

INSPECTIONS AND APPEALS DEPARTMENT[481]

Regulatory Analysis

Notice of Intended Action to be published: 481—Chapters 900, 901, 904 and 905
“Practice and Licensure of Funeral Directors, Funeral Establishments, and Cremation Establishments;
Disciplinary Proceedings; and Enforcement Proceedings Against Nonlicensees”

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:

September 22, 2026
10 a.m.

6200 Park Avenue, Suite 100
Des Moines, Iowa

Information on virtual participation 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 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:

Michele Christiansen
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Email: michele.christiansen@dia.iowa.gov

Purpose and Summary

Chapters 900, 901, 904, and 905 set minimum standards for licensure, practice and discipline as a funeral director, crematory operator, funeral establishment or cremation establishment in Iowa, as well as standards for registration as a removal technician. The purpose of this proposed rulemaking is to add guidelines for a crematory operator, which is a new licensing type created in 2026 Iowa Acts, Senate File 563. All references to Iowa Code chapter 156 are to that chapter as amended by Senate File 563.

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.

• Classes of persons that will benefit from the proposed rulemaking:

The general public and licensees benefit from this rulemaking because the rules provide standards of practice for licensees to ensure the public is receiving quality services. The public and licensees

also benefit from these amendments because they maximize the safety of the public by now regulating the crematory operator.

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 their licenses in the State of Iowa. Additional private industries and educational institutions provide examinations and materials for preparation for examinations. Because the cost of education varies depending on the institution the person attends, the Board of Mortuary Science is unable to put an exact cost on the 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. Licensing fees for a crematory operator will be \$50 for an initial license and \$50 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 be increasing 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 rulemaking are paid by the State to develop a new license type in the database. This license type will generate revenue through licensing costs paid by the licensee. Crematory operators who are not already funeral directors will now need to become licensed and will pay licensing fees to the State.

Staff salaries to support the work of the Board are covered by the 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 are justified by the benefits achieved because licensing the profession ensures that 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 previously only registered the establishment, as opposed to the individual, and had several instances of bad behavior by individuals. Arkansas does not require funeral directors to obtain college credits as long as they complete an apprenticeship and pass the national examination. The Board believes that licensure of funeral directors, crematory operators and establishments is required to ensure that 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 that all current requirements ensure public safety and ensure that a minimum competency of care is provided to Iowans. The crematory operator license is an additional license type that will help ensure public safety. 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 that all current requirements ensure public safety and ensure that a minimum competency of care is provided to Iowans. The crematory operator license is an additional license type that will help ensure public safety. 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?

The proposed rulemaking relates to high-stakes public safety concerns that are present whether the business is a small business or a large organization. The 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 a small business from adhering to this 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. Adopt the following **new** definition of "Crematory operator" in rule **481—900.1(156)**:
"Crematory operator" means a person licensed by the board to operate a cremation establishment and crematory equipment.

ITEM 2. Amend subparagraph **900.10(1)"b"(1)** as follows:

- (1) The cremation establishment will furnish to any person who receives the cremated remains from the cremation establishment a receiving receipt containing:
1. to 5. No change.
 6. The name of the cremation establishment and licensed crematory operator and the date and time of the cremation.

ITEM 3. Amend rule **481—901.1(156)**, definition of "Licensee," as follows:

"Licensee" means ~~any person licensed to practice as a funeral director in the state of Iowa an~~
individual licensed pursuant to Iowa Code section 156.4 to practice in Iowa as a crematory

operator or funeral director; a person registered as a removal technician; or a person issued an establishment license pursuant to Iowa Code section 156.14 to establish, conduct, or maintain a funeral establishment or cremation establishment in Iowa.

ITEM 4. Adopt the following **new** rule 481—901.14(156):

481—901.14(156) Crematory operators—training and requirements.

901.14(1) A crematory operator is a person licensed by the board to operate a cremation establishment and crematory equipment.

901.14(2) A crematory operator will complete a specialized course in cremation, approved by the board, from a nationally recognized organization.

901.14(3) It is the responsibility of the crematory operator to maintain successful documentation of completion of the education and training program described in subrule 901.14(2).

901.14(4) A crematory operator seeking licensure will complete an application on forms provided by the board and remit a fee in the amount of \$50 to the board. The application will include the applicant's full name, date of birth, and home address; the license number of each funeral director or crematory operator employed by the establishment at the time of application; and the name and address of the funeral establishment or cremation establishment primarily employing the crematory operator. A license is effective for three years and may be renewed within 60 days of expiration.

901.14(5) The board will issue a crematory operator license to a funeral director who submits an application.

ITEM 5. Amend rule 481—904.3(17A,147,156,272C) as follows:

481—904.3(17A,147,156,272C) Grounds for discipline against ~~funeral directors~~ board of mortuary science-regulated persons. The board may initiate disciplinary action against a licensed funeral director or crematory operator or a registered removal technician based on Iowa Code section 156.9 and any of the following grounds:

904.3(1) to 904.3(4) No change.

904.3(5) Unlicensed practice.

a. to *c.* No change.

d. Knowingly aiding, assisting, procuring, advising, or allowing a person to unlawfully practice mortuary science or unlawfully operate a crematory establishment or crematory equipment, or aiding or abetting a licensee, license applicant or unlicensed person in committing any act or omission ~~which that~~ is grounds for discipline under this rule or is an unlawful act by a nonlicensee or nonregistrant under Iowa Code section 156.16.

904.3(6) and 904.3(7) No change.

