



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

FUNERAL SERVICES AND PROFESSIONS ACT GENERAL REGULATIONS

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For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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FUNERAL SERVICES AND PROFESSIONS ACT

Chapter F-15.2

GENERAL REGULATIONS

Pursuant to section 67 of the *Funeral Services and Professions Act* R.S.P.E.I. 1988, Cap. F-17, the Board made the following regulations, with the approval of the Lieutenant Governor in Council:

Interpretation

1. Definitions

- (1) In these regulations,
- (a) “**Act**” means the *Funeral Services and Professions Act* R.S.P.E.I. 1988, Cap. F-17;
 - (b) “**embalming room**” means a room designated for performing embalming;
 - (c) “**holding room**” means a room designated for holding human remains and preparing, other than embalming, human remains for bereavement rites or ceremonies and disposition.

Funeral services

- (2) For the purpose of subclause 1(1)(y)(iii) of the Act, “funeral services” include the care and preparation, other than embalming, of human remains for donation in accordance with the *Human Tissue Donation Act* R.S.P.E.I. 1988, Cap. H-12.1. (EC664/15)

Information

2. Information in Register

- (1) In addition to the information required under clauses 10(3)(a) and (b) of the Act, the Registrar shall enter in the Register
- (a) with respect to each licensee
 - (i) the expiry date of his or her license, and
 - (ii) any terms and conditions on his or her license;
 - (b) with respect to each Funeral Director, Embalmer or apprentice
 - (i) any pending disciplinary matters respecting the licensee, and
 - (ii) any orders made by an investigation committee or discipline committee respecting the licensee; and
 - (c) with respect to each operator

- (i) the name of a primary contact for the funeral home, embalming facility or transfer service operated under the operator's license,
- (ii) where the operator is a corporation, the names and contact information of each director, officer and shareholder of the corporation, and
- (iii) any pending enforcement matters or orders made by the Board respecting the operator.

Information available to public

- (2) The Registrar shall make the information recorded in the Register available to the public by electronic or other means, without charge, during regular business hours. *(EC664/15)*

3. Notice regarding employees

- (1) On commencing the operation of a funeral home or embalming facility, the operator shall promptly notify the Registrar of the names of, and such other information as the Registrar may require respecting, each Funeral Director, Embalmer and apprentice who is employed or engaged at the funeral home or embalming facility.

Notice of changes in information

- (2) A licensee shall notify the Registrar promptly of any changes in information that the licensee is required to provide to the Registrar under the Act or these regulations. *(EC664/15)*

Education and Training Requirements for License**4. Apprenticeship training, funeral services**

- (1) For the purpose of paragraph 12(3)(d)(i)(B) of the Act, the prescribed period of apprenticeship training in funeral services is 6 months.

Idem

- (2) For the purpose of subclause 12(3)(d)(ii) of the Act, the prescribed period of apprenticeship training in funeral services is 12 months.

Actively providing funeral services

- (3) For the purpose of subclause 12(3)(f)(i) of the Act, an applicant has been actively providing funeral services if he or she has provided funeral services as a funeral director at a funeral home in relation to at least 10 contracts for funeral services in the 12 months immediately preceding the date of the application. *(EC664/15)*

5. Apprenticeship training, embalming

- (1) For the purposes of paragraph 13(3)(d)(i)(B) of the Act, the prescribed period of apprenticeship training in embalming is 14 months.

Idem

- (2) For the purpose of subclause 13(3)(d)(ii) of the Act, the prescribed period of apprenticeship training in embalming is 24 months.



Actively performing embalming

- (3) For the purpose of subclause 13(3)(f)(i) of the Act, an applicant has been actively performing embalming if he or she has performed at least 20 embalmings as an embalmer in the 12 months immediately preceding the date of the application. (EC664/15)

Transitional**6. Engaged in providing funeral services**

- (1) For the purpose of clause 12(6)(c) of the Act, a person is engaged in providing funeral services at a funeral home if he or she has provided funeral services, other than as an apprentice, at a funeral home at any time during the 12 months immediately preceding the date these regulations come into force.

Engaged in performing embalming

- (2) For the purpose of clause 13(6)(c) of the Act, a person is engaged in embalming if he or she has performed embalming, other than as an apprentice, at any time during the 12 months immediately preceding the date these regulations come into force.

