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SENATE BILL 409

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Ben D. Altamirano

AN ACT

RELATING TO LICENSURE; AMENDING THE THANATOPRACTICE ACT;  
PROVIDING PENALTIES.

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

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

"61-32-1. SHORT TITLE. -- [~~This act~~] Chapter 61, Article  
32 NMSA 1978 may be cited as the "Thanatopractice Act". "

Section 2. Section 61-32-3 NMSA 1978 (being Laws 1993,  
Chapter 204, Section 3, as amended) is amended to read:

"61-32-3. DEFINITIONS. -- As used in the Thanatopractice  
Act:

A. "assistant funeral service practitioner" means  
a person licensed to engage in practice at a funeral  
establishment or commercial establishment, licensed pursuant

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1 to the Thanatopractice Act, as an assistant funeral service  
2 practitioner as provided in [~~the Thanatopractice~~] that act;

3 B. "associate funeral service practitioner" means  
4 a person licensed to engage in practice at a funeral  
5 establishment or commercial establishment, licensed pursuant  
6 to the Thanatopractice Act, as an associate funeral service  
7 practitioner as provided in [~~the Thanatopractice~~] that act;

8 C. "board" means the board of thanatopractice;

9 D. "committal service" means a service at a place  
10 of interment or entombment that follows a funeral conducted at  
11 another location;

12 [~~D.~~] E. "cremains" means cremated remains;

13 [~~E.~~] F. "cremation" means the reduction of a dead  
14 human body by direct flame to a residue, which [~~may include~~]  
15 includes bone fragments;

16 [~~F.~~] G. "crematory" means every place or premises  
17 that is devoted to or used for cremation and pulverization of  
18 the cremains;

19 [~~G.~~] H. "crematory authority" means the individual  
20 who is ultimately responsible for the operation of a  
21 crematory;

22 [~~H.~~] I. "department" means the regulation and  
23 licensing department;

24 [~~I.~~] J. "direct disposer" means a person licensed  
25 to engage solely in providing direct disposition at a direct

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1 disposition establishment, licensed pursuant to the  
2 Thanatopractice Act, as provided in [~~the Thanatopractice~~] that  
3 act;

4 [~~J.~~] K. "direct disposition" means only the  
5 disposition of a dead human body as quickly as possible,  
6 without a funeral, graveside service, committal service or  
7 memorial service, whether public or private, and without  
8 embalming of the body unless embalming is required by the  
9 place of disposition;

10 [~~K.~~] L. "direct supervision" means the  
11 [~~supervisor~~] supervising funeral service practitioner is  
12 physically present with and in direct control of the person  
13 being [~~supervised~~] trained;

14 [~~L.~~] M. "disposition" means the final disposal of  
15 a dead human body, whether it be by earth interment,  
16 above-ground interment or entombment, cremation, burial at sea  
17 or delivery to a medical school, when the medical school  
18 assumes complete responsibility for the disposal of the body  
19 following medical study; [~~or release of custody of the body to~~  
20 ~~the family or personal representative or other legal~~  
21 ~~representative;~~

22 [~~M.~~] N. "embalming" means the disinfection,  
23 preservation and restoration, when possible, of a dead human  
24 body by a licensed funeral service practitioner, a licensed  
25 associate funeral service practitioner [~~a licensed assistant~~

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1 ~~funeral service practitioner~~] or a licensed funeral service  
2 intern under the supervision of a licensed funeral service  
3 practitioner;

4 Q. "ennichement" means interment of cremains in a  
5 niche in a columbarium, whether in an urn or not;

6 P. "entombment" means interment of a casketed body  
7 or cremains in a crypt in a mausoleum;

8 [N-] Q. "establishment" means every office,  
9 premises or place of business where the practice of funeral  
10 service or direct disposition is conducted or advertised as  
11 being conducted and includes commercial establishments that  
12 provide for the practice of funeral service or direct  
13 disposition services exclusively to licensed funeral or direct  
14 disposition establishments or a school of medicine;

15 [Ø-] R. "funeral" means a period following death  
16 in which there is an organized, purposeful, time-limited,  
17 group-centered ceremony or rite, whether religious or not,  
18 with the body of the deceased present;

19 [P-] S. "funeral merchandise" means that personal  
20 property offered for sale in connection with the  
21 transportation, funeralization or disposition of a dead human  
22 body, including the enclosure into which a dead human body is  
23 or cremains are directly placed, and excluding mausoleum  
24 crypts, [and] interment enclosures preset in a cemetery and  
25 columbarium niches;

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1           ~~[Q.]~~ T. "funeral service intern" means a person  
2 licensed ~~[pursuant to the Thanatopractice Act who is]~~ to be in  
3 training for the practice of funeral service under the  
4 supervision and instruction of a funeral service practitioner  
5 at a funeral establishment or commercial establishment,  
6 licensed pursuant to the Thanatopractice Act;

7           ~~[R.]~~ U. "funeral service practitioner" means a  
8 person licensed ~~[by the board]~~ to engage in the practice of  
9 funeral service ~~[who may provide shelter, care and custody of~~  
10 ~~human dead; prepare human dead by embalming or other methods~~  
11 ~~for disposition; transport human dead, bereaved relatives and~~  
12 ~~friends; make arrangements, financial or otherwise, to provide~~  
13 ~~for a funeral or the sale of funeral merchandise; and perform~~  
14 ~~other funeral directing or embalming practices]~~ at a funeral  
15 establishment or commercial establishment, licensed pursuant  
16 to the Thanatopractice Act, as provided in that act;

17           ~~[S.]~~ V. "general supervision" means the  
18 ~~[supervisor]~~ supervising funeral service practitioner is not  
19 necessarily physically present in the establishment with the  
20 person being supervised, but is available for advice and  
21 assistance;

22           ~~[T.]~~ W. "graveside service" means a funeral held  
23 at the graveside only, excluding a committal service that  
24 follows a funeral conducted at another location;

25           ~~[U.]~~ X. "jurisprudence examination" means an

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1 examination prescribed [~~and graded~~] by the board on the  
2 statutes, rules and regulations pertaining to the practice of  
3 funeral service or direct disposition, including the  
4 Thanatopractice Act, the rules of the board, state health  
5 regulations governing human remains and the Vital Statistics  
6 Act;

