DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION

3100 Board of Funeral Services

1.0 Duties of the Officers

1.1 The President shall preside at all meetings, call meetings, sign certificates with other Board members or other forms that may be required by him or her by law.

1.2 In the absence of the President, the Secretary shall preside at the meetings and call meetings when the President is absent. However, the signatory duties of the President may not be transferred to the Secretary.

1.3 In accordance with 29 **Del.C.** §8807, the Division of Professional Regulation shall maintain and keep all records of licensed funeral directors in the State of Delaware issuing a number and date to each license.

1.4 The Division shall also cause to be collected all fees including license application fees, renewal fees or any other fee required to be paid in accordance with the provisions of 24 **Del.C.** Ch. 31, et.seq.

1.5 In accordance with the Freedom of Information Act, 29 **Del.C.** §10004(c), the Division of Professional Regulation shall publish an agenda of all meetings which shall include the time, dates and places of said meetings and an agenda. The Board shall also give public notice of the regular meetings and its intent to hold an executive session closed to the public at least seven days in advance. However, the agenda may be subject to change to include additional items not on the agenda including executive sessions closed to the public which arise at the time of the Board's meeting.

1.6 The Division of Professional Regulation shall insure that accurate and detailed minutes of all business to come before the Board at all Board meetings be transcribed in accordance with 29 **Del.C.** §8807 and 24 **Del.C.** §3103(d).

2.0 Licensure Requirements

2.1 Requirements for licensing of those applying for a Funeral Director's license in the State of Delaware. The qualifications of applicants for licensure as funeral director are contained in 24 **Del.C.** §3107(a)(1)-(9) and 24 **Del.C.** §3109.

2.2 An applicant who has attended a school or college fully accredited by the American Board of Funeral Service Education "ABFSE" or its successor and who, after attending such ABFSE accredited school or college, has received an Associate degree or its equivalent in mortuary science, wherein such "degree" required the successful completion of at least sixty (60) semester credit hours, shall be eligible for licensure as a funeral director in accordance with the educational requirements contained within 24 **Del.C.** §3107. The applicant shall request that a copy of an official transcript be sent to the Board.

2.3 The equivalent of an Associate Degree as that term is used in 24 **Del.C.** §3107 and herein is a certificate in mortuary science that required a minimum of thirty (30) semester credit hours. In addition to said certificate, sufficient semester credit hours earned from a regionally accredited institution of postsecondary education, so that the applicant has earned a total of at least sixty (60) semester credit hours, are required.

2.4 The Division, upon request of a registered intern or applicant seeking licensure via reciprocity, shall administer the State examination required by 24 **Del C.** §3107(a)(3) based solely upon the laws and regulations of Delaware which may govern, impact on, and relate to the profession including preneed funeral service contracts, consumer protection law and regulations, and laws and regulations governing crematories and cemeteries. An applicant for full licensure, whether via initial or reciprocal licensure, shall be deemed to have successfully passed the state examination with a minimum grade of 70%. The national examination required by 24 **Del. C.** §3107(a)(2) may be taken before or during the internship.

2.5 As required by 24 **Del.C.** §3107(a)(4), an applicant other than one seeking licensure via reciprocity shall satisfactorily complete an internship of one year's duration in a licensed Delaware funeral establishment under the auspices of a licensed Delaware funeral service practitioner. In order for an applicant to apply for an internship, the applicant shall have certified on a form approved by the Board that he or she has graduated from an accredited high school or its equivalent, and has received an Associate Degree or its equivalent in mortuary science, consisting of sixty (60) credit hours, from a school fully accredited by the ABFSE or its successor. Satisfactory completion of an internship requires a minimum of twenty-five (25) embalming reports

and four (4) completed quarterly work reports evidenced by a notarized statement by the sponsor. An intern may be given one extension of his or her internship for an additional year.

4 DE Reg. 159 (7/1/00)

3.0 Federal Trade Commission Regulations

A licensed funeral director in the State of Delaware shall comply with all Federal Trade Commission Regulations governing the pricing of funeral services and merchandise and the method of payment for funeral services as defined under 24 **Del.C.** §3101(7). Upon the issuance of a funeral director's license, a licensed funeral director represents that he/she is familiar with all Federal Trade Commission rules and regulations and shall abide by the same. A licensee may be subject to discipline pursuant to 24 **Del.C.** Ch. 31, et seq. if these rules or regulations have been violated by the licensee.

