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PART I
DEFINITIONS

1000 DEFINITIONS

In these bylaws:

- (a) **“Act”** means *The Funeral and Cremation Services Act*.
- (b) **“alkaline hydrolysis”** is a process whereby human remains are placed in a pressure vessel containing water and potassium hydroxide. With the introduction of heat and pressure the human remains are reduced to bone fragments.
- (c) **“cremation”** includes alkaline hydrolysis.
- (d) **“educational institution”** means a primary, secondary or post-secondary facility having the power to educate in Canada.
- (e) **“form”** means a form in the schedule of forms which are part of these bylaws.
- (f) **“intern”** means a person who has graduated from an approved school or institution, and who has been issued a conditional license by the registrar. An intern shall be employed at a funeral home licensed in Saskatchewan, under the supervision of a preceptor employed by the same owner.
- (g) **“internship”** is a mentorship program for an intern’s development leading to the issuance of an embalmer and/or funeral director practicing license.
- (h) **“mentor”** means an experienced individual licensed by the council as an embalmer and/or funeral director who has attended a preceptor workshop; who through coaching, counseling and teaching, fosters the personal and professional growth of an assigned intern and in conjunction with the preceptor, develop a positive workplace relationship, attain the required competencies and achieve all program goals. The mentor’s recommendation is required before the intern may apply to complete the licensing examination.
- (i) **“preceptor”** means an embalmer and/or funeral director licensed in Saskatchewan, acting in a supervisory capacity with an intern.
- (j) **“register”** means the register kept by the council under the provisions of the Act.
- (k) **“regulations”** means The Funeral and Cremation Services Regulations.
- (l) **“resource and compliance officer”** means the individual engaged pursuant to clause 29(2)(b) of the Act.

**PART II
LICENSES**

2000 CATEGORIES

The following license categories are hereby established in accordance with the Act:

- (a) embalmer
 - (i) embalmer intern, conditional
 - (ii) embalmer, practicing
- (b) funeral director
 - (i) funeral director intern, conditional
 - (ii) funeral director, practicing
- (c) owner
 - (i) funeral home
 - (ii) crematorium
 - (iii) transfer service
- (d) salesperson
 - (i) practicing

2010 CODE OF ETHICS – LICENSEE AND STUDENT

- (1) Every licensee or student shall comply with the Code of Ethics established by the council pursuant to section 37(w) of the Act.
- (2) In the Code of Ethics the definitions in *The Funeral and Cremation Services Act* (the Act) apply;
- (3) Adherence to the Code of Ethics will ensure service providers display a level of professionalism which will promote and enhance public confidence in services delivered in Saskatchewan.
- (4) A licensee or student shall:
 - (a) endeavor to protect and promote the best interests of the public in the provision of services;
 - (b) endeavor to protect the public from fraud, misrepresentation or unethical practice in the provision of services;
 - (c) deal fairly, honestly and with integrity with the public, other licensees and third parties;

- (d) keep all personal information in confidence;
- (e) respect the right of the public to free choice in the selection of a service provider;
- (f) respect all customs, faiths, creeds and preferences;
- (g) cooperate with the council in fulfilling its duty to serve and protect the public interest;
- (h) comply with the Act, regulations and the bylaws of the council;
- (i) strive to promote and assist in the education of persons entering the funeral service; and
- (j) promptly report to the council any perceived unlawful or unethical conduct on the part of another licensee or student when the conduct becomes known to the licensee or student.

(5) A licensee or student shall not:

- (a) engage in any unprofessional conduct which is likely to defraud, mislead the public or is inconsistent with the guiding principles identified in section 4 or that could bring discredit to the profession in Saskatchewan;
- (b) withhold information from an authorized decision maker where there has been an unlawful act impacting on the services provided for a deceased person;
- (c) personally or through an agent or employee solicit business, whether the solicitation occurs after death or while death is imminent; provided, however, that general advertising directed to the public at large would not constitute a violation of this section;
- (d) give, pay or offer to pay a commission or anything of value to third parties, such as medical personnel, nursing home employees, clergy, government municipal employees or other to secure human remains for the provision of services;
- (e) willfully acquire and or use unlawfully obtained personal information for the purposes of securing services;
- (f) perform any service while under the influence of alcohol or an illegal substance;
- (g) discriminate or participate in discrimination against any person when providing or offering to provide a service;
- (h) defame in any manner the services offered by another licensee or student;
- (i) willfully attempt to induce a breach in the agreement between another licensee or student and his or her clients;
- (j) fail to ensure a buyer is fully informed of all relevant information which will allow the buyer to make an informed decision.

2011 LICENSE EXPIRATION

- (1) All licenses with the exception of a conditional license expire on the 31st day of December, annually.
- (2) Conditional licenses expire 13 months from the date of issue.
- (3) The renewal license application and fee shall be received by the council on or before November 30th, each year. Failure to do so will result in a late fee penalty as stipulated in bylaw 9000.