7 [V.] Y. "licensee in charge" means a funeral  
8 service practitioner who is ultimately responsible for the  
9 conduct of a funeral or commercial establishment and its  
10 employees or a direct disposer who is ultimately responsible  
11 for the conduct of a direct disposition establishment and its  
12 employees;

13 [W.] Z. "make arrangements" means advising or  
14 counseling about specific details for a funeral, graveside  
15 service, committal service, memorial service, disposition or  
16 direct disposition;

17 [X.] AA. "memorial service" means a gathering of  
18 persons for recognition of a death without the presence of the  
19 body of the deceased;

20 [Y.] BB. "practice of funeral service" means those  
21 activities allowed under the Thanatopractice Act by a funeral  
22 service practitioner, associate funeral service practitioner,  
23 assistant funeral service practitioner or [ a ] funeral service  
24 intern;

25 [Z.] CC. "pulverization" means the process that

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1 reduces cremains to a granular substance; and

2 [AA-] DD. "thanatopractice" means those immediate  
3 [~~post-dead~~] post-death activities related to the dead human  
4 body, its care and disposition, whether with or without rites  
5 or ceremonies, but not including disposition of the body by a  
6 school of medicine following medical study."

7 Section 3. Section 61-32-5 NMSA 1978 (being Laws 1993,  
8 Chapter 204, Section 5) is amended to read:

9 "61-32-5. BOARD CREATED. --

10 A. There is created the "board of  
11 thanatopractice".

12 B. The board is administratively attached to the  
13 department.

14 C. The board consists of six ~~members~~. Three  
15 ~~members~~ shall be funeral service practitioners who have been  
16 licensed in [~~the~~] this state for at least five years; two  
17 ~~members~~ shall represent the public and shall not have been  
18 licensed for the practice of funeral service or direct  
19 disposition in this state or any other jurisdiction and shall  
20 not ever have had any financial interest, direct or indirect,  
21 in any funeral, commercial or direct disposition establishment  
22 or crematory; and one ~~member~~ shall be a licensed direct  
23 disposer or health care practitioner who has been licensed in  
24 [~~the~~] this state for at least five years.

25 D. Members of the board shall be appointed by the

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1 governor for [~~staggered~~] terms of four years [~~except that~~  
2 ~~members of the board appointed and serving under prior law at~~  
3 ~~the effective date of the Thanatopractice Act shall serve out~~  
4 ~~the terms for which they were appointed as members of the~~  
5 ~~board created by this section~~]. Each member shall hold office  
6 until his successor is duly qualified and appointed.

7 Vacancies shall be filled for any unexpired term in the same  
8 manner as original appointments.

9 E. Members of the board shall be reimbursed as  
10 provided in the Per Diem and Mileage Act and shall receive no  
11 other compensation, perquisite or allowance.

12 F. A simple majority of the board members  
13 currently serving constitutes a quorum.

14 G. The board shall hold at least two regular  
15 meetings each year and shall meet at such other times as it  
16 deems necessary.

17 H. No board member shall serve more than two full  
18 consecutive terms [~~and any member failing to attend, after~~  
19 ~~proper notice, three meetings shall automatically be~~  
20 ~~recommended for removal as a board member unless excused for~~  
21 ~~reasons set forth in board regulations~~]. The board shall  
22 recommend removal of any board member who has three unexcused  
23 absences from properly noticed meetings within a twelve-month  
24 period and may recommend removal of a board member for any  
25 other just cause.



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1 I. The board shall elect a chairman and other  
2 officers as deemed necessary to administer its duties. "

3 Section 4. Section 61-32-6 NMSA 1978 (being Laws 1993,  
4 Chapter 204, Section 6) is amended to read:

5 "61-32-6. BOARD POWERS. --

6 A. In addition to any other authority provided by  
7 law, the board has the power to:

8 (1) adopt, in accordance with the provisions  
9 of the Uniform Licensing Act, and file, in accordance with the  
10 State Rules Act, rules and regulations necessary to carry out  
11 the provisions of the Thanatopractice Act;

12 (2) adopt rules implementing continuing  
13 education requirements;

14 (3) conduct hearings upon charges relating to  
15 the discipline of licensees and take administrative actions  
16 [~~including license denial, suspension or revocation, or the~~  
17 ~~issuance of a fine, reprimand or other remedial action~~]  
18 pursuant to Section 61-1-3 NMSA 1978;

19 (4) establish reasonable fees to carry out  
20 the provisions of the Thanatopractice Act;

21 (5) provide for investigations necessary to  
22 determine violations of the Thanatopractice Act;

23 (6) establish committees as the board deems  
24 necessary for carrying out the provisions of the  
25 Thanatopractice Act;

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1 (7) apply for injunctive relief to enforce  
2 the provisions of the Thanatopractice Act or to restrain any  
3 violation of that act;

4 [~~(8) take administrative action by issuing~~  
5 ~~orders, instructions and reprimands, not inconsistent with~~  
6 ~~law, to ensure implementation of and compliance with the~~  
7 ~~Thanatopractice Act, and to enforce those orders, instructions~~  
8 ~~and reprimands by appropriate administrative or court action;~~  
9 ~~and~~

10 ~~(9)]~~ (8) impose a fine not to exceed five  
11 thousand dollars (\$5,000) for each violation, in addition to  
12 other administrative or disciplinary costs, and all fines  
13 shall be deposited in the thanatopractice fund; and

14 (9) conduct criminal background checks on  
15 applicants for licensure.

16 B. No action or other legal proceedings for  
17 damages shall be instituted against the board, any board  
18 member or employee of the board for any act performed in good  
19 faith and in the intended performance of any power or duty  
20 granted under the Thanatopractice Act or for any neglect or  
21 default in the good faith performance or exercise of any such  
22 power or duty. "

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

25 "61-32-8. INSPECTION-- ACCESS-- COUNSEL. --

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1           A. Inspection of establishments and crematories,  
2 including all records, financial or otherwise, is authorized  
3 during regular business hours [~~or through prior arrangement~~].  
4 Acceptance of a license shall include permission for the board  
5 or its designee to enter the premises without legal process.

