

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 3.
DISTRICT OF COLUMBIA BOARDS AND
COMMISSIONS.

CHAPTER 4.
BOARD OF FUNERAL DIRECTORS.

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DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 4. BOARD OF FUNERAL DIRECTORS.

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CHAPTER 4. BOARD OF FUNERAL DIRECTORS.

§ 3-401. PURPOSES.

The purposes of this chapter are to provide for the licensure and regulation of funeral directors, apprentice funeral directors, and funeral services establishments in the District of Columbia, and to protect the public from fraudulent, unfair, and deceptive practices by persons licensed to provide funeral directing services.

(May 22, 1984, D.C. Law 5-84, § 2, 31 DCR 1815.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-2801.

Legislative History of Laws

Law 5-84, the "District of Columbia Funeral Services Regulatory Act of 1984," was introduced in Council and assigned Bill No. 5-7, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on February 28, 1984, and March 13, 1984, respectively. Signed by the Mayor on March 29, 1984, it was assigned Act No. 5-120 and transmitted to both Houses of Congress for its review.

Delegation of Authority

Delegation of authority pursuant to Law 5-84, see Mayor's Order 87-186, August 3, 1987.

Delegation of Authority Pursuant to D.C. Law 5-84, the District of Columbia Funeral Services Regulatory Act of 1984, see Mayor's Order 2007-216, October 5, 2007 (55 DCR 149).

Miscellaneous Notes

Although a new Board of Funeral Directors has been established by the Second Omnibus Regulatory Reform Act of 1998, effective April 20, 1999 (D.C. Law 12-261), codified under D.C. Official Code § 47-2853.06(f), the old board, codified under D.C. Official Code § 3-401 et seq. has not been abolished by law.

§ 3-402. DEFINITIONS.

As used in this chapter, the term:

- (1) "Adult" means a person who is 18 years of age or older.
- (2) "Apprentice funeral director" means any person licensed by the District to engage in learning the practice, or to engage in the practice, of funeral directing by performing funeral directing under the direct or immediate supervision of a full-time funeral director licensed by the District.
- (3) "Board" means the Board of Funeral Directors for the District of Columbia.
- (4) "Consumer" means a person who makes arrangements with a funeral services establishment for the care and disposition of human remains, including arrangements made prior to the death of a person.
- (5) "Council" means the Council of the District of Columbia.
- (6) "Direct supervision" means that a funeral director currently licensed to practice as a funeral director in the District is present and assisting the supervisee.
- (7) "District" means the District of Columbia.
- (8) "Full-time employee" means a person whose primary occupation or employment is with a funeral services establishment as a funeral director.

(9) "Funeral director" means any person licensed by the District to perform the practice of funeral directing. As used in this chapter, the term "funeral director" includes the terms "mortician," "undertaker," and "embalmer" as these terms relate to licensure in those jurisdictions where these categories are licensed separately, or under these terms.

(10) "Funeral provider" means any person, partnership, or corporation that sells or offers to sell funeral goods and funeral services to the public.

(11) "Funeral services establishment" means any place or premises in the District devoted to, or wherein is engaged, the business of the care or preparation of human remains for funeral, burial, cremation, or transportation, consisting of a chapel (or a room in which funeral services, including visiting hours prior to disposition, may be conducted) or a preparation room, and where arrangements can be made for funeral services or purchasing funeral supplies including accouterments by the public, and where payment for the rendering of funeral services and supplies can be arranged. The term "funeral services establishment" includes the term "funeral home."

(12) "Human remains" means the remains of a deceased human being or fetus or any part thereof.

(13) "Immediate supervision" means that a funeral director currently licensed to practice as a funeral director in the District is available within reasonable proximity and within vocal or electronic communication range of the supervisee.

(14) "License" means an authority from the District which entitles the holder to practice in the District either as a funeral director or apprentice funeral director, or an authority from the District which entitles the holder to own and operate a funeral services establishment.

(15) "Mayor" means the Mayor of the District of Columbia.

(16) "Nationally approved examination" means the examination approved by the Conference of Funeral Service Examining Boards.

(17) "Person" means any natural person.

(18) "Practice of funeral directing" means engaging in the care and disposal of human remains or the preserving by embalming or otherwise of human remains for transportation, funeral services, burial, or cremation.

(19) "Solicitation" means any annoying or unseemly conduct by a licensee, his employees, or agents, such as: (A) Loitering in or about a hospital, sanitarium, personal care home, or other place for the purpose of soliciting the employment of the licensee's services; (B) offering, giving, or promising any gratuity or payment, either in money or property, to any person for information concerning human remains; (C) requesting or recommending that a consumer change from another funeral services establishment to the soliciting party's funeral services establishment; (D) engaging in a dispute with another licensee for the possession of human remains; or (E) initiating contact with the next of kin, relations, friends, or associates of the deceased in order to provide funeral services or disposition of the deceased without being contacted by the next of kin or his or her representative. The term "solicitation" shall not include general advertising, the sale of burial insurance, or responses to requests for information from consumers.

(May 22, 1984, D.C. Law 5-84, § 3, 31 DCR 1815; Sept. 24, 2010, D.C. Law 18-223, § 2082(a), 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-2802.

Effect of Amendments

D.C. Law 18-223 rewrote pars. (6) and (13), which had read as follows:

"(6) 'Direct supervision' means that in those instances when an apprentice funeral director is handling, preparing, or embalming human remains which have become infected by a contagious disease, the apprentice funeral director must always be supervised by a licensed funeral director who is present and assisting."

"(13) 'Immediate supervision' means that a funeral director currently licensed to practice funeral directing in the District is available on the premises and within vocal communication of the supervisee."

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2082(a) of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

For legislative history of D.C. Law 5-84, see Historical and Statutory Notes following § 3-401.

Law 18-223, the "Fiscal Year 2011 Budget Support Act of 2010", was introduced in Council and assigned Bill No. 18-731, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 26, 2010, and June 15, 2010, respectively. Signed by the Mayor on July 2, 2010, it was assigned Act No. 18-462 and transmitted to both Houses of Congress for its review. D.C. Law 18-223 became effective on September 24, 2010.

Delegation of Authority

Delegation of authority pursuant to Law 5-84, see Mayor's Order 87-186, August 3, 1987.

Miscellaneous Notes

Short title: Section 2081 of D.C. Law 18-223 provided that subtitle H of title II of the act may be cited as the "Funeral Director Licensing Amendment Act of 2010".