4.0 Establishment Permits

4.1 The Board shall issue and renew establishment permits as provided in 24 **Del.C.** §3117. As used herein, an establishment is the building or structure where the practice of providing funeral services is conducted.

4.2 Unless exempt under 24 **Del.C.** §3101(6), the building in which funeral services are provided shall contain a room having the fixtures necessary for the care and preparation of human remains for funeral service, burial, entombment or cremation.

4.2.1 A satellite funeral establishment is a place where the practice of providing funeral services is conducted at a location separate from the primary place of business.

4.2.2 A satellite funeral establishment retains the exemption only so long as it is continuously operated as an adjunct to the primary place of business.

4.3 Unless exempt under 24 **Del.C.** §3117(a)(2), a funeral establishment shall have a licensed funeral director in charge full time therein.

4.3.1 A funeral director is in charge full time so long as the director is on the premises when funeral services are being provided.

4.3.2 A business operating in a funeral establishment since September 6, 1972 retains an exemption under 24 **Del.C.** §3117(a)(2) only so long as the record owner of the business does not change.

4.4 All funeral establishments shall conform with the health and safety regulations promulgated by agencies of the State of Delaware have regulatory authority.

5 DE Reg. 606 (9/1/01)

5.0 Duplicate Certificate

Any licensed funeral director may obtain a duplicate funeral director's certificate upon proof of satisfactory evidence to the Board that the original has been lost or destroyed and a payment of a fee as set by the Division of Professional Regulation.

6.0 Suspension - Revocation or Lapse of Funeral Director's License

During any period a licensed funeral director's license has lapsed, been revoked or suspended by the Board in accordance with 24 **Del.C.** §§3111 or 3114, no other licensed funeral director in the State of Delaware may register death certificates or secure burial permits for the licensee whose license has been revoked, suspended or has lapsed. Nor shall the licensee whose license has lapsed, been revoked or suspended by the Board, be able to register death certificates or secure burial permits. The Board may notify the Division of Public Health, the Department of Health and Social Services, the Medical Examiner's Office or other appropriate state or federal agency that said funeral director is prohibited from practicing funeral services as defined by 24 **Del.C.** Ch. 31.

7.0 Cash Advance

7.1 A licensed funeral director in the State of Delaware is prohibited from billing or causing to be billed any item that is referred to as a "cash advance" item unless the net amount paid for such item is for funeral services in the same amount as is billed by the funeral director. A cash advance item is payment made by the funeral director for the consumer to a third party including but not limited to cemetery fees, crematory fees, death certificates and florists.

7.2 The effective date of these regulations is the 6th day of December, 1989 in accordance with 29 **Del.C.** §10118 (b).

7.3 The following rules are adopted by the board as a supplement to the Rules and Regulations governing the State Board of Funeral Services, previously adopted and promulgated on the 6th day of December, 1989 pursuant to 24 **Del.C.** §3105 (a)(1) and the Administrative Procedures Act, 29 **Del.C.** §10115.

8.0 Code of Ethics

8.1 The following is adopted as the code of ethics for all funeral service licensees in the State of Delaware.

8.1.1 As funeral directors, we herewith fully acknowledge our individual and collective obligation to the public, especially to those we serve, our mutual responsibilities for the proper welfare of the funeral services profession.

8.1.2 To the public we pledge: vigilant support of public health laws; proper legal regulations for the members of our profession; devotion to high moral and service standards; conduct befitting good citizens, honesty in all offerings of service and merchandise to the public and all business transactions.

8.1.3 To those we serve we pledge: confidential business and professional relationships; cooperation with the customs, laws, religions and creeds; observance of all respect due to the deceased; high standards of confidence and dignity in conduct of all services; truthful representation of all services and merchandise.

8.1.4 To our profession we pledge: support of high educational standards and proper licensing law; encouragement of scientific research; adherence to sound business practices; adoption of improved technique; observance of all the rules of fair competition and maintenance of favorable personnel relations.

9.0 Continuing Education Regulations

9.1 Board Authority

9.1.1 This rule is promulgated under the authority of 24 **Del.C.** §3105 which grants the Board of Funeral Services (hereinafter “the Board”) authority to provide for rules for continuing funeral services education as a prerequisite for license renewal.

