

**SENATE BILL No. 506**

By Committee on Public Health and Welfare

2-2

10 AN ACT concerning the state board of mortuary arts, relating to cre-  
11 matory operations; licensure; fees; amending K.S.A. 65-1760, 65-1763,  
12 65-1764, 65-1765, 65-1766 and 65-1768 and K.S.A. 2009 Supp. 65-  
13 1727 and 65-1762 and repealing the existing sections.

14

15 *Be it enacted by the Legislature of the State of Kansas:*

16 New Section 1. ~~A~~ **On and after July 1, 2011, a** crematory operator  
17 shall, in connection with such person's licensed crematory, use the words  
18 "crematory operator" or any other title implying that such person is en-  
19 gaged in the business of cremation.

20 New Sec. 2. ~~Every~~ **On and after July 1, 2011, every** cremation  
21 conducted in this state shall be under the personal supervision of a li-  
22 censed crematory operator or crematory operator in charge with all cre-  
23 mations performed at a licensed crematory.

24 New Sec. 3. (a) ~~It~~ **On and after July 1, 2011, it** shall be unlawful  
25 for any person to engage in or attempt to engage in the business of a  
26 crematory operator in this state without a crematory operator's license  
27 issued by the state board of mortuary arts.

28 (b) ~~Every~~ **On and after July 1, 2011, every** person desiring to enter  
29 the practice of a crematory operator shall make written application to the  
30 board on forms as prescribed by the board. The application shall show  
31 that the applicant is of legal age, has successfully completed training in  
32 performing cremation services and received certification by an organi-  
33 zation whose program with a minimum of six hours has been approved  
34 by the board within twelve months of the board's approval of application.  
35 If the applicant has not received such training when applying to the board,  
36 they must have received training from another person who has already  
37 received such training. That training must also be a minimum of six hours  
38 with the trainer and program approved by the board. At the end of one  
39 year of licensure as a crematory operator if the individual has not received  
40 training from an organization of an approved program as previously de-  
41 scribed, the crematory operator's license will be automatically suspended  
42 until such time as approved training has been completed.

43 New Sec. 4. (a) The renewal fee for a crematory operator's license

1 shall be in the amount fixed by the state board of mortuary arts in ac-  
2 cordance with the provisions of K.S.A. 2009 Supp. 65-1727, and amend-  
3 ments thereto. The fee shall be due and payable to the secretary of the  
4 board prior to the expiration date of the license. The secretary of the  
5 board shall mail a notice of the expiration date of each license and of the  
6 renewal fee at least 30 days prior to the date of expiration to the last  
7 known address of each licensee. If the licensee fails to pay such renewal  
8 fee within the time specified, the license shall automatically lapse, and  
9 the licensee shall be denied the right to practice cremation in this state  
10 during such lapse.

11 (b) The board may reinstate such lapsed license upon the payment  
12 of the fee in arrears, plus an additional reinstatement fee in the amount  
13 equal to the renewal fee, if such lapse is not over six months in duration.

14 (c) Any person who fails to reinstate a lapsed license within six months  
15 after the lapse of such license may apply for relicensure by making ap-  
16 plication on a form provided by the board. Relicensure shall be granted  
17 upon receipt of proof that the applicant meets qualifications to act as a  
18 licensed crematory operator, has satisfied all of the requirements for re-  
19 newal established by law and has paid the board back renewal fees as  
20 established by the board by rules and regulations.

21 (d) The expiration date of each license shall be established by rules  
22 and regulations of the board. Subject to the provisions of this subsection,  
23 each license shall be renewed on a biennial basis upon the filing of a  
24 renewal application prior to the expiration date of the license and upon  
25 payment of the renewal fee established pursuant to K.S.A. 2009 Supp.  
26 65-1727, and amendments thereto. To provide for a system of biennial  
27 renewal of licenses, the board may provide by rules and regulations that  
28 licenses issued or renewed for the first time after the effective date of  
29 this act may expire less than two years from the date of issuance or re-  
30 newal. In each case in which a license is issued or renewed for a period  
31 of time of less than two years, the board shall prorate to the nearest whole  
32 month the license or renewal fee established pursuant to K.S.A. 2009  
33 Supp. 65-1727, and amendments thereto.