§ 3-403. BOARD OF FUNERAL DIRECTORS; DUTIES OF MAYOR; DUTIES OF BOARD; COMPENSATION OF BOARD.[REPEALED]

(May 22, 1984, D.C. Law 5-84, § 4, 31 DCR 1815; Apr. 30, 1988, D.C. Law 7-104, § 28, 35 DCR 147; Apr. 12, 2000, D.C. Law 13-91, § 134, 47 DCR 520.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-2803.

Legislative History of Laws

For legislative history of D.C. Law 5-84, see Historical and Statutory Notes following § 3-401.

Law 7-104, the "Technical Amendments Act of 1987," was introduced in Council and assigned Bill No. 7-346, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 24, 1987 and December 8, 1987, respectively. Signed by the Mayor on December 22, 1987, it was assigned Act No. 7-124 and transmitted to both Houses of Congress for its review.

Law 13-91, the "Technical Amendments Act of 1999," was introduced in Council and assigned Bill No. 13-435, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 2, 1999, and December 7, 1999, respectively. Signed by the Mayor on December 29, 1999, it was assigned Act No. 13-234 and transmitted to both Houses of Congress for its review. D.C. Law 13-91 became effective on April 12, 2000.

Delegation of Authority

Delegation of authority pursuant to Law 5-84, see Mayor's Order 87-186, August 3, 1987.

§ 3-404. FEES.

(a) The Mayor may establish, by rule, a fee schedule for all services related to the regulation of the practice of funeral directing. The fees shall be reasonably related to the cost of administering the licensing, certification, or registration, including the cost of testing, processing, and issuing the license, certificate, or registration, and a proportionate share of the cost of running the Board and any hearing procedures, and other administrative functions. Application fees paid under this section shall not be refundable, even if the applicant withdraws his or her application for licensure, certification, or registration, or is found by the Board to be not qualified.

(b) The Mayor may establish and change the expiration date of licenses provided for in this chapter. Upon the change of an expiration date, the renewal fee for licenses shall be prorated on the basis of the time covered.

(May 22, 1984, D.C. Law 5-84, § 5, 31 DCR 1815; Sept. 24, 2010, D.C. Law 18-223, § 2082(b), 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-2804.

Effect of Amendments

D.C. Law 18-223 rewrote the section, which had read as follows:

"(a) The Mayor shall establish, increase, or decrease the fees necessary to cover the costs of administering this chapter. The Mayor shall not revise the fees except after a 30-day notice.

"(b) The Mayor is authorized after a 30-day notice to establish and to change the expiration date of licenses provided for in this chapter. Upon the change of an expiration date, the renewal fee for licenses shall be prorated on the basis of the time covered."

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2082(b) of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

For legislative history of D.C. Law 5-84, see Historical and Statutory Notes following § 3-401.

For Law 18-223, see notes following § 3-402.

Delegation of Authority

Delegation of authority pursuant to Law 5-84, see Mayor's Order 87-186, August 3, 1987.

§ 3-405. QUALIFICATIONS, APPLICATIONS, AND EXAMINATIONS FOR LICENSURE.

(a) *Funeral director's license.* — Except as provided in subsections (b) and (c) of this section, an applicant for licensure as a funeral director shall furnish satisfactory proof to the Mayor that he or she:

- (1) Is at least 18 years of age;
- (2) Is a graduate of a high school or possesses the equivalent education as approved by the Mayor;
- (3) Is a graduate of an accredited school or college of mortuary science whose course of instruction is not less than 12 months in duration or is composed of not less than 840 hours of study; or has successfully completed a 2-year course of study leading to an associate degree in mortuary science;
- (4) Has had at least 2 years of practical experience as an apprentice funeral director if he or she is a graduate of a school or college of mortuary science, or at least 1 year of practical experience if he or she possesses an associate degree in mortuary science; has actually embalmed at least 25 human remains; and has actually conducted or directed at least 25 funerals. This experience shall be verified by the sworn affidavit of each funeral director under whose immediate supervision the apprentice funeral director's duties were performed, indicating the number of human remains embalmed by the applicant and the number of funerals conducted or directed during the period of apprenticeship served under the supervision of the funeral director;
- (5) Is fully acquainted with District and federal laws relating to the practice of funeral directing, in a manner to be determined by the Mayor;
- (6) Has paid all required fees;
- (7) Has passed a nationally approved examination; and
- (8) Has met all additional requirements set by the Mayor.

(b) *Special licensing.* — (1) Notwithstanding the requirements set forth in subsection (a) of this section, any funeral director licensed by the District as an undertaker on May 22, 1984, shall be qualified for licensure under this chapter upon meeting the qualifications in paragraphs (1), (5), and (6) of subsection (a) of this section.

(2) Any apprentice funeral director licensed by the District on May 22, 1984, and actively engaged in discharging the duties of a funeral director from January 1, 1973, through January 1, 1990, shall be qualified for licensure as a funeral director upon:

- (A) Meeting the qualifications in paragraphs (1), (5), and (6) of subsection (a) of this section;
- (B) Passing the nationally approved oral and practical examination; and
- (C) Furnishing proof to the Mayor that he or she was discharging the duties of a funeral director during the specified period.

(3) Every person who on August 1, 1947, would have qualified for licensure under § 47-2843(c), and who has discharged the duties of a funeral director from January 1, 1973, through January 1, 1983, and continues to discharge those duties shall be qualified for licensure as a funeral director upon:

- (A) Meeting the qualifications in paragraphs (1), (5), and (6) of subsection (a) of this section;
- (B) Passing any oral and practical examination the Mayor may require to determine that the person is fully acquainted with District and federal laws relating to the practice of funeral directing; and
- (C) Furnishing proof to the Mayor that he or she was discharging the duties of a funeral director during the specified period.

(4) Applicants to be licensed by paragraphs (2) and (3) of this subsection must comply with the

requirements of this chapter within 2 years following the date on which the Mayor establishes the examinations required by paragraph (5) of this subsection.

(5) The Mayor shall, within 6 months of June 19, 1998, establish the necessary examinations to test individuals for licensure as funeral directors under paragraphs (2) and (3) of this subsection. The Mayor shall conduct these examinations at least twice during the 2-year period following the date these examinations are established.