6           B. Each applicant for licensure pursuant to the  
7 Thanatopractice Act shall provide a physical address at which  
8 he shall maintain business records required by law and at  
9 which inspections of those records may occur.

10           ~~[B.]~~ C. The board shall be represented by the  
11 attorney general. The board may employ special counsel,  
12 [~~whose~~] upon approval of the attorney general, to review and  
13 prosecute cases of consumer complaints against any person,  
14 establishment or crematory licensed pursuant to the  
15 Thanatopractice Act. Payment for the services shall be [paid]  
16 by the board [upon the approval of the attorney general]. "

17           Section 6. Section 61-32-9 NMSA 1978 (being Laws 1993,  
18 Chapter 204, Section 9) is amended to read:

19           "61-32-9. REQUIREMENTS FOR LICENSURE-- FUNERAL SERVICE  
20 PRACTITIONER-- FUNERAL SERVICE INTERN-- DIRECT DISPOSER--  
21 ASSOCIATE FUNERAL SERVICE PRACTITIONER-- ASSISTANT FUNERAL  
22 SERVICE PRACTITIONER. --

23           A. A license to practice as a funeral service  
24 practitioner shall be issued to any person who files a  
25 completed application, accompanied by the required fees and

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1 documentation, and who submits satisfactory evidence that he:

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

3 (2) has served as a licensed funeral service  
4 intern for not less than twelve months, under the supervision  
5 of a licensed funeral service practitioner. During the  
6 training period, the applicant shall have assisted in the  
7 embalming of at least fifty bodies and assisted in the  
8 directing of at least fifty funerals;

9 (3) has successfully completed any  
10 examination [~~to be a funeral service practitioner~~], including  
11 a jurisprudence examination, prescribed by board rules;

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

14 (5) has graduated from an institution  
15 accredited by the American board of funeral service education  
16 or any other successor recognized by the United States office  
17 of education for funeral service education; and

18 (6) has successfully completed at least sixty  
19 semester hours of academic and professional instruction in an  
20 accredited college or university; provided, however, that an  
21 assistant funeral service practitioner need not satisfy the  
22 provisions of Paragraphs (5) and (6) of this subsection if the  
23 assistant funeral service practitioner has successfully  
24 completed examinations required by the board [ ~~of~~  
25 ~~thanatopractiice~~] for practice as an associate funeral service

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1 practitioner and a funeral service practitioner [ ~~and provided,~~  
2 ~~further, that a funeral service intern need not satisfy the~~  
3 ~~provisions of Paragraph (5) of this subsection if the funeral~~  
4 ~~service intern has successfully completed examinations~~  
5 ~~required by the board of thanatopractice for practice as an~~  
6 ~~associate funeral service practitioner and a funeral service~~  
7 ~~practitioner~~].

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

- 12 (1) is at least eighteen years of age;
- 13 (2) has graduated from high school or the  
14 equivalent; [ ~~and~~]
- 15 (3) has submitted proof of employment and  
16 supervision as required by [ ~~the~~ ] board rules. Except as may  
17 be allowed by board rule, a license as a funeral service  
18 intern is not ambulatory and is issued for a specific funeral  
19 establishment only;
- 20 (4) has successfully completed any  
21 examination, including a jurisprudence examination, prescribed  
22 by board rules; and
- 23 (5) has not been convicted of unprofessional  
24 conduct or incompetency.

25 C. A license to practice as a direct disposer

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1 shall be issued to any person who files a completed  
2 application, accompanied by the required fees and  
3 documentation, and who submits satisfactory evidence that he:

- 4 (1) is at least eighteen years of age;
- 5 (2) has graduated from high school or the  
6 equivalent;
- 7 (3) has successfully completed any  
8 examination, including a jurisprudence examination, prescribed  
9 by board rules; and
- 10 (4) has not been convicted of unprofessional  
11 conduct or incompetency.

12 D. A license to practice as an assistant funeral  
13 service practitioner shall be issued to any person who, prior  
14 to ~~[the effective date of the Thanatopractice Act]~~ June 18,  
15 1993, held a valid license as an assistant funeral service  
16 practitioner and who was qualified to receive a renewal  
17 license on July 1, 1993.

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

- 22 (1) has been licensed as an assistant funeral  
23 service practitioner; [ or
- 24 ~~(2) has served as a licensed funeral service~~  
25 ~~intern for not less than twelve months, under the supervision~~

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1 of a licensed funeral service practitioner. During the  
2 training period, the applicant shall have assisted in the  
3 embalming of at least fifty bodies and assisted in the  
4 directing of at least fifty funerals; and

5 (3) has graduated from high school or the  
6 equivalent;

7 (4) has successfully completed at least sixty  
8 semester hours of academic and professional instruction in an  
9 accredited college or university; provided, however, that an  
10 assistant funeral service practitioner need not satisfy the  
11 provisions of this paragraph to become an associate funeral  
12 service practitioner;

13 (5)] (2) has successfully completed any  
14 examination, including a jurisprudence examination, [ to be an  
15 associate funeral service practitioner] prescribed by board  
16 rules; and

17 [(6)] (3) has not been convicted of  
18 unprofessional conduct or incompetency. "

19 Section 7. Section 61-32-10 NMSA 1978 (being Laws 1993,  
20 Chapter 204, Section 10) is amended to read:

21 "61-32-10. LICENSURE BY CREDENTIALS. --After successful  
22 completion of a jurisprudence examination, the board may  
23 license an applicant as a funeral service practitioner,  
24 provided the applicant possesses a valid license or its  
25 equivalent for the practice of funeral service issued by the

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1 appropriate examining board under the laws of any other state  
2 or territory of the United States, the District of Columbia or  
3 any foreign nation, and provided the applicant has met  
4 educational requirements [~~substantially equivalent~~] equal to  
5 or exceeding those established pursuant to the Thanatopractice  
6 Act or has [~~at least five consecutive years experience~~]  
7 actively practiced five out of the last ten years in another  
8 state, [~~or~~] territory or foreign nation as a licensed funeral  
9 service practitioner or its equivalent. "

