

CHAPTER 469
UNDERTAKERS, EMBALMERS, FUNERAL DIRECTORS

Section

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Disposition of a decedent's remains, control of, see chapter 531B.

" **§469-1 License.** The department of health may, upon payment to it of an examination fee, examine, or cause to be examined by not less than two practicing embalmers, undertakers, or funeral directors, any person over eighteen years of age, of good moral character, and with qualifications specified in one of the following categories:

- (1) A minimum of five years practical experience under the supervision of a registered embalmer or undertaker in the State.
- (2) A minimum of two years practical experience under the supervision of a registered embalmer or undertaker in the State and completion of a four-year high school course or equivalent educational training.
- (3) Not less than one year of practical experience and graduation from a recognized school of embalming.
- (4) Holder of a state license for embalming.

All examinations shall be conducted in writing and supplemented by practical demonstrations and shall be upon such subjects as the department may by rule prescribe. Every person who passes the examination shall be given a license as an embalmer. [L 1933, c 36, §1; RL 1935, §1450; am L 1943, c 57, pt of §1; RL 1945, §3051; RL 1955, §72-1; am L 1957, c 316, §8; am L 1959, c 111, §1; am L Sp 1959 2d, c 1, §19; HRS §469-1; am L 1972, c 2, §28; am L 1983, c 53, §1]

Cross References

Disposal of examination records, see §94-5.

" **§469-2 Rules.** The department of health may prescribe such rules as it deems reasonable and proper relating to the practice of embalming, to the business of an undertaker, or to the sanitary condition of places where such business or practice is conducted. The rules of the department may prescribe an original registration fee for the engaging by any person in the business of an undertaker and an annual renewal fee. [L 1937, c 174, §1; am L 1943, c 57, pt of §1; RL 1945, §3052; RL 1955, §72-2; am L 1957, c 316, §9; am L Sp 1959 2d, c 1, §19; HRS §469-2; am L 1983, c 53, §2]

Cross References

Rulemaking procedure, see chapter 91.

" **§469-3 Renewal of license.** Each licensed embalmer or licensed undertaker or funeral director shall, between July 1 and 10 of each year, renew the embalmer's or undertaker's or funeral director's license by registering with the department of health and by paying a renewal fee. Every license that is not so renewed shall expire on August 1 and shall not be renewed except upon the payment of a delinquent fee. [L 1933, c 36, §2; RL 1935, §1451; RL 1945, §3053; RL 1955, §72-3; am L 1959, c 111, §2; am L Sp 1959 2d, c 1, §19; HRS §469-3; am L 1983, c 53, §3; gen ch 1985]

" **§469-4 Registration of apprentices.** Any person at least eighteen years of age, of good moral character, may qualify as an apprentice under a regularly licensed embalmer. The person shall register with the department of health, and, upon the payment of a fee, a certificate of apprenticeship shall be issued the person.

On or between July 1 and 10 of each year, the person shall renew the person's certificate of registration and pay a renewal fee. If the renewal fee is not paid within thirty days from the date due, a penalty fee for delinquency attaches and becomes a part of the total fee due the department of health for such renewal. The applicant shall also file an affidavit of three citizens who have known the applicant during the past two years, certifying to the applicant's moral character. [L 1933, c 36, §3; RL 1935, §1452; am L 1943, c 57, pt of §1; RL 1945, §3054; RL 1955, §72-4; am L 1957, c 316, §10; am L Sp 1959 2d, c 1, §19; HRS §469-4; am L 1983, c 53, §4; gen ch 1985]

" **§469-5 Disposition of fees.** All fees collected by the board shall be deposited by the department of health with the director of finance to the credit of the general fund. [L 1933, c 36, §4; RL 1935, §1453; RL 1945, §3055; RL 1955, §72-5; am L Sp 1959 2d, c 1, §§14, 19; am L 1961, c 184, §16; am L 1963, c 114, §1; HRS §469-5]

" **§469-6 Revocation of license.** A license may be revoked by the department of health upon proof to its satisfaction of violation of any rule or regulation of the department in any respect in regard thereto. Every person so charged shall be given notice and opportunity for hearing in conformity with chapter 91. [L 1933, c 36, §5; RL 1935, §1454; RL 1945, §3056; RL 1955, §72-6; am L 1965, c 96, §53; HRS §469-6]

" **§469-7 Powers of department to subpoena witnesses, etc.**

The department of health may subpoena and examine witnesses under oath upon all such charges as may be preferred before it, and the circuit court of the circuit in which the hearing is held shall enforce by proper proceedings the attendance and testimony of witnesses so subpoenaed. [L 1933, c 36, §6; RL 1935, §1455; RL 1945, §3057; RL 1955, §72-7; am L Sp 1959 2d, c 1, §19; HRS §469-7]

" **§469-8 Penalty.** Any person who practices as an embalmer or undertaker without being registered with the department of health as herein provided shall be fined not less than \$50 nor more than \$250 or imprisoned not less than thirty days nor more than ninety days, or both. [L 1933, c 36, §7; RL 1935, §1456; RL 1945, §3058; RL 1955, §72-8; am L Sp 1959 2d, c 1, §19; HRS §469-8]

Cross References

Classification of offense and authorized punishment, see §§701-107, 706-640 and 706-663.