or investigation or

does not describe with sufficient particularity the evidence which is required to be produced.
History: L. 2004, ch. 57, § 2; July 1.

AGENCY 63: THE KANSAS STATE BOARD OF MORTUARY ARTS
Article 1–EMBALMING; CONTINUING EDUCATION OF EMBALMERS AND FUNERAL DIRECTORS

63-1-1. Definitions. (a) "Board" means the Kansas state board of mortuary arts.
(b) "Casket" means a rigid container that is designed for the encasement and burial of dead human bodies.
(c) "Disposition" means burial, cremation, or permanent delivery of a dead human body to a medical institution.
(d) "Embalmer" means any person licensed in embalming.
(e) "Apprentice embalmer" means any person that has passed the written Kansas embalmer examination.
(f) "Student embalmer" means any person that meets both of the following conditions:
(1) Is currently enrolled or has graduated from mortuary college with the intention of becoming an embalmer; and
(2) has registered with the board.
(g) "Embalming" means the chemical preparation of a dead human body for disposition. This term shall include all activities leading up to and including arterial and cavity embalming, including the setting of features, raising of vessels, and suturing of incisions.
(h) "Funeral service or funeral" means a religious service or other rite or ceremony with a dead human body present.
(i) "Suitable combustible container" means any receptacle or enclosure other than a casket that is of sufficient strength to be used to hold and transport human remains. This term shall include the following enclosures:
(1) A cardboard container;
(2) a pressed wood container;
(3) a composition container; and
(4) a canvas pouch. (Authorized by K.S.A. 65-1730 and K.S.A. 2006 Supp. 74-1704; implementing K.S.A. 65-1703 and K.S.A. 65-1730; effective Jan. 1, 1966; amended Jan. 1, 1974; modified by L. 1978, ch. 465, May 1, 1978; amended May 1, 1979; amended May 1, 1982; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Jan. 6, 1992; amended Feb. 16, 2007.)

63-1-3. Registration and apprenticeship. (a) In order to be granted an embalmer license, the following educational requirements shall be met: Each applicant shall enroll in an approved school of mortuary science offering at least an AA degree in mortuary science, while accumulating during this training at least 30 semester hours in mortuary science.
(b) Each person desiring to enter the practice of embalming dead human bodies within the state of Kansas shall apply to the board for a "certificate of registration" in order to take the embalmer's examination. Application forms provided by the board shall be

used. Each application form shall be accompanied by the following:
(1) Official transcripts from approved institutions of higher learning showing that the applicant has met the educational requirements of K.S.A. 65-1701a, and amendments thereto, or their equivalent;
(2) verification that the applicant completed a mortuary science program that results in at least an AA degree in mortuary science and is accredited by the American board of funeral service education; and
(3) the fee as prescribed in K.A.R. 63-4-1.
(c) The applicant may file a "certificate of completion" in lieu of a transcript if a transcript is unavailable at the time of application. A transcript shall be filed with the board before beginning the apprenticeship.
(d) Upon passing the examination, each applicant shall be registered under a licensed Kansas embalmer or embalmers or an embalmer who is approved by the board for an embalmer apprenticeship. Each licensee under whom an apprentice is registered shall file quarterly reports of progress with the board. Upon successful completion of the apprenticeship and payment of the prorated biennial fee, an embalmer's license shall be issued by the board. An apprentice embalmer shall successfully complete one year of apprenticeship in the practice of embalming dead human bodies in order to be qualified for an embalmer license. In order for an embalmer apprenticeship to be successfully completed, all of the following requirements shall be met:
(1) The apprentice shall file quarterly progress reports with the board on forms approved by the board concerning the apprentice's progress in the practice of embalming.
(2) The supervising embalmer shall file quarterly progress reports with the board on forms approved by the board concerning the apprentice's progress in the practice of embalming.
(3) The progress reports of the apprentice and supervising embalmer shall be reviewed by the board to assist in determining if the apprentice's progress in the practice of embalming is acceptable or unacceptable.
(e) If either the apprentice or the supervising embalmer fails to timely submit a quarterly report to the board, that quarter shall not be counted toward successful completion of the apprenticeship. Timely submission of a quarterly report shall be within 10 days following the conclusion of the quarter.
(f) At the conclusion of one year of apprenticeship, the apprentice shall be required to appear before the board. If the board determines acceptable progress by the apprentice in the practice of embalming in each quarter of the apprenticeship, the apprentice shall be granted a license to practice embalming. If the board determines that the progress of the apprentice is unacceptable in one or more quarters of the apprenticeship, the apprentice shall be required to successfully complete one or more additional quarters of an embalming apprenticeship.
(g) Each transcript and record filed with the board shall become part of the board's permanent files and records.
(h) If the applicant does not pass the examination within two years from the date of first application, that application shall automatically expire. Time served in the armed forces shall not be counted in computing this period. If the applicant desires to reapply, the applicant shall make a new application in accordance with subsection (b).
(i) If an apprentice embalmer fails to complete the apprenticeship within two years

following the successful completion of the examination, the apprenticeship shall expire. An extension of up to one year may be granted by the board in cases of illness or other extraordinary circumstances. Each application for extension shall be submitted on the form provided by the board. Time served in the armed forces shall not be counted in computing this period. If the applicant later desires to complete the apprenticeship, the applicant shall first retake and pass the embalmer's examination.
(j) Each applicant who passes the examination shall receive credit toward the apprenticeship for time spent in the armed forces if the applicant's primary duties were preparation of, and caring for, dead human bodies under the supervision of a person holding a valid embalmer's license in any state. This supervising licensee shall certify as to the duties of the applicant on forms approved by the board.
(k) Each embalmer apprentice shall serve full-time. "Full-time" means employed 40 hours per week for 50 weeks per year and available to assist in embalming 24 hours per day. (Authorized by K.S.A. 65-1730; implementing K.S.A. 1999 Supp. 65-1701a; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1969; amended Jan. 1, 1974; amended, E-76-14, Feb. 28, 1975; amended May 1, 1976; amended May 1, 1978; amended May 1, 1982; amended May 1, 1983; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended June 26, 1989; amended March 19, 1990; amended Jan. 6, 1992; amended June 7, 1993; amended Dec. 6, 1993; amended April 3, 1995; amended Jan. 12, 2001.)

63-1-4. Examination. Only applicants who have met the requirements of K.S.A. 65-1701a, and amendments thereto, and K.A.R. 63-1-3 may take the embalmer's examination approved by the board, which is the examination administered by the international conference of funeral service examining boards. In order to pass the examination, each applicant shall receive a score of at least 75 in the funeral service arts section and in the funeral service science section. Each applicant shall be required to pass both sections of the examination to be eligible for apprenticeship and licensure. (Authorized by K.S.A. 65-1730; implementing K.S.A. 65-1701a, as amended by L. 2004, ch. 57, sec. 3; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1987; amended June 26, 1989; amended March 19, 1990; amended July 1, 1993; amended Jan. 12, 2001; amended Nov. 12, 2004.)

63-1-5. Requirements for a reciprocal embalmer's license. Each applicant who is currently licensed in another state and desires reciprocal licensure as an embalmer in Kansas shall obtain all necessary original documents required for licensure under K.S.A. 65-1701b and amendments thereto. These original documents shall be delivered with the application and fee to the board by the 15th of the month before the quarterly meeting of the board at which the application will be considered. (Authorized by K.S.A. 65-1730; implementing K.S.A. 65-1701b; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1982; modified, L. 1983, ch. 351, May 1, 1983; amended May 1, 1987; amended May 1, 1988; amended Jan. 12, 2001.)

63-1-6. General requirements relating to the practice of embalming, cremation, and funeral directing. (a) Following the loss or destruction of the license of any

embalmer, funeral director, assistant funeral director, crematory operator, or establishment or branch establishment, a duplicate license shall be issued by the board upon the licensee's written request and payment of the duplicate license fee specified in K.A.R. 63-4-1.
(b) Each licensee shall promptly notify the board of all changes in the licensee's address.
(c) Each licensee shall promptly and fully cooperate at all times with the state department of health and environment and with the board in all matters pertaining to the general practice of embalming and cremation.
(d) Any licensee's name may be used in the form of an endorsement of a preneed funeral plan if the recommendation is genuine and representative of the current opinion of the licensee. The endorsement shall apply to the preneed funeral plan advertised. The licensee making the recommendation shall disclose to the public any financial interest in the preneed funeral plan or a related entity, or any direct or indirect benefit as a stockholder, officer, or employee.
(e) A licensee shall not be connected in any way with an insurance company if either of the following conditions is met:
(1) Policies are payable in merchandise or require the service of a designated funeral director or a member of a designated group of funeral directors.
(2) The certificate or policy of that company provides for a reduction on the value of merchandise or services furnished or the price to be paid for them. (Authorized by K.S.A. 65-1730, K.S.A. 2010 Supp. 74-1704, K.S.A. 74-1707, and K.S.A. 2010 Supp. 65-1774; implementing K.S.A. 65-1701, K.S.A. 65-1730, K.S.A. 74-1707; effective Jan. 1, 1966; modified, L. 1979, ch. 345, May 1, 1979; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended May 1, 1988; amended June 26, 1989; amended Jan. 12, 2001; amended Sept. 16, 2011.)

63-1-12. Embalmer's biennial renewals. (a) Each embalmer license renewal fee shall be paid on a biennial basis. Each renewal fee shall be initially prorated to the nearest whole month, to establish the biennial renewal process.
(b) Each expiration date shall be assigned alphabetically according to the first letter of the licensee's surname, as follows:
(1) A and M shall expire on January 31.
(2) B and N shall expire on February 28.
(3) C and O shall expire on March 31.
(4) D and P shall expire on April 30.
(5) E and Q shall expire on May 31.
(6) F and R shall expire on June 30.
(7) G and S shall expire on July 31.
(8) H and T shall expire on August 31.
(9) I and U shall expire on September 30.
(10) J and V shall expire on October 31.
(11) K and W shall expire on November 30.
(12) L, X, Y, and Z shall expire on December 31.
Each licensee whose surname begins with the letters A through L shall renew in even-numbered years; M through Z shall renew in odd-numbered years.

(c) (1) Any license that expires may be reinstated within six months of the expiration date upon payment of the renewal fee in arrears and a reinstatement fee in the amount equal to the renewal fee.
(2) Each licensee shall make up all past continuing education hours accrued during the expiration period within one year of reinstatement.
(d) Subsection (a) shall not apply to apprentice licensees or the period of apprenticeship under K.S.A. 65-1701a and amendments thereto. The initial licensure fee for new embalmers shall be charged on a pro rata basis in order to place new licensees within the expiration dates of subsection (b).
(e) Each licensee changing the licensee's surname shall notify the board of the change, and the expiration date shall be adjusted to the month so designated in subsection (b). (Authorized by and implementing K.S.A. 65-1702; effective, E-80-17, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1986; amended May 1, 1988; amended June 26, 1989; amended Jan. 6, 1992; amended Jan. 12, 2001.)

63-1-23. Requirements for an embalmer's license by endorsement. (a) Each applicant who is currently licensed in another state and desires licensure as an embalmer by endorsement in Kansas shall provide the board with the following information:
(1) Proof of licensure as an embalmer in another state for at least five consecutive years;
(2) completion of five consecutive years of active practice in embalming within the past five years;
(3) proof of having passed the national board examination (N.B.E.) of the international conference of funeral service examining boards; and
(4) verification that no adverse action has been taken against the licensee by any state board in which licensure is or has been held.
(b) Each applicant shall submit the information specified in paragraphs (a) (1), (2) and (4) on applications provided by the state board.
(c) Each applicant shall have the information specified in paragraph (a) (3) sent directly to the board by the international conference of funeral service examining boards.
(d) The applications, fee, and proof of passing the national examination shall be delivered to the board by the 15th of the month before the quarterly meeting of the board, at which the applicant shall meet with the board and the application shall be considered. (Authorized by K.S.A. 65-1712; implementing K.S.A. 2001 Supp. 65-1727; effective May 17, 2002.)

Article 2-Funeral Directing

63-2-1. Embalming regulations adopted. The following regulations of this board relating to the subject of embalming and any amendments thereto are adopted and incorporated herein by reference, and made a part of the regulations of this board on the subject of funeral directing, so far as the same are applicable: K.A.R. 63-1-1, K.A.R. 63-1-6, and K.A.R. 63-1-8. (Authorized by K.S.A. 65-1722, 74-1704, 74-1707; implementing K.S.A. 65-1714, 65-1722, 74-1707; effective Jan. 1, 1966; amended May 1, 1979; amended May 1, 1987.)

63-2-3. Responsibilities of funeral director. (a) A Kansas funeral director shall not have charge of more than one funeral establishment.
(b) Any Kansas licensed funeral director owning or having an interest in more than one Kansas funeral establishment shall employ at all times, for each of these establishments, a Kansas licensed funeral director, who shall have personal supervision and charge of the establishments.
(c) A funeral, or any portion of it, and all at-need funeral arrangements shall not be conducted without a licensed funeral director or assistant funeral director being present. (Authorized by K.S.A. 74-1704; implementing K.S.A. 65-1713a; effective Jan. 1, 1966; amended Jan. 1, 1967; amended May 1, 1978; amended May 1, 1982; amended May 1, 1983; amended May 1, 1987; amended April 3, 1995.)