2012 LICENSE REINSTATEMENT

- (1) Any person formerly licensed in Saskatchewan may reapply by making application on form 30, provide a current criminal record check and pay the fees stipulated in bylaw 9000.
- (2) Acceptance of this application is subject to the discretion of the registrar. If the application is refused the registrar shall provide the applicant reasons for rejecting the application.
- (3) Where a salesperson's license has been suspended or cancelled pursuant to section 69(2) of the Act, that individual may establish a relationship with another owner and make application for reinstatement of the salesperson's license pursuant to section 70 of the Act, and make application on form 30.

2013 CHANGE OF NAME

Persons registered with the council who have legally changed their name shall notify the council in writing and provide supporting documentation.

2014 PROFESSIONAL DEVELOPMENT

- (1) Effective December 1, 2012, the following licensees shall obtain a minimum of four continuing education credits per designation over a 12 month period, every year, during the time period December 1st to November 30th of each year:
 - (a) Embalmers;
 - (b) Funeral Directors who also possess a Salespersons license; and
 - (c) Salespersons not holding any other license.
- (2) All seminars/courses must be approved by the education and professional development committee.
 - (a) Each seminar/course shall represent a certain number of credits and unless otherwise determined by the education and professional development committee, one hour of relevant content to the licensees' vocation will equal one continuing education credit.
 - (b) Continuing education credits will only be granted for one year following the date of completion of the course.

- (3) A licensee requesting credit shall apply for approval of the seminar/course by forwarding an overview and any supporting documentation to the education and professional development committee.
- (4) Repeating a course shall not qualify for additional credits.
- (5) A licensee who is a preceptor or mentor to an intern or interns shall be granted three credits annually for continuing education.
- (6) Each licensee shall provide evidence of continuing education to council administration prior to November 30th, annually. Failure to do so will result in a late fee penalty as stipulated in bylaw 9000.
- (7) Each licensee may carry over a maximum of 4 current continuing education credits to the next year only.
- (8) The following are exempt from taking continuing education courses:
 - (a) students and interns; and
 - (b) licensees who present a doctor's certificate which explains why they were unable to attend courses being offered throughout the year.

2020 REGISTRATION FOR STUDENTS

- (1) All students of embalming or funeral directing who are enrolled in an education program approved by the council shall submit Form 20. There is no fee for registration.
- (2) Students of the Canadian College of Funeral Service shall submit Form 20(b), a current criminal record check and the fee stipulated in bylaw 9000.

2021 LICENSING PROCEDURES – CONDITIONAL LICENSES

- (1) A conditional license to practice as an embalmer intern or a funeral director intern may be granted upon receipt of form 21, a current police criminal record check and the fee stipulated in bylaw 9000.
- (2) Students who are registered with the Canadian College of Funeral Service do not require a conditional license.
- (3) Terms of conditional license:
 - (a) the applicant shall have graduated from an education program recognized and approved by the council;
 - (b) the applicant shall be employed at a funeral home licensed in Saskatchewan;
 - (c) the applicant shall comply with the requirements of bylaw 2023;
 - (d) the license shall expire thirteen (13) months from date of issue; and

- (e) the license may be renewed for one additional year upon approval of the licensing committee. The Registrar may consider any subsequent request for an extension of the license.
- (4) When an intern who has been granted an extension to their conditional license is granted a practicing license, the extended conditional licensing fee previously paid shall be applied to their practicing license on a quarterly pro-rated basis as stipulated in bylaw 9000.

2022 OBLIGATION TO INTERNS AND STUDENTS

- (1) An owner of a funeral home or licensee designated by the owner who manages the employment of an intern or a student shall:
 - (a) contribute to the professional training of the intern or student by providing a safe and supportive work environment;
 - (b) ensure the intern or student is provided the necessary knowledge, facilities, equipment, materials and supplies to work in a safe and dignified environment ensuring the safe care and respect in handling the deceased; and
 - (c) assume professional responsibility for the intern or student and their actions directly related to their employment or practicum.
- (2) A preceptor who supervises an intern or student shall:
 - (a) train and coach the intern or student by sharing his or her knowledge, experience and skill along with their professional expertise;
 - (b) provide clear and constructive feedback; and
 - (c) ensure the intern fulfills the requirements identified in the intern's journal.

2023 INTERNSHIP REQUIREMENTS

- (1) Embalmer and funeral director interns must complete a thirteen month internship for each specialty which does not commence until the registrar receives and approves the application for internship in that specialty.
- (2) An intern:
 - (a) shall be under the supervision of a preceptor who has completed the preceptor training course and a mentor approved by the council and appointed by the registrar.
 - (b) shall complete, record and have certified by their preceptor those activities as required by the council in the intern's journal.
 - (c) shall complete quarterly reviews with the preceptor and mentor.

- (d) shall apply to the registrar to write the licensing examinations and pay the fees stipulated in bylaw 9000 only after written confirmation has been received from the intern's mentor that the intern has successfully completed the requirements as outlined in the intern's journal.
- (3) An owner shall forthwith give notice in writing to the registrar when the employment of an intern is terminated and this will result in the automatic cancellation of the conditional license.
- (4) Continuation of internship is at the discretion of the registrar. In exercising this discretion the registrar shall consider:
 - (a) illness or injury;
 - (b) maternity or paternity leave; and
 - (c) personal circumstances or any other such material factor that the registrar considers relevant.

