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FISCAL IMPACT REPORT

SPONSOR White ORIGINAL DATE 2/17/19 LAST UPDATED 3/09/19 HB _____
SHORT TITLE Funeral Services Act Changes SB 263/aSJC
ANALYST Daly

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)
New Mexico Attorney General (NMAG)

SUMMARY

Synopsis of SJC Amendments

The Senate Judiciary Committee amendments to Senate Bill 263 strike two new sections in the Funeral Services Act that describe the scope of practice for the two new license types being created – embalmer and funeral arranger. It appears the language of Section 3(B) and (C), in combination with the new definitions for embalmer and funeral arranger in Section 1, may be sufficient to establish the scope of practice for each type of license.

Synopsis of Original Bill

Senate Bill 263 creates two new license types related to the funeral services profession: 1) funeral arranger, who may engage in arrangement and directing of funeral service at a properly licensed funeral establishment; and 2) embalmer, who may engage in embalming and preparing a dead body for funeral services at a properly licensed funeral establishment.

To be licensed as a funeral arranger, an applicant must:

- have served as a funeral service intern for not less than 12 months;

- have assisted with at least 50 funeral arrangements and the directing of at least 50 funerals under the supervision of a funeral service practitioner;
- have obtained an associate's degree in funeral science with at least sixty semester hours from an institution whose program is accredited by the American Board of Funeral Service Education;
- have successfully completed the arts section of the national board examination; and
- not have been convicted of unprofessional conduct or incompetency.

To be licensed as an embalmer, an applicant must:

- have served as a funeral service intern for not less than 12 months;
- have assisted with embalming at least 50 bodies under the supervision of a funeral service practitioner;
- have obtained an associate's degree in funeral science with at least 60 semester hours from an institution whose program is accredited by the American Board of Funeral Service Education;
- have successfully completed the science section of the national board examination; and
- not have been convicted of unprofessional conduct or incompetency.

This bill also amends the requirement for licensure by credentials (reciprocity) for all license types (other than intern) to remove the five out of the last ten years active practice requirement, which is replaced by evidence of current licensure in a jurisdiction whose licensing standards are at least equivalent to those in New Mexico. It also requires an applicant for funeral service practitioner to successfully complete both the arts and science sections of the national board examination. SB 263 makes other changes in the act consistent with the changes outlined here.

This bill carries an effective date of July 1, 2019.

FISCAL IMPLICATIONS

No fiscal impact to the State is anticipated. RLD reports that applicants eligible for the two new types of licenses most likely are already licensed by the board of funeral services. The board will, however, need to adopt rules that, if promulgated during the course of regular board meetings likely will result in no or minimal costs.

SIGNIFICANT ISSUES

RLD suggests that creating the two new license types and expanding on the licensure requirements could bring more licensees who are well qualified to practice in New Mexico. Unlike the funeral service interns, these new licensees would not be required to continue to practice under practitioner supervision, given the education and training requirements that are not required of an intern.

ADMINISTRATIVE IMPLICATIONS

The changes contained in SB 263 will result in some additional administrative tasks to implement.

TECHNICAL ISSUES

The use of the term “convicted” when referring to a determination of unprofessional conduct or incompetency in existing and new sections of the act setting forth requirements of licensure suggest criminal proceedings, whereas actions by licensing boards concerning these activities may arise in a civil context. Use of a term such as “finding” or “determination” may be more inclusive.

MD/al/sb