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HOUSE BILL 431

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Dona G. Irwin

AN ACT

RELATING TO THANATOPRACTICE; CLARIFYING SECTIONS OF THE
THANATOPRACTICE ACT; PROVIDING FOR CIVIL PENALTIES FOR
UNLICENSED PRACTICE OF THANATOPRACTICE; AMENDING AND ENACTING
SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 61-32-4 NMSA 1978 (being Laws 1993,
Chapter 204, Section 4) is amended to read:

"61-32-4. LICENSE REQUIRED. --

A. Unless licensed to practice under the
Thanatopractice Act, ~~[nø]~~ a person shall not:

~~[A.-]~~ (1) practice as a funeral service
practitioner, associate funeral service practitioner, assistant
funeral service practitioner, funeral service intern or direct
di sposer;

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1 [~~B.-~~] (2) use the title or represent himself as
2 a funeral service practitioner, associate funeral service
3 practitioner, assistant funeral service practitioner, funeral
4 service intern or direct disposer or use any other title,
5 abbreviation, letters, figures, signs or devices that indicate
6 the person is licensed to practice as a funeral service
7 practitioner, associate funeral service practitioner, assistant
8 funeral service practitioner, funeral service intern or direct
9 disposer; or

10 [~~C.-~~] (3) maintain, manage or operate a funeral
11 establishment, a commercial establishment, a direct disposition
12 establishment or a crematory.

13 B. A person who engages in the practice or acts in
14 the capacity of a funeral service practitioner, associate
15 funeral service practitioner, assistant funeral service
16 practitioner, funeral service intern or direct disposer in this
17 state, with or without a New Mexico license, is subject to the
18 jurisdiction of the state and to the administrative
19 jurisdiction of the board and is subject to all penalties and
20 remedies available for a violation of a provision of the
21 Thanatopractice Act.

22 C. A person who maintains, manages or operates a
23 funeral establishment, commercial establishment, direct
24 disposition establishment or a crematory in this state, with or
25 without a New Mexico establishment or crematory license, is

1 subject to the jurisdiction of the state and to the
2 administrative jurisdiction of the board and is subject to all
3 penalties and remedies available for a violation of a provision
4 of the Thanatopractice Act. "

5 Section 2. Section 61-32-8 NMSA 1978 (being Laws 1993,
6 Chapter 204, Section 8, as amended) is amended to read:

7 "61-32-8. INSPECTION--ACCESS--COUNSEL. --

8 A. Inspection of establishments and crematories,
9 including all records, financial or otherwise, is authorized
10 during regular business hours. Acceptance of a license shall
11 include permission for the board or its designee to enter the
12 premises without legal process.

13 B. ~~[Each applicant for licensure pursuant to the~~
14 ~~Thanatopractice Act shall provide a physical address at which~~
15 ~~he] An establishment or crematory shall maintain business~~
16 ~~records required by law [and at which inspections of those~~
17 ~~records may occur] or rule at the establishment or crematory.~~

18 C. The board shall be represented by the attorney
19 general. The board may employ special counsel, upon approval
20 of the attorney general, to review and prosecute cases of
21 consumer complaints against any person, establishment or
22 crematory licensed pursuant to the Thanatopractice Act.
23 Payment for the services shall be by the board. "

24 Section 3. Section 61-32-9 NMSA 1978 (being Laws 1993,
25 Chapter 204, Section 9, as amended) is amended to read:

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1 "61-32-9. REQUIREMENTS FOR LICENSURE-- FUNERAL SERVICE
2 PRACTITIONER-- FUNERAL SERVICE INTERN-- DIRECT DISPOSER--
3 ASSOCIATE FUNERAL SERVICE PRACTITIONER-- ASSISTANT FUNERAL
4 SERVICE PRACTITIONER-- TEMPORARY LICENSES. --

5 A. A license to practice as a funeral service
6 practitioner shall be issued to any person who files a
7 completed application, accompanied by the required fees and
8 documentation, and who submits satisfactory evidence that he:

9 (1) is at least eighteen years of age;

10 (2) has served as a licensed funeral service
11 intern for not less than twelve months, under the supervision
12 of a licensed funeral service practitioner. During the
13 training period, the applicant shall have assisted in the
14 embalming of at least fifty bodies, [~~and assisted in the~~
15 making of at least fifty funeral arrangements and the directing
16 of at least fifty funerals;