(c) *Reciprocity.* -- An applicant for a license by reciprocity to practice as a funeral director in the District must furnish proof to the Mayor that he or she:

(1) Is currently licensed in good standing as a funeral director in a state or territory of the United States wherein the requirements for licensure are substantially equal to or exceed those in effect in the District, and which state or territory admits funeral directors licensed by the District in a like manner; and

(2) Meets the qualifications specified in paragraphs (1), (2), (5), and (6) of subsection (a) of this section.

(d) *Apprentice funeral director's license.* -- An applicant for licensure as an apprentice funeral director must furnish proof satisfactory to the Mayor that he or she:

(1) Is at least 18 years of age;

(2) Is a graduate of a recognized high school or possesses the equivalent education as approved by the Mayor;

(3) Is fully acquainted with District and federal laws relating to the practice of funeral directing and embalming, in a manner to be determined by the Mayor;

(4) Has paid all required fees; and

(5) Has successfully completed or is enrolled in an accredited school or college of mortuary science, or has successfully completed or is enrolled in a 2-year course of study leading to an associate degree in mortuary science as required by paragraph (3) of subsection (a) of this section.

(e) *Funeral services establishment license.* -- (1) No funeral services establishment shall be operated in the District unless licensed as a funeral services establishment in accordance with subchapter I-A of Chapter 28 of Title 47.

(1A) Licenses issued under this subsection shall be issued as Public Health Funeral Establishment endorsement to a basic business license under the basic business license system as set forth in subchapter I-A of Chapter 28 of Title 47.

(2) No individual may be licensed to operate a funeral services establishment unless that individual is also licensed as a funeral director under this chapter.

(3) No corporation, partnership, or other business entity may be licensed to operate a funeral services establishment unless: (A) One of the owners of the funeral services establishment business is licensed as a funeral director under this chapter, and (B) the business entity designates a principal funeral director, licensed under this chapter, who will be responsible for the daily operation of the funeral services establishment. The Mayor shall issue rules and regulations pursuant to § 3-420 to ensure that the corporation, partnership, or other business entity comes into prompt compliance with this paragraph when death or termination of the business relationship removes the owner who is a licensed funeral director or the licensed funeral director responsible for the daily operation of the funeral services establishment.

(4) All funeral services establishments operated in the District shall be built, equipped, arranged, occupied, and maintained in compliance with all applicable District and federal laws.

(5) The Board shall provide the Office of the Chief Medical Examiner and all facilities and agencies, as defined in § 44-501(c), with a list of all funeral services establishments and a list of funeral directors, apprentice funeral directors, and courtesy card holders authorized to receive human remains for care or preparation in accordance with this chapter. The list shall:

(A) Consist only of funeral services establishments licensed and operating in the District of Columbia pursuant to this subsection;

(B) Include the funeral services establishment license number; and

(C) Be updated annually.

(f) *Surviving spouse license.* -- (1) Upon the death of the funeral director licensed to operate the funeral services establishment, the Mayor may issue a funeral services establishment license to the funeral director's surviving spouse or estate when the following conditions have been met:

(A) The surviving spouse or estate must notify the Mayor within 10 days of the death of the funeral director of the intent to continue operating the funeral services establishment, and must apply for a funeral services establishment license within 30 days of the death of the funeral director; and

(B) The surviving spouse or estate must identify a funeral director licensed by the District who will be responsible for the day-to-day operation of the funeral services establishment as required by this chapter.

(2) A surviving spouse shall qualify for a license pursuant to this subsection only as long as he or she remains unmarried, except that any surviving spouse presently operating a funeral services establishment on May 22, 1984, is grandfathered.

(3) An estate shall qualify for a license pursuant to this subsection for a period not to exceed 3 years from the date of the funeral director's death.

(g) *Application procedures for licenses.* -- (1) Each applicant for a license shall file with the Mayor a complete and true application on a form approved by the Mayor.

(2) Each application for a funeral director's and apprentice funeral director's license shall be accompanied by a recent photograph of the applicant's face, measuring approximately 1" x 1 1/2 ".

(3) Each application for a license pursuant to paragraph (1) of this subsection shall be sworn to before a notary public.

(4) The Mayor shall review and take action on all applications within a reasonable time after filing. An applicant for any license has the burden of proving compliance with the qualifications and requirements for obtaining the license desired. The Mayor may not presume qualifications and requirements not shown on the application. The Mayor may refuse to act on the application and may require the applicant to submit additional information if the application contains incomplete or evasive information.

(5) The Mayor may deny, after notice and opportunity for hearing, any application if: (A) The applicant has knowingly made or allowed to be made on his behalf any false or misleading statements in connection with his or her application, or (B) the applicant or an agent of the applicant has attempted to improperly influence any member of the Board or officer or employee of the District in the discharge of duties relating to the application.

(6) Each applicant for a funeral director's license for which an examination is required shall make application to take the examination not later than 60 calendar days prior to the date of the examination.

(7) Procedures governing applications for a funeral director's license, an apprentice funeral director's license, a surviving spouse license, and a license to operate a funeral services establishment shall be prescribed in rules and regulations issued by the Mayor pursuant to § 3-420.

(h) *Examination.* -- (1) The Mayor shall conduct each year in the District at least 1 nationally approved examination for licensure as a funeral director. The Mayor may schedule additional examinations he or she determines to be necessary. The Mayor shall fix the time and place for each examination.

(2) The funeral director's license examination shall consist of the following 3 parts: (A) Written examination, (B) oral examination, and (C) practical demonstration.

(3) The Mayor may waive the written portion of the examination if an applicant for a funeral director's license has previously passed the written portion of the nationally approved examination as defined by § 3-402(16).

(4)(A) The written portion of the funeral director's license examination shall consist of questions relating to embalming, anatomy, pathology, bacteriology, chemistry, restorative art, and mortuary administration.

(B) The practical demonstration portion of the funeral director's license examination shall consist of a demonstration by the applicant, in the presence of 2 or more members of the Board, of his or her knowledge and skill in the care, preparation, and preservation of human remains.

(C) The oral portion of the funeral director's license examination shall consist of questions on District and federal laws and regulations governing the practice of funeral directing, including, but not limited to, the following subjects:

- (i) The Anatomical Board, human tissue banks, and anatomical gifts;
- (ii) Vital statistics and containers for cremated human remains;
- (iii) Trafficking in dead bodies;
- (iv) Cemeteries and crematories;
- (v) Licensing of funeral directors; and
- (vi) Penalty provisions.