Engaged in apprenticeship training

- (3) For the purpose of clause 14(5)(b) of the Act, a person is engaged in apprenticeship training in the provision of funeral services with a person referred to in subsection 12(6) of the Act if those persons have entered into an apprenticeship agreement respecting such training.

Idem

- (4) For the purpose of clause 15(5)(b) of the Act, a person is engaged in apprenticeship training in embalming with a person referred to in subsection 13(6) of the Act if those persons have entered into an apprenticeship agreement respecting such training.

Funeral home operator

- (5) Subsection 16(9) of the Act applies to a person who owns and operates a funeral home as a going concern immediately before the date the section comes into force.

Embalming facility operator

- (6) Subsection 16.1(7) of the Act applies to a person who owns and operates an embalming facility as a going concern immediately before the date the section comes into force.

Transfer service operator

- (7) Subsection 17(6) of the Act applies to a person who owns and operates a transfer service as a going concern immediately before the date the section comes into force. (EC664/15)

Continuing Education Requirements for Renewal**7. Continuing education, funeral director**

- (1) For the purpose of clause 25(3)(c) of the Act, an applicant for the renewal of a Funeral Director's License shall have completed at least six hours of continuing education in the provision of funeral services, pre-approved by the Board, during the 12 months immediately preceding the date of the expiry of the applicant's license.

Continuing education, embalmer

- (2) For the purpose of clause 25(3)(c) of the Act, an applicant for the renewal of an Embalmer's License shall complete at least six hours of continuing education in embalming, pre-approved by the Board, during the 12 months immediately preceding the date of the expiry of the applicant's license.

Failure to meet requirements

- (3) Subject to subsection 25(4) of the Act, where an applicant fails to meet the requirements of subsection (1) or (2), the Board may require the applicant to successfully complete
- (a) a continuing professional education program approved by the Board;
 - (b) an examination approved by the Board; or
 - (c) both clauses (a) and (b).

Records of continuing education

- (4) Each Funeral Director and Embalmer shall
- (a) keep a record, in a form satisfactory to the Board, of his or her continuing education activities; and
 - (b) provide a copy of his or her record of continuing education activities to the Board, on request. (EC664/15)

Premises and Equipment

8. Standards for funeral home

- (1) For the purpose of clauses 16(3)(d), (e) and (f) and 25(6)(b) of the Act and in the ongoing operation of a funeral home, a funeral home is required to contain
- (a) at least one room suitable for holding a private meeting with a client or potential client;
 - (b) at least one public washroom equipped with
 - (i) a toilet,
 - (ii) hand washing facilities with hot and cold running water, hand soap, and individual hand towels or a hand dryer, and
 - (iii) a waste receptacle;
 - (c) at least one holding room that meets the requirements of subsection (4);
 - (d) where embalming is, or is intended to be, performed in the funeral home, at least one embalming room that meets the requirements of subsection (5); and
 - (e) refrigerated storage facilities for human remains, unless the operator has the use of such facilities off site.

Standards for embalming facility

- (2) For the purpose of clauses 16.1(3)(d) and (e) and 25(6)(b) of the Act and in the ongoing operation of an embalming facility, an embalming facility is required to contain
- (a) at least one holding room that meets the requirements of subsection (4);
 - (b) at least one embalming room that meets the requirements of subsection (5); and
 - (c) refrigerated storage facilities for human remains, unless the operator has the use of such facilities off site.



One room as holding room and embalming room

- (3) For the purpose of subsections (1) and (2), a room may be used as both a holding room and an embalming room, if it meets the requirements of subsection (5).

Holding room

- (4) A holding room is required to
- (a) be at least 11 square metres in size;
 - (b) be well lit;
 - (c) be mechanically ventilated to the outdoors;
 - (d) contain surfaces that are
 - (i) composed of non-porous materials that do not absorb fluids, and
 - (ii) easily disinfected;
 - (e) contain a table or trolley for holding or preparing human remains that is easily disinfected;
 - (f) contain a sink with hot and cold running water, unless there is one near the holding room that is easily accessible to staff but not the public;
 - (g) contain storage facilities for equipment and supplies; and
 - (h) contain temperature controls appropriate for the holding and preparation of human remains.