63-2-7. General rule relating to the practice of funeral directing. (a) Only persons licensed under the laws of the state of Kansas as funeral directors or assistant funeral directors shall be employed as funeral directors or assistant funeral directors or hold themselves out to the public or advertise as funeral directors or assistant funeral directors within the state of Kansas.
(b) All licensees shall promptly notify the secretary of the board of all changes in their addresses. A licensee shall notify the secretary of the board before that licensee's funeral establishment or branch establishment is sold or discontinued, or if that licensee's connection with a funeral establishment or branch establishment is to be terminated. (Authorized by K.S.A. 65-1730, K.S.A. 74-1704; implementing K.S.A. 65-1730, K.S.A. 74-1704; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1982; amended Jan. 12, 2001.)

63-2-10. Requirements for a funeral director's license. (a) Before serving an apprenticeship toward a funeral director's license, each prospective funeral director apprentice shall submit a transcript to the board showing that the prospective funeral director apprentice has earned prior credit of not less than 60 semester hours at a community college, college, or university that is accredited by an accrediting agency recognized by the United States commissioner of education as the proper agency for accrediting such a school.
(b) The 60 semester hours earned shall include a minimum of the following:
(1) Six semester hours of humanities;
(2) six semester hours of social science;
(3) four semester hours of natural science;
(4) two semester hours of business; and
(5) two semester hours of fine arts.
(c) The prospective funeral director apprentice may select the remaining 40 semester hours. (Authorized by K.S.A. 65-1730; implementing K.S.A. 65-1714; effective May 1, 1976; amended Nov. 13, 1995; amended Jan. 12, 2001.)

63-2-11. Requirements for a reciprocal funeral director's license. Each applicant who is currently licensed in another state and desires reciprocal licensure as a funeral director in Kansas shall obtain all necessary original documents required for licensure under K.S.A. 65-1721 and amendments thereto. These original documents shall be delivered with the application and fee to the board by the 15th of the month before the quarterly meeting of the board at which the application will be considered. (Authorized by K.S.A. 65-1730; implementing K.S.A. 65-1721; effective May 1, 1976; amended May 1, 1978; amended May 1, 1982; modified, L. 1983, ch. 351, May 1, 1983; amended May 1, 1987; amended Jan. 12, 2001.)

63-2-12. Funeral director apprenticeship. "Funeral director apprentice" means a licensed assistant funeral director who is completing practical experience in funeral directing under the supervision of a licensed funeral director.
(a) Embalmer and funeral director apprenticeships may be served concurrently upon appropriate licensure and registration with the board.
(b) A funeral director apprentice shall be licensed as an assistant funeral director, registered under a licensed funeral director, and employed at the funeral director's funeral establishment or branch establishment full-time. "Full-time" means employed 40 hours per week for 50 weeks per year and available to assist in funeral directing 24 hours per day.
(c) Any time served in a funeral director apprenticeship under the direction or supervision of any person other than a Kansas-licensed funeral director shall not be credited by the board toward the apprenticeship requirements.
(d) Each funeral director apprentice and the supervising licensed funeral director shall notify the board if the apprentice leaves the employ of the funeral director or if the apprenticeship is terminated for any other reason before completion. A supervising licensed funeral director who fails or refuses to so notify the board without showing just cause to the board shall not subsequently be considered eligible to supervise a funeral director apprentice.
(e) If the licensed funeral director dies during the apprenticeship, three affidavits from reputable citizens having knowledge of the apprenticeship may be accepted by the board in lieu of the funeral director's verification of apprenticeship. These affidavits shall include the dates of the apprenticeship.
(f) An apprentice funeral director shall successfully complete one year of apprenticeship in the practice of funeral directing in order to be qualified for a funeral director license. In order for the apprenticeship to be successfully completed, all of the following requirements shall be met:
(1) The apprentice shall file quarterly progress reports with the board on forms approved by the board concerning the apprentice's progress in the practice of funeral directing.
(2) The supervising funeral director shall file quarterly progress reports with the board on forms approved by the board concerning the apprentice's progress in the practice of funeral directing.
(3) The progress reports of the apprentice and supervising funeral director shall be reviewed by the board to assist in determining if the apprentice's progress in the practice of funeral directing is acceptable or unacceptable.

(g) If either the apprentice or supervising funeral director fails to timely submit a quarterly report to the board, that quarter shall not be counted toward successful completion of the apprenticeship. Timely submission of a quarterly report shall be within 10 days following the conclusion of the quarter.
(h) At the conclusion of one year of apprenticeship, the apprentice shall be required to appear before the board. If the board determines that progress of the apprentice is unacceptable in one or more of the quarters of the apprenticeship, the apprentice shall be required to successfully complete one or more additional quarters of the funeral director apprenticeship.
(i) Each apprentice funeral director shall meet the educational requirements specified in K.A.R. 63-2-10 and then successfully complete a funeral director apprenticeship to be considered eligible to take the funeral director examination. (Authorized by K.S.A. 65-1723; implementing K.S.A. 65-1714, 65-1717; effective May 1, 1976; amended May 1, 1980; amended May 1, 1987; amended April 3, 1995; amended Jan. 12, 2001.)

63-2-13. Funeral director's license examination. (a) The funeral director's license examination shall consist of the following subjects:
(1) mortuary law and business law;
(2) sociology of funeral service;
(3) psychology;
(4) mortuary administration;
(5) accounting;
(6) Kansas and federal laws pertaining to funeral directing and pre-need funeral agreements.
(b) Each applicant shall obtain a minimum score of 75% before the issuance of a funeral director's license.
(c) If the applicant fails the examination, the applicant shall be allowed to take the exam at the next regularly scheduled exam date without submitting a new examination fee. If the applicant fails the second examination or fails to appear for it, then the applicant may make a new application, pay another examination fee, and take the examination. (Authorized by and implementing K.S.A. 65-1714 and 65-1730; effective May 1, 1976; amended May 1, 1978; amended May 1, 1980; amended May 1, 1988; amended Nov. 13, 1995.)

63-2-14. Funeral director's biennial renewals. (a) Each funeral director's license shall be renewed on a biennial basis.
(b) Expiration dates shall be established alphabetically according to the first letter of each licensee's surname, as follows:
(1) A and M shall expire on January 31;
(2) B and N shall expire on February 28;
(3) C and O shall expire on March 31;
(4) D and P shall expire on April 30;
(5) E and Q shall expire on May 31;
(6) F and R shall expire on June 30;
(7) G and S shall expire on July 31;
(8) H and T shall expire on August 31;

(9) I and U shall expire on September 30;
(10) J and V shall expire on October 31;
(11) K and W shall expire on November 30; and
(12) L and X, Y, and Z shall expire on December 31.
Each licensee whose surname begins with letter A through L shall renew on even-numbered years. Each licensee whose surname begins with letter M through Z shall renew on odd-numbered years.
(c) Any expired license within six months of the date of expiration may be reinstated upon payment of the renewal fee in arrears and a reinstatement fee in an amount equal to the renewal fee.
(d) Each licensee shall make-up all past continuing education hours accrued during the expiration period within one year of reinstatement.
(e) Each licensee changing the licensee's surname shall notify the secretary to the board of the change and the expiration date shall be adjusted to the month designated in subsection (b). (Authorized by and implementing K.S.A. 65-1716; effective, E-80-17, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1987; amended June 26, 1989.)

63-2-15. Assistant funeral directors biennial renewals. (a) All assistant funeral directors licenses shall be paid on a biennial basis. The board of mortuary arts shall prorate to the nearest whole month all renewal fees on a one time basis, in order to establish the biennial renewal process for the calendar year 1980.
(b) Expiration dates will be done alphabetically according to the first letter of the licensees surname, as follows:
(1) A and M shall expire on January 31;
(2) B and N shall expire on February 28;
(3) C and O shall expire on March 31;
(4) D and P shall expire on April 30;
(5) E and Q shall expire on May 31;
(6) F and R shall expire on June 30;
(7) G and S shall expire on July 31;
(8) H and T shall expire on August 31;
(9) I and U shall expire on September 30;
(10) J and V shall expire on October 31;
(11) K and W shall expire on November 30;
(12) L and XYZ shall expire on December 31;
Renewal surname letters A through L will renew on even numbered years; M through Z will renew on odd numbered years.
(c) Licensees changing their surnames shall notify the secretary to the board of the change and the expiration date shall be adjusted to the month designated in section (b). (Authorized by and implementing K.S.A. 65-1717; effective, E-80-17, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1986; amended May 1, 1987.)

63-2-26. Assistant funeral director's license examination. (a) The assistant funeral director's license examination shall cover the following subjects:
(1) The Kansas laws pertaining to funeral directing;
(2) the Kansas laws pertaining to preneed funeral agreements; and

(3) the federal laws pertaining to funeral directing, including the federal trade commission's funeral rule.
(b) Each applicant shall be required to obtain a score of at least 75% on the assistant funeral director's license examination.
(c) If an applicant fails the examination, the applicant shall be allowed to retake the exam at the next regularly scheduled exam date by submitting a new examination application on or before the 15th of the month before the month in which the next exam is scheduled. If the applicant fails the second examination or fails to appear for the second examination, the applicant shall be required to submit a new examination application and another examination fee on or before the 15th of the month before the month in which the next exam is scheduled. (Authorized by and implementing K.S.A. 65-1717, as amended by L. 2007, ch. 87, §1; effective Feb. 8, 2008.)

Article 3-PREPARATION AND TRANSPORTATION OF BODIES; BURIAL IN MAUSOLEUMS; AND FUNERAL ESTABLISHMENTS

63-3-9. Embalming fluids and compounds. Fluids or compounds which contain arsenic, lead, mercury, zinc, silver, antimony, chloral, or any poisonous alkaloid shall not be used in the embalming of a dead human body. (Authorized by and implementing K.S.A. 65-1712; effective Jan. 1, 1969; amended May 1, 1978; amended Nov. 13, 1995.)

63-3-10. Death from infectious or contagious diseases. (a) Each embalmer and funeral director shall, at all times, undertake and be responsible for appropriate precautionary measures to prevent the spread of infectious or contagious diseases from deceased human bodies to employees of mortuary establishments, to persons under contract to provide services involved in the preparation and handling of dead human bodies, and to the general public.
(b) When death has occurred from meningococcal infection, Ebola virus infection, Lassa fever, anthrax, rabies, brucellosis, or any other infectious or contagious disease known to be transmissible from human corpses to living humans as determined by the secretary of the department of health and environment, the body shall be handled and prepared by a licensed Kansas embalmer. If any of the above-described infections occurred or was reasonably suspected to be present at the time of death, the body shall be embalmed and placed in a casket or suitable combustible container before transporting and final disposition.
(c) Any body dead from one of the above-described infectious diseases may be cremated or buried without embalming if final disposition takes place within 24 hours of death. Each unembalmed body to be buried within 24 hours following death shall be placed in a metal-lined, hermetically sealed container before burial. Each unembalmed body to be cremated within 24 hours following death shall be placed in a suitable combustible container. (Authorized by and implementing K.S.A. 65-1712, K.S.A. 74-1704; effective Jan. 1, 1969; amended May 1, 1978; modified, L. 1979, ch. 353, May 1, 1979; amended May 1, 1988; amended June 7, 1993; amended Aug. 15, 1997.)

63-3-11. Preparation and transportation of dead human bodies. A dead human body shall not be transported by private conveyance or common carrier until the following conditions are met. (a) Any unembalmed body released by the family or proper authority, other than a body dead with an infectious or contagious disease, may be transported by private conveyance within the state of Kansas if:
(1) A certificate of death has been filed according to laws and regulations set forth by the Kansas state department of health and environment; and
(2) after the body has been released to a funeral director, any transportation is supervised personally by the funeral director.
(b) In addition to meeting the requirements of subsection (a), each body dead with an infectious or contagious disease shall be handled pursuant to K.A.R. 63-3-10 prior to being transported by private conveyance or common carrier.
(c) A body dead from any cause may be transported by common carrier if:
(1) The body has been prepared and properly disinfected by arterial and cavity injection with an approved disinfecting fluid having a minimum phenol coefficient equal to that of a five percent formaldehyde solution. The amount of the fluid injected shall not be less than 1/10 of the body weight;
(2) all body orifices have been disinfected and plugged with dry cotton;
(3) the body has been washed with five percent formaldehyde or other disinfectant of equivalent coefficient; and
(4) the body is encased in a shipping case which is acceptable under the rules of the common carrier.
(d) A body dead from any cause may be interred or cremated without embalming if interment or cremation is within 24 hours of death. A reasonable period of time beyond 24 hours may be permitted if:
(1) religious beliefs, laws or customs do not permit transportation or interments on Sabbath or holy days; and
(2) no health hazard or nuisance will result from such a delay. Each body dead with an infectious or contagious disease shall be handled pursuant to K.A.R. 63-3-10.
(e) A body dead from any cause other than infectious or contagious disease may be interred or cremated without embalming if embalming would violate personal or religious beliefs and a health hazard or nuisance will not result. An unembalmed body may be retained in storage at a constant temperature of less than 40 degrees Fahrenheit. When that body is removed from storage and transported, the body shall reach its final destination within 24 hours following the removal from storage. If the body is placed in a metal or metal lined hermetically sealed container immediately after death, the body may be considered an embalmed body, for the purpose of transportation.
(f) If a casket has not been used in the preparation and transportation of a body that is to be cremated, the body shall be placed in a suitable combustible container which shall be permanently closed before being released to a receiving crematory.
(g) This regulation shall not apply to bodies donated to the university of Kansas school of medicine. (Authorized by and implementing K.S.A. 65-1712, K.S.A. 74-1704, K.S.A. 65-1723; effective Jan. 1, 1960; amended, E-72-6, Dec. 17, 1971; amended Jan. 1, 1973; amended May 1, 1976; amended May 1, 1978; modified, L. 1979, ch. 353, May 1, 1979; amended Jan. 6, 1992; amended June 7, 1993.)