(5) The oral portion of the funeral director's license examination shall be administered to an applicant in the presence of 2 or more members of the Board, at least 2 of whom shall be licensed funeral directors.

(6) The written portion of the examination for a funeral director's license shall be administered to applicants in the presence of 1 or more members of the Board, or an employee of the District

government designated by the Mayor.

(7) The examination shall be administered to applicants for a funeral director's license in accordance with examination procedures established by the Mayor. Each applicant shall be fully advised of the examination procedures prior to the examination and a copy of the procedures shall be included in the notice of authorization to take the examination.

(8) The Mayor shall monitor the implementation of the nationally approved examination for a funeral director's license to ensure that there are no anticompetitive or discriminatory effects. If the Mayor reasonably determines by rulemaking that the examination is producing anticompetitive or discriminatory effects, the Mayor shall develop a local examination and, after proper notice and publication, shall substitute it for the nationally approved examination.

(i)(1) The Board may issue a license to practice as a funeral director in the District to an applicant who is licensed by another state by waiver of the examination and apprenticeship requirements of subsection (a) of this section.

(2) An applicant for a license to practice as a funeral director in the District shall furnish proof to the Board that he or she:

(A) Is currently licensed in good standing as a funeral director in a state or territory of the United States with requirements for licensure that are substantially similar to those in effect in the District;

(B) Has practiced continuously in the state or territory of licensure as a funeral director for at least 5 years preceding his or her application; and

(C) Meets the qualifications specified in subsection (a)(1), (2), (5), and (6) of this section.

(May 22, 1984, D.C. Law 5-84, § 6, 31 DCR 1815; Sept. 15, 1992, D.C. Law 9-150, § 2-3, 39 DCR 5019; Mar. 17, 1993, D.C. Law 9-207, § 2, 40 DCR 14; Apr. 20, 1999, D.C. Law 12-261, § 1239, 46 DCR 3142; Apr. 20, 1999, D.C. Law 12-263, § 13(a), 46 DCR 2111; Oct. 28, 2003, D.C. Law 15-38, § 3(c), 50 DCR 6913; Mar. 25, 2009, D.C. Law 17-353, § 186(a), 56 DCR 1117; Sept. 24, 2010, D.C. Law 18-223, § 2082(c), 57 DCR 6242; Sept. 26, 2012, D.C. Law 19-171, § 28, 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-2805.

Effect of Amendments

D.C. Law 15-38, in par. (1A) of subsec. (e), substituted "Public Health Funeral Establishment endorsement to a basic business license under the basic" for "Class A Public Health Funeral Establishment endorsed to a master business license under the master".

D.C. Law 17-353, in subsecs. (e)(3) and (g)(7), substituted "§ 3-420" for "§ 3-403(i)"; and, in subsec. (h)(4)(B), substituted "§ 3-420" for "§ 3-403(d)".

D.C. Law 18-223 rewrote subsec. (e)(5); and added subsec. (i). Prior to amendment, subsec. (e)(5) read as follows:

"(5) The Mayor shall provide all health care facilities, as those facilities are defined in § 44-501(a), a list of all funeral services establishments authorized to receive human remains for care or preparation in accordance with this chapter. The list shall consist only of funeral services establishments licensed and operating in the District of Columbia pursuant to this subsection, shall include the funeral services establishment license number, and shall be updated annually."

D.C. Law 19-171, in subsec. (h)(4)(B), substituted "The" for "Except as provided by § 3-420, the".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see §§ 2 and 3 of Funeral Services Regulatory Temporary Amendment Act of 1992 (D.C. Law 9-150, September 15, 1992, law notification 39 DCR 7280).

Emergency Act Amendments

For temporary amendment of section, see § 2-3 of the Funeral Services Regulatory Emergency Amendment Act of 1992 (D.C. Act 9-230, June 19, 1992, 39 DCR 4919).

For temporary (90 day) amendment of section, see § 3(c) of Streamlining Regulation Emergency Act of 2003 (D.C. Act 15-145, August 11, 2003, 50 DCR 6896).

For temporary (90 day) amendment of section, see § 2082(c) of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

For legislative history of D.C. Law 5-84, see Historical and Statutory Notes following § 3-401.

Law 9-207, the "Funeral Services Regulatory Amendment Act of 1992," was introduced in Council and

assigned Bill No. 9-559, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on November 4, 1992, and December 1, 1992, respectively. Signed by the Mayor on December 18, 1992, it was assigned Act No. 9-336 and transmitted to both Houses of Congress for its review. D.C. Law 9-207 became effective on March 17, 1993.

Law 12-261, the "Second Omnibus Regulatory Reform Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-845, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

Law 12-263, the "Residential Real Property Seller Disclosure, Funeral Services Date Change, and Public Service Commission Independent Procurement Authority Act of 1998," was introduced in Council and assigned Bill No. 12-648, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first, amended first, and second readings on October 6, 1998, November 10, 1998, and December 1, 1998, respectively. Vetoed by the Mayor on December 29, 1998, Council overrode the veto on January 5, 1999 and the Bill was assigned Act No. 12-625 and transmitted to both Houses of Congress for its review. D.C. Law 12-263 became effective on April 20, 1999.

Law 15-38, the "Streamlining Regulation Act of 2003", was introduced in Council and assigned Bill No. 15-19, which was referred to Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on June 3, 2003, and July 8, 2003, respectively. Signed by the Mayor on August 11, 2003, it was assigned Act No. 15-146 and transmitted to both Houses of Congress for its review. D.C. Law 15-38 became effective on October 28, 2003.

For Law 17-353, see notes following § 3-308.

For Law 18-223, see notes following § 3-402.

Law 19-171, the "Technical Amendments Act of 2012", was introduced in Council and assigned Bill No. 19-397, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on March 20, 2012, and April 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to both Houses of Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

References in Text

Former "§ 47-2843(c)," referred to in subdivision (b)(3) of this section, was repealed by § 22 of D.C. Law 5-84.

Delegation of Authority

Delegation of authority pursuant to Law 5-84, see Mayor's Order 87-186, August 3, 1987.

§ 3-406. ISSUANCE AND RENEWAL OF LICENSES.

(a) A license to practice in the District as either a funeral director or apprentice funeral director, or to operate a funeral services establishment shall be issued to each applicant who meets all of the requirements for licensure.