Embalming room

- (5) An embalming room is required to
- (a) meet the requirements in subsection (4), other than clause (4)(f);
 - (b) contain a sink with two compartments or two sinks, with hot and cold running water;
 - (c) have a vacuum breaker on each water supply station in the room;
 - (d) contain sufficient sanitary drains, each with splash guards and a backflow valve, for the disposal of bodily fluids and embalming fluids;
 - (e) be equipped with sufficient sanitary receptacles, supplies and instruments necessary to perform embalming; and
 - (f) be equipped with
 - (i) protective eyewear and disposable protective coverings for the face, hands, body and feet of all persons working in the room,
 - (ii) sheets and towels,
 - (iii) disinfectants and germicidal soap,
 - (iv) paper towels, and
 - (v) a mop, pail and detergent.

Signage

- (6) A Funeral Home Operator or an Embalming Facility Operator shall ensure that signage is placed at each entrance to a holding room or embalming room prohibiting entry except to authorized persons. *(EC664/15)*

9. Standards for vehicle

- (1) For the purpose of clauses 16(3)(g), 17(3)(f) and 25(6)(b) of the Act and in the ongoing operation of a funeral home or transfer service, a vehicle that is used or intended to be used for the transportation of human remains is required to be

- (a) dedicated primarily for that purpose;
- (b) fully enclosed;
- (c) of a size and design to fully enclose a container containing human remains and keep it out of public view;
- (d) in a good state of repair and mechanically sound;
- (e) equipped with protective equipment for handling human remains; and
- (f) free of advertising on its exterior, other than the name, business address and business contact information of the operator responsible for the vehicle, or the funeral home or transfer service operated by that operator.

Standards for containers

(2) A container that is used in the transportation of human remains is required to be

- (a) of sufficient size and strength to transport the human remains;
- (b) constructed to fully contain the human remains to prevent health hazards; and
- (c) designed to keep the human remains out of public view.

Standards for transport

(3) A person who is transporting human remains shall

- (a) transport the human remains in a vehicle that meets the requirements of subsection (1), in a container that meets the requirements of subsection (2);
- (b) transport the human remains to the intended destination as quickly as possible;
- (c) not leave the human remains in a stationary vehicle for more than two hours, unless the vehicle is parked in a clean, secure building;
- (d) keep the human remains secure at all times, either under his or her care or in a locked, secure vehicle; and
- (e) handle the human remains directly only as necessary. (EC664/15)

10. CSA approved equipment

Any equipment used or intended to be used in the operation of a funeral home, an embalming facility or a transfer service is required to

- (a) meet any standards established for such equipment by the Canadian Standards Association (CSA); and
- (b) bear a mark or stamp of CSA approval, if applicable. (EC664/15)

Liability Insurance

11. Professional liability insurance

(1) For the purpose of clauses 12(3)(j), 13(3)(j), 21(1)(b) and (2)(b), and 25(3)(f) of the Act, an applicant, Funeral Director or Embalmer, as the case may be, shall hold professional liability insurance with coverage of not less than two million dollars per occurrence.

Liability insurance, funeral home

(2) For the purpose of clauses 16(3)(g) and (h), 22(3)(a) and 25(6)(b) of the Act, an applicant or a Funeral Home Operator, as the case may be, shall hold



- (a) public liability insurance with coverage of not less than two million dollars per occurrence for the funeral home operated or intended to be operated under his or her license; and
- (b) third-party motor vehicle liability insurance with coverage of not less than two million dollars per occurrence for each vehicle used or intended to be used in the operation of the funeral home.

Liability insurance, embalming facility

- (3) For the purpose of clauses 16.1(3)(f), 22.1(3)(a) and 25(6)(b) of the Act, an applicant or an Embalming Facility Operator, as the case may be, shall hold public liability insurance with coverage of not less than two million dollars per occurrence for the embalming facility operated or intended to be operated under his or her license.

Liability insurance, transfer service

- (4) For the purpose of clauses 17(3)(d) and (f), 23(2)(a) and 25(6)(b) of the Act, an applicant or a Transfer Service Operator, as the case may be, shall hold
 - (a) public liability insurance with coverage of not less than two million dollars per occurrence for the transfer service operated or intended to be operated under his or her license; and
 - (b) third-party motor vehicle liability insurance with coverage of not less than two million dollars per occurrence for each vehicle used or intended to be used in the operation of the transfer service. (EC664/15)