63-3-12. Mangled, burned, and decomposed bodies. Any body which is so badly mangled, burned, decomposed or partially decomposed that it cannot be prepared pursuant to K.A.R. 63-3-11 shall not be transported from a licensed funeral establishment until it is first thoroughly disinfected by a disinfecting compound or preservative and placed in a non-permeable container. (Authorized by and implementing K.S.A. 65-1712; effective Jan. 1, 1969; modified, L. 1976, Ch. 331, § 1, May 1, 1976; amended May 1, 1978; amended Nov. 13, 1995.)

63-3-13. Disinterment. Disinterred remains transported by common carrier or by private conveyance shall be subject to K.A.R. 63-3-11 and K.A.R. 63-3-15. (Authorized by and implementing K.S.A. 65-1703, as amended by 1995 HB 2163, and 65-1712; effective Jan. 1, 1969; amended May 1, 1978; amended, T-88-43, Oct. 27, 1987; amended May 1, 1988; amended Nov. 13, 1995.)

63-3-15. Dead bodies in transit. (a) Each dead human body entering the state of Kansas via any common carrier or private conveyance shall be transported in compliance with the embalming and transportation rules of the state from which the body was shipped including a removal permit if required.
(b) Any person, agent or owner of any common carrier or private conveyance, who is in charge of any dead human body that is in transit, has not been properly prepared or embalmed, and has become offensive or dangerous to public health, shall refuse to continue transportation until the body has been properly prepared, so that public health is not endangered. (Authorized by and implementing K.S.A. 65-1703, as amended by 1995 HB 2163, and 65-1712; effective Jan. 1, 1969; amended Nov. 13, 1995.)

63-3-16. Burial in mausoleum. Each dead human body shall be embalmed in accordance with K.A.R. 63-3-11 before it may be placed in a mausoleum. (Authorized by and implementing K.S.A. 65-1712; effective Jan. 1, 1969; amended May 1, 1978; amended Nov. 13, 1995.)

Agency 28-KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT: Article 9-CONSTRUCTION, MAINTENANCE AND USE OF MAUSOLEUMS

28-9-4. Embalming of dead bodies. No dead body shall be interred or deposited in any public mausoleum or private mausoleum of more than two crypts unless the body has first been embalmed in compliance with recognized embalming practice. (Authorized by K.S.A. 17-1324; effective Jan. 1, 1966.)

Chapter 65-PUBLIC HEALTH
Article 1-SECRETARY OF HEALTH AND ENVIRONMENT, ACTIVITIES

65-123. Funeral services. Funeral services for individuals who have died while suffering from an infectious or contagious disease shall be conducted in accordance with rules and regulations of the secretary of health and environment. In diseases requiring quarantine of contacts, a public funeral service may be permitted only if the casket remains closed and those contacts subject to quarantine who attend the funeral are adequately segregated from the public.
History: L. 1901, ch. 285, § 7; R.S. 1923, 65-123; L. 1953, ch. 283, § 4; L. 1974, ch. 352, § 9; L. 1976, ch. 262, § 4; July 1.

Article 3-PREPARATION AND TRANSPORTATION OF BODIES; BURIAL IN MAUSOLEUMS; AND FUNERAL ESTABLISHMENTS

63-3-17. Services and merchandise pricing. (a) Each funeral service casket in the casket selection room shall have a card or brochure that sets forth the price of the service using that casket and lists the services and any other merchandise included in the price. If there are separate prices for the casket, services, or the use of facilities and equipment, the card shall indicate the price of the casket and of each item separately priced.
(b) If a funeral service establishment uses the facilities of a manufacturer, jobber, or other place where caskets are displayed for selection, the funeral licensee conducting the service shall place the cards or brochures required by subsection (a) in the caskets before any selection is made by those arranging a funeral.
(c) Each funeral service licensee shall give to the person or persons making funeral arrangements a written price statement signed by the licensee or a representative of the funeral establishment or branch establishment. The written statement shall be provided at the time funeral arrangements are made or before the merchandise or services are provided. This written statement shall show the following information:
(1) The price of the service that the family has selected and the services that are included in it;
(2) the price of each of the supplemental items of service or merchandise, or both, requested; and
(3) the amount involved for each of the items for which the funeral director can advance funds as an accommodation to the family, insofar as any of the above can be specified at that time.
(d) Funeral service rental caskets shall be separately designated with a card or brochure in each casket and shall be designated as rental caskets on the casket price list. (Authorized by and implementing K.S.A. 65-1723, K.S.A. 65-1730; effective Jan. 1, 1974; amended May 1, 1978; amended May 1, 1982; amended Jan. 6, 1992; amended Jan. 12, 2001.)

63-3-18. Requirements for the funeral establishment and branch establishment.
(a) Necessary equipment. Every funeral establishment and branch establishment shall possess and keep on the premises any equipment that the board deems necessary for the conduct of business and the protection of the public health. This equipment shall be kept in good working condition.
(b) Sanitary conditions. All portions of each funeral establishment and branch establishment shall be kept in a clean and sanitary condition.
(c) Preparation room.
(1) Every funeral establishment shall maintain, on the premises, a preparation or embalming room. The preparation or embalming room shall be adequately equipped and maintained in a sanitary manner and shall be used only for the preservation and care of dead human bodies. This room shall contain only those articles, facilities, and instruments necessary for the preparation of dead human bodies for burial or final disposition. Those articles, facilities, and instruments shall be kept in a clean and sanitary condition.
(2) The minimal requirements for a preparation or embalming room shall be as follows:
(A) Each preparation or embalming room shall be equipped with the following:
(i) A sanitary floor made of nonporous material;
(ii) adequate ventilation;
(iii) suitable and sanitary material, methods, and equipment, which shall be used to clean and disinfect all embalming instruments;
(iv) running hot and cold water;
(v) an exhaust fan. This exhaust fan shall be permanently installed, operable, and sufficiently powerful to effectively reduce the formaldehyde concentration in the room;
(vi) sanitary plumbing connected with a sewer or cesspool; and
(vii) a porcelain, stainless steel, metal-lined, or fiberglass operating table.
(B) All opening windows and outside doors shall have opaque glass.
(C) Each hydro-aspirator shall be equipped with at least one air breaker.
(D) Containers for refuse, trash, and soiled linens shall be covered or sealed at all times.
(E) The funeral establishment or branch establishment license shall be prominently displayed at all times.
(3) Each preparation room entrance shall be able to be locked and shall display a sign indicating private or restricted entry. (Authorized by K.S.A. 65-1723; implementing K.S.A. 1999 Supp. 65-1713a and K.S.A. 65-1723; effective May 1, 1976; amended May 1, 1978; amended May 1, 1982; amended May 1, 1984; amended Jan. 12, 2001.)

63-3-19. Establishment and branch establishment licenses; biennial renewals. (a) Each establishment and branch establishment license shall be renewed on a biennial basis.
(b) Each establishment and branch establishment license shall be renewed before its expiration date according to the first letter of the establishment and branch establishment license surname, as follows:
(1) H through J and T through Z shall expire on March 31;
(2) E through G and R through S shall expire on June 30;
(3) C, D, and N through Q shall expire on September 30; and

(4) A, B, and K through M shall expire on December 31.
Each license with a surname beginning with letters A through J shall expire in odd-numbered years. Each license with a surname beginning with letters K through Z shall expire in even-numbered years.
(c) At least 30 days before a change of ownership, name, or location of any establishment or branch establishment, the funeral director in charge shall apply for an establishment or branch establishment license. The funeral director in charge shall also submit a report of any prefinanced funeral agreements which were transferred with the establishment. The funeral director in charge shall receive a new license before conducting funeral business under new ownership, under a new name, or in a new location.
(d) When a change of ownership of an establishment or branch establishment occurs, the funeral director in charge shall submit a new license application fee pro-rated in accordance with subsection (b).
(e) For a name change of an establishment or branch establishment, the funeral director in charge shall submit a license fee for a new license. The license fee shall be pro-rated in accordance with subsection (b) with a credit given towards the pro-rated fee based on all unused months of the previous license.
(f) For a location change of an establishment or branch establishment, the funeral director in charge shall submit a duplicate license fee for the amount specified in K.A.R. 63-4-1.
(g) Each initial establishment or branch establishment license fee shall be charged on a pro-rated basis to the nearest whole month under subsection (b).
(h) Each establishment or branch establishment renewal shall be judged delinquent on midnight of the expiration date and may only be renewed after that day by payment of the renewal fee and a reinstatement fee in an amount equal to the renewal fee.
(Authorized by K.S.A. 65-1730; implementing K.S.A. 65-1729, as amended by 1995 HB 2163, and K.S.A. 65-1730; effective, E-80-17, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1985; amended Jan. 6, 1992; amended June 7, 1993; amended Nov. 13, 1995.)

63-3-20. Reporting of prefinanced funeral agreements. (a) Each funeral director in charge of a funeral establishment or branch establishment licensed in the state of Kansas shall report to the state board of mortuary arts, on forms provided by the board, the following information concerning prefinanced funeral agreements entered into pursuant to K.S.A. 16-301 through K.S.A. 16-309 and amendments thereto:
(1) The numbers that identify the accounts, in the records of the funeral establishment or branch establishment, of each purchaser of merchandise and services pursuant to these agreements;
(2) either the name of each bank, trust company, savings and loan association, or credit union into which each purchaser's funds were deposited and the number of each named account or the name of the insurance company in which the funeral establishment or branch establishment has been designated as the beneficiary or designated assignee;
(3) the amounts of each purchase pursuant to these agreements or policies;
(4) the date of each purchase;
(5) all prefinanced funeral agreements funded by an insurance policy or held in trust;

(6) the total number of all insurance-funded agreements and the total dollar amount of all these agreements;
(7) the total number of all trust-funded agreements and the total dollar amount of all these agreements; and
(8) the total number of all prefinanced agreements and the total dollar amount of all these agreements.
(b) The reports shall accompany each funeral establishment's or branch establishment's biennial application for renewal of its funeral establishment or branch establishment license, as required by K.A.R. 63-3-19, and any notification from the secretary of the board made according to K.A.R. 63-2-7(b). Each report shall include all prefinanced funeral agreements entered into by the funeral establishment or branch establishment for which any merchandise or service has not yet been rendered.
(c) Each funeral director in charge of a funeral establishment or branch establishment may be required by the board to report the name and address of any purchaser and the corresponding account number described in subsection (a) above. The funeral director in charge of a funeral establishment or branch establishment shall report the additional information in writing within 10 days of receipt of the board's written request.
(d) Failure of any funeral director in charge of a funeral establishment or branch establishment to comply with this regulation shall be grounds for refusal or revocation of its funeral establishment, branch establishment, or funeral director license. (Authorized by and implementing K.S.A. 74-1707; effective May 1, 1984; amended May 1, 1986; amended Jan. 6, 1992; amended March 16, 1992; amended Jan. 12, 2001.)

63-3-21. General requirements relating to prefinanced funeral agreements. (a) Each funeral director shall transfer all funds obtained by any prefinanced funeral agreement funded by one or more insurance policies, upon request by the purchaser, to the funeral director that provides the services or merchandise, or both, as specified in the prefinanced funeral agreement.
(b) If any balance is left in the prefinanced funeral agreement funded by an insurance policy after the disposition of the funds according to the agreement, the funeral director shall pay the remaining balance to the purchaser, the estate of the deceased, or the family of the deceased. However, if the purchaser or the deceased received any medical assistance from the department of social and rehabilitation services and if the department of social and rehabilitation services has provided the funeral director with written notice that the purchaser or the deceased had received medical assistance, then the funeral director shall pay the remaining balance, to the extent of the cost of the medical assistance expended on the purchaser or deceased recipient, to the secretary of social and rehabilitation services or the secretary's designee. (Authorized by K.S.A. 74-1707; implementing K.S.A. 2003 Supp. 16-311, as amended by L. 2004, ch. 36, sec. 2; effective March 16, 1992; amended Nov. 12, 2004.)

63-3-22. Inspections of funeral establishments and branch establishments. (a) Each funeral establishment and branch establishment shall be subject to routine inspections at least once every year by the board or its designee, to determine compliance with the "regulation of embalmers and funeral directors; funeral establishments" act and the board's regulations adopted under this act.