2030 LICENSING PROCEDURES – EMBALMER AND FUNERAL DIRECTOR AND SALESPERSON PRACTICING LICENSES

- (1) Effective January 1, 2012, a licensed funeral director shall be granted a salesperson's license at no additional cost.
- (2) A license to practice as an embalmer, funeral director or salesperson may be granted by the licensing committee upon receipt of:
 - (a) form 31, a current criminal record check and the fee stipulated in bylaw 9000 for a person having a current license or recognized valid qualifications to practice as an embalmer, funeral director or salesperson, as issued or certified by an authorized regulatory body recognized by the council, and who has successfully completed the jurisprudence examination for an embalmer and/or funeral director or the salesperson jurisprudence licensing examination.
 - (b) the fee stipulated in bylaw 9000 for an intern who has successfully completed the requirements of bylaw 2023. The applicant shall have successfully completed:
 - (i) jurisprudence examination for an embalmer and/or funeral director;
 - (ii) for an embalmer, the practical embalming examination; and
 - (iii) for a funeral director, the oral funeral director examination.
 - (c) the fee stipulated in bylaw 9000 for a student who has successfully completed the requirements of the Canadian College of Funeral Services. The applicant shall have successfully completed:
 - (i) jurisprudence examination for an embalmer and/or funeral director;

- (ii) for an embalmer, the practical embalming examination; and
- (iii) for a funeral director, the oral funeral director examination.

2031 TEMPORARY LICENSING UNDER EXIGENT CIRCUMSTANCES

- (1) The council may, by a motion, grant temporary licenses for licensed embalmers, funeral directors and transfer services from other Provincial jurisdictions where;
 - (a) a state of emergency is declared pursuant to section 17 of *The Emergency Planning Act*; or
 - (b) a serious public health threat is declared pursuant to section 45 of *The Public Health Act 1994*; or
 - (c) due to exigent circumstances arising at a funeral home or crematorium, the owner requires the immediate services of persons who are licensed in another provincial jurisdiction to provide temporary relief.
- (2) Where an application is made to the council in relation to clause 1(c), the fee stipulated in bylaw 9000 will apply for each license.
- (3) A temporary license issued by the council may be valid for up to six (6) months, and may be revoked at any time if the council makes a determination that the exigent circumstances specified in sub-section (1) no longer exists.

2040 LICENSING PROCEDURES – OWNERS

- (1) Any person desiring to obtain an owner's license shall make application to the Council, on the applicable form prescribed in the schedule of forms.
- (2) The initial application shall include the following:
 - (a) the owner's name as registered with the Saskatchewan Corporate Registry along with a Certificate of Status for the Business Corporation and a Certified Profile Report for the business name;
 - (b) the street address and the mailing address of the funeral home, crematorium or transfer service;
 - (c) the name of the manager of the funeral home, crematorium or transfer service;
 - (d) the name of the person designated for contact with the council on any matter;
 - (e) the locations of all record storage;
 - (i) if the records are stored in a location outside Saskatchewan, form 4 must be attached to the application.

- (f) proof of the required coverage of errors and omission liability insurance, generally called 'Morticians Malpractice Liability Insurance', in the form of a Certificate of Insurance, pursuant to bylaw 3040; and
 - (g) a current criminal record check of the person designated for contact with the council, which will be taken into consideration when deciding whether to issue or refuse a license. The existence of a criminal record is not an automatic barrier to licensing;
- (3) The annual renewal application shall include the following:
- (a) confirmation that the owner's name as registered with the Saskatchewan Corporate Registry remains the same as indicated on the previous application;
 - (b) the street address and the mailing address of the funeral home, crematorium or transfer service;
 - (c) the name of the manager of the funeral home, crematorium or transfer service;
 - (d) the name of the person designated for contact with the council on any matter;
 - (e) confirmation of the required coverage of errors and omission liability insurance, generally called 'Morticians Malpractice Liability Insurance', in the form of a Certificate of Insurance, pursuant to bylaw 3040; and
 - (f) confirmation the applicant has or has not been convicted of a criminal offence.
- (4) An owner shall put in place a protocol which complies with the requirements of the Personal Information Protection and Electronic Documents Act (PIPEDA) to manage the personal information of clients.

2041 TEMPORARY OWNERS LICENSE

A temporary license may be granted by the council where the applicant:

- (a) is an authorized decision maker as defined in section 91 of the Act, in relation to an owner who is deceased;
- (b) is the spouse, next of kin, licensed employee, legal guardian, or holds power of attorney of an owner who is disabled through sickness, mental incapacity or injury;
- (c) is a Receiver who is overseeing the activities of a bankrupt owner.