(b) Every license in good standing issued in accordance with this chapter shall expire on a date set by the Mayor and shall be renewed as determined by the Mayor in rules and regulations to be issued pursuant to § 3-420. On or before the 30th day preceding expiration, the Mayor shall mail an application for renewal to the last known address of each person holding a license in good standing. Failure to receive this application shall not be a proper defense of any person failing to renew any required license.

(c) Each person holding a license in good standing issued pursuant to this chapter, and who wishes to continue practice in the District, shall, on or before the last day of each term, file an application for renewal of the license accompanied by the proper fee.

(d) Except as otherwise provided by this chapter, upon receipt of a renewal application and the proper fee, the Mayor shall issue a renewal for the new license year.

(e) Any person holding a license issued under the provisions of this chapter who fails to file an application for renewal and pay the required fee on or before the last day of any license term, and who, after the first day of the new term, performs in the District the duties of a licensee, shall be found in violation of this chapter. Any license that is not renewed within 30 days of the expiration of its term, shall be terminated.

(f) Any person whose license has expired and who subsequently files an application for renewal shall comply with any terms and conditions prescribed by the Mayor not inconsistent with this chapter. The terms and conditions for restoration of a lapsed license may, in the discretion of the Mayor, include the passing of an examination or payment of a penalty fee, or both.

(May 22, 1984, D.C. Law 5-84, § 7, 31 DCR 1815; Mar. 25, 2009, D.C. Law 17-353, § 186(b), 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-2806.

Effect of Amendments

D.C. Law 17-353, in subsec. (b), substituted "§ 3-420" for "§ 3-403(i)".

Legislative History of Laws

For legislative history of D.C. Law 5-84, see Historical and Statutory Notes following § 3-401.

For Law 17-353, see notes following § 3-308.

§ 3-407. TERMS AND CONDITIONS OF APPRENTICESHIP.

(a) In order to qualify for a funeral director's license, an apprentice funeral director ("apprentice") must serve an apprenticeship under the supervision of a funeral director licensed by the District.

(b) Notwithstanding the requirement of subsection (a) of this section, an apprentice who is required to serve a 2-year minimum apprenticeship may serve up to 1 year of the apprenticeship outside of the District, if the period of apprenticeship served outside of the District is served under the supervision of a funeral director who has passed a nationally approved examination and is the owner or full-time employee of the funeral services establishment where the apprentice is employed. The Mayor shall issue rules and regulations to implement this subsection pursuant to § 3-420.

(c) An apprentice funeral director may obtain license renewals allowing him to extend his apprenticeship, but the total period of apprenticeship shall not exceed 4 years.

(d) Every apprentice employed in that capacity within the District shall, within 5 days after terminating his or her employment, notify the Mayor of the termination, indicating the date on which the employment ceased.

(e) Every apprentice whose employment under the supervision of a funeral director is terminated shall, immediately upon being employed to work under the supervision of another funeral director, notify the Mayor of the change of employment, indicating the name, address, and license number of the funeral director under whose supervision the apprentice is continuing his or her apprenticeship.

(f) A funeral director shall, upon employing an apprentice or terminating the employment of an apprentice, notify the Mayor in writing accordingly. The notification shall contain the name, address, and license number of the apprentice, as well as the date on which the apprentice was employed or terminated.

(May 22, 1984, D.C. Law 5-84, § 8, 31 DCR 1815; Mar. 25, 2009, D.C. Law 17-353, § 186(c), 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-2807.

Effect of Amendments

D.C. Law 17-353, in subsec. (b), substituted "§ 3-420" for "§ 3-403(i)".

Legislative History of Laws

For legislative history of D.C. Law 5-84, see Historical and Statutory Notes following § 3-401.

For Law 17-353, see notes following § 3-308.

§ 3-408. GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.

(a) The Mayor may refuse to approve or issue a renewal of a license, or may order restrictions, impose a fine, impose conditions on the practice of funeral directing, or suspend or revoke the license of any applicant or licensee if the Mayor finds that the applicant or licensee has:

(1) Engaged in any fraud, deceit, or misrepresentation of any material fact in procuring or attempting to procure any license authorized by this chapter;

(2) Engaged in any unfair, deceptive, or misleading act or practice, or unfair method of competition in the funeral profession, including the illegal fixing or maintaining of prices or the illegal restraint of trade;

(3) Violated any provision of this chapter, or District or federal laws, rules, or regulations pertaining to

the practice of funeral directing;

(4) Acted in a manner inconsistent with the health, welfare, or safety of the public as prescribed in rules and regulations to be issued by the Mayor pursuant to § 3-403(i);

(5) Performed funeral directing services while under the influence of intoxicating liquors or drugs;

(6) Conspired with, or aided or abetted, any person in the violation or circumvention of any provision of this chapter;

(7) Solicited human remains;

(8) Engaged in misrepresentation or fraud in the conduct of the business of a funeral services establishment as a funeral director or as an apprentice funeral director;

(9) Performed embalming services without specific written authorization by the next of kin, except in the case of a demonstrated emergency where the public health, welfare, or safety would demand otherwise;

(10) Charged in excess of actual out-of-pocket expenditures paid by the funeral services establishment for cash advances and other expenditures. A reasonable charge not exceeding the District's legal interest rate per annum on the unpaid balance may be added to any cash advances or expenditures not repaid by the consumer within 30 days; or

(11) Committed gross negligence in the performance of funeral directing services. Acts constituting gross negligence shall be prescribed by the Mayor in rules and regulations issued pursuant to § 3-403(i).

(b) Any denial, suspension, or revocation under this section shall be made only upon specific charges in writing and after proper notice and a hearing pursuant to § 3-409.

(May 22, 1984, D.C. Law 5-84, § 9, 31 DCR 1815.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-2808.

Legislative History of Laws

For legislative history of D.C. Law 5-84, see Historical and Statutory Notes following § 3-401.

§ 3-409. HEARING PROCEDURES.

When a written complaint alleging a violation under this chapter has been filed with the Mayor, the Mayor shall initiate an investigation and, if warranted, fix a time and place for a hearing pursuant to § 2-509. The Mayor shall cause a certified copy of the charges to be served on the respondent within a reasonable time prior to the hearing. The attendance of witnesses and the production of books, papers, and documents at the hearing may be compelled by subpoena. The Mayor shall be bound by the rules of procedure and evidence in the conduct of hearings pursuant to § 2-509, and decisions shall be based upon substantial evidence. If the respondent is found in violation of this chapter, the Mayor may refuse to issue the respondent a license, may refuse to renew the license of the respondent, or may revoke or suspend the license of the respondent.

