Regulatory Analysis

Notice of Intended Action to be published: 481—Chapters 900 and 901
"Funeral Directors, Funeral Establishments, and Cremation Establishments—Practice, Licensure"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A, 147, 156 and 272C
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A, 147, 156 and 272C

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

January 27, 2026 11 a.m.	Ledges Conference Room 6200 Park Avenue Des Moines, Iowa

Information on virtual attendance option will be available on the Department of Inspections, Appeals, and Licensing's website prior to the hearing.

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Emily DeRonde
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.249.7038
Email: emily.deronde@dia.iowa.gov

Purpose and Summary

This proposed rulemaking sets minimum standards for licensure as a funeral director or establishment in Iowa, as well as standards for registration as a removal technician. The purpose of this proposed rulemaking is to correct citations within the rules and to change procedures for removal technicians. The current removal technician rules have been in place for the past year, and now that they have been utilized, the Mortuary Science Board acknowledges necessary changes to assist in allowing removal technicians to assist funeral directors in Iowa.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

Licensees bear the costs of application fees, including initial and renewal fees, as well as costs related to educational requirements and examination requirements. The costs were reviewed during the Executive Order 10 Red Tape Review in the fall of 2023. The Board found that these costs are comparable to surrounding states' licensing fees.

- **Classes of persons that will benefit from the proposed rulemaking:**

The general public and licensees will benefit from this proposed rulemaking because it provides standards of practice for the licensees to ensure the public is receiving quality services. The public and

licensees also benefit from this proposed rulemaking because it allows more opportunity for the use of removal technicians to help the funeral directors and the industry as a whole.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

Educational institutions provide the academic training for funeral directors to obtain a license in the State of Iowa. Additional private industries and educational institutions provide examinations and materials for preparation for the examination. Because the cost of education is so variable depending on the institution the person attends, the Board is unable to determine an exact cost of education or examination preparation.

Licensing fees for a funeral director are $120 for an initial license and $120 for each biannual renewal period. Licensing fees for a funeral or cremation establishment are $90 for an initial license and $90 for each triennial renewal period.

- **Qualitative description of impact:**

Establishing minimum requirements for licensure ensures safety for the licensee and consumer. The cost of inaction would increase the potential for injury to the public by a licensee who is not qualified to perform the work in the field.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

Costs to the agency are for the staff time needed to manage Board activities, which include managing applications for initial licenses, renewals, and reinstatements. Staff salaries to support the work of the Board are covered by the Licensing and Regulation Fund. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

- **Anticipated effect on State revenues:**

Costs associated with implementing this proposed rulemaking are paid by individual licensees or establishments, not the State. There is no anticipated impact from this proposed rulemaking on State revenues.

Staff salaries to support the work of the board are covered by the Licensing and Regulation Fund. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Establishing minimum licensing requirements ensures that practitioners are competent to practice. Almost every person, at some point, will purchase or consume a funeral-related product or service. Without having an established threshold for entry into the profession, individuals who are not appropriately trained could have adverse effects on consumers who are making expensive decisions in stressful circumstances. The Board believes the cost to license this profession justifies the benefits achieved because it ensures Iowa consumers are protected.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

On a national level, there is a wide variety of alternatives to licensure. The state of Colorado registers the establishment as opposed to the individual. Arkansas does not require a funeral director to obtain college credits as long as the funeral director completes an apprenticeship and passes the national examination. The Board is committed to the idea that licensure of funeral directors and establishments is required to ensure a minimum competency of care is provided to Iowans. Licensure requirements could be reduced or eliminated for the purpose of lowering the bar of entry into the profession; however, the Board would be concerned about the public safety of Iowans in that scenario.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

The Board believes all current requirements ensure public safety and ensure a minimum competency of care is provided to Iowans. Licensure requirements could be reduced or eliminated for the purpose of lowering the bar of entry into the profession; however, the Board would be concerned about the public safety of Iowans in that scenario.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The Board believes all current requirements ensure public safety and ensure a minimum competency of care is provided to Iowans. Licensure requirements could be reduced or eliminated for the purpose of lowering the bar of entry into the profession; however, the Board would be concerned about the public safety of Iowans in that scenario.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking relates to high-stakes public safety concerns that are present whether the business is a small business or a large organization. This proposed rulemaking is meant to ensure public safety in terms of licensing requirements for funeral directors and establishments. While some funeral directors may be operating a funeral or cremation establishment of their own, others will be working for a firm that owns multiple establishments. To exempt small businesses from adhering to this proposed rulemaking would jeopardize any member of the public who sought services from that small business. The risk to the public is greater than the potential harm or cost to the small business.