2050 LICENSING PROCEDURES – SALESPERSONS

- (1) A person who has not previously been licensed as a salesperson in Saskatchewan and wishes to obtain a salesperson's license shall make application to the council on form 24, provide a current criminal record check and pay the fees stipulated in bylaw 9000.
- (2) Training for a salesperson shall:

- (a) be completed within six months from the date of approval by the registrar;
 - (b) be supervised by a licensed salesperson in Saskatchewan who is working at the same location as the applicant;
 - (c) require the completion of the salespersons course prescribed by the council;
 - (d) include being present during the complete arrangements of a minimum of six funerals;
 - (e) under the supervision of a licensed salesperson, include being present during the preparation and execution of a minimum of ten contracts where funds are set aside for future funeral services;
 - (f) include attendance at a minimum of six complete funeral services as an assistant to a licensed funeral director;
 - (g) shall complete, record and have certified by their supervisor those activities as required by council in the Student Salesperson Journal.
- (3) Upon the completion of at least one month of training with his or her supervisor, an applicant may, under the supervision of his or her supervisor, prepare prepaid contracts with buyers, but only the supervisor or another licensed salesperson of that owner may sign or enter into the contracts on behalf of the owner.
- (4) A student salesperson may apply to the council administration to write the salesperson jurisprudence licensing examination only after written confirmation has been received from the supervising salesperson that the conditions in subsection (3) have been satisfied.
- (5) Failure to pass the examination with the required pass mark will require the applicant to write a supplemental examination within four months. Failure to pass the supplemental examination requires the applicant to repeat the course and pay any additional course fees stipulated in bylaw 9000.
- (6) If an applicant is unable to complete the education program to become a salesperson within the six month period an extension may be granted by the registrar upon receipt of a written request.

2060 CERTIFICATION PROCEDURES – STUDENT CREMATORIUM TECHNICIAN

- (1) A person who wishes to obtain a certificate as a crematorium technician shall:
- (a) have the crematorium owner make application to the council on form 23;
 - (b) pay the fees stipulated in bylaw 9000;
 - (c) work at a licensed crematorium for a period of not less than seven days under the direct supervision of a certified crematorium technician who is working at the location indicated on the application;
 - (d) observe 5 cremations and conduct 10 cremations;

- (e) attend and successfully complete a course of instruction on crematorium procedures, safety and operations and any other requirements approved by the council; and
- (2) A student crematorium technician may apply to council administration to write the crematorium technician jurisprudence examination only after written confirmation has been received from the crematorium owner that the conditions in subsection (1) have been satisfied.
- (3) The fee for writing any supplemental examination shall be the fee stipulated in bylaw 9000.

2070 EXAMINATIONS OF THE COUNCIL

- (1) All written examinations of the council shall be proctored at an educational institution or other location approved by council administration. The applicant shall provide council administration with the date, time, proctor's name and location where the examination shall be proctored. Any fees associated with an educational facility proctoring an examination can be billed to the council.
- (2) The pass mark for all written and practical examinations of the council shall be 75%.
- (3) Where a passing mark is not attained, a supplemental examination may be written after 5 business days.
- (4) The fee for writing any supplemental examination shall be the fee stipulated in bylaw 9000.

2080 REGULATORY FEES

- (1) An owner or a person authorized by an owner, who registers a death shall remit to the council the regulatory fee stipulated in bylaw 9000.
- (2) The regulatory fee shall be remitted to the council quarterly on form 61 by the following dates:
 - (a) April 21st for the months of January, February and March;
 - (b) July 21st for the months of April, May and June;
 - (c) October 21st for the months of July, August and September; and
 - (d) January 21st for the months of October, November and December.
- (3) Where the regulatory fees are not received by the council on the dates prescribed, the late fee penalty stipulated in bylaw 9000 shall apply.
- (4) Stillbirths, as defined in *The Vital Statistics Act, 2009*, are not subject to this regulatory fee.

**PART III
OWNERS**

3003 MINIMUM STANDARDS FOR FUNERAL HOMES

- (1) Every funeral home which offers services to the public shall:
 - (a) have a room for meeting with a person using or inquiring about the use of its services.
 - (b) have at least one separate room for the holding of human remains and their placement into caskets or containers if it is intended that unembalmed human remains be held on the premises.
- (2) The interior of a room used for any of the purposes described in subsection 1(b) shall be:
 - (a) inaccessible to unauthorized persons;
 - (b) well lit and mechanically ventilated to the outside; and
 - (c) capable of being easily disinfected, and surfaced in a material impervious to fluids;
- (3) A room where the preparation of human remains or their placement into caskets or containers occurs shall be maintained in a sanitary condition and equipped with:
 - (a) a sink supplied with hot and cold running water;
 - (b) storage facilities for equipment and supplies;
 - (c) protective covering for the hands, body and feet of the people working in the room;
 - (d) sheets or towels; and
 - (e) disinfectants, germicidal soap.
- (4) In a funeral home where embalming is performed, the room used shall conform to the requirements noted in subsection 3, subject to subsection
- (5) In addition to the requirements of subsection 3 and 4, a room where embalming is performed shall be equipped with:
 - (a) an examining table that is easily disinfected;
 - (b) face masks, eye glasses or goggles, and disposable body suits in addition to protective coverings; and
 - (c) sanitary drainage, or facilities for the disposal of bodily fluids and in addition a backflow valve must be installed.

- (6) In a funeral home where embalming is performed there shall be readily accessible a first aid kit and an eye wash station.