(b) Each funeral establishment and branch establishment may be subject to additional inspections if any of the following conditions exists:
(1) The funeral establishment or branch establishment incurred a violation in a previous inspection.
(2) A change occurred in ownership or in the funeral director in charge.
(3) The funeral director in charge did not timely renew the funeral establishment and branch establishment license.
(c) Inspections shall be made between the hours of 8:00 a.m. and 6:00 p.m., or at any time business is being conducted, unless otherwise agreed by both parties.
(d) Inspections shall be made by the board or its designee.
(e) Inspections of each funeral establishment and branch establishment may be authorized by the board or its executive secretary.
(f) The authorized inspection may be conducted without notice to the funeral director in charge. (Authorized by and implementing K.S.A. 2001 Supp. 65-1723; effective May 17, 2002.)

63-3-23. Inspection generated by a complaint. (a) Each funeral establishment or branch establishment shall be subject to inspection by the board or its designee, to investigate any specific complaint filed with the board.
(b) Any inspection generated by a complaint may be authorized by the board or its executive secretary at any time. Inspections shall be limited as follows:
(1) Inspections shall be made between the hours of 8:00 a.m. and 6:00 p.m., or at any time business is being conducted, unless otherwise agreed by both parties.
(2) Inspections shall be made by the board or its designee. (Authorized by and implementing K.S.A. 2001 Supp. 65-1723; effective May 17, 2002.)

Article 4-FEES

63-4-1. Payment of fees. The following shall be charged by the Kansas state board of mortuary arts:

- Embalmer's reciprocity application fee $350.00
- Embalmer's reciprocity application and funeral director's reciprocity application fee, if submitted simultaneously $350.00
- Embalmer's endorsement application fee $350.00
- Embalmer's biennial license and renewal fee $168.00
- Apprentice embalmer's registration fee $100.00
- Funeral director's examination fee $200.00
- Funeral director's reciprocity application fee $350.00
- Funeral director's biennial license and renewal fee $228.00
- Assistant funeral director's examination fee $50.00
- Assistant funeral director's application fee $150.00
- Assistant funeral director's biennial license and renewal fee $180.00
- Crematory operator's biennial license and renewal fee $50.00
- Funeral establishment and branch establishment biennial license and renewal fee $650.00

- Funeral establishment and branch establishment license and crematory license fee, if submitted simultaneously $950.00
- Funeral establishment and branch establishment license renewal and crematory license renewal fee, if submitted simultaneously $950.00
- Crematory license and renewal fee $650.00
- Duplicate license $15.00
- Rule book $5.00

(Authorized by and implementing K.S.A. 2010 Supp. 65-1727, as amended by L. 2010, ch. 131, sec. 7; effective May 1, 1983; amended May 1, 1986; amended May 1, 1987; amended, T-88-43, Jan. 1, 1988; amended May 1, 1988; amended Jan. 6, 1992; amended June 7, 1993; amended Jan. 1, 1994; amended Jan. 1, 1996; amended Jan. 1, 2000; amended May 17, 2002; amended Nov. 4, 2005; amended Feb. 8, 2008; amended Sept. 16, 2011.)

Article 5-ADMINISTRATIVE HEARINGS AND DISCIPLINARY ACTIONS

63-5-1. Definition of unprofessional or dishonorable conduct. "Unprofessional or dishonorable conduct" by a licensee shall include any of the following: (a) Misrepresentation or fraud in the conduct of the licensee's business;
(b) refusing or neglecting to promptly obtain, complete, and file any death certificate, out-of-state transportation permit, or coroner's permit to cremate;
(c) refusing or neglecting to file monthly reports of bodies prepared for burial in accordance with K.A.R. 28-17-16;
(d) refusing or neglecting to file quarterly progress reports as specified in K.A.R. 63-1-3 and K.A.R. 63-2-12;
(e) committing abuse or showing disrespect in the handling of a dead human body;
(f) interference with, failure in, breach of, or obstruction of the performance of the contractual duties or services between a licensee and either the next of kin or a legal representative of any deceased person;
(g) requiring the purchase of a casket as a condition to providing funeral services if the dead body is to be cremated;
(h) disclosure of the confidences or secrets of any party served or the use of these confidences or secrets to the disadvantage of any party served;
(i) using alcoholic liquor or using illegally a controlled substance while performing the duties or services of a licensee;
(j) placing any item on a funeral bill that is not a reasonable funeral expense;
(k) failure to pay, in a timely manner, the prefinanced funeral agreement audit fees assessed by the secretary of state; or
(l) gross negligence or repeated instances of ordinary negligence in the rendering of professional services as an embalmer, funeral director, or assistant funeral director.
(Authorized by and implementing K.S.A. 2005 Supp. 65-1751; effective, T-88-43, Oct. 27, 1987; effective May 1, 1988; amended Nov. 13, 1995; amended Jan. 12, 2001; amended Nov. 12, 2004; amended Feb. 16, 2007.)

63-5-3. Potentially disqualifying civil and criminal records; advisory opinion; fee.
(a) For purposes of this regulation, "conviction" shall mean a judgment or order of guilt by a court of competent jurisdiction in any state, or a subdivision thereof, or territory of the United States, by a court of the United States, or by a military court martial pursuant to the uniform code of military justice.
(b) The following criminal records may disqualify an applicant from receiving a license:
(1) A conviction of any offense classified as a felony in the jurisdiction in which the conviction occurred;
(2) a conviction of criminal desecration as defined in K.S.A. 2018 Supp. 21-6205, and amendments thereto, or a crime defined as substantially similar in the jurisdiction in which the conviction occurred;
(3) a conviction of any offense classified as a class A misdemeanor, or a similar classification in the jurisdiction in which the conviction occurred, that involves any of the following:
(A) A crime whose victim was a client, customer, or other individual with whom the applicant had a professional or fiduciary relationship;
(B) a crime that occurred at the applicant's work site or while the applicant was on work duty;
(C) a crime involving fraud, theft, or misappropriation of another person's money, property, or services;
(D) giving a worthless check or causing unlawful prosecution for a worthless check;
(E) counterfeiting;
(F) criminal use of a financial card;
(G) a crime classified as a sex offense or requiring registration as a sex offender by the jurisdiction in which the conviction occurred;
(H) a crime involving assault, battery, domestic battery, battery of a law enforcement officer, sexual battery, stalking, or criminal restraint as defined by the jurisdiction in which the conviction occurred;
(I) a crime involving promoting obscenity, promoting material to minors that is harmful, or promoting prostitution;
(J) a crime that involved knowingly violating a protection from abuse order, a protective order, or a restraining order;
(K) cruelty to animals;
(L) a crime involving the unlawful use, possession, or distribution of any illegal drug or controlled substance;
(M) a crime involving the unlawful use or possession of paraphernalia with intent to use to manufacture, cultivate, plant, propagate, harvest, test, analyze, or distribute a controlled substance;
(N) a crime involving harassment by telephone, any telecommunications device, or telefacsimile communication;
(O) unlawful administration of a substance as defined in K.S.A. 2018 Supp. 21-5425, and amendments thereto, or defined as substantially similar in the jurisdiction in which the conviction occurred;
(P) driving under the influence of drugs or alcohol, or any other crime in which the applicant was intoxicated when the applicant committed the crime;
(Q) a crime involving the abuse, neglect, or exploitation of a child, elderly person, or

disabled person as defined by the jurisdiction in which the conviction occurred; or
(R) a crime involving the unlawful use, possession, distribution, or discharge of a firearm; and
(4) conviction of a misdemeanor offense that meets both of the following conditions:
(A) The crime involved at least one of the circumstances described in paragraph (b)(3); and
(B) one of the following conditions is met:
(i) Fewer than five years have passed since the applicant completed the applicant's sentence, including any term of incarceration, probation, or community supervision or payment of any fine, fees, or restitution; or
(ii) the applicant has been convicted of another crime in the five years immediately preceding the date of the application for license.
(c) Civil or administrative records that may disqualify an applicant from receiving a license shall be any records of any court or administrative agency judgment, order, or a settlement in which the applicant admitted or was found to have engaged in conduct that would constitute a violation of the mortuary arts act or any of the implementing regulations. Those records shall not be used to disqualify an applicant for more than five years after the applicant satisfied the judgment, order, or settlement agreement.
(d) Any individual with a criminal, civil, or administrative record described in this regulation may submit a petition on a form provided by the board for an informal, advisory opinion concerning whether the individual's civil, administrative, or criminal record may disqualify the individual from licensure. Each petition shall include the following:
(1) The details of the individual's civil, administrative, or criminal record, including a copy of each court or administrative record or any settlement by the parties;
(2) an explanation of the circumstances that resulted in the civil, administrative, or criminal record; and
(3) a check or money order in the amount of $50.00. (Authorized by K.S.A. 65-1712, 65-1723, 65-1730, 65-1766, and 74-120; implementing K.S.A. 65-1751, 65-1766, and 74-120; effective March 8, 2019.)

Article 6-CONTINUING EDUCATION

63-6-1. Continuing education requirements. (a) Except as provided in subsection (d), each licensed embalmer or funeral director in this state shall submit with the license renewal application satisfactory proof of completion of a minimum of six clock-hours per year of continuing education credit approved by the board. Each licensee filing proof of completion of continuing education credit with the board on forms approved by the board shall file separately the verification of attendance at each continuing education activity. Compliance with this continuing education requirement shall be a prerequisite for each embalmer or funeral director license renewal.
(b) Continuing education credit may be obtained by attending and participating in continuing education courses or workshops approved by the executive secretary, continuing education committee, or the board if the program meets the requirements stated in K.A.R. 63-6-2.
(c) Any licensee desiring to obtain credit for completing more than 12 hours of approved

continuing education credit during any two licensure years shall report this carry-over credit to the board on or before the expiration of the licensee's current license. The carry-over credit shall be limited to no more than six clock-hours.
(d) The continuing education requirements for each individual newly licensed shall be waived for the first-time renewal of that individual's license.
(e) No more than six hours shall be granted for any one approved continuing education topic.
(f) One hour of continuing education shall consist of at least 50 minutes of actual approved program time. (Authorized by and implementing K.S.A. 65-1702, 65-1716; effective May 1, 1988; amended Jan. 6, 1992; amended April 3, 1995; amended Jan. 12, 2001; amended Nov. 12, 2004.)

63-6-2. Standards for approval. (a) A continuing education course or workshop shall be qualified for approval if the board determines that the course or workshop meets the following conditions:
(1) Constitutes an organized program of learning, including a symposium, that contributes directly to the professional competency of the licensee;
(2) is related to the profession of mortuary science, funeral directing, cremation, or embalming with content intended to enhance the licensee's knowledge, skill, values, ethics, or ability to practice as an embalmer, crematory operator, or funeral director;
(3) is conducted by individuals considered experts in the subject matter of the program by reason of education, training, or experience; and
(4) is accompanied by a paper, a manual, or written outline that substantially describes the subject matter and the length of the program.
(b) Continuing education credit not exceeding three credit hours of the annual total required hours for embalmers and funeral directors and one credit hour for crematory operators may be approved by the board for any of the following:
(1) Correspondence work;
(2) video, sound-recorded, or television programs;
(3) information transmitted by other similar means as authorized by the board; or
(4) community service programs that are related to the profession of mortuary science, funeral directing, or embalming.
(c) Continuing education credit for service as a lecturer, presenter, or discussion leader may be approved by the board if this activity contributes to the professional competence of the applicant. Repetitions of an initial presentation shall not be counted. Not more than 50 percent of the total required hours for embalmers and funeral directors may be satisfied in this manner.
(d) The maximum number of credit hours that shall be granted for any single continuing education course or workshop single topic is six.
(e) Lists of approved continuing education programs shall be available on the board's web site.
(f) A person, licensed embalmer, licensed funeral director, crematory operator, or organization requesting approval for a continuing education course or a workshop shall make application at least 30 days before the date of each proposed course or workshop. Applications filed but not meeting this deadline shall be reviewed by the board or the continuing education committee at its next regularly scheduled meeting.

(Authorized by and implementing K.S.A. 65-1702, K.S.A. 65-1716, and K.S.A. 2010 Supp. 65-1772; effective May 1, 1988; amended April 3, 1995; amended Jan. 12, 2001; amended Sept. 16, 2011.)

63-6-3. Post approval and review. (a) Each licensed embalmer, crematory operator, or funeral director and each organization seeking continuing education credit for prior attendance or participation in a program or activity that has not already been approved shall submit, on forms provided by the board, the following information to the board:
(1) The dates;
(2) the subject matter;
(3) the names of the instructors and their qualifications, if applicable;
(4) a description of the program or activity; and
(5) the number of credit hours requested.
A complete written outline describing the subject matter or activity and the time of the program shall accompany all requests. Within 90 days after receipt of the application, the licensee seeking credit shall be advised by the board, in writing and by mail, whether the activity is approved and the number of credit hours allowed. Any licensee may be denied credit if the licensee fails to comply with the requirements of this subsection.
(b) Any continuing education program already approved by the board may be monitored or reviewed by the board. Upon evidence of variation in the program presented from the program approved, all or any part of the program may be disapproved. (Authorized by and implementing K.S.A. 65-1702, K.S.A. 65-1716, and K.S.A. 2010 Supp. 65-1772; effective May 1, 1988; amended June 26, 1989; amended April 3, 1995; amended Jan. 12, 2001; amended Sept. 16, 2011.)