9.2 Requirements

9.2.1 Every licensed funeral director in active practice shall complete at least 10 hours/credits of approved continuing education (hereinafter "CE") during the two year licensure period prior to the time of license renewal. Licensed funeral directors who are 65 years of age or older are exempt from the CE requirements.

9.2.2 All CE credit hours must further the licensee’s skills and understanding in the field of funeral services. Licensees who earn more than the required amount of CE credit hours during a given licensure period may carry over no more than 50% of the total CE credit hours required for the next licensure period.

9.2.3 When a Delaware licensee on inactive status files a written application to return to active practice with the Board, the licensee shall submit proof of having completed the required CE credit hours for the period just prior to the request to return to active practice.

9.3 Waiver of the CE Requirement

9.3.1 The Board has the power to waive any part of the entire CE requirement for good cause if the licensee files a written request with the Board. For example, exemptions to the CE requirement may be granted due to health, military service or economic hardship. Application for exemption shall be made in writing to the Board by the applicant for renewal and must be received by the Board no later than 60 days prior to the license renewal date. The Board shall decide the merits of each individual case at a regularly scheduled meeting.

9.3.2 Newly licensed funeral directors, including those newly licensed by reciprocity, are exempt during the time from initial licensure until the commencement of the first full licensure period.

9.4 Continuing Education Program Approval

9.4.1 Each contact hour (at least fifty minutes) is equivalent to 1.0 CE credit hour. One college credit hour is equivalent to 5 CE credit hours.

9.4.2 Eligible program providers or sponsors include but are not limited to, educational institutions, government agencies, professional or trade associations and foundations and private firms.

9.4.3 Programs approved by the Academy of Funeral Service Practitioners (AFSP) are automatically approved and need not be submitted to the Board.

9.4.4 Sources of CE credits include but are not limited to the following:

- Programs sponsored by national funeral service organizations.
- Programs sponsored by state associations.
- Program provided by local associations.
- Programs provided by suppliers.
- Independent study courses for which there is an assessment of knowledge.
- College courses.

9.4.5 The recommended areas include but are not limited to the following:

- Grief counseling
- Professional conduct, business ethics or legal aspects relating to practice in the profession.
- Business management concepts relating to delivery of goods and services.
- Technical aspects of the profession.
- Public relations.
- After care counseling.

9.4.6 Application for CE program approval shall include the following:

9.4.6.1 Date and location.

9.4.6.2 Description of program subject, material and content.

9.4.6.3 Program schedule to time segments in subject content areas for which approval of, and determination of credit is required.

9.4.6.4 Name of instructor(s), background, expertise.

9.4.6.5 Name and position of person making request for program approval.

9.4.7 Requests for CE program approval shall be submitted to the Board on the application provided by the Board. Application for approval may be made after the program; however, if the program is not approved, the applicant will be notified and no credit given.

9.4.8 The CE credits shall be valid for the biennial renewal cycle in which they are approved. Changes in any aspect of the approved program shall render the approval invalid and the presenter will be responsible for making reapplication to the Committee.

9.4.9 Upon request, the Board shall mail a current list of all previously approved programs.

9.5 Certification of Continuing Education - Verification and Reporting

9.5.1 The program provider/sponsor has sole responsibility for the accurate monitoring of program attendance. Certificates of attendance shall be supplied by the program provider/sponsor and be distributed only at the completion of the program.

9.5.2 Verification of completion of an independent study program will be made with a student transcript.

9.5.3 The funeral director licensee shall maintain all original certificates of attendance for CE programs for the entire licensure period. A licensee who carries over credits from a prior licensure period must also maintain original certificates of attendance for all CE programs for any period from which credits are carried over.

9.5.4 Proof of continuing education is satisfied with an attestation by the licensee that he or she has satisfied the requirements of Rule 9.2.1.

9.5.4.1 Attestation may be completed electronically if the renewal is accomplished online. In the alternative, paper renewal documents that contain the attestation of completion may be submitted.

9.5.4.2 Licensees selected for random audit will be required to supplement the attestation with attendance verification pursuant to Rule 9.3.5.3.

9.5.5 Random audits will be performed by the Board to ensure compliance with the CEU requirements.

9.5.5.1 The Board will notify licensees within sixty (60) days after August 31 that they have been selected for audit.

9.5.5.2 Licensees selected for random audit shall be required to submit verification within ten (10) days of receipt of notification of selection for audit.