10 Section 8. Section 61-32-11 NMSA 1978 (being Laws 1993,  
11 Chapter 204, Section 11) is amended to read:

12 "61-32-11. LICENSURE OF ESTABLISHMENTS-- FUNERAL  
13 ESTABLISHMENTS-- COMMERCIAL ESTABLISHMENTS-- DIRECT DISPOSITION  
14 ESTABLISHMENTS-- CREMATORIES. --

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

17 (1) applications for licensure shall be upon  
18 forms furnished by the board and shall be accompanied by the  
19 required fee;

20 (2) the establishment shall be maintained at  
21 a specific location primarily devoted to the practice of  
22 funeral service and shall comply with the following minimum  
23 requirements:

24 (a) a chapel shall be present in which  
25 funerals may be conducted;



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

3 (c) a preparation room shall be present  
4 with the necessary instruments and supplies for the  
5 preparation and embalming of dead human bodies for burial or  
6 other disposition or transportation; and

7 (3) no license shall be issued or renewed by  
8 the board unless the establishment is in compliance with the  
9 Thanatopractice Act and board rules [ ~~including specific~~  
10 ~~sanitary or physical requirements for licensure~~ ].

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

13 (1) applications for licensure shall be upon  
14 forms furnished by the board and shall be accompanied by the  
15 required fee;

16 (2) the establishment shall be maintained at  
17 a specific location primarily devoted to the practice allowed  
18 for a commercial establishment and shall have a preparation  
19 room with the necessary instruments and supplies for the  
20 preparation and embalming of dead human bodies for burial or  
21 other disposition and transportation; and

22 (3) no license shall be issued or renewed by  
23 the board unless the establishment is in compliance with the  
24 Thanatopractice Act and board rules [ ~~including specific~~  
25 ~~sanitary or physical requirements for licensure~~ ].

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

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

6 (2) the establishment shall be maintained at  
7 a specific location primarily devoted to the practice of  
8 direct disposition and shall maintain:

9 (a) a room equipped with a tile, cement  
10 or composition floor;

11 (b) necessary drainage and ventilation;

12 (c) a refrigeration unit,  
13 thermodynamically controlled with a minimum storage area of  
14 twelve and one-half cubic feet per body, for sheltering prior  
15 to disposition; and

16 (d) necessary supplies for safely  
17 handling unembalmed dead human bodies; 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 [including specific  
21 sanitary or physical requirements for licensure].

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

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

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1 required fee;

2 (2) the crematory shall be maintained at a  
3 specific location, including a funeral, commercial or direct  
4 disposition establishment, and shall have appropriate  
5 facilities and equipment devoted to cremation and  
6 pulverization; and

7 (3) no license shall be issued or renewed by  
8 the board unless the crematory is in compliance with the  
9 Thanatopractice Act and board rules [ ~~including specific~~  
10 ~~sanitary or physical requirements for licensure~~ ]. "

11 Section 9. Section 61-32-13 NMSA 1978 (being Laws 1993,  
12 Chapter 204, Section 13) is amended to read:

13 "61-32-13. ESTABLISHMENTS--REQUIREMENTS-- TEMPORARY  
14 LICENSES. --

15 A. Each establishment shall have a full-time  
16 licensee in charge; provided:

17 (1) the establishment license is a privilege  
18 granted to the person to whom it is issued and is not  
19 transferable to other owners or operators or to another  
20 location than that designated on the license; and

21 (2) the full-time licensee in charge of each  
22 establishment shall maintain his primary residence within  
23 fifty miles of the physical location of the establishment.

24 B. The board may adopt by rule special  
25 requirements for multi-unit establishments that are located

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1 within fifty miles of each other and that wish to share a  
2 licensee in charge.

3 C. The board may adopt by rule the requirements  
4 for reapplication or reinspection.

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

8 Section 10. Section 61-32-14 NMSA 1978 (being Laws 1993,  
9 Chapter 204, Section 14) is amended to read:

10 "61-32-14. FUNERAL SERVICE INTERN--SCOPE OF PRACTICE--  
11 LIMITATIONS. --

12 A. A funeral service intern does not have the  
13 rights and duties of a funeral service practitioner and is  
14 only subordinate to the funeral service practitioner. The  
15 scope of what a funeral service intern is permitted to do  
16 depends on the activity and the experience of the funeral  
17 service intern, provided that a funeral service intern:

18 (1) [~~a funeral service intern~~] may make  
19 arrangements only under the direct supervision of a licensed  
20 funeral service practitioner. After the completion of fifty  
21 arrangements under direct supervision, the funeral service  
22 intern may request approval from the board to make  
23 arrangements under the general supervision of a licensed  
24 funeral service practitioner;

25 (2) [~~a funeral service intern~~] may embalm or

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1 otherwise prepare dead human bodies for disposition only under  
2 the direct supervision of a licensed funeral service  
3 practitioner. After the funeral service intern has assisted  
4 with the embalming of at least fifty bodies under direct  
5 supervision, the funeral service intern may request approval  
6 from the board to embalm under the general supervision of a  
7 licensed funeral service practitioner;

8 (3) [~~a funeral service intern~~] may direct a  
9 funeral, committal service, graveside service or memorial  
10 service only under the direct supervision of a licensed  
11 funeral service practitioner. After the funeral service  
12 intern has directed at least fifty services under direct  
13 supervision, the funeral service intern may request approval  
14 from the board to direct such services under the general  
15 supervision of a licensed funeral service practitioner; and

16 (4) [~~a funeral service intern~~] shall at no  
17 time act under the general supervision of a funeral service  
18 practitioner until he is notified in writing of board approval  
19 to so act.

20 B. A funeral service intern shall be employed by  
21 and receive training at only one establishment. The board may  
22 adopt rules that will allow training at more than one  
23 establishment under special circumstances.

24 C. Any funeral service intern's change of  
25 employment shall be reported to the board in writing within

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1 thirty days of the change. A change of employment that is not  
2 reported [~~will~~] shall cause the period worked at the new  
3 establishment not to count as time served toward completion of  
4 the internship. It is the responsibility of the funeral  
5 service intern and the licensee in charge to report changes of  
6 employment.