63-6-5. Report of licensee. Each licensee shall file with the board a signed report of continuing education credit hours completed and of any time when the licensee was exempted by K.S.A. 65-1702(f) and 65-1716(f) during the continuing education compliance period. The licensee shall file the report with the application for renewal of license. (Authorized by and implementing K.S.A. 65-1702, 65-1716; effective May 1, 1988; amended Nov. 13, 1995.)

63-6-6. Inactive status. (a) Disability or illness shall be a sufficient cause for exemption under K.S.A. 65-1702 and 65-1716, and amendments thereto.
(b) Any licensee who is not engaged in practice in the state of Kansas may be granted a waiver of compliance and obtain a certificate of exemption upon written application to the board. Each application shall contain a statement that the applicant will not engage in the practice of embalming or funeral directing in Kansas without first complying with all regulations governing reinstatement after exemption. Each application for a certificate of exemption shall be submitted on the form provided by the board.
(c) Any inactive practitioner who has been granted a waiver of compliance with article six of these regulations, and who obtains a certificate of exemption, may give notice to the board of the termination of inactive status and request reinstatement of the license.
(1) Upon receipt by the board of a request for reinstatement to active license status and payment of the reinstatement fee, the person's license shall be reinstated.

(2) Within one year of reinstatement, each licensee shall make up all past continuing education hours for all the years of inactive licensure.
(3) Failure to comply with paragraph (c)(2) shall result in automatic termination of active status. (Authorized by and implementing K.S.A. 65-1702, 65-1716; effective May 1, 1988; amended June 26, 1989; amended Jan. 12, 2001.)

Article 7-CREMATORIES

63-7-1. Definitions. (a) "Board" means the Kansas state board of mortuary arts.
(b) "Change of ownership" means the transfer of more than 25 percent of the stock or assets of a licensed crematory.
(c) "Closed container" means any container in which cremated remains can be placed and closed in a manner that prevents both the leakage or spillage of remains and the entrance of foreign material.
(d) "Coroner's permit to cremate" means the document that is required to be issued by a Kansas coroner before the act of cremation.
(e) "Cremation container" means the container in which human remains are transported to the crematory and placed in the cremation chamber for a cremation. A cremation container shall meet all of the following requirements:
(1) Be composed of readily combustible or consumable materials suitable for cremation;
(2) be able to be closed in order to provide a complete covering for the human remains;
(3) be resistant to leakage or spillage;
(4) be rigid enough for handling with ease; and
(5) be able to provide protection for the health, safety, and personal integrity of crematory personnel.
(f) "Cremation interment container" and "urn vault" mean a rigid outer container that meets both of the following requirements, subject to each cemetery's policies:
(1) Is composed of concrete, steel, fiberglass, or a similar material in which an urn is placed before being interred in the ground; and
(2) is designed to withstand prolonged exposure to the elements and to support the earth above the urn.
(g) "Crematory act" means K.S.A. 65-1760 through K.S.A. 65-1774, and amendments thereto.
(h) "Final disposition" means the burial or other disposition on a permanent basis of a dead human body, cremated remains, or parts of a dead human body.
(i) "Niche" means a compartment or cubicle for the memorialization or permanent placement of an urn containing cremated remains.
(j) "Person" means an individual, partnership, association, or corporation.
(k) "Processing" means the reduction of identifiable bone fragments after the completion of the cremation process to unidentifiable bone fragments by manual or mechanical means.
(l) "Pulverization" means the reduction of identifiable bone fragments after the completion of the cremation and processing to granulated particles by manual or mechanical means.
(m) "Scattering area" means a designated area for the scattering of cremated remains usually in a cemetery and on dedicated cemetery property where cremated remains that

have been removed from their container can be mixed with, or placed on top of, the soil or ground cover or can be buried in an underground receptacle on a commingled basis. (Authorized by and implementing K.S.A. 65-1766, as amended by L. 2010, ch. 131, sec. 13, and K.S.A. 2010 Supp. 65-1774; effective May 17, 2002; amended Sept. 16, 2011.)

63-7-2. Crematory operator in charge; crematory operator; recordkeeping. (a) The crematory operator in charge or crematory operator shall furnish to each person who delivers human remains to the crematory a receipt showing the date and time of the delivery, the name of the person from whom the human remains were received, the name of the person who received the human remains on behalf of the crematory, and the name of the decedent. The crematory operator or crematory operator in charge shall retain a copy of this receipt in its permanent records.
(b) Upon the release of cremated remains, the crematory operator or crematory operator in charge shall furnish to the person who receives the cremated remains from the crematory a receipt signed by the person who receives the cremated remains and showing the date of the release, the identification number of the deceased, and the name of the decedent. The crematory operator in charge shall retain a copy of this receipt in its permanent records.
(c) Each crematory operator in charge or crematory operator shall create and maintain on the premises an accurate record of every cremation provided. The records shall include all of the following information for each cremation:
(1) The name of the person, funeral establishment, or branch establishment delivering the body for cremation;
(2) the name of the deceased and the identification number assigned to the body;
(3) the time and date of acceptance of delivery;
(4) the date that the body was placed in the cremation chamber;
(5) the date and the name of the individual receiving the cremated remains;
(6) the name and address of the person who signed the authorization to cremate; and
(7) all supporting documentation, including the coroner's permit to cremate and the authorizing agent's authorization to cremate.
(d) The records required under subsection (c) shall be maintained for five calendar years after the release of the cremated remains. Following this period, the crematory operator in charge or crematory operator may then place the records in storage or reduce them to microfilm, microfiche, laser disc, or any other method that can produce an accurate reproduction of the original record, for retention for seven calendar years from the date of the release of the cremated remains. At the end of this period, the crematory operator in charge may destroy the records by shredding, incineration, or any other manner that protects the privacy of the individuals identified.
(e) The crematory operator in charge or crematory operator shall maintain a permanent record of the name of the deceased and the date the deceased's body was cremated.
(f) The crematory operator in charge or crematory operator shall maintain a permanent record of all cremated remains disposed of by the crematory. (Authorized by and implementing K.S.A. 65-1723, K.S.A. 2010 Supp. 65-1762, as amended by L. 2010, ch. 131, sec. 9; effective May 17, 2002; amended Sept. 16, 2011.)

63-7-3. Crematory license; biennial renewals. (a) Each crematory operator in charge who desires to renew a license shall submit a biennial renewal application to the state board of mortuary arts, accompanied by a fee fixed by the state board of mortuary arts. The application and fee shall be due and paid to the state board of mortuary arts on or before the expiration date of the license.
(b) (1) Each crematory license shall be renewed before its expiration date, according to the first letter of the name of the crematory, as follows:
(A) H through J and T through Z shall expire on March 31.
(B) E through G and R through S shall expire on June 30.
(C) C and D, and N through Q shall expire on September 30.
(D) A and B, and K through M shall expire on December 31.
(2) The license of each crematory with a name beginning with any of the letters A through J shall expire in odd-numbered years. The license of each crematory with a name beginning with any of the letters K through Z shall expire in even-numbered years.
(c) At least 30 days before a change in ownership, name, or location of any crematory or a change in the crematory operator in charge, the crematory operator in charge shall apply for a crematory license. The crematory operator in charge shall receive a new license before conducting business under new ownership, under a new name, at a new location, or with a new crematory operator in charge.
(d) When a change in ownership of a crematory occurs, the crematory operator in charge shall submit a new license application fee prorated in accordance with subsection (b).
(e) For a name change of a crematory, the crematory operator in charge shall submit a license fee for a new license. The license fee shall be prorated in accordance with subsection (b), with a credit towards the prorated fee based on all unused months of the previous license.
(f) For a location change or change in crematory operator in charge of a crematory, the crematory operator in charge shall submit a duplicate license fee for the amount specified in K.A.R. 63-4-1.
(g) The fee for each initial crematory license shall be charged on a prorated basis to the nearest whole month specified under subsection (b).
(h) Each crematory license shall be prominently displayed at all times.
(i) Each crematory operator in charge of a crematory shall promptly notify the executive secretary of the board of any change of address of record for the crematory operator in charge. (Authorized by K.S.A. 2001 Supp. 65-1727 and 65-1766; implementing K.S.A. 2001 Supp. 65-1727, 65-1766, and 65-1768; effective May 17, 2002.)

63-7-4. Responsibility of a crematory operator in charge. Each person who owns an interest in a Kansas crematory shall employ at all times and for each crematory a crematory operator in charge, who shall be responsible for personal supervision and charge of the crematory. (Authorized by and implementing K.S.A. 2001 Supp. 65-1723 and 65-1762; effective May 17, 2002.)

63-7-5. Requirements for crematories. (a) Necessary equipment. Each crematory operator in charge shall ensure that each crematory under that individual's supervision maintains on the premises a motorized or mechanical device for processing cremated remains. This and all other equipment shall be kept in good working condition and inspected by the board.
(b) Holding facility. Each crematory operator in charge shall ensure that each crematory under that individual's supervision has a holding facility that is secure from access by anyone except crematory personnel authorized by the crematory operator in charge.
(c) Sanitary conditions. All portions of each crematory shall be kept in a clean and sanitary condition. (Authorized by and implementing K.S.A. 2001 Supp. 65-1762 and 65-1766; effective May 17, 2002.)

63-7-6. Licensure applications for crematories. (a) Each crematory operator in charge shall submit a completed application for a crematory license for each crematory that the individual currently supervises. The application shall be submitted in writing on forms provided by the board and shall contain the following information:
(1) The name, address, and location of the crematory;
(2) a roster of all crematory operators employed at the crematory;
(3) the name and form of ownership of the business;
(4) the names and titles of all individual owners or, if a corporation, all officers;
(5) evidence confirming the date the crematory desires to be licensed;
(6) a description of the type of structure, equipment, and process being used in the operation of the crematory;
(7) verification of compliance with all applicable local and state building codes, zoning laws, ordinances, and environmental standards, including those guidelines adopted by the centers for disease control and prevention regarding biosafety; and
(8) any further information that the board may require regarding compliance with the crematory act.
(b) A crematory operator in charge may be in charge of not more than one licensed crematory. (Authorized by K.S.A. 2010 Supp. 65-1774; implementing K.S.A. 2010 Supp. 65-1771; effective May 17, 2002; amended Sept. 16, 2011.)

63-7-7. Inspection of crematories. (a) Each crematory shall be subject to routine inspections at least once a year by the board or its designee, to determine compliance with the crematory act and the board's regulations adopted under this act.
(b) A crematory may be subject to additional inspections if any of the following conditions exists:
(1) The crematory incurred a violation in a previous inspection.
(2) A change occurred in ownership or in the crematory operator in charge.
(3) The crematory operator in charge did not timely renew the crematory license.
(4) The board has information that violations could exist or could have occurred.
(c) Inspections shall be made between the hours of 8:00 a.m. and 6:00 p.m. or at any time business is being conducted, unless otherwise agreed by both parties.
(d) Inspections shall be made by the board or its designee.
(e) Inspections of crematories may be authorized by the board or its executive secretary.

(f) Any authorized inspection may be conducted without notice to the crematory operator in charge. (Authorized by and implementing K.S.A. 65-1723; effective May 17, 2002; amended Sept. 16, 2011.)

63-7-8. Inspection generated by a complaint. (a) Each crematory shall be subject to inspection by the board or its designee, to investigate any specific complaint filed with the board.
(b) Any inspection generated by a complaint may be authorized by the board or its executive secretary at any time. Inspections shall be limited as follows:
(1) Inspections shall be made between the hours of 8:00 a.m. and 6:00 p.m., or at any time business is being conducted, unless otherwise agreed by both parties.
(2) Inspections shall be made by the board or its designee. (Authorized by and implementing K.S.A. 2001 Supp. 65-1723; effective May 17, 2002.)

63-7-9. Crematory operator's license; application requirements. (a) Each person seeking licensure as a crematory operator shall meet the requirements of K.S.A. 65-1771, and amendments thereto, and shall pay the fee specified in K.A.R. 63-4-1. For purposes of the training, the following requirements shall apply:
(1) Fifty minutes of training shall constitute one hour.
(2) Proof of completion of training shall be provided to the board by the provider of the program on a form approved by the board.
(3) A list of approved programs shall be listed on the board's web site.
(b) All licenses issued shall be signed by the president and the secretary of the board and attested by its seal. Each crematory operator shall at all times prominently display the crematory operator's license in the crematory operator's place of employment. (Authorized by K.S.A. 2010 Supp. 65-1774; implementing K.S.A. 2010 Supp. 65-1771; effective Sept. 16, 2011.)

63-7-10. Crematory operator's initial license; biennial renewal. (a) The initial licensure fee for crematory operators shall be charged on a pro rata basis in order to place new licensees according to the expiration dates specified in subsection (c).
(b) Each crematory operator license renewal fee shall be paid on a biennial basis. Each renewal fee shall be initially prorated to the nearest whole month, to establish the biennial renewal process.
(c) Each expiration date shall be assigned alphabetically according to the first letter of the applicant's or licensee's surname, as follows:
(1) A and M shall expire on January 31.
(2) B and N shall expire on February 28.
(3) C and O shall expire on March 31.
(4) D and P shall expire on April 30.
(5) E and Q shall expire on May 31.
(6) F and R shall expire on June 30.
(7) G and S shall expire on July 31.
(8) H and T shall expire on August 31.
(9) I and U shall expire on September 30.
(10) J and V shall expire on October 31.