3005 AUTHORIZATION FOR FUNERAL SERVICES

Every owner shall ensure their funeral service agreement or at-need contract contains, at a minimum:

- (a) name, address, birth date and date of death of the deceased;
- (b) name, address and relationship of authorized decision maker;
- (c) an authorized decision maker's statement as required by sub-section 92(2) of the Act;
- (d) direction with respect to embalming;
- (e) description of goods and services to be provided;
- (f) direction for final disposition; and
- (g) signature of the authorized decision maker and the funeral director.

3010 INSPECTION

- (1) The premises, accommodation, equipment and records specified in bylaw 3025 of every owner shall be subject to the inspection and approval of the council.
- (2) In the event an employee of the council, upon an inspection, finds deficiencies a notice shall be issued to the owner who shall rectify the noted deficiencies within the time frame set out in the notice.

3025 OWNERS RECORDS

- (1) Every owner, in compliance with section 20 (2) and section 100 of the Act, subject to subsection (3), shall keep proper records at the owner's office in Saskatchewan respecting all of the owner's sales which shall include:
 - (a) all funeral and business records including, but not limited to, prepaid funeral contracts, trust records, assignments of policies of insurance relating to pre-need contracts and other documents maintained in relation to, pre-paid, pre-need and at-need sales contracts with consumers and without limiting the foregoing such records shall also include invoices to consumers and written funeral estimates;
 - (b) records maintained pursuant to this bylaw, shall not be destroyed.
- (2) Prior to closing a licensed facility, an owner shall arrange for the storage of records at a location approved by the council.

- (3) An application may be made to the council by an owner whose head office is located outside Saskatchewan for an exemption from keeping the records required by section 20 (2) of the Act.
- (4) The owner must make application on form 4 (Request for Exemption from Keeping of Records in Saskatchewan) within 30 days after issuance of the owner's license.

3030 UNAUTHORIZED ACCESS

An owner of a funeral home, crematoria or transfer service shall ensure that no unauthorized persons have access to all areas for final disposition, including preparation room, body storage area and cremation chamber area.

3040 LIABILITY PROTECTION

Every owner shall maintain professional liability insurance generally known as Morticians Malpractice Liability coverage either directly or by endorsement to a minimum value of \$2,000,000 per occurrence. Proof of such coverage must be submitted to the council at each renewal of the policy in the form of a Certificate of Insurance or in a form acceptable to the registrar indicating the coverage within 30 days of renewal.

3050 CONTINUOUS IDENTIFICATION

An owner shall establish a standard and documented system that provides for the continuous identification of human remains and cremated human remains while in his or her care and custody, from receipt of the remains until final disposition, or until transferred to another owner or transferred to the authorized decision maker or his or her designated representative.

3060 UNAUTHORIZED TITLES AND DESIGNATIONS

- (1) An owner or licensee shall not use, agree to, or cause an employee, agent, partner, associate or representative to use any title, designation, wording, abbreviation, or otherwise that would lead the public to believe such licensee or person possesses expertise, training, facilities or equipment to provide, direct, arrange, prearrange, or pre-sell funeral, cremation or transfer goods and services unless they are licensed to do so. Only such titles, designations, or abbreviations as stipulated in the Act and regulations or those subsequently approved by the council shall be used.
- (2) The council may approve the use of a title, words, designations, abbreviations or other provided this does not imply or lead the public to believe that persons using it possesses expertise and training to provide, direct, arrange, pre-arrange or pre-sell funeral or cremation services unless they are licensed to do so.

3070 ADVERTISING

- (1) "advertising" means the use of paid space or time in a public medium or the use of a publication regardless of whether a licensee or corporation makes any contribution to the cost of the publication, production or distribution, to communicate with the general public for the purpose of promoting services or enhancing the image of the licensee or a corporation.

(2) Licensees or students shall not engage in advertising that is:

- (i) false;
- (ii) inaccurate;
- (iii) reasonably capable of misleading the recipient or intended recipient; or
- (iv) undignified, in bad taste, offensive or otherwise contrary to the best interests of the public or licensees or tends to harm the standing of the profession.

3100 STANDARD OF PRACTICE FOR TRANSFER SERVICE OWNERS

(1) An owner of a transfer service or an agent or employee of the owner:

- (a) shall engage in only the minimum direct contact necessary with the human remains for the removal of the human remains,
- (b) must proceed to the intended destination as quickly as is practicable, and the remains must not be left in a stationary transfer vehicle for more than two (2) hours unless the vehicle is parked in a clean, secure building so that the remains are out of public view; and
- (c) may obtain or offer to obtain services for the removal of a pacemaker or other device prescribed pursuant to section 94 of the Act.

(2) The owner of a transfer service or an agent or employee of a transfer service shall only transfer human remains in a vehicle specifically set aside for that purpose and that vehicle must:

- (a) be kept in a sanitary condition both during and after the transfer;
- (b) be of adequate size to accommodate the full length of the remains;
- (c) have no advertising display on its exterior except the name, address and telephone number of the owner transferring the remains; and
- (d) be capable of transferring the remains so that they are out of the public view.