17 (3) has successfully completed any
18 examination, including a jurisprudence examination, prescribed
19 by board rules;

20 (4) has not been convicted of unprofessional
21 conduct or incompetency;

22 (5) has graduated from an institution
23 accredited by the American board of funeral service education
24 or any other successor recognized by the United States office
25 of education for funeral service education; and

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1 (6) has successfully completed at least sixty
2 semester hours of academic and professional instruction in an
3 accredited college or university; provided, however, that an
4 assistant funeral service practitioner need not satisfy the
5 provisions of Paragraphs (5) and (6) of this subsection if the
6 assistant funeral service practitioner has successfully
7 completed examinations required by the board for practice as an
8 associate funeral service practitioner and a funeral service
9 practitioner.

10 B. A license to practice as a funeral service
11 intern shall be issued to any person who files a completed
12 application, accompanied by the required fees and
13 documentation, and who submits satisfactory evidence that he:

14 (1) is at least eighteen years of age;

15 (2) has graduated from high school or the
16 equivalent;

17 (3) has submitted proof of employment and
18 supervision as required by board rules. Except as may be
19 allowed by board rule, a license as a funeral service intern is
20 not ambulatory and is issued for a specific funeral
21 establishment only;

22 (4) has successfully completed any
23 examination, including a jurisprudence examination, prescribed
24 by board rules; and

25 (5) has not been convicted of unprofessional

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1 conduct or incompetency.

2 C. A license to practice as a direct disposer shall
3 be issued to any person who files a completed application,
4 accompanied by the required fees and documentation, and who
5 submits satisfactory evidence that he:

6 (1) is at least eighteen years of age;

7 (2) has graduated from high school or the
8 equivalent;

9 (3) has successfully completed any
10 examination, including a jurisprudence examination, prescribed
11 by board rules; and

12 (4) has not been convicted of unprofessional
13 conduct or incompetency.

14 D. A license to practice as an assistant funeral
15 service practitioner shall be issued to any person who, prior
16 to June 18, 1993, held a valid license as an assistant funeral
17 service practitioner and who was qualified to receive a renewal
18 license on July 1, 1993.

19 E. A license to practice as an associate funeral
20 service practitioner shall be issued to any person who files a
21 completed application, accompanied by the required fees and
22 documentation, and who submits satisfactory evidence that he:

23 (1) has been licensed as an assistant funeral
24 service practitioner;

25 (2) has successfully completed any

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1 examination, including a jurisprudence examination, prescribed
2 by board rules; and

3 (3) has not been convicted of unprofessional
4 conduct or incompetency.

5 F. The board may adopt by rule requirements for
6 issuing a temporary license that will be valid until the next
7 scheduled board meeting."

8 Section 4. Section 61-32-10 NMSA 1978 (being Laws 1993,
9 Chapter 204, Section 10, as amended) is amended to read:

10 "61-32-10. LICENSURE BY CREDENTIALS. --After successful
11 completion of a jurisprudence examination, the board may
12 license an applicant as a funeral service practitioner,
13 provided the applicant possesses a valid license or its
14 equivalent for the practice of funeral service issued by the
15 appropriate examining board under the laws of any other state
16 or territory of the United States, the District of Columbia or
17 any foreign nation, and provided the applicant [~~has met~~
18 ~~educational requirements equal to or exceeding those~~
19 ~~established pursuant to the Thanatopractice Act or~~] has
20 actively practiced five out of the last ten years in another
21 state, territory or foreign nation as a licensed funeral
22 service practitioner or its equivalent."

23 Section 5. Section 61-32-11 NMSA 1978 (being Laws 1993,
24 Chapter 204, Section 11, as amended) is amended to read:

25 "61-32-11. LICENSURE OF ESTABLISHMENTS-- FUNERAL

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1 ESTABLISHMENTS-- COMMERCIAL ESTABLISHMENTS-- DIRECT DISPOSITION
2 ESTABLISHMENTS-- CREMATORIES. --

3 A. Funeral establishment licenses shall only be
4 granted under the following terms and conditions:

5 (1) applications for licensure shall be upon
6 forms furnished by the board and shall be accompanied by the
7 required fee;

8 (2) the establishment shall be maintained at a
9 specific location primarily devoted to the practice of funeral
10 service and shall comply with the following minimum
11 requirements:

12 (a) a chapel shall be present in which
13 funerals may be conducted;

14 (b) a display room shall be present for
15 displaying caskets and other funeral merchandise; and

16 (c) a preparation room shall be present
17 with ~~[the]~~ necessary drainage and ventilation and necessary
18 instruments and supplies for the preparation and embalming of
19 dead human bodies for burial or other disposition or
20 transportation; and

21 (3) ~~[no]~~ a license shall not be issued or
22 renewed by the board unless the establishment is in compliance
23 with the Thanatopractice Act and board rules.