7 D. A funeral service intern may be under the  
8 supervision of more than one funeral service practitioner at  
9 the establishment at which he is employed, provided that the  
10 board has received notice in writing prior to any changes in  
11 supervision. The board may adopt rules specifying the maximum  
12 number of persons that may be supervised by a funeral service  
13 practitioner.

14 ~~[E. A funeral service intern shall be employed a~~  
15 ~~minimum average of thirty hours per week by the establishment.~~  
16 ~~Proof of employment hours shall be provided to the board upon~~  
17 ~~request.~~

18 ~~F.]~~ E. Each funeral service intern shall report to  
19 the board quarterly, upon forms provided by the board, showing  
20 the work that has been completed during the preceding three  
21 months. All quarterly reports are due in the board office  
22 within thirty days of the close of the quarter. If a report  
23 is not received by the date due, the work completed during the  
24 reporting period shall not be counted when the board tabulates  
25 requirements for general supervision or for licensure as a

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1 funeral service practitioner.

2 G. Once a funeral service intern is under the  
3 general supervision of a funeral service practitioner, the  
4 funeral service intern need not submit to the board the  
5 quarterly reports required in this section. "

6 Section 11. Section 61-32-17 NMSA 1978 (being Laws 1993,  
7 Chapter 204, Section 17, as amended) is amended to read:

8 "61-32-17. DIRECT DISPOSER--SCOPE OF PRACTICE--  
9 LIMITATIONS. --

10 A. Except as otherwise provided in the  
11 Thanatopractice Act, a direct disposer may only provide direct  
12 disposition of a dead human body as quickly as possible. [ ~~In~~  
13 ~~doing so, the direct disposer shall not conduct, direct or~~  
14 ~~provide facilities for a funeral, graveside service, committal~~  
15 ~~service or memorial service, whether public or private, and~~  
16 ~~the body shall not be embalmed prior to disposition unless~~  
17 ~~embalming is required by the place of disposition.~~ ]

18 B. Prior to interment, entombment or other final  
19 disposition of the body, a direct disposer shall not:

20 (1) participate in any rites or ceremonies in  
21 connection with the final disposition of the body;

22 (2) provide facilities for any such rites or  
23 ceremonies; and

24 (3) have the body embalmed unless embalming  
25 is required by the place of disposition. "

underscored material = new  
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1           Section 12. Section 61-32-19 NMSA 1978 (being Laws 1993,  
2 Chapter 204, Section 19, as amended) is amended to read:

3           "61-32-19. CREMATION--REQUIREMENTS--RIGHT TO AUTHORIZE  
4 CREMATION--DISPOSITION OF CREMAINS.--

5           A. No cremation shall be performed until all  
6 necessary documentation is obtained authorizing the cremation.

7           B. Any adult may authorize his own cremation and  
8 the lawful disposition of his cremated remains by:

9                   (1) stating his desire to be cremated in a  
10 written statement that is signed by the individual and  
11 notarized or witnessed by two persons; or

12                   (2) including an express statement in his  
13 will indicating that the testator desired that his remains be  
14 cremated upon his death.

15           C. A personal representative acting pursuant to  
16 the Probate Code or an establishment or crematory shall comply  
17 with a statement made in accordance with the provisions of  
18 this section. A statement that conforms to the provisions of  
19 this section authorizes a personal representative,  
20 establishment or crematory to cremate a decedent's remains and  
21 the permission of next of kin or any other person shall not be  
22 required for such authorization. Statements dated prior to  
23 June 18, 1993 shall be given effect if they meet this  
24 section's requirements.

25           D. A personal representative, establishment or



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1 crematory acting in reliance upon a document executed pursuant  
2 to the provisions of this section, who has no actual notice of  
3 revocation or contrary indication, is presumed to be acting in  
4 good faith.

5 E. No establishment, crematory or employee of an  
6 establishment or crematory or other person that relies in good  
7 faith on a statement written pursuant to this section shall be  
8 subject to liability for cremating the remains in accordance  
9 with the provisions of this section. The written  
10 authorization is a complete defense to a cause of action by  
11 any person against any other person acting in accordance with  
12 that authorization.

13 F. If a decedent has left no written instructions  
14 regarding the disposition of his remains, the following  
15 persons in the order listed shall determine the means of  
16 disposition, not to be limited to cremation, of the remains of  
17 the decedent:

- 18 (1) the surviving spouse;
- 19 (2) a majority of the surviving adult  
20 children of the decedent;
- 21 (3) the surviving parents of the decedent;
- 22 (4) a majority of the surviving siblings of  
23 the decedent;
- 24 (5) an adult who has exhibited special care  
25 and concern for the decedent, who is aware of the decedent's

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1 views and desires regarding the disposition of his body and  
2 who is willing and able to make a decision about the  
3 disposition of the decedent's body; or

4 (6) the adult person of the next degree of  
5 kinship in the order named by New Mexico law to inherit the  
6 estate of the decedent.

7 G. ~~[A crematory authority]~~ A licensed  
8 establishment or crematory shall keep an accurate record of  
9 all cremations performed and the disposition of the cremains  
10 ~~[by the crematory]~~ for a period of not less than ~~[five]~~ seven  
11 years.

12 H. Cremains may be disposed of by any licensed  
13 establishment, crematory authority, cemetery or person having  
14 the right to control the disposition of the cremains, or that  
15 person's agent, in a lawful manner.

16 I. Legal forms for cremation authorization shall  
17 provide that ~~[they]~~ persons giving the authorization will hold  
18 harmless ~~[a crematory authority or]~~ an establishment from any  
19 liability for disposing of unclaimed cremains in a lawful  
20 manner after a period of one year following the return of the  
21 cremains to the establishment."

22 Section 13. A new section of the Thanatopractice Act,  
23 Section 61-32-19.1 NMSA 1978, is enacted to read:

24 "61-32-19.1. [NEW MATERIAL] CREMATORY--SCOPE OF  
25 PRACTICE--LIMITATIONS.--

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1           A. The scope of practice of a crematory and its  
2 crematory authority is limited to cremation of dead human  
3 bodies and pulverization of cremains. A crematory and its  
4 crematory authority may:

5                   (1) engage in transportation of dead human  
6 bodies to the crematory; and

7                   (2) cremate dead human bodies and pulverize  
8 cremains.

