

## **REGULATION UNDER THE EMBALMERS, FUNERAL DIRECTORS AND FUNERAL PROVIDERS ACT**

Under section 4 of the *Embalmers, Funeral Directors and Funeral Providers Act*, the Board for Registration of Embalmers, Funeral Directors and Funeral Providers makes the following regulation:

1. This regulation may be cited as the **Embalmers, Funeral Directors and Funeral Providers Regulation**.

### ***Definitions***

2. In this Regulation:

"Act" means the Embalmers, Funeral Directors and Funeral Providers Act;

"Board" means the Board for Registration of Embalmers, Funeral Directors and Funeral Providers appointed under the Act;

"Funeral Service" means the care and preparation of dead human bodies and the co-ordination of rites and ceremonies with respect to dead human bodies, but does not include services provided by a cemetery or crematorium owner under the *Cemetery Companies Act*;

"License" means a license to act as a Funeral Provider or a Funeral Director or an Embalmer as specified on the license issued pursuant to Section 9 of the Act.

"Embalmer" means an individual who practices Embalming;

"Embalming" means the preservation of the dead human body, entire or in part, by the use of chemical substance, fluids or gases, ordinarily used, prepared or intended for such purpose, either by outward application of such chemical substances, fluids or gases on the body by vascular or hypodermic injection or by direct application to the organs or cavities;

"Funeral Director" means an individual who provides or directs the providing of Funeral Services and who operates under that person's name or any other name for another person, partnership, firm, association or company, a business for the purpose of furnishing to the public Funeral arrangements,

Funeral Services and supplies, memorial arrangements, memorial services and supplies, as well as burial and mortuary services;

"Funeral Home" means a facility where Funeral Services are provided;

"Funeral Provider" means a person or a corporation licensed under this Act who owns, controls or has a beneficial interest in or manages a Funeral Home or holds themselves out as a provider of Funeral Services.

### ***The Board***

3.

- (1) The Board shall meet at such times and place as the Board decides in each year and shall appoint such officers as it considers advisable.
- (2) The Board shall meet at such other time and place as may be required:
  - (a) at the call of the Chairman, or
  - (b) at the call of any three members of the Board.
- (3) The financial year of the Board terminates on the thirtieth day of June in each year.
- (4) The cost of holding meetings of the Board shall be paid from the funds of the Board.

### ***Chairperson/Registrar***

4.

- (1) The Chairperson
  - (a) shall preside at the meetings of the Board,
  - (b) shall have the right to vote on all questions, and
  - (c) during the interim between meetings, shall direct the affairs of the Board so far as possible in conference with the other members and subject to their ratification.
- (2) The Registrar
  - (a) shall hold office as Registrar of the Corporation and shall perform all duties as Registrar as referenced under the Act,

- (b) receive all fees from examinations and from other sources and shall promptly deposit all money received in a chartered bank to the credit of the Board,
  - (c) pay all claims authorized by the Board and Registrar, and
  - (d) keep the seal of the Board and affix it upon all documents authorized by the Board.
5. All original licenses issued by the Board, and renewals thereof, shall be signed by the Registrar.
6. The Registrar or assistant to the Registrar of the Board shall be granted such honorarium annually as the Board may determine.
7. After all expenses of the Board and legitimate accounts have been paid, any surplus may be used for such educational purposes as the Board may determine.

### *Apprenticeship*

- 8.
- (1) The term of apprenticeship for an apprentice Embalmer is a period of at least sixty weeks and shall be completed under the supervision of a certified Embalmer or licensed Funeral Director.
  - (2) During the period of apprenticeship, a candidate shall only be credited with a maximum of forty hours in any one week.
  - (3) An apprentice shall prepare and maintain written records of the time he or she has worked as an apprentice and such records shall be verified, confirmed and signed on a monthly basis by the supervising Embalmer or Funeral Director.
  - (4) Before commencing apprenticeship, a person shall apply for registration as an apprentice with the Board on a form supplied by the Board and shall satisfy the Board that the person meets the following prerequisites:
    - (a) the person is not less than eighteen years of age,
    - (b) the person is of good moral character and standing, and

- (c) the person has not infringed this Act or Regulation or similar Act or regulations in another jurisdiction in the five years immediately prior to such application.
- (5) Where a person is granted registration as an apprentice by the Board, an apprentice shall make a report to the Registrar, at the end of the first thirty weeks of his or her apprenticeship and at the end of the next thirty weeks of his or her apprenticeship, stating the amount and type of work done by the apprentice during the preceding thirty weeks and the report shall be signed by the Embalmer or Funeral Director with whom the apprentice is serving.
- (6) No person, partnership, firm or corporation operating under this Act shall have more than one apprentice for each certified Embalmer or licensed Funeral Director regularly in his or her or its employ.