9.5.5.3 Verification shall include such information necessary for the Board to assess whether the course or other activity meets the CE requirements in Section 9.4, which may include, but is not limited to, the following information:

- Proof of attendance;
- Date of CE course;
- Instructor of CE course;

- Sponsor of CE course;
- Title of CE course; and
- Number of hours of CE course.

9.5.6 If a licensee fails to meet the CE requirement at the time of renewal, the Board may impose discipline as permitted under Section 3114. In its discretion, the Board may permit the licensee to obtain the CE credits within a time period prescribed by the Board while maintaining an active license.

5 DE Reg. 606 (09/01/01)

9 DE Reg. 262 (08/01/05)

10 DE Reg. 1154 (01/01/07)

12 DE Reg. 1335 (04/01/09)

16 DE Reg. 655 (12/01/12)

10.0 Voluntary Treatment Option for Chemically Dependent or Impaired Professionals

10.1 If the report is received by the chairperson of the regulatory Board, that chairperson shall immediately notify the Director of Professional Regulation or his/her designate of the report. If the Director of Professional Regulation receives the report, he/she shall immediately notify the chairperson of the regulatory Board, or that chairperson's designate or designates.

10.2 The chairperson of the regulatory Board or that chairperson's designate or designates shall, within 7 days of receipt of the report, contact the individual in question and inform him/her in writing of the report, provide the individual written information describing the Voluntary Treatment Option, and give him/her the opportunity to enter the Voluntary Treatment Option.

10.3 In order for the individual to participate in the Voluntary Treatment Option, he/she shall agree to submit to a voluntary drug and alcohol screening and evaluation at a specified laboratory or health care facility. This initial evaluation and screen shall take place within 30 days following notification to the professional by the participating Board chairperson or that chairperson's designate(s).

10.4 A regulated professional with chemical dependency or impairment due to addiction to drugs or alcohol may enter into the Voluntary Treatment Option and continue to practice, subject to any limitations on practice the participating Board chairperson or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate may, in consultation with the treating professional, deem necessary, only if such action will not endanger the public health, welfare or safety, and the regulated professional enters into an agreement with the Director of Professional Regulation or his/her designate and the chairperson of the participating Board or that chairperson's designate for a treatment plan and progresses satisfactorily in such treatment program and complies with all terms of that agreement. Treatment programs may be operated by professional Committees and Associations or other similar professional groups with the approval of the Director of Professional Regulation and the chairperson of the participating Board.

10.5 Failure to cooperate fully with the participating Board chairperson or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate in regard to the Voluntary Treatment Option or to comply with their requests for evaluations and screens may disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Board chairperson or that chairperson's designate or designates shall cause to be activated an immediate investigation and institution of disciplinary proceedings, if appropriate, as outlined in subsection 10.8 of this section.

10.6 The Voluntary Treatment Option may require a regulated professional to enter into an agreement which includes, but is not limited to, the following provisions:

10.6.1 Entry of the regulated professional into a treatment program approved by the participating Board. Board approval shall not require that the regulated professional be identified to the Board. Treatment and evaluation functions must be performed by separate agencies to assure an unbiased assessment of the regulated professional's progress.

10.6.2 Consent to the treating professional of the approved treatment program to report on the progress of the regulated professional to the chairperson of the participating Board or to that chairperson's designate or designates or to the Director of the Division of Professional Regulation or his/her designate at such intervals as required by the chairperson of the participating Board or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate, and such person making such report will not be liable when such reports are made in good faith and without malice.

10.6.3 Consent of the regulated professional, in accordance with applicable law, to the release of any treatment information from anyone within the approved treatment program.

10.6.4 Agreement by the regulated professional to be personally responsible for all costs and charges associated with the Voluntary Treatment Option and treatment program(s). In addition, the Division of Professional Regulation may assess a fee to be paid by the regulated professional to cover administrative costs associated with the Voluntary Treatment Option. The amount of the fee imposed under this subparagraph shall approximate and reasonably reflect the costs necessary to defray the expenses of the participating Board, as well as the proportional expenses incurred by the Division of Professional Regulation in its services on behalf of the Board in addition to the administrative costs associated with the Voluntary Treatment Option.

10.6.5 Agreement by the regulated professional that failure to satisfactorily progress in such treatment program shall be reported to the participating Board's chairperson or his/her designate or designates or to the Director of the Division of Professional Regulation or his/ her designate by the treating professional who shall be immune from any liability for such reporting made in good faith and without malice.

