

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 555**

Introduced by Riepe, 12.

Read first time January 22, 2025

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Funeral Directing and Embalming  
2 Practice Act; to amend sections 38-1401, 38-1402, 38-1413, and  
3 38-1424, Reissue Revised Statutes of Nebraska; to provide for  
4 assistant funeral directors; to provide for credentialing, scope of  
5 practice, collaborative agreements, restrictions on practice, and  
6 disciplinary actions; to harmonize provisions; to repeal the  
7 original sections; and to declare an emergency.  
8 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** Section 38-1401, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           38-1401 Sections 38-1401 to 38-1428 and sections 3 and 5 to 8 of  
4 this act shall be known and may be cited as the Funeral Directing and  
5 Embalming Practice Act.

6           **Sec. 2.** Section 38-1402, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8           38-1402 For purposes of the Funeral Directing and Embalming Practice  
9 Act and elsewhere in the Uniform Credentialing Act, unless the context  
10 otherwise requires, the definitions found in sections 38-1403 to 38-1413  
11 and section 3 of this act apply.

12           **Sec. 3.** Assistant funeral director means a person who assists a  
13 funeral director licensed pursuant to the Funeral Directing and Embalming  
14 Practice Act.

15           **Sec. 4.** Section 38-1413, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17           38-1413 Supervision means the direct oversight or the easy  
18 availability of the supervising funeral director and embalmer. The first  
19 twenty-five funeral assists and embalmings performed by an apprentice  
20 shall be completed under direct onsite supervision of the supervising  
21 funeral director and embalmer.

22           **Sec. 5.** To be eligible to enter into a collaborative agreement to  
23 act as an assistant funeral director, an individual shall provide  
24 evidence of successful completion of an approved jurisprudence  
25 examination in Nebraska law.

26           **Sec. 6.** Prior to acting as an assistant funeral director, the  
27 assistant funeral director shall be employed by a funeral director  
28 licensed pursuant to the Funeral Directing and Embalming Practice Act and  
29 shall be a party to a signed collaborative agreement with the licensed  
30 funeral director. An assistant funeral director may be so employed by  
31 more than one funeral director in Nebraska by being a party to a signed

1 collaborative agreement with each licensed funeral director.

2       **Sec. 7.** (1) An assistant funeral director may assist a funeral  
3 director licensed pursuant to the Funeral Directing and Embalming  
4 Practice Act with one or more of the principal functions of funeral  
5 directing, including the operation and management of a licensed funeral  
6 establishment. Such principal functions shall include, but not be limited  
7 to, conducting funeral services, arranging interments, working with  
8 families on funeral arrangements, and performing daily management and all  
9 permitted necessary funeral activities related to the operation of a  
10 licensed funeral establishment. The assistant funeral director shall  
11 perform all work under the supervision and control of the licensed  
12 funeral director.

13       (2) An assistant funeral director shall not engage in any aspect of  
14 the practice of embalming a dead human body. An assistant funeral  
15 director found to be in violation of this subsection shall have any  
16 collaborative agreement in Nebraska immediately terminated and employment  
17 in Nebraska as an assistant funeral director immediately terminated.

18       **Sec. 8.** A funeral director who is employing an assistant funeral  
19 director shall enter into a collaborative agreement with the assistant  
20 funeral director, supervise the assistant funeral director, and keep  
21 records of the collaborative agreement and the functions of the assistant  
22 funeral director.

23       **Sec. 9.** Section 38-1424, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25       38-1424 (1) In addition to the grounds for disciplinary action found  
26 in sections 38-178 and 38-179, a credential issued under the Funeral  
27 Directing and Embalming Practice Act may be denied, refused renewal,  
28 limited, revoked, or suspended or have other disciplinary measures taken  
29 against it in accordance with section 38-196 when the applicant or  
30 credential holder is found guilty of any of the following acts or  
31 offenses:

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

4 (b) The purchasing of funeral or embalming engagements or the  
5 payment of a commission either directly or indirectly or offer of payment  
6 of such commission to any agent, assistant, or employee for the purpose  
7 of securing business;

8 (c) Using indecent, profane, or obscene language in the presence of  
9 a dead human body or within the immediate presence or hearing of the  
10 family, relatives, or friends of the deceased prior to the burial of the  
11 deceased;

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

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

19 (f) Violations of any state law, municipal ordinance, or rule or  
20 regulation of the department or other body having regulatory powers,  
21 relating to the handling, custody, care, or transportation of dead human  
22 bodies;

23 (g) Refusal to surrender promptly the custody of a dead human body  
24 upon request of a person or persons lawfully entitled to the custody  
25 thereof; ~~or~~

26 (h) Taking undue advantage of a patron or patrons, or being found  
27 guilty of fraud, or misrepresentation in the selling of merchandise or  
28 service to patrons; or -

29 (i) Failure to comply with section 8 of this act.

30 (2) An applicant or a credential holder shall be subject to the  
31 penalty provisions of this section if found guilty of any of the

1 following:

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

4 (b) The buying of a business of any person, firm, or corporation, or  
5 the paying of a commission to any person, firm, or corporation or to any  
6 hospital or any institution where death occurs or to any hospital  
7 superintendent, nurse, intern, or other employee, whether directly or  
8 indirectly; or

9 (c) Willful malpractice.

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

13 (4) Nothing in this section shall be construed to prohibit a  
14 licensed funeral director and embalmer from engaging in sales of funeral  
15 goods or services under the Burial Pre-Need Sale Act.

16 **Sec. 10.** Original sections 38-1401, 38-1402, 38-1413, and 38-1424,  
17 Reissue Revised Statutes of Nebraska, are repealed.

18 **Sec. 11.** Since an emergency exists, this act takes effect when  
19 passed and approved according to law.