9.

- (1) The pass mark in a clinical examination shall be seventy five percent.
- (2) A person who fails a clinical examination prescribed in section 36 of the Act may repeat the examination within sixty days of the first examination.
- (3) A person who fails the repeated examination must redo the entire period of apprenticeship before being permitted to further repeat the examination.

*Fees*

10.

- (1) Subject to subsection (9) herein, the fee payable to the Board for registration as an apprentice is Two Hundred Dollars.
- (2) Subject to subsections (4) and (9) herein, the annual fee payable to the Board for licensing as an Embalmer or Funeral Director is Two Hundred Dollars.
- (3) Subject to subsections (4) and (9) herein, the annual fee payable to the Board for licensing as a Funeral Provider is Two Hundred Dollars.
- (4) Any Funeral Director, Embalmer or Funeral Provider who makes application to the Registrar on or before the first day of July in each year, and pays the fee of Two Hundred Dollars, may have his, her or its license

renewed for the ensuing year. The Board may at any annual meeting increase the licensing fee for those performing the duties of Funeral Director, Embalmer or Funeral Provider.

- (5) Any person or corporation who fails to pay his, her or its licensing fee on or before the first day of July in any one year shall forfeit the right to register as an Funeral Director, Embalmer or Funeral Provider, but may be re-instated by the Board upon payment of the fee for his, her or its licence referred to in subsection (4), as well as any arrears in fees.
- (6) Any person who has been granted a Funeral Director or Embalmer's licence and who has allowed it to lapse for two consecutive years may be refused renewal by the Board, except on the payment of arrears in fees, together with the then current years fees, and shall demonstrate to the satisfaction of the Board that the person is qualified to do the work of an Embalmer and satisfy the Board as to his or her good moral standing and character.
- (7) Every Embalmer or Funeral Director not actively engaged in his or her profession shall return his or her license to the Board and the Board shall place that person's name on the inactive list to be maintained by the Registrar.
- (8) No fees shall be charged a person on the inactive list but if his or her application for reinstatement is granted by the Board, then that person shall be liable to pay those fees the person would normally be required to pay during the period of time the person was on the inactive list as if the person had been active, as an administration fee thereof.
- (9) The annual fee for such license or renewal is Two Hundred Dollars, or such other sum(s) set by the Board, but in any case, such amount shall not be less than Two Hundred Dollars.

### *Facilities*

11.

- (1) A Funeral Provider or Director shall have at least one room exclusively devoted to the keeping, embalming and preparation for burial or transportation of dead human bodies, and each such room shall be equipped with -
  - (a) sanitary drainage or facilities for the disposal of fluids,
  - (b) adequate ventilation,

- (c) adequate sanitary receptacles and conveniences,
  - (d) the necessary instruments and supplies,
  - (e) floors constructed of or covered by tile, concrete, linoleum, rubber matting or other equivalent suitable covering or surfacing,
  - (f) impermeable counter surfaces, and
  - (g) equipment and contents capable of being easily disinfected.
- (2) The premises shall have a casket display room with at least eight different adult caskets on display.
- (3) The eight adult caskets referred to in clause (2) shall
- (a) range in price from among the least expensive available on the market to the most expensive offered by the establishment with each casket and its price clearly shown, and
  - (b) represent the range of materials from which caskets are constructed for the cultural, religious or ethnic markets being served by the funeral establishment.
- (4) Every casket and container shall be rigid and where necessary be leak-proof or have a leak-proof liner.

### ***Facilities and Equipment***

12.

- (1) A Funeral Provider or Funeral Director who is operating a funeral home shall have available appropriate facilities, equipment, furnishings and automobile transportation adequate to serve the public in his or her locality.
- (2) Every Funeral Provider or Funeral Director of a funeral establishment shall own or shall be able to obtain immediately a vehicle suitable for the transfer of dead human bodies.
- (3) The vehicle shall be capable of transporting bodies so they are out of public view.
- (4) The vehicle shall be kept in a sanitary condition.