10.6.6 Compliance by the regulated professional with any terms or restrictions placed on professional practice as outlined in the agreement under the Voluntary Treatment Option.

10.7 The regulated professional's records of participation in the Voluntary Treatment Option will not reflect disciplinary action and shall not be considered public records open to public inspection. However, the participating Board may consider such records in setting a disciplinary sanction in any future matter in which the regulated professional's chemical dependency or impairment is an issue.

10.8 The participating Board's chairperson, his/her designate or designates or the Director of the Division of Professional Regulation or his/her designate may, in consultation with the treating professional at any time during the Voluntary Treatment Option, restrict the practice of a chemically dependent or impaired professional if such action is deemed necessary to protect the public health, welfare or safety.

10.9 If practice is restricted, the regulated professional may apply for unrestricted licensure upon completion of the program.

10.10 Failure to enter into such agreement or to comply with the terms and make satisfactory progress in the treatment program shall disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Board shall be notified and cause to be activated an immediate investigation and disciplinary proceedings as appropriate.

10.11 Any person who reports pursuant to this section in good faith and without malice shall be immune from any civil, criminal or disciplinary liability arising from such reports, and shall have his/her confidentiality protected if the matter is handled in a nondisciplinary matter.

10.12 Any regulated professional who complies with all of the terms and completes the Voluntary Treatment Option shall have his/her confidentiality protected unless otherwise specified in a participating Board's rules and regulations. In such an instance, the written agreement with the regulated professional shall include the potential for disclosure and specify those to whom such information may be disclosed.

11.0 Crimes substantially related to the provision of Funeral Services

11.1 Conviction of any of the following crimes, or of the attempt to commit or of a conspiracy to commit or conceal or of the solicitation to commit any of the following crimes, is deemed to be a crime substantially related to the provision of Funeral Services in the State of Delaware without regard to the place of conviction:

11.1.1 Abuse of a pregnant female in the second degree. 11 **Del.C.** §605.

11.1.2 Abuse of a pregnant female in the first degree. 11 **Del.C.** §606.

11.1.3 Assault in the second degree. 11 **Del.C.** §612.

11.1.4 Assault in the first degree. 11 **Del.C.** §613.

11.1.5 Felony abuse of a sports official. 11 **Del.C.** §614**.**

11.1.6 Assault by abuse or neglect. 11 **Del.C.** §615.

11.1.7 Unlawfully administering of drugs. 11 **Del.C.** §625.

11.1.8 Unlawfully administering controlled substance or counterfeit substance or narcotic drugs. 11 **Del.C.** §626.

11.1.9 Prohibited acts as to substances releasing vapors or fumes. 11 **Del.C.** §627.

11.1.10 Manslaughter. 11 **Del.C.** §632.

11.1.11 Murder by abuse or neglect in the second degree. 11 **Del.C.** §633.

11.1.12 Murder by abuse or neglect in the first degree.11 **Del.C.** §634.
11.1.13 Murder in the second degree. 11 **Del.C.** §635.
11.1.14 Murder in the first degree. 11 **Del.C.** §636.
11.1.15 Promoting suicide. 11 **Del.C.** §645
11.1.16 Abortion. 11 **Del.C.** §651
11.1.17 Self-abortion.11 **Del.C.** §652
11.1.18 Issuing abortion articles. 11 **Del.C.** §653
11.1.19Unlawful sexual contact in the third degree.11 **Del.C.** §767
11.1.20 Unlawful sexual contact in the second degree.11 **Del.C.** §768
11.1.21 Unlawful sexual contact in the first degree. 11 **Del.C.** §769
11.1.22 Rape in the fourth degree. 11 **Del.C.** §770
11.1.23 Rape in the third degree. 11 **Del.C.** §771
11.1.24 Rape in the second degree. 11 **Del.C.** §772
11.1.25 Rape in the first degree. 11 **Del.C.** §773
11.1.26 Sexual extortion. 11 **Del.C.** §776
11.1.27 Bestiality. 11 **Del.C.** §777
11.1.28 Continuous sexual abuse of a child. 11 **Del.C.** §778
11.1.29 Dangerous crimes against a child. 11 **Del.C.** §779
11.1.30 Female genital mutilation.11 **Del.C.** §780
11.1.31 Kidnapping in the second degree. 11 **Del.C.** §783
11.1.32 Kidnapping in the first degree. 11 **Del.C.** §783A
11.1.33 Acts constituting coercion. 11 **Del.C.** §791
11.1.34 Arson in the third degree. 11 **Del.C.** §801
11.1.35 Arson in the second degree. 11 **Del.C.** §802
11.1.36 Arson in the first degree.11 **Del.C.** §803
11.1.37 Reckless burning or exploding. 11 **Del.C.** §804
11.1.38 Burglary in the third degree. 11 **Del.C.** §824
11.1.39 Burglary in the second degree. 11 **Del.C.** §825
11.1.40 Burglary in the first degree. 11 **Del.C.** §826
11.1.41 Possession of burglar's tools or instruments facilitating theft. 11 **Del.C.** §828
11.1.42 Robbery in the second degree.11 **Del.C.** §831
11.1.43 Robbery in the first degree. 11 **Del.C.** §832
11.1.44 Carjacking in the second degree.11 **Del.C.** §835
11.1.45 Carjacking in the first degree. 11 **Del.C.** §836
11.1.46 Felony theft. 11 **Del.C.** §841
11.1.47 Theft; lost or mislaid property. 11 **Del.C.** §842
11.1.48 Theft; false pretense. 11 **Del.C.** §843
11.1.49 Extortion 11 **Del.C.** §844
11.1.50Theft, extortion; claim of right as an affirmative defense. 11 **Del.C.** §846
11.1.51 Misapplication of property. 11 **Del.C.** §848
11.1.52 Use, possession manufacture, distribution and sale of unlawful telecommunication and access devises. 11 **Del.C.** §850
11.1.53 Receiving stolen property. 11 **Del.C.** §851
11.1.54Unauthorized use of a vehicle. 11 **Del.C.** §853
11.1.55 Identity theft. 11 **Del.C.** §854
11.1.56 Forgery. 11 **Del.C.** §861
11.1.57 Possession of forgery devices. 11 **Del.C.** §862
11.1.58 Falsifying business records. 11 **Del.C.** §871
11.1.59 Tampering with public records in the second degree. 11 **Del.C.** §873

11.1.60 Tampering with public records in the first degree. 11 **Del.C.** §876
11.1.61 Offering a false instrument for filing. 11 **Del.C.** §877
11.1.62 Issuing a false certificate. 11 **Del.C.** §878
11.1.63 Bribery.11 **Del.C.** §881
11.1.64 Bribe receiving. 11 **Del.C.** §882
11.1.65 Unlawful use of credit card. 11 **Del.C.** §903
11.1.66 Reencoder and scanning devices. 11 **Del.C.** §903A
11.1.67 Criminal impersonation. 11 **Del.C.** §907
11.1.68 Criminal impersonation, accident related. 11 **Del.C.** §907A
11.1.69Criminal impersonation of a police officer. 11 **Del.C.** §907B
11.1.70 Unlawfully concealing a will. 11 **Del.C.** §908
11.1.71 Securing execution of documents by deception. 11 **Del.C.** §909
11.1.72 Insurance fraud. 11 **Del.C.** §913
11.1.73 Use of consumer identification information. 11 **Del.C.** §914
11.1.74 Use of credit card information. 11 **Del.C.** §915
11.1.75 Unauthorized access. 11 **Del.C.** §932
11.1.76 Misuse of computer system information. 11 **Del.C.** §935
11.1.77 Endangering the welfare of a child. 11 **Del.C.** §1102
11.1.78 Endangering the welfare of an incompetent person. 11 **Del.C.** §1105
11.1.79 Unlawfully dealing with a child. 11 **Del.C.** §1106
11.1.80 Sexual exploitation of a child. 11 **Del.C.** §1108
11.1.81 Unlawfully dealing in child pornography. 11 **Del.C.** §1109
11.1.82 Possession of child pornography. 11 **Del.C.** §1111
11.1.83 Sexual solicitation of a child. 11 **Del.C.** §1112A
11.1.84 Perjury in the second degree. 11 **Del.C.** §1222
11.1.85 Perjury in the first degree. 11 **Del.C.** §1223
11.1.86 Making a false written statement. 11 **Del.C.** §1233
11.1.87Tampering with physical evidence. 11 **Del.C.** §1269
11.1.88 Hate crimes. 11 **Del.C.** §1304
11.1.89 Aggravated harassment. 11 **Del.C.** §1312
11.1.90 Abusing a corpse. 11 **Del.C.** §1332
11.1.91 Trading in human remains and associated funerary objects. 11 **Del.C.** §1333
11.1.92 Adulteration. 11 **Del.C.** §1339
11.1.93 Desecration of a burial place. 11 **Del.C.** §1340
11.1.94 Act of intimidation. 11 **Del.C.** §3532
11.1.95 Aggravated act of intimidation. 11 **Del.C.** §3533
11.1.96 Attempt to intimidate. 11 **Del.C.** §3534.
11.1.97 Alteration, theft, or destruction of will. 12 **Del.C.** §210
11.1.98 Abuse, Neglect Mistreatments or Financial Exploitation of residents or patients. 16 **Del.C.** §1136
11.1.99 Controlled substance prohibited acts A. 16 **Del.C.** §4751
11.1.100Controlled substance prohibited acts B. 16 **Del.C.** §4752.
11.1.101Trafficking in marijuana, cocaine, illegal drugs, methamphetamines, L.S.D., or designer drugs. 16 **Del.C.** §4753A
11.1.102Possession and delivery of noncontrolled prescription drug. 16 **Del.C.** §4754A (d) E felony
11.1.103Hypodermic syringe or needle delivering or possessing; disposal; exceptions. 16 **Del.C.** §4757
11.1.104Distribution to persons under 21 years of age. 16 **Del.C.** §4761
11.1.105Purchase of drugs from minors. 16 **Del.C.** §4761A
11.1.106Distribution, delivery, or possession of controlled substance within 1,000 feet of school property. 16 **Del.C.** §4767