Text of Proposed Rulemaking

ITEM 1. Rescind subrule **900.4(4)**.

ITEM 2. Amend rule **481—901.1(156)**, definition of "Reactivate," as follows:

"Reactivate" or *"reactivation"* means the process as outlined in rule ~~481—901.11(17A,147,272C)~~ 481—901.10(17A,147,272C) by which an inactive license is restored to active status.

ITEM 3. Amend subrule 901.3(1) as follows:

901.3(1) *Internship.*

a. to *j.* No change.

~~*k.* The intern will complete on a form provided by the board a confidential evaluation of the preceptorship program at the end of the internship. This form will be submitted before a funeral director license is issued to the intern.~~

~~*l.*~~ *k.* The intern must be approved and licensed following a successful internship before the intern may practice mortuary science.

ITEM 4. Amend paragraph **901.5(1)"k"** as follows:

k. Failure to comply with any of these rules will constitute grounds for discipline pursuant to 481—Chapter 904 and 481—Chapter 504 or civil penalties for unlicensed practice pursuant to 481—Chapter 905.

ITEM 5. Amend rule 481—901.9(17A,147,272C) as follows:

481—901.9(17A,147,272C) Reinstatement of a funeral establishment license or a cremation establishment license. For a funeral or cremation establishment license that has been revoked, suspended, or voluntarily surrendered, the owner must apply for and receive reinstatement of the license in accordance with rule ~~481—506.31(272C)~~ 481—506.32(272C) and must apply for and be granted reactivation of the license in accordance with rule ~~481—901.9(272C)~~ 481—901.10(17A,147,272C) prior to offering mortuary science services from that establishment in this state.

ITEM 6. Amend subparagraph **901.10(2)"a"(3)** as follows:

(3) Verification of completion of two hours of continuing education in current Iowa law and rules covering mortuary science content areas including, but not limited to, Iowa law and rules governing the practice of mortuary science, cremation, vital statistics, cemeteries and preneed. These 2 hours will be included as a part of the 24 hours required in ~~subparagraph 901.11(3)*"a"*(2).~~ 481—paragraph 902.3(2)*"f."*

ITEM 7. Amend subparagraph **901.10(2)"b"(2)** as follows:

(2) Verification of completion of 48 hours of continuing education that meet continuing education standards defined in 481—subrule 902.3(1) and 481—paragraphs 902.3(2)*"a," "b," "c,"* and *"e,"* within two years prior to filing the application for reactivation. Independent study identified in ~~481—paragraph 902.3(2)*"f"*~~ 481—paragraph 902.3(2)*"d"* will not exceed 24 hours of the 48 hours; and

ITEM 8. Amend rule 481—901.11(17A,147,272C) as follows:

481—901.11(17A,147,272C) Reinstatement of a funeral director license. A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with rule ~~481—506.31(272C)~~ 481—506.32(272C) and must apply for and be granted reactivation of the license in accordance with rule ~~481—901.11(17A,147,272C)~~ 481—901.10(17A,147,272C) prior to practicing as a funeral director in this state. The owner of a funeral home establishment whose establishment license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the establishment license and must apply for and be granted reactivation of the establishment license prior to reopening the funeral home establishment.

ITEM 9. Amend subrule 901.13(1) as follows:

901.13(1) A removal technician will serve under the direct supervision of an Iowa licensed funeral director, will only perform removals at the direction of the supervising funeral director, and may act in place of a funeral director only in performing a removal. Another funeral director, who is authorized by the supervising funeral director, may direct the removal technician in the temporary absence of the supervising funeral director.

ITEM 10. Amend paragraph **901.13(2)"c"** as follows:

c. Is ~~affiliated with~~ employed by a funeral establishment that has not had any formal disciplinary action within the past five years.

ITEM 11. Amend subrule 901.13(4) as follows:

901.13(4) The supervising funeral director will:

a. and *b.* No change.

c. Ensure the removal technician performs its duties as outlined in subrule ~~901.13(2)~~ 901.13(5);

d. No change.

e. Not have more than ~~four~~ six registered removal technicians employed by the same funeral establishment, or any funeral establishment owned, operated, or affiliated with that funeral establishment.