Records

12. Records, funeral home

- (1) A Funeral Home Operator shall, in relation to each contract that the operator enters into to provide funeral services at the funeral home,
 - (a) retain a copy of the contract for at least 10 years following the date the funeral services are provided or the contract is otherwise terminated; and
 - (b) compile and retain, for at least 10 years following the date the funeral services are provided, a record of the following information in relation to the deceased person for whom the funeral services were provided:
 - (i) the name, former address, date of birth and gender of the deceased person,
 - (ii) the date on which, and place in which, the death occurred,
 - (iii) the name and address of the person responsible for the funeral arrangements on behalf of the deceased person,
 - (iv) the name and address of the person who authorized the embalming, burial or cremation of the remains of the deceased person,
 - (v) the location to which the remains of the deceased person were transferred for cremation, if applicable,
 - (vi) the date of burial and the name and location of the cemetery in which the remains of the deceased person, or the ashes after cremation, were buried, if applicable,
 - (vii) the name, address and relationship of the person to whom the remains of the deceased person, or the ashes after cremation, were released, if applicable,
 - (viii) the date on which the remains of the deceased person, or the ashes after cremation, were released, if applicable.

Records, embalming facility

- (2) An Embalming Facility Operator shall, in relation to each contract that the operator enters into to perform an embalming at the embalming facility,
- (a) retain a copy of the contract for at least 10 years following the date the embalming is performed or the contract is otherwise terminated; and
 - (b) compile and retain, for at least 10 years following the date the embalming is performed, a record of the following information in relation to the deceased person whose remains were embalmed:
 - (i) the name, former address, date of birth and gender of the deceased person,
 - (ii) the name and address of the person who authorized the embalming of the remains of the deceased person,
 - (iii) the dates on which the remains of the deceased person were received at, and released from, the embalming facility,
 - (iv) the type of embalming performed on the remains of the deceased person,
 - (v) the name and address of the person to whom the remains of the deceased person were released from the embalming facility.

Records, transfer service

- (3) A Transfer Service Operator shall, in relation to each contract that the operator enters into to transport human remains,
- (a) retain a copy of the contract for at least 10 years following the date the transportation is completed or the contract is otherwise terminated; and
 - (b) compile and retain, for at least 10 years following the date the transportation is completed, a record of the following information in relation to the deceased person whose remains were transported:
 - (i) the name, former address, date of birth and gender of the deceased person,
 - (ii) the date or dates on which the remains of the deceased person were transported,
 - (iii) the locations from which, and to which, the remains of the deceased person were transported,
 - (iv) the name and address of the person from whom the remains of the deceased person were received, and to whom the remains of the deceased person were released.

Duty on ceasing operations

- (4) Where an operator discontinues operating a funeral home, embalming facility or transfer service, as the case may be, the operator shall make arrangements, to the satisfaction of the Board, for the safekeeping and storage of the records compiled and retained in accordance with this section. *(EC664/15)*

13. Identification system

An operator shall establish and maintain a system for the continuous identification and location of human remains in the care and custody of the operator. *(EC664/15)*



Standards of Practice and Operation

14. Treatment of human remains

- (1) A licensee and any other person employed or engaged in the operation of a funeral home, embalming facility or transfer service shall treat human remains in his or her care or custody in a respectful manner at all times.

Generally accepted standards

- (2) A licensee shall perform his or her duties as an operator, Funeral Director, Embalmer or apprentice in keeping with generally accepted professional and industry standards.

Idem

- (3) An operator shall ensure that all persons employed or engaged in the operation of the funeral home, embalming facility or transfer service under the operator's license, are in compliance with subsections (1) and (2). (EC664/15)

15. Advertising

No operator shall advertise his or her services in a manner that is false, inaccurate, misleading, undignified or offensive, or otherwise contrary to the best interests of the public or the reputation of funeral professionals or the funeral services industry. (EC664/15)

Fines

16. Fine, operator

- (1) For the purpose of clause 32(3)(b) of the Act, the amount of a fine imposed on an operator shall not exceed \$10,000.

Fine, respondent

- (2) For the purpose of clause 54(2)(h) of the Act, the amount of a fine imposed on a respondent shall not exceed \$5,000.

Factors determining fine

- (3) The factors to be considered, as applicable, in the imposition of a fine on a person under clause 32(3)(b) or 54(2)(h) of the Act shall include
 - (a) the extent of the person's awareness of fault;
 - (b) the degree of risk or harm to the general public;
 - (c) the potential further risk to the general public;
 - (d) the potential effect on the profession or industry;
 - (e) the potential effect on the person's livelihood; and
 - (f) any restitution or remediation voluntarily undertaken by the person. (EC664/15)