9           B. After completion of the cremation process, if a  
10 crematory and its crematory authority have not been instructed  
11 to arrange for the interment, entombment or enichement of the  
12 cremains, the crematory authority shall return, or cause to be  
13 returned, the cremains to the establishment or person that  
14 initiated the cremation services contract no later than thirty  
15 days after the date of cremation.

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

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

23           E. The crematory and its crematory authority shall  
24 certify to the board that the crematory will not exceed the  
25 scope of practice allowed by law.

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

3 Section 14. Section 61-32-20 NMSA 1978 (being Laws 1993,  
4 Chapter 204, Section 20) is amended to read:

5 "61-32-20. EMBALMING. --

6 A. All dead human bodies not disposed of within  
7 twenty-four hours after death shall be embalmed in accordance  
8 with the Thanatopractice Act or stored under refrigeration as  
9 determined by board rule or regulation, unless otherwise  
10 required by regulation of the office of the medical  
11 investigator or the secretary of health or by orders of an  
12 authorized official of the office of the medical investigator,  
13 a court of competent jurisdiction or other authorized  
14 official.

15 B. No dead human body shall be embalmed except by  
16 a funeral service practitioner, an associate funeral service  
17 practitioner or a funeral service intern under the supervision  
18 of a funeral service practitioner.

19 C. When embalming is not required under the  
20 provisions of this section, no dead human body shall be  
21 embalmed without express authorization by the:

- 22 (1) surviving spouse or next of kin;
- 23 (2) legal agent or personal representative of  
24 the deceased; or
- 25 (3) person assuming responsibility for final

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1 disposition.

2 D. When embalming is not required and prior to  
3 obtaining authorization for the embalming, a dead human body  
4 may be washed and other health procedures, including closing  
5 of the orifices, may be performed without authorization.

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

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

19 Section 15. Section 61-32-21 NMSA 1978 (being Laws 1993,  
20 Chapter 204, Section 21) is amended to read:

21 "61-32-21. LICENSE RENEWAL. --

22 A. All licenses expire annually and shall be  
23 renewed by submitting a completed renewal application,  
24 accompanied by the required fees, on a form provided by the  
25 board.

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1           B. The board may require proof of continuing  
2 education or other proof of competency as a requirement for  
3 renewal.

4           C. ~~[A license not renewed on or before the~~  
5 ~~expiration date is considered lapsed and is no longer valid.~~  
6 ~~A ninety-day]~~ A thirty-day grace period shall be allowed each  
7 licensee after the end of the licensing period, during which  
8 time licenses may be renewed upon payment of the renewal fee  
9 and a late fee as prescribed by the board and compliance with  
10 any other renewal requirements adopted by the board.

11           D. Any license not renewed at the end of the grace  
12 period shall be [considered] expired [~~and the license holder~~  
13 ~~and invalid.~~ A holder of an expired license shall be required  
14 to apply as a new applicant. "

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

17           "61-32-22. [~~FUNERAL SERVICE PRACTITIONER--~~] INACTIVE  
18 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 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 [~~unless the practitioner is under investigation or~~  
25 ~~disciplinary proceedings have been initiated~~].

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1           B. A license placed on inactive status may be  
2 renewed within a period not to exceed five years following the  
3 date the board granted the inactive status.

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

7                   (1) certification by the practitioner that he  
8 has not engaged in the practice of funeral service in this  
9 state during the inactive 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 license shall be placed on inactive status  
19 if the licensee is under investigation or if disciplinary  
20 proceedings have been initiated. "

21           Section 17. Section 61-32-23 NMSA 1978 (being Laws 1993,  
22 Chapter 204, Section 23) is amended to read:

23           "61-32-23. FEES. --The board shall establish by  
24 regulation a schedule of reasonable fees for applications,  
25 examinations, licenses, inspections, renewals, penalties,

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1 reinstatements and necessary administrative fees [ provided  
2 ~~that no one fee shall exceed five hundred dollars (\$500)~~].  
3 All fees collected shall be deposited in [ ~~the thanatopractice~~  
4 ~~fund~~] accordance with Section 61-32-26 NMSA 1978. "

5 Section 18. Section 61-32-24 NMSA 1978 (being Laws 1993,  
6 Chapter 204, Section 24, as amended) is amended to read:

7 "61-32-24. DISCIPLINARY PROCEEDINGS-- JUDICIAL REVIEW. --

8 A. The board, in accordance with the [ ~~provisions~~  
9 ~~of~~] procedures set forth in the Uniform Licensing Act, may  
10 ~~[refuse to issue or renew or may suspend, revoke or impose a~~  
11 ~~fine or place on probation any license of a funeral service~~  
12 ~~practitioner, associate funeral service practitioner,~~  
13 ~~assistant funeral service practitioner, funeral service~~  
14 ~~intern, direct disposer, establishment or crematory]~~ take  
15 disciplinary action against any licensee, temporary licensee  
16 or applicant.

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

21 (1) conviction of an offense punishable by  
22 incarceration in a state penitentiary or federal prison,  
23 provided the board receives a copy of the record of  
24 conviction, certified to by the clerk of the court entering  
25 the conviction, which shall be conclusive evidence of the



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1 conviction;

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

4 (3) gross negligence or incompetence;

5 (4) unprofessional or dishonorable conduct,  
6 which includes:

7 (a) misrepresentation or fraud;

8 (b) false or misleading advertising;

9 (c) solicitation of dead human bodies  
10 by the licensee, his agents, assistants or employees, whether  
11 the solicitation occurs after death or while death is  
12 impending, provided that this shall not be deemed to prohibit  
13 general advertising;

14 (d) solicitation or acceptance by a  
15 licensee of any commission, bonus or rebate in consideration  
16 of recommending or causing a dead human body to be disposed of  
17 in any cemetery, mausoleum or crematory;