3110 AUTHORIZING EMBALMING BY A NON-EMBALMER

A funeral director managing an establishment that does not have an embalmer on staff and requires the services of an embalmer, shall:

- (a) sign a duplicate authorization form as set out in the schedule of forms prior to the embalming taking place;
- (b) require the embalmer to sign the form upon completion of the embalming;
- (c) fax the council the signed form within 24 hours of the embalming;

(d) have the embalmer retain the duplicate copy of the form with the original being retained by the employer (owner) of the funeral director requesting the embalming; and

(e) both forms must be kept on file by both parties and be available for the council's inspection.

3115 GRACE PERIOD – FORMS

An owner shall be allowed ninety (90) days from the date of approval to adopt, revise or change forms or documents to comply with new or revised bylaws unless otherwise specified by the council.

PART IV COUNCIL

4005 TERM OF OFFICE FOR ELECTED MEMBERS

- (1) A licensee shall be elected at the Annual General Meeting and serve a term of three years.
- (2) At each annual general meeting two licensees shall be elected for a three year term to replace members whose terms have expired.
- (3) An elected licensee may serve up to two consecutive terms on council.

4006 TERM OF OFFICE FOR CHAIRPERSON AND VICE-CHAIRPERSON

- (1) The chairperson and vice-chairperson shall be elected by members of the council for a term of one year.
- (2) The person who held the office of chairperson for the year immediately preceding each annual meeting and who was not re-elected or re-appointed to the council may, upon invitation of the council, attend any or all meetings of the council held in the year following such annual meeting as immediate past chairperson but shall have no vote. In the event of such person attending any meeting of the council, the provisions of bylaw 4100 shall apply as if he/she were a member of the council.

4010 SIGNING OFFICERS

- (1) The chairperson, vice-chairperson, registrar and any other member of council, so appointed, shall serve as a signing officer for the purpose of executing cheques, notes, contracts and negotiable instruments.
- (2) The registrar is authorized to sign cheques in the amount up to five thousand dollars (\$5,000). Cheques in excess of this amount require the signatures of two of the signing officers noted in bylaw 4010.

4030 FISCAL YEAR

The fiscal year of the council shall be the calendar year, January 1 to December 31.

4040 AUDITORS

- (1) The council shall at each annual general meeting call for the appointment of an auditor or auditors, to hold office until the next annual general meeting.
- (2) If the appointment of an auditor or auditors is not made at any annual general meeting of the licensees, the current auditors shall remain until the next annual meeting or the council appoints an auditor or auditors for the current year.
- (3) No member of the council, his or her spouse, relative or business associate, shall be eligible for appointment as an auditor of the council.
- (4) An annual audit shall be conducted of the financial records of the council by the appointed auditor or auditors and be distributed to all licensees in conjunction with an annual general meeting.

4050 SEAL OF THE COUNCIL

The seal shall be the official seal of the council.

- (a) The registrar shall have the custody of the seal and shall use it only as the council may direct.
- (b) The seal shall not be affixed to any instrument except by the authority of a resolution of the council.

4060 MEETINGS OF THE COUNCIL

- (1) All meetings of the council shall be conducted in accordance with Robert's Rules of Order.
- (2) The council meetings may be called by the chairperson of the council or, on the written request of any three (3) members of the council, the registrar shall summon a meeting of the council.
- (3) In the absence of the chairperson or vice-chairperson after fifteen (15) minutes of the time appointed for holding the meeting, the chairperson or vice-chairperson or both of them are unable to or unwilling to act as chairperson, the members present may choose someone of their number to be chairperson.

4090 GOVERNANCE AND COMMITTEES

The council members, committees of the council and the registrar shall conduct themselves in accordance with the Governance Policies of Council.

4100 REMUNERATION OF THE COUNCIL

- (1) The council members attending a regular council meeting will be compensated at a per diem rate of \$350. This rate will also apply to a member of a committee of the council attending a committee meeting.

- (2) The chairperson of council will be compensated at a per diem rate of \$450.
- (3) Members participating in teleconference meetings will be compensated at a per diem rate of \$200.
- (4) All reasonable travel expenses, other than mileage, will be paid at actual cost, supported by original receipts.
- (5) Mileage will be the same as the rate paid by the Provincial Government.
- (6) The council and committee compensation rates will be reviewed annually.

4110 DISBURSEMENTS

The council may:

- (a) pay the registrar such salary or other remuneration as it determines, by resolution; and
- (b) pay for clerical, professional or other services as it deems necessary; and
- (c) purchase books, equipment and supplies and pay incidental expenses as it deems necessary for properly carrying out its duties; and
- (d) pay rent for the office or other accommodation as may be required; and
- (e) pay the traveling and other expenses as it deems proper to persons other than members of the council; and
- (f) generally pay all expenses incurred in directing and managing the affairs of the council and carrying out the provisions of the bylaws, rules and regulations made under the authority of the Act.

4120 MEETINGS OF LICENSEES

- (1) The council shall determine the date, time and location of any annual general meeting or special general meeting of the licensees and shall advise each licensee.
- (2) In case of special business to be transacted at any special general meeting, the general nature of the business shall be given in the notice calling the said meeting.
- (3) Thirty (30) licensees in good standing, personally present, shall constitute a quorum.
- (4) Voting by proxy shall not be permitted.
- (5) All meetings of the licensees shall follow Roberts Rules of Order, with the exception of the following:
 - (a) election of licensees to council shall be by plurality,
 - (b) balloting to fill vacant council positions shall be voted on individually.