(May 22, 1984, D.C. Law 5-84, § 10, 31 DCR 1815.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-2809.

Legislative History of Laws

For legislative history of D.C. Law 5-84, see Historical and Statutory Notes following § 3-401.

Delegation of Authority

Delegation of authority pursuant to Law 5-84, see Mayor's Order 87-186, August 3, 1987.

§ 3-410. APPEAL PROCEDURES.

Any person aggrieved by any final decision or order of the Mayor denying, suspending, or revoking any license or renewal of a license issued or applied for under this chapter may obtain a review of the decision pursuant to § 2-510.

(May 22, 1984, D.C. Law 5-84, § 11, 31 DCR 1815.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-2810.

Legislative History of Laws

For legislative history of D.C. Law 5-84, see Historical and Statutory Notes following § 3-401.

§ 3-411. PROHIBITED ACTS; EXEMPTION FOR SERVICES PROVIDED DURING EMERGENCY.

(a) No person shall engage in the practice of funeral directing in the District of Columbia without being licensed in accordance with this chapter.

(b) No funeral services establishment licensee shall engage in, or permit any employee or agent to engage in, the practice of funeral directing unless the person performing these duties is a funeral director licensed pursuant to this chapter or an apprentice funeral director licensed pursuant to this chapter and under the direct or immediate supervision of a licensed funeral director as required by this chapter. The direct or immediate supervision requirement shall not extend to employees whose duties are limited to the business management activities of the establishment.

(c) No person shall operate a funeral services establishment in the District unless the person is licensed in accordance with this chapter. A separate funeral services establishment license shall be required for each location in the District.

(d) No person shall engage in the practice of funeral directing if the person is employed on a part-time or full-time basis by a nursing home, hospital, morgue, physician's office, the Office of the Chief Medical Examiner, or an ambulance service.

(d-1) A funeral services establishment shall not operate an emergency medical transport service with technicians or drivers who do not work exclusively for the medical transport service.

(e) No person licensed as a funeral director or apprentice funeral director, or licensed to operate a funeral services establishment shall allow any other person to use or practice under his or her license.

(f) No person shall perform funeral directing services at any funeral services establishment in the District unless he or she has on display at the establishment a valid current license to practice at that location. Any license issued pursuant to this chapter shall be good only for the location designated thereon.

(g) No person employed by a nursing home, hospital, morgue, physician's office, the Office of the Chief Medical Examiner, or an ambulance service shall inform a funeral services establishment, funeral director, or representative or employee of a funeral services establishment of a death or impending death at the institution if the person is employed for the purpose of facilitating solicitation, as defined in § 3-402(19), by the funeral services establishment, funeral director, representative, or employee.

(h) This chapter does not prohibit the provision of funeral, cremation, cemetery, or other mortuary services by an individual who is authorized to provide such services under Chapter 23C of Title 7 while an emergency declaration is in effect.

(May 22, 1984, D.C. Law 5-84, § 12, 31 DCR 1815; July 1, 2010, D.C. Law 18-184, § 14(a), 57 DCR 3655; Sept. 24, 2010, D.C. Law 18-223, § 2082(d), 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-2811.

Effect of Amendments

D.C. Law 18-184, in the section heading, inserted "; exemption for services provided during emergency"; and added subsec. (h).

D.C. Law 18-223 rewrote subsecs. (d) and (g); and added subsec. (d-1). Prior to amendment, subsecs. (d) and (g) read as follows:

"(d) No person shall be eligible to engage in the practice of funeral directing if the person is employed on a part-time or full-time basis by a nursing home, hospital, morgue, or ambulance service. A funeral services establishment may operate a licensed emergency medical transport service if the technicians and drivers of the service work exclusively for the medical transport service."

"(g) No person employed by a nursing home, hospital, morgue, or ambulance service shall inform any funeral services establishment, funeral director, or representative or employee of a funeral services establishment of

a death or impending death at the institution where the person is employed for the purpose of facilitating solicitation, as defined in § 3-402(19), by the funeral services establishment, funeral director, representative, or employee."

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2082(d) of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

For legislative history of D.C. Law 5-84, see Historical and Statutory Notes following § 3-401.

Law 18-184, the "Uniform Emergency Volunteer Health Practitioners Act of 2010", was introduced in Council and assigned Bill No. 18-71, which was referred to the Committee on Health, Public Safety and the Judiciary. The Bill was adopted on first and second readings on March 2, 2010, and March 16, 2010, respectively. Signed by the Mayor on April 26, 2010, it was assigned Act No. 18-383 and transmitted to both Houses of Congress for its review. D.C. Law 18- 184 became effective on July 1, 2010.

For Law 18-223, see notes following § 3-402.

§ 3-412. CLAIM OF HUMAN REMAINS--FUNERAL SERVICES ESTABLISHMENT ENTITLED; SETTLEMENT OF DISPUTED CLAIMS.

The funeral services establishment retained by the person authorized pursuant to § 3-413 shall be entitled to take possession of human remains. In the event that 2 or more establishments differ as to their legal right to take possession of human remains, they shall refer the matter to the Mayor or his or her designee for a decision.

(May 22, 1984, D.C. Law 5-84, § 13, 31 DCR 1815; May 24, 1996, D.C. Law 11-129, § 2(a), 43 DCR 1568.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-2812.

Legislative History of Laws

For legislative history of D.C. Law 5-84, see Historical and Statutory Notes following § 3-401.

Law 11-129, the "Human Remains Decisions Amendment Act of 1996," was introduced in Council and Assigned Bill No. 11-399, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on February 6, 1996, and March 5, 1996, respectively. Signed by the mayor on March 15, 1996, it was assigned Act No. 11-236 and transmitted to both Houses of Congress for its review. D. C. Law 11-129 became effective on May 24, 1996.

Delegation of Authority

Delegation of authority pursuant to Law 5-84, see Mayor's Order 87-186, August 3, 1987.

§ 3-413. CLAIM OF HUMAN REMAINS--ORDER OF PRIORITY OF NEXT OF KIN.

