

[West's Arkansas Code Annotated](#)

[Title 17. Professions, Occupations, and Businesses \(Refs & Annos\)](#)

[Subtitle 2. Nonmedical Professions \(Chapters 10 to 79\)](#)

[Chapter 29. Embalmers, Funeral Directors, and Funeral Establishments \(Refs & Annos\)](#)

[Subchapter 4. Embalmers and Funeral Directors Law--Enforcement](#)

A.C.A. § 17-29-401

§ 17-29-401. Criminal penalties

Effective: July 1, 2018

[Currentness](#)

A person who practices the science of embalming, engages in the business of funeral directing, operates a funeral establishment, operates a crematorium, conducts cremations, transports human remains, or operates a transport service without a license under [§ 23-61-1101 et seq.](#) and [§ 17-29-301 et seq.](#) is guilty of a Class D felony and subject to the punishment prescribed for Class D felonies in the Arkansas Criminal Code.

Credits

Acts of 1985, Act 217, § 5; [Acts of 2015, Act 1095, § 39, eff. July 22, 2015](#); [Acts of 2017, Act 788, § 26, eff. July 1, 2018](#).

Formerly A.S.A. 1947, § 71-930.

A.C.A. § 17-29-401, AR ST § 17-29-401

The constitution and statutes are current through the 2020 First Extraordinary Session and the 2020 Fiscal Session of the 92nd Arkansas General Assembly and changes made by the Arkansas Code Revision Commission received through July 10, 2020.

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A.C.A. § 17-29-402

§ 17-29-402. Injunctions

Effective: July 1, 2018

[Currentness](#)

Without posting bond, the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services may petition the Pulaski County Circuit Court or the circuit court of the county where the violation occurred to enjoin violations of [§ 17-29-301 et seq.](#), [§ 23-61-1101 et seq.](#), or rules promulgated by the board.

Credits

Acts of 1985, Act 217, § 6; [Acts of 2015, Act 1095, § 40, eff. July 22, 2015](#); [Acts of 2017, Act 788, § 27, eff. July 1, 2018](#).

Formerly A.S.A. 1947, § 71-931.

A.C.A. § 17-29-402, AR ST § 17-29-402

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A.C.A. § 17-29-403

§ 17-29-403. Violations--Civil penalty

Effective: July 1, 2018

[Currentness](#)

(a) Whenever the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services, after a hearing conducted in accordance with the Arkansas Administrative Procedure Act, [§ 25-15-201 et seq.](#), determines that a person has violated any provision of [§ 17-29-301 et seq.](#), [§ 23-61-1101 et seq.](#), or the rules promulgated by the board, the board may impose a civil penalty on that person not to exceed ten thousand dollars (\$10,000) per violation.

(b) If a person against whom a civil penalty has been imposed by the board fails to pay the penalty, the board may file an action in the Pulaski County Circuit Court to collect the civil penalty.

(c) If the board prevails in the action, the defendant shall be directed to pay, in addition to the civil penalty, reasonable attorney's fees, and costs incurred by the board in prosecuting the action.

(d) Upon determination by the board that a licensee has committed malpractice, the board may suspend or revoke the license or impose the civil penalty provided in subsection (a) of this section or impose the civil penalty in addition to the suspension or revocation. Furthermore, the board may promulgate a code of conduct for its licensees, the violation of which may result in the imposition of the penalties prescribed in this subsection.

Credits

Acts of 1985, Act 217, § 2; Acts of 1989, Act 106, § 5; [Acts of 1997, Act 839, § 8](#); [Acts of 2015, Act 1095, § 41, eff. July 22, 2015](#); [Acts of 2017, Act 788, § 28, eff. July 1, 2018](#).

Formerly A.S.A. 1947, § 71-927.

A.C.A. § 17-29-403, AR ST § 17-29-403

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KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment§ 17-29-404. Repealed by Acts of 2017, Act 788, § 29, eff. July 1, 2018

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A.C.A. § 17-29-404

§ 17-29-404. Repealed by Acts of 2017, Act 788, § 29, eff. July 1, 2018

Effective: July 1, 2018

[Currentness](#)

Credits

[Acts of 2017, Act 788, § 29, eff. July 1, 2018.](#)

Formerly A.S.A. 1947, § 71-928; Acts of 1985, Act 217, § 3; [Acts of 2015, Act 1095, § 42, eff. July 22, 2015.](#)

A.C.A. § 17-29-404, AR ST § 17-29-404

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A.C.A. § 17-29-405

§ 17-29-405. Deposit and distribution of funds

Effective: July 1, 2018

[Currentness](#)

(a) All funds derived from civil penalties imposed by the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services shall be deposited into one (1) or more cash funds deposited to the State Treasury.

(b) The funds under this section shall be used by the board for administering the provisions of [§ 17-29-301 et seq.](#) and [§ 23-61-1101 et seq.](#)

Credits

Acts of 1985, Act 217, § 4; [Acts of 2017, Act 788, § 30, eff. July 1, 2018.](#)

Formerly A.S.A. 1947, § 71-929.

A.C.A. § 17-29-405, AR ST § 17-29-405

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