- (6) The election of licensees to council shall be by secret ballot.
- (7) If within half an hour after the time appointed for any general meeting of the licensees a quorum is not present, the meeting shall be re-scheduled.
- (8) If present, the chairperson of the council, or the vice-chairperson, shall preside at every general meeting of the licensees. If at any meeting either one or the other is not present within 15 minutes after the time appointed for holding the meeting, the licensees present may choose a chairperson.
- (9) Any vote held at a general meeting of the licensees shall be decided on a show of hands, unless a ballot is demanded by a licensee. The ballots may be demanded either before or upon the declaration of the result of the show of hands. If a ballot is so demanded the result thereof shall be deemed to be the resolution of the meeting.

4200 REGISTER

The council shall establish and provide a register in which shall be entered:

- (a) the name and address of every person to whom a license has been granted; and
- (b) the category of license of each licensee; and
- (c) the date a license was first issued; and
- (d) the date a license was suspended, cancelled or not renewed; and
- (e) the name and address of each person registered as a student or intern; and
- (f) in the case of holders of a salesperson's license, the name of the owner(s) for whom the salesperson sells prepaid contracts.

4320 COMMITTEES

- (1) Committees shall, in exercising the powers delegated to them, conform to any rules or regulations that may be imposed on them by the council.
- (2) A Committee of the council may meet as it thinks fit.
- (3) Questions arising at any meeting of a committee shall be determined by a majority of votes of the members present and in the case of a tie vote, the chairperson shall have the deciding vote.

PART V
INVESTIGATION COMMITTEE

5010

- (1) Subject to sub-section 3, complaints received in writing by the council or on its own motion, shall be forwarded to the resource and compliance officer appointed by the council for preliminary evaluation to determine necessity for an investigation.
- (2) Where the resource and compliance officer during the course of his or her duties believes on a balance of probabilities that a contravention of the Act, Regulations or Bylaws may have occurred, the resource and compliance officer may proceed to conduct a preliminary evaluation pursuant to Bylaw 5020 without the requirement of a complaint.
- (3) Where the complaint involves an elected member of the council, the council shall appoint an investigation committee and forward the complaint to the committee for review pursuant to section 46 of the Act.

5020 PRELIMINARY EVALUATION

- (1) The resource and compliance officer shall provide to the licensee and/or student whose conduct is the subject of the complaint:
 - (a) a copy of the complaint; or
 - (b) a written summary of the conduct complained of that is alleged to constitute professional misconduct or professional incompetence.
- (2) The resource and compliance officer may request verification of any information or material related to the action or complaint from the licensee and/or student whose conduct is the subject of the complaint or from any other licensee or individual.
- (3) A licensee and/or student shall respond, in writing, to the request made pursuant to subsection (2) and deliver the response to the resource and compliance officer by the date set out in the request.
- (4) On completion of the preliminary evaluation, the resource and compliance officer shall report back to the registrar with a recommendation that:
 - (a) further action be taken and the council instruct the investigation committee to consider the complaint pursuant to sections 46, 47 & 48 of the Act;
 - (b) no further action be taken, if the resource and compliance officer is satisfied that the complaint meets any of the following criteria:
 - (i) the complaint does not fall within the council's jurisdiction;
 - (ii) the complaint is without basis;
 - (iii) the complaint is trivial, frivolous or of a vexatious nature; or

- (iv) the complaint does not raise an issue of professional misconduct or professional incompetence.
 - (c) notwithstanding, (4)(a) and (b) above, should the registrar disagree with the recommendation of the resource and compliance officer, the complaint will automatically be forwarded to an Investigation Committee for evaluation.
- (5) When a report is made pursuant to clause (4)(a), that the complaint be forwarded to an investigation committee, the registrar shall:
- (a) notify the complainant, the licensee and the investigation committee, in writing, of the resource and compliance officer's recommendation, together with the reasons for that recommendation; and
 - (b) where the resource and compliance officer recommends that no further action is to be taken, advise the complainant in writing of his or her right to appeal to the investigation committee for a review of the recommendation that is to be accompanied by the complainant's reasons for requesting a review of the resource and compliance officer's recommendation by the investigation committee.

5025 ALTERNATE DISPUTE RESOLUTION (ADR)

- (1) The investigation committee may during the investigation of a complaint, make an offer to the parties to address the complaint by means of alternate dispute resolution which may include:
 - (a) an informal resolution to the matter;
 - (b) a consensual agreement for resolution; or
 - (c) mediation to the parties subject of the complaint.
- (2) The investigation committee shall only offer alternate dispute resolution in accordance with Policy and Procedures of Council.
- (3) Upon successful completion of alternate dispute resolution the investigation committee shall recommend that no further action be taken respecting the matter under investigation.
- (4) If alternate dispute resolution is attempted and is not successful, evidence from the alternate dispute resolution process is not admissible at the subsequent, if any, discipline hearing.

5030 PUBLICATION OF DISCIPLINARY ACTION

- (1) Where a discipline committee is convened to hear and determine a formal complaint, the registrar shall publish the formal complaint and notice of hearing on the council website.
- (2) The registrar shall publish on the council website and in any other medium stipulated by a discipline committee, any order or decision of a discipline committee and any agreed statement of fact and/or penalty.