(a) Unless other directions have been given by the decedent, the right to control the disposition of the remains of a deceased person, the location and conditions of interment, and arrangements for funeral goods and services shall vest in the following in the order of priority named:

- (1) The competent surviving spouse, or domestic partner, as defined under § 32-701(3);
- (2) The sole surviving competent adult child of the decedent, or if there is more than one competent child of the decedent, the majority of the surviving competent adult children; provided, that less than a majority of the surviving competent adult children shall be vested with the rights and duties under this section if they have used reasonable efforts to notify all other surviving competent adult children of their instructions and are not aware of any opposition to those instructions by more than a majority of all surviving competent adult children;
- (3) The surviving competent parent or parents of the decedent; provided, that if one of the surviving competent parents is absent, the remaining competent parent shall be vested with the rights and duties under this section if reasonable efforts to locate the other parent are unsuccessful;
- (4) The surviving competent adult person in the next degrees of kindred; provided, that if there is more than one surviving competent adult person of the same degree of kindred, the rights and duties under this section shall be vested in the majority of those persons; provided further, that less than the majority of surviving competent adult persons of the same degree of kindred shall be vested with the rights and

duties of this section if those persons have used reasonable efforts to notify all other surviving competent adult persons of the same degree of kindred of their instructions and are not aware of any opposition to those instructions by more than a majority of all surviving competent adult persons of the same degree of kindred; and

(5) An adult friend or volunteer.

(b)(1) Any competent adult may decide the disposition of the individual's remains after death and without the pre-death or post-death consent of any other person by executing a document, in accordance with this section, which expresses the individual's wishes regarding the disposition of his or her body.

(2)(A) Notwithstanding any other provision of this section, any competent adult may designate an individual who shall be empowered to make decisions concerning the disposition of the human remains of the individual by executing a document in accordance with this section.

(B) The document shall include language that clearly communicates the individual's intent to have the person so designated make decisions regarding the disposition of the individual's human remains upon death. The document shall become effective upon the death of the individual choosing the representative.

(c) A document executed under subsection (b)(1) and (2) of this section shall be dated and signed by the individual delineating the disposition of his or her remains upon death under subsection (b)(1) of this section or designating a representative under subsection (b)(2) of this section.

(d) A person may revoke the document executed under this section in writing, at any time.

(e) A document executed under this section may be included as part of a document executed in accordance with subchapter II-A of Chapter 15 of Title 7.

(May 22, 1984, D.C. Law 5-84, § 14, 31 DCR 1815; May 24, 1996, D.C. Law 11-129, § 2(b), 43 DCR 1568; Oct. 3, 2001, D.C. Law 14-28, § 902(a), 48 DCR 6981; Apr. 15, 2008, D.C. Law 17-145, § 30(a), 55 DCR 2532; Mar. 25, 2009, D.C. Law 17-353, § 230(f), 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-2813.

Effect of Amendments

D.C. Law 14-28 rewrote subsec. (a) which had read as follows:

"(a) The oldest adult member of each class shall have prior claim of the human remains over the others in the same class, as follows: Spouse, adult child, father, mother, adult brother, adult sister, adult grandchild, adult nephew or niece, paternal grandparent, maternal grandparent, paternal uncle or aunt, maternal uncle or aunt, adult child of paternal uncle or aunt or adult child of maternal uncle or aunt, paternal great-grandparent, maternal great-grandparent, brother or sister of paternal grandparent, brother or sister of maternal grandparent, kindred of the spouse of the deceased in accordance with the preceding order of priority, or any adult friend or volunteer."

D.C. Law 17-145, in subsec. (e), substituted " subchapter II-A of Chapter 15 of Title 7" for "subchapter II of Chapter 15 of Title 7".

D.C. Law 17-353 validated a previously made technical correction in subsec. (e).

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(a) of Funeral Services Temporary Amendment Act of 2000 (D.C. Law 13-219, April 3, 2001, law notification 48 DCR 3461).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2(a) of the Funeral Services Emergency Amendment Act of 2000 (D.C. Act 13-445, November 7, 2000, 47 DCR 9209).

For temporary (90 day) addition of § 3-413.01, see § 2(b) of the Funeral Services Emergency Amendment Act of 2000 (D.C. Act 13-445, November 7, 2000, 47 DCR 9209).

For temporary (90 day) amendment of section, see § 2(a) of Funeral Services Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-8, March 2, 2001, 48 DCR 2487).

Legislative History of Laws

For legislative history of D.C. Law 5-84, see Historical and Statutory Notes following § 3-401.

For legislative history of D.C. Law 11-129, see Historical and Statutory Notes following § 3-401.

For Law 14-28, see notes following § 3-101.

Law 17-145, the "Uniform Anatomical Gift Revision Act of 2008", was introduced in Council and assigned Bill

No.17-58 which was referred to the Committee on Public Safety and Judiciary. The Bill was adopted on first and second readings on January 8, 2008, and February 5, 2008, respectively. Signed by the Mayor on February 25, 2008, it was assigned Act No. 17-311 and transmitted to both Houses of Congress for its review. D.C. Law 17-145 became effective on April 15, 2008.

For Law 17-353, see notes following § 3-308.

§ 3-413.01. DISPUTES.

Disputes concerning the rights to the control or the disposition of the remains of a deceased person shall be resolved by a court of competent jurisdiction. In resolving a dispute, the court shall consider the following factors:

- (1) The reasonableness, practicality, and resources available for payment for the proposed arrangements and final disposition;
- (2) The degree of the personal relationship between the decedent and each of the persons in the same degree of relationship to the decedent;
- (3) The expressed wishes and directions of the decedent and the extent to which the decedent has provided resources for the purpose of carrying out those wishes or directions; and
- (4) The degree to which the arrangements and final disposition will allow for participation by all who wish to pay respect to the decedent.

(May 22, 1984, D.C. Law 5-84, § 14a, as added Oct. 3, 2001, D.C. Law 14- 28, § 902(b), 48 DCR 6981.)

HISTORICAL AND STATUTORY NOTES

Temporary Addition of Section

For temporary (225 day) addition, see § 2(b) of Funeral Services Temporary Amendment Act of 2000 (D.C. Law 13-219, April 3, 2001, law notification 48 DCR 3461).

Emergency Act Amendments

For temporary (90 day) addition of section, see § 2(b) of Funeral Services Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-8, March 2, 2001, 48 DCR 2487).

Legislative History of Laws

For Law 14-28, see notes following § 3-101.