24 B. Commercial establishment licenses shall only be
25 granted under the following terms and conditions:

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1 (1) applications for licensure shall be upon
2 forms furnished by the board and shall be accompanied by the
3 required fee;

4 (2) the establishment shall be maintained at a
5 specific location primarily devoted to the practice allowed for
6 a commercial establishment and shall ~~have~~ comply with the
7 following minimum requirements:

8 (a) a preparation room shall be present
9 with the necessary drainage and ventilation and necessary
10 instruments and supplies for the preparation and embalming of
11 dead human bodies for burial or other disposition and
12 transportation; and

13 (b) an office shall be present for
14 conducting business; and

15 (3) ~~no~~ a license shall not be issued or
16 renewed by the board unless the establishment is in compliance
17 with the Thanatopractice Act and board rules.

18 C. Direct disposition establishment licenses shall
19 only be granted under the following terms and conditions:

20 (1) applications for licensure shall be upon
21 forms furnished by the board and shall be accompanied by the
22 required fee;

23 (2) the establishment shall be maintained at a
24 specific location primarily devoted to the practice ~~of~~
25 allowed for a direct [disposition] disposer and shall

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1 ~~[maintain]~~ comply with the following minimum requirements:

2 (a) a room ~~[equipped with a tile, cement~~
3 ~~or composition floor]~~ shall be present with necessary drainage
4 and ventilation for housing a refrigeration unit;

5 (b) ~~[necessary drainage and ventilation;~~
6 ~~(c)]~~ a refrigeration unit,
7 thermodynamically controlled with a minimum storage area of
8 twelve and one-half cubic feet per body, shall be present for
9 sheltering of dead human bodies prior to burial or other
10 disposition [and] or transportation;

11 (c) an office shall be present for conducting
12 business;

13 (d) necessary supplies for safely handling
14 unembalmed dead human bodies; and

15 (e) if funeral merchandise is made available,
16 a display room shall be present for displaying caskets and
17 other funeral merchandise; and

18 (3) no license shall be issued or renewed by
19 the board unless the establishment is in compliance with the
20 Thanatopractice Act and board rules.

21 D. Crematory licenses shall only be granted under
22 the following terms and conditions:

23 (1) applications for licensure shall be upon
24 forms furnished by the board and shall be accompanied by the
25 required fee;

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1 (2) the crematory shall be maintained at a
2 specific location, including a funeral, commercial or direct
3 disposition establishment, [~~and shall have appropriate~~
4 ~~facilities and equipment devoted to cremation and~~
5 ~~pulverization~~] primarily devoted to the practice allowed for a
6 crematory and shall comply with the following minimum
7 requirements:

8 (a) a room shall be present with
9 necessary ventilation for housing a cremation retort;

10 (b) a cremation retort shall be present
11 for cremating dead human bodies; and

12 (c) a unit to pulverize cremated dead
13 human bodies shall be present; and

14 (3) no license shall be issued or renewed by
15 the board unless the crematory is in compliance with the
16 Thanatopractice Act and board rules.

17 E. The board may adopt by rule additional
18 requirements in the interest of public health, safety and
19 welfare."

20 Section 6. Section 61-32-18 NMSA 1978 (being Laws 1993,
21 Chapter 204, Section 18) is amended to read:

22 "61-32-18. COMMERCIAL ESTABLISHMENTS--SCOPE OF PRACTICE--
23 LIMITATIONS.--

24 A. The scope of practice of a commercial
25 establishment depends on the entity for whom the commercial

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1 establishment is acting as an agent and is subject to the
2 following terms and conditions:

3 (1) when acting under the direction of a
4 licensed funeral establishment, the commercial establishment
5 may:

6 (a) engage in transportation of dead
7 human bodies, file a certificate of death, obtain certified
8 copies thereof and obtain necessary permits for transportation
9 or cremation;