34 (e) Every licensed crematory operator in Kansas shall submit with  
35 the renewal application and renewal fee evidence of satisfactory comple-  
36 tion of a program of continuing education required and approved by the  
37 board. The board by duly adopted rules and regulations shall establish  
38 the requirements for such program of continuing education.

39 (f) ***This section shall take effect on and after July 1, 2011.***

40 New Sec. 5. (a) Any intent of the crematory to recycle metallic rem-  
41 nants, prosthetic implants or anything else remaining after cremation or  
42 removed prior to cremation requires consent from the legal next of kin  
43 of the deceased as defined in K.S.A. 65-1734, and amendments thereto.

1 (b) Any such recycling must be in compliance with state and federal  
2 laws.

3 (c) ***This section shall take effect on and after July 1, 2011.***

4 ***New Sec. 6. The board shall prepare proposed rules and regu-***  
5 ***lations the board deems necessary to carry out the provisions of***  
6 ***sections 1 through 5, and amendments thereto, on or before January***  
7 ***1, 2011. The board shall adopt such rules and regulations to be***  
8 ***effective on or after July 1, 2011.***

9 ~~Sec. 6.~~ ***7. On and after July 1, 2011,*** K.S.A. 2009 Supp. 65-1727  
10 is hereby amended to read as follows: 65-1727. (a) On or before October  
11 15 of each year, the state board of mortuary arts shall determine the  
12 amount of funds that will be required during the next ensuing two years  
13 to properly administer the laws which the board is directed to enforce  
14 and administer under the provisions of article 17 of chapter 65 of the  
15 Kansas Statutes Annotated, and acts amendatory of the provisions thereof  
16 and supplemental thereto, and by rules and regulations shall fix fees in  
17 such reasonable sums as may be necessary for such purposes within the  
18 following limitations:

19	<del>Embalmers examination fee, not more than.....</del>	<del>\$300</del>
20	Embalmers endorsement application fee, not more than.....	<del>400</del> \$500
21	Embalmers reciprocity application fee, not more than .....	<del>400</del> 500
22	Funeral directors examination fee, not more than .....	<del>300</del> 400
23	Funeral directors reciprocity application fee, not more than .....	<del>400</del> 500
24	Embalmers/funeral directors reciprocity application fee, not	
25	more than .....	<del>400</del> 500
26	Assistant funeral directors application fee, not more than.....	<del>200</del> 300
27	Assistant funeral directors examination fee, not more than.....	<del>200</del> 300
28	Embalmers license and renewal fee, not more than .....	<del>250</del> 350
29	Funeral directors license and renewal fee, not more than.....	<del>350</del> 450
30	<i>Crematory operator's license and renewal fee, not more than.....</i>	200
31	Assistant funeral directors license and renewal fee, not more than .....	<del>300</del> 400
32	Apprentice embalmers registration fee, not more than .....	<del>150</del> 250
33	Funeral establishment license fee, not more than.....	<del>800</del> 1,000
34	Branch establishment license fee, not more than .....	<del>800</del> 1,000
35	Crematory license fee, not more than .....	<del>800</del> 1,000
36	Crematory renewal fee, not more than .....	<del>800</del> 1,000
37	Funeral establishment/crematory license fee, not more than.....	<del>1000</del> 1,500
38	Funeral establishment/crematory renewal fee, not more than.....	<del>1000</del> 1,500
39	Branch establishment/crematory license fee, not more than .....	<del>1000</del> 1,500
40	Branch establishment/crematory renewal fee, not more than .....	<del>1000</del> 1,500
41	Duplicate licenses.....	<del>20</del> 30
42	Rulebooks .....	20
43	Continuing education program sponsor applications.....	25

1 Continuing education program licensee applications ..... 25

2 At least 30 days prior to the expiration date of any license issued by the  
3 board, the board shall notify the licensee of the applicable renewal fee  
4 therefor.

5 (b) The fees established by the board under this section immediately  
6 prior to the effective date of this act shall continue in effect until such  
7 fees are fixed by the board by rules and regulations as provided in this  
8 section. An owner of a licensed funeral establishment or licensed branch  
9 establishment and a licensed crematory may be charged by the board a  
10 combined funeral establishment/crematory license or renewal fee or  
11 branch establishment/crematory license or renewal fee under this section  
12 in lieu of a separate license or renewal fee for each facility.

