

Introduced: 4/4/74  
Referred: Health, Education &  
Social Services and Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 833

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the funeral service business;  
7 and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 18 is amended by adding a new chapter to read:

10 CHAPTER 42. FUNERAL SERVICE BUSINESSES.

11 Sec. 18.42.010. AUTHORITY OF DEPARTMENT. The department has  
12 jurisdiction over the operations of funeral service businesses under  
13 AS 08.44, AS 18.05.040(7) and this chapter. The department may  
14 adopt and enforce regulations relating to the operation of funeral  
15 service businesses.

16 Sec. 18.42.020. UNLAWFUL ACTS AND PRACTICES. It is unlawful  
17 for a funeral service business to

18 (1) use any deception, fraud, false pretense or misrepre-  
19 sentation in the conduct of its business;

20 (2) use false or misleading advertising;

21 (3) advertise goods or services with intent not to sell  
22 them as advertised;

23 (4) use a casket or part of a casket which has previously  
24 been used as a receptacle for or in connection with the burial or  
25 other disposition of a dead human body;

26 (5) refuse to surrender promptly the custody of a dead  
27 human body upon the express order of a person lawfully entitled to  
28 its custody;

29 (6) perform mass cremations without the consent of the

1 immediate family of each deceased person to be cremated;

2 (7) delay burial or cremation upon the condition of  
3 payment of a debt.

4 Sec. 18.42.030 VIOLATIONS: PENALTIES. A person who violates  
5 or aids a person in a violation of this chapter is

6 (1) guilty of a misdemeanor and upon conviction shall be  
7 imprisoned for up to six months or fined up to \$5,000 or both;

8 (2) subject to suspension or revocation of his embalmer's  
9 license or other license issued under AS 08.44;

10 (3) liable for total damages of \$5,000 to members of the  
11 immediate family, or to the closest living relative of the deceased  
12 person if there is no immediate family.

13 Sec. 18.42.040. VIOLATIONS: INJUNCTIONS. (a) The attorney  
14 general may maintain an action upon his own information or upon the  
15 complaint of a person against a person who violates a provision of  
16 this chapter.

17 (b) In an action under this section a final judgment in favor  
18 of the plaintiff will perpetually restrain the defendant from the  
19 commission or continuance of the acts complained of.

20 (c) A temporary injunction to restrain the commission or con-  
21 tinuance of the acts complained about under this section may be  
22 granted upon proof, by affidavit, that the defendant has violated a  
23 provision of this chapter.

24 (d) An action under this section is in addition to criminal  
25 proceedings under sec. 30 of this chapter.

26 Sec. 18.42.050. DEFINITIONS. In this chapter

27 (1) "department" means the Department of Health and Social  
28 Services;

29 (2) "funeral service business" means a business devoted to

1 or engaging in the care and preparation for burial or other disposi-  
2 tion of the body or major portion of the body of a deceased person;

3 (3) "immediate family" includes spouse, father, mother,  
4 brother, sister or children of a deceased person.

5 \* Sec. 2. This Act takes effect on the day after its passage and  
6 approval or on the day it becomes law without approval.

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