18 (e) using any funeral merchandise  
19 previously purchased, in whole or in part, except for  
20 transportation purposes, without prior written permission of  
21 the person selecting or paying for the use of the merchandise;  
22 and

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

. 125532. 2

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1 (5) violation of any of the provisions of the  
2 Thanatopractice Act or any rule or regulation of the board;

3 (6) violation of any local, state or federal  
4 ordinance, law or regulation affecting the practice of funeral  
5 service, direct disposition or cremation, including the  
6 Prearranged Funeral Plan Regulatory Law or any regulations  
7 ordered by the superintendent of insurance;

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

10 (8) refusing to release properly a dead human  
11 body to the custody of the person or entity who has the legal  
12 right to effect the release, when the authorized cost has been  
13 paid;

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

17 (10) knowingly making any false statement on  
18 a certificate of death;

19 (11) failure to give full cooperation to the  
20 board or one of its committees, staff, inspectors, agents or  
21 an attorney for the board in the performance of official  
22 duties;

23 (12) has had a license, certificate or  
24 registration to practice revoked, suspended or denied in any  
25 jurisdiction, territory or possession of the United States or

. 125532. 2

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1 another country for actions of the licensee or applicant  
2 similar to acts described in this subsection. A certified  
3 copy of the record of the jurisdiction taking the disciplinary  
4 action is conclusive evidence of the violation;

5 (13) failure to supervise adequately  
6 subordinate personnel; ~~[or]~~

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

9 (15) employing fraudulent billing practices;  
10 or

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

13 ~~[B.]~~ C. In addition to the offenses listed in  
14 Subsection ~~[A]~~ B of this section, the board ~~[in accordance~~  
15 ~~with the provisions of the Uniform Licensing Act, may refuse~~  
16 ~~to issue or renew or may suspend revoke, impose a fine or~~  
17 ~~place on probation any funeral service practitioner, associate~~  
18 ~~funeral service practitioner, assistant funeral service~~  
19 ~~practitioner or funeral service intern upon finding the~~  
20 ~~applicant or licensee]~~ has the authority to take any action  
21 set forth in Section 61-1-3 NMSA 1978 upon a finding by the  
22 board that a person who is licensed as or is an applicant for  
23 a license as a funeral service practitioner, associate funeral  
24 service practitioner, assistant funeral service practitioner  
25 or funeral service intern is guilty of any of the following

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1 acts of commission or omission:

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

5 (2) permitting an associate funeral service  
6 practitioner, assistant funeral service practitioner or a  
7 funeral service intern to exceed the limitations set forth in  
8 the provisions of the Thanatopractice Act or the regulations  
9 of the board.

10 [~~C.~~] D. In addition to the offenses listed in  
11 Subsection [A] B of this section, the board [~~in accordance~~  
12 ~~with the provisions of the Uniform Licensing Act, may refuse~~  
13 ~~to issue or renew or may suspend, revoke impose a fine or~~  
14 ~~place on probation any direct disposer or direct disposition~~  
15 ~~establishment upon finding the applicant or licensee] has the  
16 authority to take any action set forth in Section 61-1-3 NMSA  
17 1978 upon a finding by the board that a direct disposer  
18 licensee or applicant or a direct disposition establishment  
19 licensee or applicant is guilty of any of the following acts  
20 of commission or omission:~~

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

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

underscored material = new  
[bracketed material] = delete

1                                    [~~(3) conducting, directing or providing~~  
2 ~~facilities for any rites or ceremonies in association with the~~  
3 ~~dead human body, before or after the direct disposition]~~

4                                    (3) prior to interment, entombment or other  
5 final disposition of a dead human body, participating in any  
6 rites or ceremonies in connection with such final disposition  
7 of the body, or providing facilities for any such rites or  
8 ceremonies;

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

12                                    (5) practicing direct disposition without a  
13 license or aiding or abetting an unlicensed person to practice  
14 direct disposition.

15                                    [~~D.~~] E. In addition to the offenses listed in  
16 Subsection [A] B of this section, the board [~~in accordance~~  
17 ~~with the provisions of the Uniform Licensing Act, may refuse~~  
18 ~~to issue or renew or may suspend, revoke, impose a fine or~~  
19 ~~place on probation a crematory applicant or crematory~~  
20 ~~authority upon finding the applicant or crematory authority]~~  
21 has the authority to take any action set forth in Section  
22 61-1-3 NMSA 1978 upon a finding by the board that a crematory  
23 licensee or applicant or a crematory authority licensee or  
24 applicant is guilty of any of the following acts of commission  
25 or omission:

. 125532. 2

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1 (1) engaging or holding oneself out as  
2 engaging in the practice of funeral service or direct  
3 disposition, unless the applicant or crematory authority has a  
4 license to practice funeral service or direct disposition;

5 (2) operating a crematory without a license  
6 or aiding and abetting a crematory to operate without a  
7 license; or

8 (3) engaging in conduct or activities for  
9 which a license to engage in the practice of funeral service  
10 or direct disposition is required or aiding and abetting an  
11 unlicensed person to engage in conduct or activities for which  
12 a license to practice funeral service or direct disposition is  
13 required.

14 [~~E.~~] F. Unless exonerated by the board, persons  
15 who have been subjected to formal disciplinary sanctions by  
16 the board shall be responsible for the payment of costs of the  
17 disciplinary proceedings, which include costs for:

- 18 (1) court reporters;
- 19 (2) transcripts;
- 20 (3) certification or notarization;
- 21 (4) photocopies;
- 22 (5) witness attendance and mileage fees;
- 23 (6) postage for mailings required by law;
- 24 (7) expert witnesses; and
- 25 (8) depositions.

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1           [F-] G. All fees, fines and costs imposed on an  
2 applicant, licensee, establishment or crematory shall be paid  
3 in full to the board before an initial or renewal license may  
4 be issued. "

5           Section 19. Section 61-32-26 NMSA 1978 (being Laws 1993,  
6 Chapter 204, Section 26) is amended to read:

7           "61-32-26. FUND ESTABLISHED. --

8           A. There is created in the state treasury the  
9 "thanatopractice fund".

10           B. All money received or collected by the board  
11 [~~under~~] or the department pursuant to provisions of the  
12 Thanatopractice Act shall be deposited with the state  
13 treasurer for credit to the thanatopractice fund. The state  
14 treasurer shall invest the fund as other state funds are  
15 invested. All balances in the fund at the end of any fiscal  
16 year shall remain in the fund and shall not revert to the  
17 general fund.