13 (c) The state board of mortuary arts may license embalmers via en-  
14 dorsement from another state: (1) if the individual has been licensed for  
15 at least five years and has completed at least five consecutive years of  
16 active practice in embalming; (2) has passed the national examination  
17 written by the international conference of funeral service examining  
18 boards; and (3) has not had any adverse action taken against such licensee  
19 by the state board in which licensure is held. The original fee for such  
20 endorsement license and the renewal fee shall be in the amounts fixed  
21 by the board in accordance with the provisions of this section.

22 (d) Fees paid to the board are not refundable.

23 Sec. 7- 8. **On and after July 1, 2011**, K.S.A. 65-1760 is hereby  
24 amended to read as follows: 65-1760. As used in this act, unless the con-  
25 text clearly shows otherwise:

26 (a) “Alternative container” means a receptacle, other than a casket,  
27 in which dead human bodies are transported to the crematory and placed  
28 in the cremation chamber for cremation. An alternative container shall  
29 be (1) composed of readily combustible **or consumable** materials suitable  
30 for cremation, (2) able to be closed in order to provide a complete cov-  
31 ering for the dead human bodies, (3) resistant to leakage or spillage, (4)  
32 rigid enough for handling with ease, and (5) able to provide protection  
33 for the health, safety and personal integrity of crematory personnel.

34 (b) “Authorizing agent” means a person legally entitled to authorize  
35 the cremation and final disposition of specific dead human bodies as de-  
36 fined in K.S.A. 65-1734, and amendments thereto.

37 (c) “Board” means the state board of mortuary arts.

38 (d) “Cremated remains” means all human remains recovered after  
39 the completion of the cremation of a dead human body, which may pos-  
40 sibly include the residue of any foreign matter including casket material,  
41 bridgework or eyeglasses, that was cremated with the dead human body.

42 (e) “Cremation” means the ~~reduction of a dead human body to es-~~  
43 ~~sential elements through direct exposure to intense heat and flame and~~

1 the repositioning or movement of the body during the process to facilitate  
 2 reduction, the processing of the cremated remains after removal from the  
 3 cremation chamber, placement of the processed remains in a cremated  
 4 remains container and release of the cremated remains to an appropriate  
 5 party ***mechanical and/or other dissolution process that reduces hu-***  
 6 ***man remains to bone fragments. Cremation includes the processing***  
 7 ***and usually includes the pulverization of the bone fragments.***

8 (f) “Cremation chamber” means the enclosed space within which the  
 9 cremation of a dead human body is performed. Such chambers shall be  
 10 used exclusively for the cremation of human remains.

11 (g) “Crematory” means a business premises that houses the crema-  
 12 tion chamber and holding facility where dead human bodies are cre-  
 13 mated. A crematory shall be maintained at a fixed and specific street  
 14 address.

15 (h) “*Crematory operator*” means a person who is engaged in, con-  
 16 ducting or holding oneself out as engaged in or conducting, the business  
 17 of cremation.

18 (i) “Crematory operator in charge” means the *licensed* crematory op-  
 19 erator who is responsible to ensure that the crematory’s license is current  
 20 and that the licensed crematory is in compliance with the laws and reg-  
 21 ulations of this state. Nothing in this definition shall relieve other persons  
 22 involved with a cremation from complying with state and federal laws and  
 23 regulations.

24 ~~(j)~~ (j) “Dead human body” means a lifeless human body or such parts  
 25 of a human body or the bones thereof from the state of which it reasonably  
 26 may be concluded that death recently occurred.

27 ~~(k)~~ (k) “Funeral director” means a person who holds a current license  
 28 as a funeral director issued by the board.

29 ~~(l)~~ (l) “Funeral establishment” means a funeral establishment or  
 30 branch establishment as licensed by the board.

31 ~~(m)~~ (m) “Holding facility” means an area within or adjacent to a li-  
 32 censed crematory designated for the retention of dead human bodies  
 33 prior to the act of cremation that shall:

34 (1) Comply with any applicable public health statute, regulation or  
 35 ordinance;

36 (2) preserve the dignity of the dead human body;

37 (3) recognize the integrity, health and safety of the crematory’s per-  
 38 sonnel operating the crematory; and

39 (4) be secure from access by anyone other than authorized personnel.