13. The premises, facilities and equipment prescribed in section 11 and 12 herein are subject to the approval of the Board.

***Soliciting***

14.

- (1) No person shall contact, in any way, directly or indirectly, a person in a hospital, nursing home or such other institution for the purpose of suggesting or soliciting that a contract be made for the provision of funeral services or supplies or both, or for the separate transportation of a dead human body.
- (2) No person shall contact, by telephone or in person, directly or indirectly, a person for the purpose of suggesting or soliciting that a contract referred to in this section be made.
- (3) No person shall solicit business in any location.

***License***

15.

- (1) Where a person holds a valid Embalmer's license in another jurisdiction and provides proof of being in good standing to the Registrar, upon the approval of the Board, such person shall pass the clinical examination for admission to practise as an Embalmer as set by the Board.
- (2) Where a person has previously held a New Brunswick Embalmer's license which has lapsed for more than twenty four months immediately preceding the date of application for a license, such person shall pass the clinical examination for admission to practise as an Embalmer as set by the Board.
- (3) Where a person has previously held a New Brunswick Embalmer's license, which has lapsed for not more than twenty four months immediately preceding the date of application for a license, such person shall, upon payment of the appropriate license fee and with the approval of the Board, be reinstated as a certified Embalmer and thereby be licensed.

***Services and Price List***

16. (1) No provider of funeral services shall include any reference to price, competitiveness of price, or condition of sale in any advertising, or authorize or use an advertisement or sign having an area in excess of thirty-two hundred square centimeters other than a sign on the premises identifying the business.
- (2) Every Funeral Director or Embalmer or Funeral Provider providing funeral services shall, upon request, make available to the public an up to date list of the funeral services, funeral supplies and transfer services he, she or it generally offers and their corresponding prices.
- (3) The list referred to in subsection (2) shall include:
- (a) The price of professional and staff services,
  - (b) The price of embalming or other preparations of the remains of the deceased person,
  - (c) The price of the use of facilities for visitations or services,
  - (d) The price of the use of facilities for the embalming or the shelter of the remains of the deceased person, including the cost of refrigeration,
  - (e) The price of the transfer of the remains of the deceased person,
  - (f) The price for the use of a funeral coach or vehicle,
  - (g) The price for the use of a clergy or lead vehicle,
  - (h) The price for the use of any automobiles in addition to those referred to in clauses (f) and (g),
  - (i) The price of funeral services and supplies and transfer services offered as a package, indicating each item included in the package,
  - (j) The price of completing or obtaining any necessary forms or documents, and
  - (k) The price of rental merchandise.



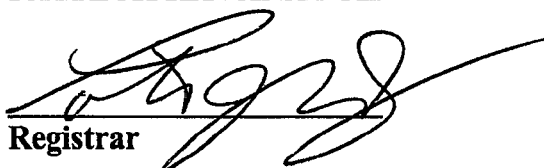
- (4) Every Funeral Director or Funeral Provider operating a funeral establishment or business offering services to the public shall maintain an up to date list of the caskets, containers, rental merchandise, outer burial containers, and urns that are regularly offered for sale or rent in the funeral establishment.
- (5) The list referred to in subsection (3) shall include the name, a brief description and the price of each casket, container, rental item, outer burial container and urn, including the manufacturer's name, if available, and any model number.
- (6) The lists referred to in subsections (2) and (3) shall clearly state the effective date of the list and the name and address of the funeral establishment, including the name of the Funeral Director who manages and supervises the establishment.
- (7) Every Funeral Director or Funeral Provider operating a funeral establishment or business offering services to the public shall, before a potential purchaser selects funeral services, supplies or transfer services, offer to that purchaser a copy of the lists referred to in subsections (2) and (3).
- (8) Every Funeral Director or Funeral Provider operating a funeral establishment or business offering services to the public shall provide, without cost, a copy of the lists referred to in subsections (2) and (3) to every person who requests the list or any information contained in the list.
- (9) Prices on the lists shall be expressed as a fixed charge, an hourly rate, a rate per kilometer or other unit of compensation.

**I CERTIFY** the foregoing to be a true copy of the regulation passed by the Board at a directors' meeting of the corporation held on October 31, 2006.

**CERTIFIED** at Grand Falls, New Brunswick, on October 31, 2006.

*corporate seal*

**PATRICK KAVANAUGH**

  
Registrar