18           C. Money in the thanatopractice fund is  
19 appropriated to the board and shall be used only for the  
20 purpose of [~~meeting the necessary expenses incurred in~~]  
21 carrying out the provisions of the Thanatopractice Act. "

22           Section 20. Section 61-32-28 NMSA 1978 (being Laws 1993,  
23 Chapter 204, Section 28) is amended to read:

24           "61-32-28. COMMUNICATIONS-- CONFIDENTIALITY. --All written  
25 and oral ~~communications made~~ to the board relating to

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1 potential disciplinary action shall be [~~confidential.~~—All  
2 ~~data communication and information acquired by the board~~  
3 ~~relating to complaints is confidential and shall not be~~  
4 ~~disclosed unless formal disciplinary action is initiated under~~  
5 ~~the Uniform Licensing Act or absent an order of a court of~~  
6 ~~competent jurisdiction]~~ subject to the Inspection of Public  
7 Records Act. "

8 Section 21. Section 61-32-30 NMSA 1978 (being Laws 1993,  
9 Chapter 204, Section 30) is amended to read:

10 "61-32-30. CRIMINAL PENALTIES. -- Any person who [~~violates~~  
11 ~~any provision of the Thanatopractice Act]~~ commits any of the  
12 following acts is guilty of a misdemeanor and upon conviction  
13 [~~thereof]~~ shall be punished by a fine [~~not to exceed]~~ of not  
14 less than one hundred dollars (\$100) or more than one thousand  
15 dollars (\$1,000) or by imprisonment of less than one year or  
16 both:

17 A. violation of any provision of the  
18 Thanatopractice Act;

19 B. rendering or offering to render funeral  
20 services, direct disposition services or cremation services  
21 without a current valid license issued pursuant to the  
22 Thanatopractice Act; or

23 C. advertising or using any designation, diploma  
24 or certificate tending to imply that the person is a  
25 practitioner of funeral services, direct disposition services



1 or cremation services without a current valid license issued  
2 pursuant to the Thanatopractice Act. "

3 Section 22. Section 61-32-31 NMSA 1978 (being Laws 1993,  
4 Chapter 204, Section 31) is amended to read:

5 "61-32-31. TERMINATION OF AGENCY LIFE--DELAYED  
6 REPEAL. --The board of thanatopractice is terminated on July 1,  
7 [~~1999~~] 2005, pursuant to the provisions of the Sunset Act.  
8 The board shall continue to operate according to the  
9 provisions of Section 12-9-18 NMSA 1978 until July 1, [~~2000~~]  
10 2006. Effective July 1, [~~2000~~] 2006, the Thanatopractice Act  
11 is repealed. "

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1 FORTY- FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3  
4  
5 February 24, 1999

6  
7 Mr. President:

8  
9 Your PUBLIC AFFAIRS COMMITTEE, to whom has been  
10 referred  
11

12  
13 SENATE BILL 409

14  
15 has had it under consideration and reports same with  
16 recommendation that it DO PASS, and thence referred to the  
17 CORPORATIONS & TRANSPORTATION COMMITTEE.

18  
19 Respectfully submitted,  
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Shannon Robinson, Chairman

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Adopted \_\_\_\_\_ Not

Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Garcia, Ingle, Stockard

Absent: None

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1 FORTY- FOURTH LEGISLATURE

SB 409/a

2 FIRST SESSION, 1999

3  
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6  
7 March 3, 1999

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9  
10 Mr. President:

11  
12 Your CORPORATIONS & TRANSPORTATION COMMITTEE, to  
13 whom has been referred

14  
15 SENATE BILL 409

16  
17 has had it under consideration and reports same with  
18 recommendation that it DO PASS, amended as follows:

19  
20  
21 1. On page 5, line 20, strike "supervised" and insert in  
22 lieu thereof "trained".

23  
24 2. On page 19, line 16, strike the colon and on line 17,  
25 strike "(1)".

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FORTY- FOURTH LEGISLATURE  
FIRST SESSION, 1999

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SCORC/SB 409

Page 45

3. On page 19, line 20, change the semicolon to a period and strike the remainder of the line and strike all of lines 21 through 23.

4. On page 26, line 9, before "disposition" insert "place of".

5. On page 37, line 23, after "authority" strike "licensee or" and on line 24 strike "applicant".

Respectfully submitted,

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Roman M. Maes, Chairman

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SCORC/SB 409

Page 46

Adopted \_\_\_\_\_ Not

Adopted \_\_\_\_\_

(Chi ef Clerk)

(Chi ef Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Aragon, Fi del , Kysar, McKi bben

Absent: None

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

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SCORC/SB 409

Page 47

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1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 March 16, 1999

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8 Mr. Speaker:

9  
10 Your BUSINESS AND INDUSTRY COMMITTEE, to whom has  
11 been referred

12  
13 SENATE BILL 409, as amended

14  
15 has had it under consideration and reports same with  
16 recommendation that it DO PASS, amended as follows:

17 1. On page 23, lines 11 and 12, strike "only provide  
18 direct disposition of a dead human body as quickly as possible"  
19 and insert in lieu thereof "transport and dispose of a dead  
20 human body and participate in any rites or ceremonies after  
21 final disposition of the body".



FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

HBIC/SB 409a

Page 49

Respectfully submitted,

\_\_\_\_\_  
Fred Luna, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 0 Against

Yes: 10

Excused: None

Absent: Lutz, J. G. Taylor

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1 FORTY- FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
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4 March 16, 1999  
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6  
7 Mr. Speaker:  
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9 Your BUSINESS AND INDUSTRY COMMITTEE, to whom has  
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11 SENATE BILL 409, as amended  
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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

HBIC/SB 409a

Page 51

Respectfully submitted,

\_\_\_\_\_  
Fred Luna, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 0 Against

Yes: 10

Excused: None

Absent: Lutz, J. G. Taylor

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