40 ~~(n)~~ (n) “Potentially hazardous implant” means any device previously  
 41 placed within the now deceased human body that would result in poten-  
 42 tial harm or damage at any time during the cremation process.

43 ~~(o)~~ (o) “Temporary container” means a receptacle for cremated re-

1 mains, usually composed of cardboard, plastic or similar material, that can  
 2 be closed in a manner that prevents the leakage or spillage of the cre-  
 3 mated remains or the entrance of foreign material, and is a single con-  
 4 tainer of sufficient size to hold the cremated remains.

5 ~~(p)~~ “Urn” means a receptacle designed to encase the cremated  
 6 remains.

7 ~~Sec. 9.~~ **On and after July 1, 2011**, K.S.A. 2009 Supp. 65-1762  
 8 is hereby amended to read as follows: 65-1762. (a) The *licensed* crematory  
 9 operator in charge shall supervise the licensed crematory on a full-time  
 10 or a part-time basis and perform such other duties relating to the super-  
 11 vision of a licensed crematory as prescribed by the board by rules and  
 12 regulations. The crematory operator in charge of a licensed crematory  
 13 must hold a Kansas *crematory operator’s license*. *Additionally, a crema-*  
 14 *tory operator in charge must hold a funeral director’s or embalmer’s li-*  
 15 *cence unless the crematory only receives dead human bodies for crema-*  
 16 *tion through licensed funeral establishments or branch funeral*  
 17 *establishments.*

18 (b) *Only licensed crematory operators may perform cremation.*

19 (c) No crematory *operator* or crematory operator in charge shall cre-  
 20 mate or cause to be cremated any dead human body until it has received:

21 (1) A cremation authorization form signed by an authorizing agent.  
 22 The written authorization shall include:

23 (A) The identity of the dead human body and the time and date of  
 24 death;

25 (B) the name of the funeral director or assistant funeral director and  
 26 the funeral establishment or branch establishment, or the authorizing  
 27 agent, that obtained the cremation authorization;

28 (C) notification as to whether the cause of death occurred from a  
 29 disease declared by the department of health and environment to be  
 30 infectious, contagious, communicable or dangerous to the public health;

31 (D) the name of the authorizing agent and the relationship between  
 32 the authorizing agent and the decedent;

33 (E) authorization for the crematory to cremate the dead human body;

34 (F) a representation that the dead human body does not contain a  
 35 pacemaker or any other material or implant that may be potentially haz-  
 36 ardous or cause damage to the cremation chamber or the person per-  
 37 forming the cremation;

38 (G) the name of the person authorized to receive the cremated re-  
 39 mains from the crematory; and

40 (H) the signature of the authorizing agent, attesting to the accuracy  
 41 of all representations contained on the cremation authorization form.

42 (2) A completed and executed coroner’s permit to cremate, as is pro-  
 43 vided in K.S.A. 65-2426a, and amendments thereto, indicating that the

1 dead human body is to be cremated.

2 Sec. ~~9~~ **10. On and after July 1, 2011**, K.S.A. 65-1763 is hereby  
3 amended to read as follows: 65-1763. (a) No body shall be cremated with  
4 a pacemaker or other potentially hazardous implant in place. The au-  
5 thORIZING agent for the cremation of the dead human body shall be re-  
6 sponsible for informing the licensed funeral director, assistant funeral  
7 director, embalmer, *crematory operator* or crematory operator in charge  
8 about a known pacemaker or other potentially hazardous implant. The  
9 authorizing agent shall be responsible for ensuring that any known pace-  
10 maker or hazardous implant is removed before delivery of the dead hu-  
11 man body to the crematory. Bodies with pacemakers or hazardous im-  
12 plants in the custody of a crematory operator shall have any pacemaker  
13 or hazardous implant removed by an embalmer at a funeral establishment  
14 or branch establishment with an embalming preparation room unless the  
15 removal is to take place at a medical facility by the appropriate medical  
16 personnel.