(11) K and W shall expire on November 30.
(12) L, X, Y, and Z shall expire on December 31.
Each licensee whose surname begins with a letter from A through L shall renew in even-numbered years. Each licensee whose surname begins with a letter from M through Z shall renew in odd-numbered years.
(d) Each licensee shall make up all past continuing education hours accrued during the expiration period within one year of reinstatement.
(e) Each licensee changing the licensee's surname shall notify the board of the change, and the expiration date shall be adjusted to the month designated in subsection (c). (Authorized by K.S.A. 2010 Supp. 65-1772 and K.S.A. 2010 Supp. 65-1774; implementing K.S.A. 2010 Supp. 65-1772; effective Sept. 16, 2011.)

63-7-11. Continuing education. (a) Each crematory operator shall submit with the license renewal application satisfactory proof of completion of at least two board-approved clock-hours of continuing education related to cremation per biennial licensure period. Each crematory operator shall file proof of completion of continuing education credit with the board on forms approved by the board.
(b) Any licensee may obtain continuing education credit by attending and participating in continuing education courses or workshops that meet the requirements of K.A.R. 63-6-2.
(c) The continuing education requirements for each individual newly licensed shall be waived for the first-time renewal of that individual's license.
(d) Compliance with this regulation shall be a requirement for each crematory operator that is separate from the continuing education requirements for embalmers and funeral directors. (Authorized by K.S.A. 2010 Supp. 65-1774; implementing K.S.A. 2010 Supp. 65-1772; effective Sept. 16, 2011.)

AGENCY 40-KANSAS INSURANCE DEPARTMENT
Article 2-LIFE INSURANCE

40-2-23. Life insurance; preneed funeral contracts or arrangements; disclosure; requirements. (a) This regulation shall apply to any solicitation, negotiation or procurement occurring within this state with respect to life insurance or annuity contracts used to fund a preneed funeral contract or arrangement. As used in this regulation, the term "preneed funeral contract or arrangement" shall mean an agreement by or for an individual before that individual's death relating to the purchase or provision of specific funeral or cemetery merchandise or services.
(b) The following information shall be adequately disclosed at the time an application is made, prior to accepting the applicant's initial premium, for a preneed funeral contract or arrangement:
(1) The fact that a life insurance policy or annuity contract is involved or being used to fund a preneed funeral contract or arrangement;
(2) the nature of the relationship between the soliciting agent or agents, the provider of the funeral or cemetery merchandise or services, the administrator and any other person. This requirement shall not apply to officers, directors or bonafide employees of the funeral home or cemetery to which the original preneed funeral contract or

arrangement applies;
(3) the relationship of the life insurance policy or annuity contract to the funding of the preneed funeral contract or arrangement and the nature and existence of any guarantees relating to such contract or arrangement;
(4) the impact on the preneed funeral contract or arrangement:
(A) Of any changes in the life insurance policy or annuity contract including but not limited to, changes in the assignment, beneficiary designation or use of the proceeds;
(B) of any penalties to be incurred by the policyholder as a result of failure to make premium payments; and
(C) of any penalties to be incurred or monies to be received as a result of cancellation or surrender of the life insurance policy or annuity contract;
(5) a list of the merchandise and services which are applied or contracted for in the preneed funeral contract or arrangement and all relevant information concerning the price of the funeral services, including a clear disclosure that the purchase price is either guaranteed at the time of purchase or to be determined at the time of need;
(6) all relevant information concerning what occurs and whether any entitlements or obligations arise if there is a difference between the proceeds of the life insurance policy or annuity contract and the amount actually needed to fund the preneed funeral contract or arrangement; and
(7) any penalties or restrictions, including but not limited to geographic restrictions or the inability of the provider to perform, on the delivery of merchandise, services or the preneed funeral contract or arrangement guarantee.
(c) In accordance with the provisions of K.S.A. 40-283a, the following requirements shall apply to premium financing arrangements between an insurer or agent and the insured for the first and any future premium payable on any life insurance policy or annuity contract sold to fund a preneed funeral contract or arrangement.
(1) Each premium financing arrangement and any renewal of such arrangement shall be signed by the applicant and shall include the total amount of the loan, the amount of any down payment made to an agent at the time of sale, and the unpaid balance.
(2) The policy shall contain a provision or endorsement which fully describes the financing arrangement.
(3) Upon delivery, a policy receipt or acceptance form shall be executed which states that the insured acknowledges and understands the provisions and obligations of the financial indebtedness incurred, including the fact that the premium financing arrangement cannot be effective for a term exceeding one year. (Authorized by K.S.A. 40-103, 40-2404a; implementing K.S.A. 40-283a, K.S.A. 1992 Supp. 40-2404(l); effective Nov. 29, 1993.)

AGENCY 92–KANSAS DEPARTMENT OF REVENUE
Article 19-KANSAS RETAILERS' SALES TAX

92-19-15. Undertakers and funeral directors. Each funeral director who charges a lump sum for a funeral service that covers the total funeral charge, including services and tangible personal property, is required to collect, report, and remit sales tax on 50% of the entire amount charged for each funeral including embalming, casket, and usual services. When a funeral director charges separately for the sale of tangible personal

property and for required services, the sales tax shall be collected only on an amount equal to the retail sales price of the tangible personal property if charges for tangible personal property are segregated from those for services rendered on the invoice furnished to the purchaser.
Cash advanced by the funeral director for the purchase of a cemetery lot or grave, associated cemetery expenses, remuneration to the minister and choir, use of the church, and press notices shall not be subject to sales tax.
Each funeral director shall collect and remit four percent on the full retail price of the sale of vaults, clothing, flowers and other special merchandise. Sales of hearses, furniture, instruments, and other equipment to a funeral director are taxable.
Each funeral director shall not collect and remit sales tax on a charge for embalming services when the services are not a part of a regular funeral service. Sales to a funeral director of embalming fluid and other material used in an embalming service are taxable.
When articles of personal property are ordered by the family from a merchant to be delivered to the funeral home, the merchant actually making the sale shall collect and remit the sales tax.
When bodies are shipped or delivered from one funeral director to another within the state of Kansas, the funeral director furnishing the merchandise shall collect and remit the sales tax.
When burial vaults or other items of personal property are sold in Kansas for ship-in cases, tax shall be charged and collected on the actual selling price of the merchandise. Sales tax shall not be charged when the state of Kansas or another political subdivision pays for a burial. (Authorized by K.S.A. 79-3618, implementing K.S.A. 1985 Supp. 79-3602, 79-3603 as amended by L. 1986, Ch. 386, Sec. 1; effective, E-70-33, July 1, 1970; effective, E-71-8, Jan. 1, 1971; effective Jan. 1, 1972; amended May 1, 1987.)

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES (DCF)
CHAPTER 39
ARTICLE 7-SOCIAL WELFARE
FUNERAL ASSISTANCE

39-713d. Funeral and cemetery expenses; limitations. (a) The secretary, on the death of a recipient of assistance, if the estate of the deceased or other available resources are insufficient to pay the decedent's funeral and burial expenses, may pay funeral and cemetery expenses in amounts which shall not be more than the maximum amounts fixed for such purposes by rules and regulations adopted by the secretary.
(b) Whenever a cemetery lot has been purchased or acquired for a recipient of assistance, either before or after death, and such cemetery lot was not purchased or acquired with public funds, the cost of such cemetery lot shall not be deducted from the funeral expenses authorized by this section.
History: L. 1973, ch.186, § 10; L. 1983, ch.144, § 1; July 1.

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES (DCF)
Article 4-Public Assistance Program

30-4-98. Funeral assistance. Assistance may be provided for funeral expenses upon the death of a recipient at the discretion of the secretary.
(a) Funeral expenses. Funeral expenses may include the cost of any of the following, based on available resources and the requirements in this regulation:
(1) The preparation of the body;
(2) a minimal casket or urn;
(3) the transportation of the body within Kansas; or
(4) a cremation.
(b) Application. Each request for funeral assistance shall be made within six months after either the date of death or the date on which the body is released by a county coroner, whichever is later.
(c) Treatment of resources.
(1) If a decedent, at the time of death, was not living with a child of the decedent who was under the age of 21, the spouse of the decedent, or an adult disabled child of the decedent, the total estate of the decedent shall be considered available. This provision shall not be applicable in situations in which there were separate living arrangements because of the need for institutional care. The estate shall not be allowed any exemptions.
(2) Eligibility for assistance shall be based on the assets owned by the family group at the time of the decedent's death, under either of the following circumstances:
(A) At the time of death, the decedent was living with a child of the decedent who was under the age of 21, the spouse of the decedent, or an adult disabled child of the decedent, or the decedent was a child under the age of 21 living with the parent of the decedent.
(B) There were living arrangements separate from one of the persons specified in paragraph (c)(2)(A) because of the need for institutional care.
(3) The total amount of proceeds on any life insurance policy on the decedent shall be considered available if the policy was owned by the decedent, the spouse of the decedent, or, if the decedent was a child under the age of 21, the parent of the decedent.
(4) Death benefits from SSA, VA, railroad retirement, KPERS, and any other burial funds shall be considered available.
(d) Resource limit. If the value of the resources considered available in accordance with subsection (c) does not exceed $2,000, funeral assistance may be provided.
If the resource value exceeds $2,000, the decedent shall be ineligible for funeral assistance.(Authorized by and implementing K.S.A. 2018 Supp. 39-708c and K.S.A. 39-713d; effective Aug. 11, 2006; amended Jan. 1, 2008; amended May 3, 2019.)

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE), DIVISION OF VITAL STATISTICS
(selected laws)
Article 17.–DIVISION OF VITAL STATISTICS

28-17-6. Fees for copies, abstracts, and searches. (a)(1) Subject to the requirements of K.S.A. 65-2417 and K.S.A. 65-2418 (a)(2) and amendments thereto, certified copies or abstracts of certificates or parts of certificates shall be furnished by the state registrar upon request by an authorized applicant and payment of the required fee.
(2)(A) The fees for making and certifying copies or abstracts of birth, stillbirth, marriage, and divorce certificates shall be $15.00 for the first copy or abstract and $15.00 for each additional copy or abstract of the same record requested at the same time.
(B) The fees for making and certifying copies or abstracts of death certificates shall be $15.00 for the first copy or abstract and $15.00 for each additional copy or abstract of the same record requested at the same time.
(b) For any search or verification of the files and records for birth, death, stillbirth, marriage, or divorce certificates if no certified copy or abstract is made, the fee shall be $15.00 for each five-year period for which a search is requested, or for each fractional part of a five-year period.
(c) For any search of the files necessary for preparing an amendment to a birth, stillbirth, death, marriage, or divorce certificate or abstract already on file, the fee shall be $15.00.
(d) For non-certified copies or abstracts of certificates or parts of certificates requested for statistical research purposes, the following fees shall be charged:
(1)(A) $10.00 for each copy of a birth, marriage, divorce, or stillbirth certificate, if the state certificate number is provided; and
(B) $15.00 for each copy of a birth, marriage, divorce, or stillbirth certificate, if the state certificate number is not provided; and
(2)(A) $10.00 for each copy of a death certificate, if the state certificate number is provided; and
(B) $15.00 for each copy of a death certificate, if the state certificate number is not provided.
(e) For each certified copy of an heirloom certificate, the fee shall not exceed $40.00. (Authorized by K.S.A. 2008 Supp. 65-2418; implementing K.S.A. 23-110 and 65-2417 and K.S.A 2008 Supp. 65-2418 and 65-2422d; effective Jan. 1, 1966; amended Jan. 1, 1968; amended, E-78-18, July 7, 1977; amended May 1, 1978; amended May 1, 1983; amended, T-84-13, July 1, 1983; amended May 1, 1984; amended May 1, 1988; amended Oct. 7, 1991; amended, T-28-9-25-92, Sept. 25, 1992; amended Nov. 16, 1992; amended Aug. 16, 1993; amended, T-28-7-2-01, July 2, 2001; amended Oct. 12, 2001; amended, T-28-6-27-02, July 1, 2002; amended Oct. 18, 2002; amended, T-28-7-1-03, July 1, 2003; amended Oct. 17, 2003; amended, T-28-11-5-04, Nov. 5, 2004; amended Feb. 25, 2005; amended Jan. 15, 2010.)

28-17-15. State registrar to prescribe forms. All paper or electronic forms used in registering, recording, and preserving the records shall be prescribed by the department. Each local registration officer shall accept and use only forms prescribed by the state registrar and shall issue out-of-state transit permits only when the proper forms are used and completed. (Authorized by K.S.A. 65-2402; implementing K.S.A. 65-2415; effective Jan. 1, 1966; amended May 1, 1986; amended Oct. 22, 1990; amended, T-28-4-25-00, April 25, 2000; amended Aug. 4, 2000.)

28-17-16. Funeral directors reports. Each funeral director shall submit to the department, on or before the fifth day of each month, a report regarding each body prepared for burial by that establishment during the preceding calendar month. The report shall list:
(a) the name of the deceased;
(b) the date of death; and
(c) the place of death. (Authorized by K.S.A. 65-2402; implementing 65-2429; effective Jan. 1, 1966; amended May 1, 1986.)