10 (b) embalm;

11 (c) provide [~~minimum~~] forwarding
12 services;

13 (d) provide direct disposition; and

14 (e) arrange for identification of a dead
15 human body by family members only, prior to disposition or
16 transportation;

17 (2) when acting under the direction of a
18 licensed direct disposition establishment, the commercial
19 establishment may:

20 (a) engage in transportation of dead
21 human bodies, file a certificate of death, obtain certified
22 copies thereof and obtain necessary permits for transportation
23 or cremation;

24 (b) embalm only when embalming is
25 required by the place of disposition; and

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(c) provide direct disposition; and
(3) when acting under the direction of a school of medicine, the commercial establishment may:
(a) engage in transportation of dead human bodies, file a certificate of death, obtain certified copies thereof and obtain necessary permits for transportation or cremation; and

(b) embalm.

B. A licensed commercial establishment shall not engage in any activity, or act for any entity, not specifically permitted in this section.

C. The licensee in charge shall certify to the board that the establishment will not exceed the scope of practice allowed by law. "

Section 7. Section 61-32-19.1 NMSA 1978 (being Laws 1999, Chapter 284, Section 13) is amended to read:

"61-32-19.1. CREMATORY--SCOPE OF PRACTICE--LIMITATIONS. --

A. The scope of practice of a crematory and its crematory authority is limited to cremation of dead human bodies and pulverization of cremains. A crematory and its crematory authority shall act as an agent of New Mexico licensed funeral, commercial or direct disposition establishments and New Mexico schools of medicine. A crematory and its crematory authority may:

(1) engage in transportation of dead human

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1 bodies to the crematory; and

2 (2) cremate dead human bodies and pulverize
3 cremains.

4 B. After completion of the cremation process, if a
5 crematory and its crematory authority have not been instructed
6 by its agent to return the cremains to the person that
7 initiated the cremation services contract or to arrange for the
8 interment, entombment or enichement of the cremains, the
9 crematory authority shall return, or cause to be returned, the
10 cremains to the establishment [~~or person that initiated the~~
11 ~~cremation services contract~~] no later than thirty days after
12 the date of cremation.

13 C. A crematory and its crematory authority shall
14 maintain a system or process that ensures that any dead human
15 body in the crematory's possession can be specifically
16 identified throughout all phases of the cremation process.

17 D. A crematory shall keep an accurate record of all
18 cremations performed for a period of not less than seven years.

19 E. The crematory and its crematory authority shall
20 certify to the board that the crematory will not exceed the
21 scope of practice allowed by law.

22 F. A licensed crematory shall not engage in any
23 activity not specifically permitted in this section."

24 Section 8. Section 61-32-20 NMSA 1978 (being Laws 1993,
25 Chapter 204, Section 20, as amended) is amended to read:

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1 "61-32-20. EMBALMING. - -

2 A. All dead human bodies not disposed of within
3 twenty-four hours after death or release or receipt by the
4 establishment or crematory shall be embalmed in accordance with
5 the Thanatopractice Act or stored under refrigeration as
6 determined by board rule [~~or regulation~~], unless otherwise
7 required by regulation of the office of the state medical
8 investigator or the secretary of health or by orders of an
9 authorized official of the office of the state medical
10 investigator, a court of competent jurisdiction or other
11 authorized official.

12 B. [~~No~~] A dead human body shall not be embalmed
13 except by a funeral service practitioner, an associate funeral
14 service practitioner or a funeral service intern under the
15 supervision of a funeral service practitioner.

16 C. When embalming is not required under the
17 provisions of this section, [~~no~~] a dead human body shall not be
18 embalmed without express authorization by the:

- 19 (1) surviving spouse or next of kin;
20 (2) legal agent or personal representative of
21 the deceased; or
22 (3) person assuming responsibility for final
23 disposition.

24 D. When embalming is not required and prior to
25 obtaining authorization for the embalming, a dead human body

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1 may be washed and other health procedures, including closing of
2 the orifices, may be performed without authorization.

3 E. When a dead human body is embalmed, the funeral
4 service practitioner or associate funeral service practitioner
5 who embalms the body or the funeral service intern who embalms
6 the body and the funeral service practitioner who supervises
7 the embalming shall, within twenty-four hours after the
8 embalming procedure, complete and sign an embalming case report
9 describing the elapsed time since death, the condition of the
10 remains before and after embalming and the embalming procedures
11 used. The embalming case report shall be kept on file at the
12 establishment for a period of not less than seven years
13 following the embalming.