17 (b) A crematory shall hold dead human bodies, prior to their cre-  
18 mation, according to the following provisions of this subsection:

19 (1) Whenever a crematory is unable to cremate the dead human body  
20 immediately upon taking custody thereof, the crematory operator in  
21 charge shall place the dead human body in a refrigeration facility at 40  
22 degrees fahrenheit or less, unless the dead human body has been em-  
23 balmed, or shall store the dead human body in a cremation container at  
24 a funeral establishment or branch establishment *with a preparation room*  
25 *or holding facility approved by the board*; and

26 (2) a crematory operator *or crematory operator* in charge shall not  
27 be required to accept for holding a cremation container from which there  
28 is any evidence of leakage of body fluids from the dead human body  
29 therein.

30 (c) No unauthorized person *as determined by the crematory operator*  
31 *in charge of the crematory* shall be permitted in the crematory area while  
32 any dead human body is in the crematory area awaiting cremation, being  
33 cremated or being removed from the cremation chamber.

34 (d) The simultaneous cremation of more than one dead human body  
35 within the same cremation chamber is prohibited without specific written  
36 authorization to do so from all authorizing agents for the dead human  
37 bodies to be so cremated. Such written authorization shall exempt the  
38 crematory operator *and crematory operator* in charge from all liability for  
39 the comingling of the cremated remains during the cremation process.

40 (e) The crematory shall maintain an identification system that will  
41 insure that the cremated remains can be identified, as indicated on the  
42 cremation authorization form, throughout all phases of the cremation  
43 process.

1 (f) Upon completion of the cremation, and insofar as practicable, all  
2 of the recoverable residue of the cremation process shall be removed  
3 from the cremation chamber. If possible, the noncombustible materials  
4 or items shall be separated from the cremated remains and disposed of,  
5 in a lawful manner, by the crematory. The cremated remains shall be  
6 reduced by motorized mechanical device to granulated appearance ap-  
7 propriate for final disposition.

8 (g) Cremated remains shall be packed as follows:

9 (1) The cremated remains with proper identification shall be placed  
10 in a temporary container or urn, unless specific written authorization has  
11 been received from the authorizing agent or as provided in paragraph (2)  
12 of this subsection. The temporary container or urn contents shall be  
13 packed with clean packing materials;

14 (2) if the cremated remains will not fit within the dimensions of a  
15 temporary container or urn, the remainder of the cremated remains shall  
16 be returned to the authorizing agent or its representative in a separate  
17 container attached to the first container or urn identifying such containers  
18 as belonging together;

19 (3) when a temporary container is used to return the cremated re-  
20 mains, that container shall be, at a minimum, a cardboard box with all  
21 seams taped closed to increase the security and integrity of that container.  
22 The outside of the container shall be clearly identified with the name of  
23 the crematory and an indication that the container is a temporary con-  
24 tainer; and

25 (4) if the cremated remains are to be shipped, the temporary con-  
26 tainer or designated receptacle ordered by the authorizing agent shall be  
27 securely packed in a suitable, sturdy, non-fragile container and sealed  
28 properly. Cremated remains shall be shipped only by a method which has  
29 an internal tracing system available and which provides a receipt signed  
30 by the person accepting delivery.

31 ~~Sec. 10-11.~~ **On and after July 1, 2011**, K.S.A. 65-1764 is hereby  
32 amended to read as follows: 65-1764. (a) An authorizing agent signing a  
33 cremation authorization form shall be deemed to warrant the truthfulness  
34 of any facts set forth in such cremation authorization form, including the  
35 identity of the deceased whose remains are sought to be cremated and  
36 such authorization agent's authority to order such cremation. Any person  
37 signing a cremation authorization form as an authorizing agent shall be  
38 personally and individually liable for all damage occasioned thereby and  
39 resulting therefrom. A crematory operator, *crematory operator* in charge,  
40 *embalmer*, *assistant funeral director* or a funeral director may rely upon  
41 the representations of the authorizing agent in the cremation authoriza-  
42 tion form.

43 (b) A funeral director, assistant funeral director or crematory opera-

1 tor in charge shall have the authority to arrange the cremation of a dead  
 2 human body upon the receipt of a cremation authorization form signed  
 3 by an authorizing agent. A funeral director, assistant funeral director,  
 4 *embalmer, crematory operator* or crematory operator in charge who pur-  
 5 suant to a cremation authorization arranges a cremation, cremates a dead  
 6 human body then releases or disposes of the cremated remains shall not  
 7 be liable for such acts.