28-17-20. Corrections to certificates and records. Corrections to certificates and records may be made within the time limit indicated in each subsection.
(a) Amendments within 90 days.
(1) Within 90 days of receipt of an original vital record in the office of vital statistics, the following records in which an inaccuracy or an incomplete item is apparent on the certificate may be changed to show the accurate and complete facts:
(A) Birth certificates;
(B) any part of a death certificate other than the medical section describing the cause of death;
(C) any part of a stillbirth certificate, other than the medical section describing the cause of death;
(D) marriage certificates; and
(E) divorce certificates.
(2) The changes specified in this subsection shall be made as follows:
(A) Any death or stillbirth certificate may be amended by drawing a single line through the incorrect information in the appropriate space or by inserting the correct information in the appropriate space, if left blank on the original certificate. For each amendment, the date of the amendment and the word "amended" shall be written or typed on the certificate. The process of amendment specified in this paragraph shall not be used more than one time for the same item.
(B) A new certificate shall be created if any item to be corrected is not left blank on the original certificate or if a death or stillbirth certificate item has already been amended. This process of amendment shall not be used more than one time for the same item unless accompanied by a court order, except when amending a death or stillbirth certificate.
(C) If the registrant is a minor, the birth certificate may be amended at the request of a parent by submission of an affidavit and supporting evidence to substantiate each item to be amended, unless the item to be amended is to add the name of a parent, to correct the name of either parent or of the registrant, or to change the registrant's last name to that of either parent. Any of these amendments may be made pursuant to K.S.A. 23-2223, and amendments thereto.
(D) The process of amendment specified in paragraph (a)(2) shall be used when affidavits and supporting evidence have been furnished to and accepted by the secretary or the secretary's designee. The date of the amendment and the word "amended" shall be placed on the original certificate or the newly created certificate.
(3) An amendment fee, as specified in K.A.R. 28-17-6, shall be required, unless changes are made within the first 90 days after receipt of a death certificate or a stillbirth

certificate in the office of vital statistics.
(b) Amendments after 90 days. After 90 days of receipt of the vital record in the office of vital statistics, amendments may be made as follows:
(1) Birth certificates.
(A) Any birth certificate may be amended upon the registrant's submission, or parent's submission if the registrant is a minor, of at least two documents that substantiate each item to be amended and that are executed and dated at least five years before the request for the amendment or before the tenth birthday anniversary of the registrant, except that the following items shall be corrected as specified:
(i) The item recording the registrant's sex may be amended if the amendment is substantiated with the registrant's affidavit, or a parent's affidavit if the registrant is under the age of 18, that the sex was incorrectly recorded and with medical records substantiating the registrant's sex at the time of birth.
(ii) If the registrant is a minor, any request by a parent to change an item or items by adding the name of a parent, correcting the name of either parent or of the registrant, or changing the registrant's last name to that of either parent shall be made pursuant to K.S.A. 23-2223, and amendments thereto.
(iii) Any registrant who is of legal age may amend the order of the registrant's first and middle names if the amendment is substantiated with one of the documents specified in paragraph (b)(1)(A).
(iv) Any registrant who is of legal age may place the registrant's first name or middle name, or both, on the record only if there is no first name and no middle name on the original certificate and if the amendment is substantiated with one of the documents specified in paragraph (b)(1)(A).
(v) Any registrant who is of legal age may correct the spelling of the registrant's first name, middle name, or last name if the amendment is substantiated with one document established before the tenth birthday anniversary of the registrant. Changing the first name, middle name, or last name of the registrant shall not be considered to be correcting the spelling of the registrant's first name, middle name, or last name.
(vi) A registrant who is of legal age may correct the parents' names, if one of the required documents specified in paragraph (b)(1)(A) is the marriage license or birth certificate of the parent or parents.
(vii) The registrant's birth date on the certificate may be changed if both required documents were executed and dated before the tenth birthday anniversary and if the change is consistent with the recorded filing date.
(B) Any item that has been previously amended may be changed only pursuant to a court order.
(C) The sufficiency of affidavits and supporting evidence shall be determined by the secretary or the secretary's designee.
(D) The original certificate shall remain on file unchanged and shall be placed in a sealed file to be opened only by a court order. The new certificate shall be marked "amended" and shall indicate the date of the amendment.
(E) Each request for an amendment to a birth certificate that does not require a court order shall be submitted by the parent or legal guardian of a registrant not of legal age, or by the registrant if of legal age. The person submitting the request shall execute a notarized affidavit stating the true facts to be recorded.

(2) Death certificates: personal data.
(A) Personal data may be amended without a court order if the request is made within the first 12 months after filing the original certificate.
(B) Requests for amendments to personal data may be made by the funeral director or person who submitted the original certificate.
(C) The original certificate shall remain on file unchanged and shall be placed in a sealed file unless required to be opened only by a court order. The new certificate shall be prepared by the funeral director or person who submitted the original certificate or by the state registrar. The medical section shall again be completed, and the required signatures shall be secured whenever possible. The signatures may be typed if the required signatures are unattainable and a written statement of the reason the signatures are unattainable is attached to the certificate. The certificate shall not be accepted if the stated reason for the typed signature is inadequate, as determined by the state registrar. Upon acceptance by the state registrar, the new certificate shall be marked "amended" and shall indicate the date of the amendment.
(3) Stillbirth certificates: personal data.
(A) Personal data may be amended upon the request of a parent and the submission of affidavits and supporting evidence to substantiate each item to be amended.
(B) Any item that was previously amended may be changed only pursuant to a court order.
(C) The sufficiency of affidavits and supporting evidence shall be determined by the secretary or the secretary's designee.
(D) The original certificate shall remain on file unchanged and shall be placed in a sealed file to be opened by a court order. The new certificate shall be marked "amended" and shall indicate the date of the amendment.
(4) Marriage certificates: personal data.
(A) Personal data may be amended upon the request of either spouse and the submission of affidavits and supporting evidence to substantiate each item to be amended.
(B) Any item that was previously amended may be changed only pursuant to a court order.
(C) The sufficiency of affidavits and supporting evidence shall be determined by the secretary or the secretary's designee.
(D) The original certificate shall remain on file unchanged and shall be placed in a sealed file to be opened by a court order. The new certificate shall be marked "amended" and shall indicate the date of the amendment.
(5) Divorce certificates: personal data.
(A) Personal data may be amended upon the request of either spouse and the submission of affidavits and supporting evidence to substantiate each item to be amended.
(B) Any item that was previously amended may be changed only pursuant to a court order.
(C) The sufficiency of affidavits and supporting evidence shall be determined by the secretary or the secretary's designee.
(D) The original certificate shall remain on file unchanged and shall be placed in a sealed file to be opened by a court order. The new certificate shall be marked

"amended" and shall indicate the date of the amendment.
(c) Amendments with no time limit.
(1) Death and stillbirth certificates: medical section data.
(A) Requests for amendments to the medical section data may be made only by the physician who signed the medical section on the original certificate or by the coroner in the jurisdiction the death or stillbirth occurred.
(B) Medical section data may be amended in either of the following ways:
(i) The original certificate shall remain on file unchanged, and the written statement or affidavit of the certifying physician or coroner shall be appended to the back of the original certificate. The original certificate shall be marked "amended" and shall indicate the date of the amendment.
(ii) A certifying physician or coroner may request the establishment of a new death certificate or stillbirth certificate. The funeral director or person who submitted the original certificate or the state registrar shall enter the personal data and forward the certificate to the certifying physician or coroner to sign the medical section. When all items have been completed, the new certificate shall be submitted to the office of vital statistics, and upon acceptance of the certificate, the certificate shall be marked "amended" and shall indicate the date of the amendment. The original death or stillbirth certificate shall be placed in a sealed file to be opened by a court order. (Authorized by K.S.A. 2015 Supp. 65-2402 and K.S.A. 65-2422c; implementing K.S.A. 65-2422c; effective Jan. 1, 1966; amended May 1, 1987; amended May 1, 1988; amended Oct. 22, 1990; amended, T-28-9-25-92, Sept. 25, 1992; amended Nov. 16, 1992; amended Aug. 16, 1993; amended, T-28-11-5-04, Nov. 5, 2004; amended Feb. 25, 2005; amended June 24, 2016.)

Chapter 22a-DISTRICT OFFICERS AND EMPLOYEES
Article 2-DISTRICT CORONERS
(selected laws)

22a-215. District coroner; disposition of body of deceased; burial, when; expenses, how paid; penalties. (a) The coroner shall cause the body of a deceased person to be delivered to the immediate family or the next of kin of the deceased in accordance with the provisions of K.S.A. 65-904, and amendments thereto. If there is no immediate family or next of kin the coroner shall report and make delivery in accordance with the provisions of article 9 of chapter 65 of Kansas Statutes Annotated. If no such delivery is required, the coroner shall cause the body of such deceased person to be cremated or buried. The state or county officer responsible for the final disposition of the deceased person may authorize and order the cremation or burial of such deceased person. Cremation or burial expenses shall be paid from any property found with the body. If there is no property found with the body or if the property is not sufficient to cover such expenses and if the deceased was eligible for assistance under the provisions of article 7 of chapter 39 of Kansas Statutes Annotated, expenses of final disposition shall be paid in accordance with the provisions of K.S.A. 39-713d, and amendments thereto. Otherwise, such expenses shall be paid from the county general fund unless the deceased died in the custody of the secretary of corrections. Expenses of final disposition

of the unclaimed bodies of deceased inmates in the custody of the secretary of corrections shall be paid by the department of corrections.
(b) Any coroner who, over the protest of the immediate family or next of kin of the deceased, delivers or causes to be delivered the body of a deceased person for final disposition to a particular embalmer, funeral director or funeral establishment, shall be deemed guilty of a class B nonperson misdemeanor and upon conviction thereof shall forfeit the coroner's office.
History: G.S. 1868, ch. 25, § 132; R.S. 1923, 19-1015; L. 1945, ch. 163, § 1; L. 1951, ch. 359, § 1; L. 1955, ch. 148, § 1; L. 1965, ch. 164, § 7; L. 1975, ch. 158, § 1; L. 1993, ch. 214, § 1; L. 1997, ch. 179, § 7; L. 1999, ch. 47, § 1; July 1.

22a-231. Same; notification of death to coroner or deputy, when; jurisdiction regarding investigation. When any person dies, or human body is found dead in the state, and the death is suspected to have been the result of violence, caused by unlawful means or by suicide, or by casualty, or suddenly when the decedent was in apparent health, or when decedent was not regularly attended by a licensed physician, or in any suspicious or unusual manner, or when in police custody, or when in a jail or correctional institution, or in any circumstances specified under K.S.A. 22a-242, and amendments thereto, or when the determination of the cause of a death is held to be in the public interest, the coroner or deputy coroner of the county in which the death occurred, if known, or if not known, the coroner or deputy coroner of the county in which such dead body was found, shall be notified by the physician in attendance, by any law enforcement officer, by the embalmer, by any person who is or may in the future be required to notify the coroner or by any other person. The coroner in the county of the cause of death shall decide if an investigation shall take place. If an investigation is authorized by the coroner of the county of cause of death, the coroner in the county of death shall undertake such investigation, with costs to be accounted to and reimbursed by the county of the cause of death. Investigation may include, but is not limited to, obtaining medical and law enforcement background information, examination of the scene of the cause of death, inquest, autopsy, and other duties required of the coroner. If the coroner of the county of the cause of death requests an investigation, the coroner of the county of death shall be responsible for the investigation and the certification of death.
History: L. 1963, ch. 166, § 7; L. 1965, ch. 164, § 12; L. 1969, ch. 143, § 5; L. 1988, ch. 103, § 1; L. 1992, ch. 312, § 35; L. 1993, ch. 214, § 6; L. 2000, ch. 54, § 2; July 1.

22a-232. Same; duties; transfer of jurisdiction. (a) Upon receipt of notice pursuant to K.S.A. 22a-231, and amendments thereto, the coroner shall take charge of the dead body, make inquiries regarding the cause of death and reduce the findings to a report in writing. Such report shall be filed with the clerk of the district court of the county in which the death occurred if known, or if not known the report shall be filed with the clerk of the district court of the county in which the dead body was found. If the coroner determines that the dead body is not a body described by K.S.A. 22a-231, and amendments thereto, the coroner shall immediately notify the state historical society.
(b) If in the opinion of the coroner information is present in the coroner's report that might jeopardize a criminal investigation, the coroner shall file the report with the clerk of

the district court of such county and designate such report as a criminal investigation record, pursuant to subsection (a)(10) of K.S.A. 45-221, and amendments thereto.
(c) If a death investigation involves multiple jurisdictions, the coroner notified under K.S.A. 22a-231, and amendments thereto, may transfer jurisdiction to another jurisdiction if the coroners of both jurisdictions agree to the transfer.
History: L. 1963, ch. 166, § 8; L. 1976, ch. 124, § 4; L. 1989, ch. 234, § 15; L. 1993, ch. 214, § 7; L. 2000, ch. 54, § 3; July 1.