14 F. Except as provided in Subsection A of this
15 section, embalming is not required."

16 Section 9. Section 61-32-22 NMSA 1978 (being Laws 1993,
17 Chapter 204, Section 22, as amended) is amended to read:

18 "61-32-22. INACTIVE STATUS. --

19 A. A funeral service practitioner, associate
20 funeral service practitioner or direct disposer who has a
21 current license may request that ~~[his]~~ the license be placed on
22 inactive status. Except as provided in Subsection E of this
23 section, the board shall approve each request for inactive
24 status.

25 B. A license placed on inactive status may be

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1 renewed within a period not to exceed five years following the
2 date the board granted the inactive status.

3 C. Renewal of an inactive license requires payment
4 of renewal and reinstatement fees as set forth by board rule
5 [~~or regulation~~] and compliance with the following requirements:

6 (1) certification by the [practitioner]
7 licensee that he has not engaged in the practice of funeral
8 service or direct disposition in this state during the inactive
9 status;

10 (2) compliance with continuing education
11 requirements established by board rule; and

12 (3) successful completion of an examination,
13 which shall be administered at the discretion of the board, to
14 certify continuing competency.

15 D. Disciplinary proceedings may be initiated or
16 continued against a licensee who has been granted inactive
17 status.

18 E. [~~No~~] A license shall not be placed on inactive
19 status if the licensee is under investigation or if
20 disciplinary proceedings have been initiated. "

21 Section 10. Section 61-32-24 NMSA 1978 (being Laws 1993,
22 Chapter 204, Section 24, as amended) is amended to read:

23 "61-32-24. DISCIPLINARY PROCEEDINGS-- JUDICIAL REVIEW. --

24 A. The board, in accordance with the procedures set
25 forth in the Uniform Licensing Act, may take disciplinary

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1 action against any licensee, temporary licensee or applicant.

2 B. The board has the authority to take any action
3 set forth in Section 61-1-3 NMSA 1978 upon a finding by the
4 board that the applicant or licensee is guilty of any of the
5 following acts of commission or omission:

6 (1) conviction of an offense punishable by
7 incarceration in a state penitentiary or federal prison,
8 provided the board receives a copy of the record of conviction,
9 certified to by the clerk of the court entering the conviction,
10 which shall be conclusive evidence of the conviction;

11 (2) fraud or deceit in procuring or attempting
12 to procure a license;

13 (3) gross negligence or incompetence;

14 (4) unprofessional or dishonorable conduct,
15 which includes:

16 (a) misrepresentation or fraud;
17 (b) false or misleading advertising;
18 (c) solicitation of dead human bodies by
19 the licensee, his agents, assistants or employees, whether the
20 solicitation occurs after death or while death is impending,
21 provided that this shall not be deemed to prohibit general
22 advertising;

23 (d) solicitation or acceptance by a
24 licensee of any commission, bonus or rebate in consideration of
25 recommending or causing a dead human body to be disposed of in

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1 any cemetery, mausoleum or crematory;

2 (e) using any funeral merchandise
3 previously purchased, in whole or in part, except for
4 transportation purposes, without prior written permission of
5 the person selecting or paying for the use of the merchandise;
6 and

7 (f) failing to make disposition of a
8 dead human body in the enclosure or container that was
9 purchased for that purpose by the arrangers;

10 (5) violation of any of the provisions of the
11 Thanatopractice Act or any rule [~~or regulation~~] of the board;

12 (6) violation of any local, state or federal
13 ordinance, law or regulation affecting the practice of funeral
14 service, direct disposition or cremation [~~including the~~
15 ~~Prearranged Funeral Plan Regulatory Law or any regulations~~
16 ~~ordered by the superintendent of insurance~~];

17 (7) willful or negligent practice beyond the
18 scope of the license issued by the board;

19 (8) refusing to release properly a dead human
20 body to the custody of the person or entity who has the legal
21 right to effect the release, when the authorized cost has been
22 paid;

23 (9) failure to secure a necessary permit
24 required by law for removal from this state or cremation of a
25 dead human body;

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1 (10) knowingly making ~~[any]~~ a false statement
2 on a certificate of death;