8 (c) A funeral director, assistant funeral director, *crematory operator*  
 9 or crematory operator in charge who refuses to arrange a cremation, to  
 10 accept a dead human body or to perform a cremation shall not be liable  
 11 for refusing to arrange, to accept the dead human body or to perform the  
 12 cremation until they receive a court order or other suitable confirmation  
 13 that the cause of the refusal has been settled. Circumstances causing such  
 14 a refusal may include:

15 (1) Awareness of a dispute concerning the cremation of the dead  
 16 human body; or

17 (2) a reasonable basis for questioning any of the representations made  
 18 by the authorizing agent; or

19 (3) any other lawful reason.

20 ~~Sec. 12.~~ **12. On and after July 1, 2011**, K.S.A. 65-1765 is hereby  
 21 amended to read as follows: 65-1765. If an authorizing agent informs the  
 22 funeral director, assistant funeral director, *embalmer, crematory operator*  
 23 or the crematory operator in charge on the cremation authorization form  
 24 of the presence of a pacemaker or hazardous implant in the dead human  
 25 body such informed person shall be responsible for ensuring that all nec-  
 26 essary steps have been taken to remove the pacemaker or hazardous im-  
 27 plant. Should a ~~funeral director or assistant funeral director~~ *anyone* who  
 28 delivers a dead human body to a crematory after being informed that a  
 29 pacemaker or hazardous implant is within the dead human body ~~and fails~~  
 30 *fail* to ensure that the pacemaker or hazardous implant has been removed  
 31 from the dead human body pursuant to subsection (b) of K.S.A. 65-1762,  
 32 and amendments thereto, prior to delivery, and should the dead human  
 33 body be cremated with the pacemaker or hazardous implant, then such  
 34 ~~funeral director or assistant funeral director~~ *individual* who delivered the  
 35 dead human body to the crematory shall be liable for all resulting dam-  
 36 ages.

37 ~~Sec. 13.~~ **13. On and after July 1, 2011**, K.S.A. 65-1766 is hereby  
 38 amended to read as follows: 65-1766. (a) The state board of mortuary arts  
 39 shall adopt rules and regulations for the administration and implemen-  
 40 tation of this act. Such rules and regulations shall include the conditions  
 41 under which dead human bodies of persons who died from an infectious,  
 42 contagious, communicable or dangerous disease can be transported from  
 43 any place in the state to a crematory for the purpose of cremation; shall

- 1 establish minimal standards of sanitation, required equipment and fire  
2 protection for all crematories as deemed necessary for the protection of  
3 the public.
- 4 (b) A crematory operator in charge may adopt reasonable policies,  
5 not inconsistent with this act or rules and regulations adopted by the  
6 board.
- 7 (c) The state board of mortuary arts may refuse to issue or renew a  
8 license or revoke, *condition, limit, censure, fine* or suspend a license for  
9 the crematory; *or crematory operator* upon a finding that *a crematory*  
10 *operator or* the crematory operator in charge:
- 11 (1) Has maintained or operated a building or structure within the  
12 state as a crematory in violation of the provisions of this act or the rules  
13 and regulations adopted by the board of mortuary arts;
- 14 (2) has performed a cremation without a cremation authorization  
15 form signed by an authorizing agent;
- 16 (3) has made any misleading, deceptive, untrue or fraudulent state-  
17 ments in applying for or securing an original or renewal license;
- 18 (4) has been convicted of a felony or an offense of moral turpitude,  
19 and has not demonstrated to the board's satisfaction that such crematory  
20 operator in charge has been sufficiently rehabilitated to warrant the public  
21 trust;
- 22 (5) has violated any law, ordinance or rule and regulation affecting  
23 the handling, custody, care or transportation of dead human bodies or  
24 cremated remains;
- 25 (6) has been rendered unfit to operate a crematory by reason of ill-  
26 ness, alcohol, chemicals or other types of substances, or as a result of any  
27 mental or physical condition;
- 28 (7) has failed or refused to properly protect or guard against conta-  
29 gious, communicable or infectious disease, or the spreading thereof;
- 30 (8) has or such person's agent, employee or representative has ad-  
31 vertised, solicited or sold merchandise or services in a manner which is  
32 fraudulent, deceptive or misleading in form or content;
- 33 (9) has been found by a court of competent jurisdiction to be mentally  
34 ill, mentally disabled, not guilty by reason of insanity or incompetent to  
35 stand trial by a court of competent jurisdiction;
- 36 (10) has failed to furnish the board, its investigators or representa-  
37 tives, information requested by the board;
- 38 (11) has failed to report to the board any adverse action taken against  
39 the *crematory operator*, crematory operator in charge or the crematory  
40 by another state or licensing jurisdiction, professional association or so-  
41 ciety, governmental agency, law enforcement agency or a court;
- 42 (12) has knowingly submitted any misleading, deceptive, untrue or  
43 fraudulent representation on a claim form, bill, statement or similar in-