22a-233. Autopsy, when; fees and travel allowances; specimens; record and report to coroner and clerk of the district court; exhumation and autopsy. (a) If, in the opinion of the coroner, an autopsy should be performed, or if an autopsy is requested in writing by the county or district attorney or if the autopsy is required under K.S.A. 22a-242, and amendments thereto, such autopsy shall be performed by a qualified pathologist as may be designated by the coroner. A pathologist performing an autopsy, at the request of a coroner, shall be paid a usual and reasonable fee to be allowed by the board of county commissioners and shall be allowed and paid the travel allowance prescribed for coroners and deputy coroners in accordance with the provisions of K.S.A. 22a-228, and amendments thereto, the same to be paid by the board of county commissioners of the county in which the cause of death occurred except that autopsies performed under K.S.A. 22a-242, and amendments thereto, shall be paid for in accordance with K.S.A. 22a-242, and amendments thereto.
(b) If, in the opinion of the secretary of corrections, warden or administrator of a correctional facility, jail or other institution for the detention of persons accused or convicted of crimes, an autopsy of a person who died while in the custody of such official should be performed, such autopsy shall be performed by a qualified pathologist as may be designated by the secretary of corrections, warden or administrator. A pathologist performing an autopsy pursuant to this subsection shall be paid a fee and travel allowance in the same amount as authorized by K.S.A. 22a-228, and amendments thereto. Such fee and travel allowance shall be paid by the correctional facility, jail or other facility where the death occurred from moneys available therefor. For the purposes of this subsection, custody does not include general supervision of a person on probation, parole, post release supervision or constraint incidental to release on bail. This subsection shall not limit the authority of a coroner pursuant to subsection (a).
(c) The pathologist performing the autopsy shall remove and retain, for a period of three years, such specimens as appear to be necessary in the determination of the cause of death.
(d) A full record and report of the facts developed by the autopsy and findings of the pathologist performing such autopsy shall be promptly made and filed with the coroner and with the clerk of the district court of the county in which decedent died. If, in any case in which this act requires that the coroner be notified, the body is buried without the permission of the coroner, it shall be the duty of the coroner, upon being advised of such fact, to notify the county or district attorney, who shall communicate the same to a district judge, and such judge may order that the body be exhumed and an autopsy performed.
History: L. 1963, ch. 166, § 9; L. 1965, ch. 164, § 13; L. 1967, ch. 135, § 1; L. 1975, ch. 158, § 2; L. 1976, ch. 124, § 2; L. 1977, ch. 109, § 13; L. 1978, ch. 91, § 1; L. 1988, ch.

103, § 3; L. 1991, ch. 95, § 1; L. 1992, ch. 312, § 36; L. 1993, ch. 214, § 8; L. 2000, ch. 122, § 1; July 1.

22a-242. Child death, notification of coroner; autopsy; notification of state review board; notification of parent or guardian; SIDS death; fee for autopsy. (a) When a child dies, any law enforcement officer, health care provider or other person having knowledge of the death shall immediately notify the coroner of the known facts concerning the time, place, manner and circumstances of the death. If the notice to the coroner identifies any suspicious circumstances or unknown cause, as described in the protocol developed by the state review board under K.S.A. 22a-243, and amendments thereto, the coroner shall immediately: (1) Investigate the death to determine whether the child's death included any such suspicious circumstance or unknown cause; and (2) direct a pathologist to perform an autopsy.
(b) If, after investigation and an autopsy, the coroner determines that the death of a child does not include any suspicious circumstances or unknown cause, as described in the protocol developed by the state review board under K.S.A. 22a-243, and amendments thereto, the coroner shall complete and sign a nonsuspicious child death form.
(c) If, after investigation and an autopsy, the coroner determines that the death of a child includes any suspicious circumstance or unknown cause, as described in the protocol developed by the state review board under K.S.A. 22a-243, and amendments thereto, the coroner shall notify, within 30 days, the chairperson of the state review board and shall notify, within 24 hours, the county or district attorney of the county where the death of the child occurred.
(d) The coroner shall attempt to notify any parent or legal guardian of the deceased child prior to the performance of an autopsy pursuant to this section and attempt to notify any such parent or legal guardian of the results of the autopsy.
(e) A coroner shall not make a determination that the death of a child less than one year of age was caused by sudden infant death syndrome unless an autopsy is performed.
(f) The fee for an autopsy performed under this section shall be the usual and reasonable fee and travel allowance authorized under K.S.A. 22a-233, and amendments thereto, and shall be paid from the district coroners fund.
History: L. 1992, ch. 312, § 32; L. 1994, ch. 279, § 27; L. 2002, ch. 119, § 1; July 1.

Chapter 65-PUBLIC HEALTH
Article 9-USE OF DEAD BODIES BY MEDICAL SCHOOL
(selected laws)

65-901. Certain unclaimed dead bodies; use for medical, surgical and anatomical science. It shall be lawful for the chairman or head of the department of anatomy of the medical school of the university of Kansas, to claim and receive the dead body of any person required to be delivered under K.S.A. 65-902a, which would otherwise be buried at public expense or on grounds reserved exclusively for pauper dead; such body to be used within the state for the purpose of the advancement of medical, surgical and anatomical science and study, and the instruction of medical students.

History: L. 1897, ch. 158, § 1; R.S. 1923, 65-901; L. 1951, ch. 359, § 2; June 30.

65-902a. Delivery of unclaimed bodies to medical school; notice; expenses; receipts; records. It is hereby made the duty of each coroner or any other officer having charge or control over unclaimed dead human bodies which would otherwise be buried at public expense or on grounds reserved exclusively for pauper dead to notify immediately the chairman or head of the department of anatomy of the medical school of the university of Kansas, whenever any such body or bodies come into his possession, charge or control; and shall, without fee or reward, upon receipt of notice from the chairman or head of such department, release to the same, within seventy-two (72) hours after death, except those coroners' cases in which more time may be required, and permit said chairman or his agent to take and remove all such bodies for use within the state for the advancement of medical, surgical and anatomical science. All expenses in connection with the delivery of any such body to the department of anatomy of the medical school of the university of Kansas shall be paid by said department. Such notice shall be given in all cases, but no such body shall be so released if any relative or friend accept such body for burial pursuant to the provisions of K.S.A. 65-904; nor shall any dead body of any honorably discharged soldier, sailor or marine of the United States or other person whose burial is provided for under the provisions of article 2 of chapter 73 of the Kansas Statutes Annotated, be so delivered, but in such cases burial shall be made in accordance with such statutes.

Upon receiving notice of the death of any person, coming within the provisions of this act, the chairman or head of the department of anatomy of the university of Kansas shall within thirty-six (36) hours after such notice has been given authorize some person to receive the body and to transport it to the medical school of the university of Kansas. A receipt for the body shall be given to the person delivering same, which receipt shall be dated and entered in a book to be kept by said medical school and which record shall be open to public inspection. Such record shall be kept by register number of all bodies received. If the body is not needed, the chairman or head of said department shall so inform the proper officer, and the body shall receive decent burial; and if, within forty-eight (48) hours after notice has been given, said department does not notify the sender of such notice that the body is to be claimed, then said medical school shall be deemed to have waived all claims to such body.

History: L. 1951, ch. 359, § 3; L. 1953, ch. 287, § 1; L. 1965, ch. 164, § 8; June 30.

65-902b. Burial at expense of person failing to notify or deliver; recovery. Whenever, through the failure of any person to notify or deliver a dead body as required by this act, such body shall become unfit for anatomical purposes, and such fact is so certified to the board of county commissioners of the proper county by the chairman or head of said department, such body shall be buried at the expense of the person so failing to notify or deliver such body as required by this act, and if such expenses are paid by the county, such county may bring an action to recover same.

History: L. 1951, ch. 359, § 4; June 30.

65-903. Use of bodies; burial. Such bodies shall be used only for the promotion of medical and surgical science within the state of Kansas. The remains after serving such purpose shall receive decent burial.
History: L. 1897, ch. 158, § 3; R.S. 1923, 65-903; L. 1951, ch. 359, § 5; L. 1967, ch. 434, § 17; July 1.

65-904. When bodies not to be delivered to medical school; burial by relatives or friends; unclaimed body of deceased inmate. (a) Except as provided by subsection (b), if the deceased person during such person's last sickness requests to be buried, or if burial is provided for under article 3 of chapter 73 of the Kansas Statutes Annotated or acts amendatory thereof or supplemental thereto, the body shall not be surrendered, but shall be buried in the usual manner. No body shall be delivered as provided in K.S.A. 65-902a and amendments thereto, if claimed by relatives or friends within 72 hours after death, nor shall a body be delivered as provided in K.S.A. 65-902a and amendments thereto unless the person or persons in charge of the deceased at the time of death have made diligent search for relatives or friends and no response to the search has been received within 96 hours after the commencement of such search. No dead body received by the department of anatomy of the medical school of the university of Kansas under the provisions of this act shall be dissected prior to 60 days after date of receipt of the dead body. In case the remains of any person so delivered and received shall be claimed within 60 days by any relative or friend, they shall be given to such relative or friend for interment.
(b) The unclaimed body of a deceased inmate in the custody of the secretary of corrections may be cremated at the expense of the department of corrections.
History: L. 1897, ch. 158, § 4; R.S. 1923, 65-904; L. 1951, ch. 359, § 6; L. 1997, ch. 179, § 8; May 22.

65-905. Penalty for violations. Every person who shall deliver up a body of any deceased person in violation of or contrary to the provisions of this act, and any person who shall receive such body knowing the same to have been delivered contrary to any of the provisions of this act, or any person who shall refuse or neglect to comply with any of the conditions of this act, shall each and any of them be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than two hundred dollars, or imprisoned in the county jail not exceeding one year.
History: L. 1897, ch. 158, § 5; May 8; R.S. 1923, 65-905.

Chapter 75-STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES
Article 4-SECRETARY OF STATE
(selected law)

75-441. Cemetery and funeral audit fee fund; fees remitted and credited; expenditures. (a) There is hereby created in the state treasury the cemetery and funeral audit fee fund.
(b) The secretary of state shall remit all fees received by the secretary of state for auditing any person, association, partnership, firm or corporation pursuant to K.S.A. 16-

310 and 16-325 and K.S.A. 17-1312a, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the cemetery and funeral audit fee fund.
(c) All expenditures from the cemetery and funeral audit fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of state or a person or persons designated by the secretary of state.
History: L. 1988, ch. 94, § 1; L. 2001, ch. 5, § 360; July 1.

75-442. Audits of prearranged funeral agreements and cemetery corporations, payment of expenses; fixed and charged by secretary of state. Whenever the secretary of state audits any person, association, partnership, firm or corporation pursuant to K.S.A. 16-310 or 16-325 or K.S.A. 17-1312a, and amendments thereto, such person, association, partnership, firm or corporation shall pay the expenses thereof, which shall be assessed against it by the secretary of state on a per diem basis for days or parts thereof related to a field audit in an amount not to exceed $100 per diem.
The secretary of state shall determine the expenses of any audit and submit a bill to the person, association, partnership, firm or corporation audited. The bill shall constitute notice of such assessment and demand of payment thereof.
History: L. 1988, ch. 94, § 2; July 1.

Chapter 21-CRIMES AND PUNISHMENTS
Article 62-Crimes Against the Public Peace
(selected law)

21-6205. Criminal desecration. (a) Criminal desecration is:
(1) Knowingly obtaining or attempting to obtain unauthorized control of a dead body or remains of any human being or the coffin, urn or other article containing a dead body or remains of any human being; or
(2) recklessly, by means other than by fire or explosive:
(A) Damaging, defacing or destroying the flag, ensign or other symbol of the United States or this state in which another has a property interest without the consent of such other person;
(B) damaging, defacing or destroying any public monument or structure;
(C) damaging, defacing or destroying any tomb, monument, memorial, marker, grave, vault, crypt gate, tree, shrub, plant or any other property in a cemetery; or
(D) damaging, defacing or destroying any place of worship.
(b) Criminal desecration as defined in:
(1) Subsections (a)(2)(B), (a)(2)(C) or (a)(2)(D) if the property is damaged to the extent of:
(A) $25,000 or more is a severity level 7, nonperson felony;
(B) at least $1,000 but less than $25,000 is a severity level 9, nonperson felony; and
(C) less than $1,000 is a class A nonperson misdemeanor; and

(2) subsections (a)(1) or (a)(2)(A) is a class A nonperson misdemeanor.
History: L. 2010, ch. 136, § 183; L. 2011, ch. 30, § 47; July 1.

Some additional information related to other related laws not included with this rule book, includes:

KSA 16-301 et. seq. Contains *Funeral and Cemetery Merchandise Agreements, Contracts and Plans* statutes

KSA 22a-215 et seq. Contains *District Officers and Employees (including coroners)* statutes

KSA 65-2401 et seq. Contains statutes of the *Uniform Vital Statistics Act*

KSA 65-3220 et. seq. Contains statutes of the *Revised Anatomical Gift Act*

KSA 58-654 General Powers relating to *Powers and Letters of Attorneys*–addresses the ability to pay reasonable expenses incurred for the funeral and burial or other disposition of the body of the principal.

All **Kansas Statutes** can be view on-line at the web site of the Kansas Legislature, located at: http://www.kslegislature.org/li/ and selecting *Statutes* from the menu on the left side of the page .http://www.kslegislature.org/li/statute

All **Kansas Regulations** can be viewed on-line at the web site of the Kansas Secretary of State, located at:
www.ssos.gov/pubs/pubs_kar.aspx