3 (11) failure to give full cooperation to the
4 board or one of its committees, staff, inspectors, agents or an
5 attorney for the board in the performance of official duties;

6 (12) has had a license, certificate or
7 registration to practice revoked, suspended or denied in any
8 jurisdiction, territory or possession of the United States or
9 another country for actions of the licensee or applicant
10 similar to acts described in this subsection. A certified copy
11 of the record of the jurisdiction taking the disciplinary
12 action is conclusive evidence of the violation;

13 (13) failure to supervise adequately
14 subordinate personnel;

15 (14) conduct unbecoming a licensee or
16 detrimental to the safety or welfare of the public;

17 (15) employing fraudulent billing practices;
18 or

19 (16) practicing funeral service, direct
20 disposition or cremation without a current license.

21 C. In addition to the offenses listed in Subsection
22 B of this section, the board has the authority to take any
23 action set forth in Section 61-1-3 NMSA 1978 upon a finding by
24 the board that a person who is licensed as or is an applicant
25 for a license as a funeral service practitioner, associate

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1 funeral service practitioner, assistant funeral service
2 practitioner or funeral service intern is guilty of any of the
3 following acts of commission or omission:

4 (1) practicing funeral service without a
5 license or aiding or abetting an unlicensed person to practice
6 funeral service; or

7 (2) permitting an associate funeral service
8 practitioner, assistant funeral service practitioner or a
9 funeral service intern to exceed the limitations set forth in
10 the provisions of the Thanatopractice Act or the [~~regulations~~]
11 rules of the board.

12 D. In addition to the offenses listed in Subsection
13 B of this section, the board has the authority to take any
14 action set forth in Section 61-1-3 NMSA 1978 upon a finding by
15 the board that a direct disposer licensee or applicant or a
16 direct disposition establishment licensee or applicant is
17 guilty of any of the following acts of commission or omission:

18 (1) embalming, restoring, acting as a
19 cosmetician or in any way altering the condition of a dead
20 human body, except for washing and dressing;

21 (2) causing a body to be embalmed when
22 embalming is not required by a place of disposition;

23 (3) prior to interment, entombment or other
24 final disposition of a dead human body, participating in any
25 rites or ceremonies in connection with such final disposition

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1 of the body, or providing facilities for any such rites or
2 ceremonies;

3 (4) reclaiming, transporting or causing to be
4 transported a dead human body after written release for
5 disposition; or

6 (5) practicing direct disposition without a
7 license or aiding or abetting an unlicensed person to practice
8 direct disposition.

9 E. In addition to the offenses listed in Subsection
10 B of this section, the board has the authority to take any
11 action set forth in Section 61-1-3 NMSA 1978 upon a finding by
12 the board that a crematory licensee or applicant or a crematory
13 authority is guilty of any of the following acts of commission
14 or omission:

15 (1) engaging or holding oneself out as
16 engaging in the practice of funeral service or direct
17 disposition, unless the applicant or crematory authority has a
18 license to practice funeral service or direct disposition;

19 (2) operating a crematory without a license or
20 aiding and abetting a crematory to operate without a license;
21 or

22 (3) engaging in conduct or activities for
23 which a license to engage in the practice of funeral service or
24 direct disposition is required or aiding and abetting an
25 unlicensed person to engage in conduct or activities for which

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1 a license to practice funeral service or direct disposition is
2 required.

3 F. Unless exonerated by the board, persons who have
4 been subjected to formal disciplinary sanctions by the board
5 shall be responsible for the payment of costs of the
6 disciplinary proceedings, which include costs for:

- 7 (1) court reporters;
- 8 (2) transcripts;
- 9 (3) certification or notarization;
- 10 (4) photocopies;
- 11 (5) witness attendance and mileage fees;
- 12 (6) postage for mailings required by law;
- 13 (7) expert witnesses; and
- 14 (8) depositions.

15 G. All fees, fines and costs imposed on an
16 applicant, licensee, establishment or crematory shall be paid
17 in full to the board before an initial or renewal license may
18 be issued."

19 Section 11. A new section of the Thanatopractice Act is
20 enacted to read:

21 "[NEW MATERIAL] UNLICENSED ACTIVITY-- CIVIL PENALTY. -- The
22 board may impose a fine as set forth in the Thanatopractice Act
23 on a person who is found to have acted without a license in
24 violation of the Thanatopractice Act by a court or an
25 administrative proceeding as provided for in the