1 formation to an authorizing agent, consumer or representative of the  
2 board;

3 (13) has had a license to operate a crematory, *crematory operator or*  
4 *similar license* revoked or suspended, or had other action taken against  
5 oneself or had an application for a license denied by the proper licensing  
6 authority of another state, territory, District of Columbia or other country.  
7 A certified copy of the record of the action of the other jurisdiction being  
8 conclusive evidence thereof;

9 (14) *has aided or abetted an unlicensed person to practice any activity*  
10 *for which a license is required under article 17 of chapter 65 of the Kansas*  
11 *Statutes Annotated, and amendments thereto, or supplemental thereof;*

12 (15) has violated any rules and regulations adopted by the board or  
13 any state or federal law related to the practice of operating a crematory;  
14 or

15 ~~(15)~~ (16) has failed to pay any fee required under this act.

16 (d) All administrative proceedings taken by the board pursuant to this  
17 section shall be conducted in accordance with the provisions of the Kansas  
18 administrative procedure act.

19 (e) A violation of this section or any provision of this act is hereby  
20 declared to be a class A nonperson misdemeanor.

21 ~~Sec. 13-14.~~ **On and after July 1, 2011**, K.S.A. 65-1768 is hereby  
22 amended to read as follows: 65-1768. (a) The crematory operator in  
23 charge of a crematory, located or doing business within the state, shall  
24 apply for and obtain a crematory license from the board for each cre-  
25 matory.

26 (b) An application for a new license is required if the crematory has  
27 a change in ownership, name, location or a change in the crematory op-  
28 erator in charge. Such application shall be made to the board at least 30  
29 days prior to the change of ownership, name or location or change in the  
30 crematory operator in charge.

31 (c) The crematory license fee and crematory license renewal fee shall  
32 be fixed by the board under K.S.A. 65-1727, and amendments thereto.  
33 The disposition of all funds collected under the provisions of this act shall  
34 be in accordance with the provisions of K.S.A. 65-1718, and amendments  
35 thereto.

36 (d) A crematory license shall expire every two years on a date estab-  
37 lished by the board. To continue operation of a crematory, a crematory  
38 operator in charge shall submit a biennial renewal application form and  
39 the crematory license renewal fee to the board before the expiration date  
40 of such license.

41 (e) A crematory license shall be judged delinquent on midnight of  
42 the expiration date and may only be renewed after that day by payment  
43 of a renewal fee and a reinstatement fee in an amount equal to the re-

1 newal fee.

2 (f) It is unlawful for any person who is not an operator in charge of  
3 a crematory *or a crematory operator* under this act to operate a crematory  
4 ~~or~~, hold oneself out as operating a crematory *or engage or attempt to*  
5 *engage in the business of crematory operator.*

6 (g) The Kansas university medical center shall be exempt from this  
7 statute for the purpose of cremating remains donated for dissecting, dem-  
8 onstrating or teaching purposes.

9 Sec. ~~14~~ **15.** *On and after July 1, 2011*, K.S.A. 65-1760, 65-1763,  
10 65-1764, 65-1765, 65-1766 and 65-1768 and K.S.A. 2009 Supp. 65-1727  
11 and 65-1762 are hereby repealed.

12 Sec. ~~15~~ **16.** This act shall take effect and be in force from and after  
13 its publication in the statute book.