11.1.107 Distribution, delivery or possession of controlled substance in or within 300 feet of park, recreation area, church, synagogue or other place of worship. 16 **Del.C.** §4768

11.1.108 Duty of driver involved in accident resulting in injury or death to any person. 21 **Del.C.** §4202

11.2 Crimes substantially related to the provision of Funeral Services shall be deemed to include any crimes under any federal law, state law, or valid town, city or county ordinance, that are substantially similar to the crimes identified in this rule.

12.0 Standards for Advertising by Funeral Directors.

The Purpose of these standards is to protect the general public and to prohibit false, misleading, untrue or deceptive advertising practices by licensees.

12.1 Definitions

12.1.1 "**Advertise**," "**advertising**," or "**promotional medium**" means the use of printed media, radio, television, billboards, the internet, stationary, contracts, price lists, calendars, fans, novelty items, or any other advertising method or medium.

12.1.2 For the purposes of this rule, "funeral establishment" means any licensed place used in the care and preparation of human remains for funeral services.

12.2 General Rule

12.2.1 A licensee may not make or cause to be made an inaccurate or deceptive statement, representation, guaranty, warranty, testimonial or endorsement through advertising or promotional medium.

12.2.2 A licensee shall be accountable under this regulation if the licensee uses an agent or partnership to implement actions prohibited by this regulation.

12.2.3 A licensee who violates these regulations regarding advertising may be guilty of consumer fraud, deception, restraint of completion, or price fixing and may be disciplined pursuant to 24 **Del.C.** §3112(a)(5) and subjected to the disciplinary sanctions set forth in 24 **Del.C.** §3114.

12.3 Prohibitions

12.3.1 A licensee shall not use, publish or disseminate any false, misleading, untrue or deceptive advertising in any manner.

12.3.2 The contents of any advertising shall include the name of the funeral establishment, its address and its business phone number.

12.3.3 An advertisement shall not contain any representations that the licensee is willing to provide services which are illegal under the laws or regulations of the State of Delaware or the United States.

12.3.4 A licensee shall not engage in solicitation from a dying individual or the relatives of a dying individual other than through general advertising.

12.3.5 Any mention of fees in an advertisement shall disclose any relevant variables that would affect that fee so that the statement can not be misunderstood or deceptive to the general public.

5 DE Reg. 606 (09/01/01)

8 DE Reg. 1285 (03/01/05)

9 DE Reg. 262 (08/01/05)

10 DE Reg. 1154 (01/01/07)

12 DE Reg. 1335 (04/01/09)

16 DE Reg. 106 (07/01/12)

16 DE Reg. 655 (12/01/12)