§ 3-414. SERVICES REQUIRING DIRECT SUPERVISION BY FUNERAL DIRECTOR.

The handling, preparation, or embalming of human remains which carried infectious or contagious diseases must at all times be done by a licensed funeral director, or in the case of an apprentice funeral director, under the direct supervision of a licensed funeral director.

(May 22, 1984, D.C. Law 5-84, § 15, 31 DCR 1815.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-2814.

Legislative History of Laws

For legislative history of D.C. Law 5-84, see Historical and Statutory Notes following § 3-401.

§ 3-415. COURTESY CARDS FOR FUNERAL DIRECTORS LICENSED IN MARYLAND OR VIRGINIA.

The Mayor shall issue rules and regulations pursuant to § 3-403(i) which shall prescribe the terms and conditions under which the District may grant courtesy cards to funeral directors duly licensed in the State of Maryland or the Commonwealth of Virginia. Courtesy cards shall be limited to authorizing a funeral director licensed in either state to enter the District for the purposes of filing the death certificate of a deceased person or transporting human remains to the state where the funeral director is licensed in order to perform funeral services. Courtesy cards shall not permit a funeral director licensed in Maryland or Virginia but not licensed in the District to maintain an office or agent in the District or to advertise in any manner in the District as practicing funeral directing in the District.

(May 22, 1984, D.C. Law 5-84, § 16, 31 DCR 1815.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-2815.

Legislative History of Laws

For legislative history of D.C. Law 5-84, see Historical and Statutory Notes following § 3-401.

§ 3-416. CHANGE OF ADDRESS OF LICENSEE.

(a) Any person holding a funeral director's license or an apprentice funeral director's license shall, within 5 days after any change of business or residence address, notify the Mayor in writing of the change.

(b) Any person holding a funeral services establishment license shall, within 5 days after any change of ownership or percentage of ownership, or location of establishment, notify the Mayor in writing of the change.

(May 22, 1984, D.C. Law 5-84, § 17, 31 DCR 1815.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-2816.

Legislative History of Laws

For legislative history of D.C. Law 5-84, see Historical and Statutory Notes following § 3-401.

§ 3-417. PENALTIES.

Any person who violates any provision of this chapter, or rules or regulations issued pursuant to this chapter shall, upon conviction thereof, be subject to a fine of not less than \$300 or more than \$1,000, or imprisonment for not more than 90 days, or both. Each act of unlawful practice shall constitute a distinct and separate offense. Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this chapter, or the rules or regulations issued under the authority of this chapter, pursuant to Chapter 18 of Title 2. Adjudication of any infractions shall be pursuant to Chapter 18 of Title 2.

(May 22, 1984, D.C. Law 5-84, § 18, 31 DCR 1815; Oct. 5, 1985, D.C. Law 6-42, § 404, 32 DCR 4450.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-2817.

Legislative History of Laws

For legislative history of D.C. Law 5-84, see Historical and Statutory Notes following § 3-401.

Law 6-42, the "Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985," was introduced in Council and assigned Bill No. 6-187, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on June 25, 1985, and July 9, 1985, respectively. Signed by the Mayor on July 16, 1985, it was assigned Act No. 6-60 and transmitted to both Houses of Congress for its review.

§ 3-418. PROSECUTIONS.

(a) Prosecution for violation of any provision of this chapter shall be conducted in the name of the District of Columbia in the Superior Court of the District of Columbia by the Corporation Counsel or his or her assistant.

(b) In order to constitute a violation under this chapter, it shall be necessary to prove in any prosecution or hearing only a single act prohibited by law without proving a general course of conduct.

(May 22, 1984, D.C. Law 5-84, § 19, 31 DCR 1815.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-2818.

Legislative History of Laws

For legislative history of D.C. Law 5-84, see Historical and Statutory Notes following § 3-401.

§ 3-419. INJUNCTIONS.

Whenever the Mayor finds that any person has engaged in, or is about to engage in, the unlawful practice of funeral directing or apprentice funeral directing, the unlawful operation of a funeral services establishment, or any act which constitutes or will constitute a violation of any provision of this chapter or rules and regulations issued pursuant thereto, the Mayor may make application to the Superior Court of the District of Columbia for an order enjoining unlawful practice or act. Upon a showing by the Mayor that person has engaged in, or is about to engage in, any unlawful practice or act, an injunction, restraining orders, or other orders as may be appropriate may be granted by the Court without bond.

(May 22, 1984, D.C. Law 5-84, § 20, 31 DCR 1815.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 2-2819.

Emergency Act Amendments

For temporary (90 day) addition of § 3-420, see § 2(c) of the Funeral Services Emergency Amendment Act of 2000 (D.C. Act 13-445, November 7, 2000, 47 DCR 9209).

Legislative History of Laws

For legislative history of D.C. Law 5-84, see Historical and Statutory Notes following § 3-401.

Delegation of Authority

Delegation of authority pursuant to Law 5-84, see Mayor's Order 87-186, August 3, 1987.

§ 3-420. RULES.

The Mayor may promulgate rules consistent with this chapter.

(May 22, 1984, D.C. Law 5-84, § 22a, as added Oct. 3, 2001, D.C. Law 14- 28, § 902(c), 48 DCR 6981.)

HISTORICAL AND STATUTORY NOTES

Temporary Addition of Section

For temporary (225 day) addition of section, see § 2(c) of Funeral Services Temporary Amendment Act of 2000 (D.C. Law 13-219, April 3, 2001, law notification 48 DCR 3461).

Emergency Act Amendments

For temporary (90 day) addition of section, see § 2(c) of Funeral Services Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-8, March 2, 2001, 48 DCR 2487).

Legislative History of Laws

For Law 14-28, see notes following § 3-101.

§ 3-421. SERVICES REQUIRING IMMEDIATE SUPERVISION BY A FUNERAL DIRECTOR.

An apprentice funeral director shall not perform the following services unless he or she is under the immediate supervision of a licensed funeral director:

- (1) The handling, preparation, or embalming of human remains;
- (2) The removal or transport of human remains;
- (3) Conducting or directing a funeral; or
- (4) Advising consumers making arrangements for the care and disposition of human remains, including arrangements made prior to the death of a person.

(May 22, 1984, D.C. Law 5-84, § 22b, as added Sept. 24, 2010, D.C. Law 18-223, § 2082(e), 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition of section, see § 2082(e) of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

For Law 18-223, see notes following § 3-402.