904.3(8) Professional misconduct.

a. and *b.* No change.

c. Engaging in any conduct that subverts or attempts to subvert a board investigation, or failure to fully cooperate with a licensee disciplinary investigation or investigation against a nonlicensee or nonregistrant, including failure to comply with a subpoena issued by the board or to respond to a board inquiry within 30 calendar days of the date of mailing by certified mail of a written communication directed to the licensee's last address on file at the board office.

d. No change.

904.3(9) to 904.3(14) No change.

ITEM 6. Amend subrule 904.4(3) as follows:

904.4(3) The licensee or applicant knowingly aided, assisted, procured, or allowed a person to unlawfully practice mortuary science or unlawfully operate a crematory establishment or crematory equipment.

ITEM 7. Amend rule 481—904.6(17A,147,156,272C) as follows:

481—904.6(17A,147,156,272C) Board discretion in imposing disciplinary sanctions. Factors the board will consider when determining the nature and severity of the disciplinary sanction to be imposed, including whether to assess and the amount of civil penalties, include:

1. to 11. No change.
12. Whether the nonlicensee or nonregistrant acted in bad faith.
13. to 17. No change.

ITEM 8. Rescind rule 481—905.2(156) and adopt the following **new** rule in lieu thereof:

481—905.2(156) Unlawful practices. Practices by unlicensed persons or establishments that are subject to civil penalties include but are not limited to:

1. Acts or practices by unlicensed persons that require licensure as a funeral director under Iowa Code chapter 156.
2. Acts or practices by unlicensed establishments that require licensure as a funeral establishment or cremation establishment under Iowa Code chapter 156.
3. Acts or practices by unlicensed persons that require licensure as a crematory operator under Iowa Code chapter 156.
4. Acts or practices by unregistered persons that require registration as a removal technician under Iowa Code chapter 156.
5. Use of the words “funeral director,” “mortician,” “crematory operator,” “removal technician,” or other title in a manner that states or implies that the person is engaged in the practice of mortuary science as defined in Iowa Code chapter 156.
6. Use or attempted use of a licensee’s certificate or an expired, suspended, revoked, or nonexistent certificate.
7. Falsely impersonating a licensed funeral director or crematory operator or a registered removal technician.
8. Providing false or forged evidence of any kind to the board in obtaining or attempting to obtain a license or registration.
9. Other violations of Iowa Code chapter 156.
10. Knowingly aiding or abetting an unlicensed or unregistered person or establishment in any activity identified in this rule.

ITEM 9. Amend rule 481—905.3(156) as follows:

481—905.3(156) Investigations. The board is authorized by Iowa Code sections 17A.13(1) and 156.16 to conduct such investigations as are needed to determine whether grounds exist to impose civil penalties against a nonlicensee or nonregistrant. Such investigations will conform to the procedures outlined in this chapter. Complaint and investigatory files concerning nonlicensees or nonregistrants are not confidential except as may be provided in Iowa Code chapter 22.

ITEM 10. Amend rule 481—905.4(156) as follows:

481—905.4(156) Subpoenas. Pursuant to Iowa Code sections 17A.13(1) and 156.16, the board is authorized in connection with an investigation of an unlicensed or unregistered person or establishment to issue subpoenas to compel persons to testify and to compel persons to produce books, papers, records and any other real evidence, whether or not privileged or confidential under law, that the board deems necessary as evidence in connection with the civil penalty proceeding or relevant to the decision of whether to initiate a civil penalty proceeding. Board procedures concerning investigative subpoenas are set forth in rule 481—503.5(17A,272C).

ITEM 11. Amend rule 481—905.5(156) as follows:

481—905.5(156) Notice of intent to impose civil penalties. The notice of the board’s intent to issue an order to require compliance with Iowa Code chapter 156 and to impose a civil penalty will be

served upon the nonlicensee or nonregistrant by restricted certified mail, return receipt requested, or personal service in accordance with Iowa R. Civ.P. 1.305. Alternatively, the nonlicensee or nonregistrant may accept service personally or through authorized counsel. The notice will include the following:

1. to 4. No change.
5. Notice of the nonlicensee's or nonregistrant's right to a hearing and the time frame in which a hearing must be requested.
6. The address to which written request for a hearing must be made.

ITEM 12. Amend rule 481—905.6(156) as follows:

481—905.6(156) Requests for hearings.

905.6(1) Nonlicensees or nonregistrants must request a hearing within 30 days of the date the notice is received if served through restricted certified mail, or within 30 days of the date of service if service is accepted or made in accordance with Iowa R. Civ. P. 1.305. A request for hearing must be in writing and is deemed made on the date of the nonmetered United States Postal Service postmark or the date of personal service.

905.6(2) and **905.6(3)** No change.

905.6(4) A nonlicensed or nonregistered person who fails to timely request a contested case hearing will have failed to exhaust “adequate administrative remedies” as that term is used in Iowa Code section 17A.19(1).

905.6(5) A nonlicensed or nonregistered person who is aggrieved or adversely affected by the board’s final decision following a contested case hearing may seek judicial review as provided in Iowa Code section 17A.19.

905.6(6) A nonlicensee or nonregistrant may waive the right to hearing and all attendant rights and enter into a consent order imposing a civil penalty and requiring compliance with Iowa Code chapter 156 at any stage of the proceeding upon mutual consent of the board.

905.6(7) No change.

ITEM 13. Amend rule 481—905.7(156) as follows:

481—905.7(156) Factors to consider. The board may consider the following when determining the amount of civil penalty to impose, if any:

1. to 12. No change.
13. Whether the nonlicensee or nonregistrant acted in bad faith.
14. Whether the nonlicensee or nonregistrant cooperated with the board.