

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 418**

Introduced by Lonowski, 33; Andersen, 49; Cavanaugh, J., 9; Kauth, 31;  
McKeon, 41.

Read first time January 17, 2025

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the Funeral Directing and Embalming
- 2 Practice Act; to amend section 38-1424, Reissue Revised Statutes of
- 3 Nebraska; to allow a nonlicensed funeral director and embalmer to
- 4 officiate at a funeral ceremony; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** Section 38-1424, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           38-1424 (1) In addition to the grounds for disciplinary action found  
4 in sections 38-178 and 38-179, a credential issued under the Funeral  
5 Directing and Embalming Practice Act may be denied, refused renewal,  
6 limited, revoked, or suspended or have other disciplinary measures taken  
7 against it in accordance with section 38-196 when the applicant or  
8 credential holder is found guilty of any of the following acts or  
9 offenses:

10           (a) Solicitation of dead human bodies by the credential holder or  
11 his or her agents, assistants, or employees, either prior to or following  
12 death;

13           (b) The purchasing of funeral or embalming engagements or the  
14 payment of a commission either directly or indirectly or offer of payment  
15 of such commission to any agent, assistant, or employee for the purpose  
16 of securing business;

17           (c) Using indecent, profane, or obscene language in the presence of  
18 a dead human body or within the immediate presence or hearing of the  
19 family, relatives, or friends of the deceased prior to the burial of the  
20 deceased;

21           (d) Soliciting or accepting any remuneration, commission, bonus, or  
22 rebate in consideration of the recommending or causing a dead human body  
23 to be placed in any crematory, mausoleum, or cemetery;

24           (e) Using any casket or part thereof which has previously been used  
25 as a receptacle for, or in connection with, the shipment, burial, or  
26 other disposition of a dead human body without first identifying such  
27 item as used;

28           (f) Violations of any state law, municipal ordinance, or rule or  
29 regulation of the department or other body having regulatory powers,  
30 relating to the handling, custody, care, or transportation of dead human  
31 bodies;

1 (g) Refusal to surrender promptly the custody of a dead human body  
2 upon request of a person or persons lawfully entitled to the custody  
3 thereof; or

4 (h) Taking undue advantage of a patron or patrons, or being found  
5 guilty of fraud, or misrepresentation in the selling of merchandise or  
6 service to patrons.

7 (2) An applicant or a credential holder shall be subject to the  
8 penalty provisions of this section if found guilty of any of the  
9 following:

10 (a) Paying, directly or indirectly, any money or other thing of  
11 value as a commission or gratuity for the securing of business;

12 (b) The buying of a business of any person, firm, or corporation, or  
13 the paying of a commission to any person, firm, or corporation or to any  
14 hospital or any institution where death occurs or to any hospital  
15 superintendent, nurse, intern, or other employee, whether directly or  
16 indirectly; or

17 (c) Willful malpractice.

18 (3) Any funeral director and embalmer who commits any of the acts or  
19 things prohibited by this section or otherwise violates any of the  
20 provisions thereof shall be guilty of a Class II misdemeanor.

21 (4) Nothing in this section shall be construed to prohibit a  
22 licensed funeral director and embalmer from (a) engaging in sales of  
23 funeral goods or services under the Burial Pre-Need Sale Act or (b)  
24 allowing a nonlicensed funeral director and embalmer to officiate at a  
25 funeral ceremony.

26 **Sec. 2.** Original section 38-1424, Reissue Revised Statutes of  
27 Nebraska, is repealed.