- (3) Unless stipulated otherwise in an order of discipline, the Council website publication referred to in sub-sections (1) and (2) shall remain in effect for one year following the date upon which the order of discipline is made.

PART VI PREPAID CONTRACTS

6010

- (1) Each owner selling prepaid contracts may use the generic standard fully guaranteed and deposit contracts as per the schedule of forms. An owner may modify these generic forms or produce their own contract form(s). In all cases the prepaid contract forms to be used by an owner or licensee must be submitted to the council to review for compliance with the Act, regulations and bylaws.
- (2) Every prepaid contract entered into by a buyer through a salesperson shall be made between the buyer and the licensed owner.

6030 PROVISION OF GOODS AND SERVICES

An owner selling prepaid contracts shall, prior to entering into any prepaid contract and at all times during the existence of a prepaid contract to which they are a party or have obligations arising as a result thereof, have the ability to provide all goods and services specified in the prepaid contract. The ability to provide all goods and services specified in the prepaid contract shall be determined by the council.

6045 TRUST FUNDS, RECEIPT TO BUYER FROM FINANCIAL INSTITUTION

As a condition of deposit of trust funds, an owner shall seek assurance from the financial institution that they will issue a receipt to the buyer within ten days of receipt of trusted funds.

6050 RECORDS OF FUNDS IN TRUST/ANNUAL REPORTS

- (1) Each owner shall file with the Council an annual report advising on prepaid trust funds.
- (2) Funeral homes that do have prepaid trust funds will complete and submit form 1 accompanied by a bank statement listing each contract and the funds on deposit, on or before March 31^{Sst} of each year covering the period from January 1st to December 31st of the preceding year.
- (3) A copy of form 2 signed by the owner and countersigned by the financial institution(s) where the owner has trust funds must be completed and submitted if not previously submitted or where there have been changes from forms previously filed.
- (4) A list of each buyer to whom a contract was sold in the twelve (12) months of the reporting year shall be maintained at the funeral home.
- (5) An owner who fails to file a form 1 by March 31st shall, in addition to all other fees, pay a late fee penalty as stipulated in bylaw 9000.

6080 RESTRICTED ACCESS TO ANNUAL PREPAID REPORTS

Access to the annually filed prepaid reports shall be restricted. No persons, including the council members, shall have access to the reports except: the registrar, the resource and compliance officer, designated employees, auditors, Superintendent of Funeral and Cremation Services or his or her authorized representative and persons directly involved with an investigation or discipline matter relating to the reports.

6090 FUNDS IN TRUST

- (1) The owner shall only place trust account funds in a Saskatchewan financial institution that agrees to include the name of each contract buyer and/or beneficiary to track the funds. The owner must include the name of each contract buyer when the owner instructs the financial institution to trust the funds.
- (2) Prior to an owner initiating a transfer of a trust account to another Saskatchewan financial institution the owner shall advise in writing:
 - (a) the contract buyer; and
 - (b) the council.

6100 TRANSFER OF FUNDS

- (1) Where the buyer initiates through an owner a transfer of funds from a prepaid contract to another owner, the funds are to be transferred in trust between financial institutions. The record of such transfer shall be exercised by the Order for Transfer of Prepaid Contracts and Trusted Funds on form 8.
- (2) The original owner who receives the Order for Transfer of Prepaid Contracts and Trusted Funds on form 8 shall effect the transfer within 15 business days from receipt of instructions.
- (3) The receiving owner shall complete form 8 and forward a copy to the council office.

6110 ISSUANCE OF T-5

Where a prepaid contract has been serviced and there are excess funds refunded to the estate of the beneficiary, the owner shall provide for a T-5 to be issued.

6120 ASSIGNMENT BY OWNER

- (1) An owner intending to assign a prepaid contract to another owner shall notify the council of the intended assignment 45 days in advance of the intended assignment. The owner is not entitled to retain an administrative fee where the owner initiates such an assignment. The notification shall include:
 - (a) the name, address, license number, location where contract will be serviced and name of contact person of the new owner;

- (b) the reason for the assignment;
 - (c) an itemized list to be assigned to the new owner; and
 - (d) a written affidavit from the new owner accepting the assignment and which indicates agreement to all incumbent contract obligations and liabilities in accordance with the Act, regulations and bylaws.
- (2) The owner shall file, with the registrar at least 7 days in advance of the intended assignment an interim prepaid report indicating:
- (a) the name of the buyer;
 - (b) the amount of funds and specially ordered goods refunded, transferred or assigned on an individual contract basis;
 - (c) the buyer has received notification in accordance with bylaw 6130; and
 - (d) if a transfer or assignment, the name and license number of the owner receiving such transfer or assignment.

6130 NOTIFICATION TO BUYER OR BUYER'S LEGAL REPRESENTATIVE

Upon the change of ownership of a funeral home holding prepaid contracts the new owner shall notify the Buyer or the Buyer's Legal Representative of the assignment within 45 days.

6150 BUYER DIRECTED ASSIGNMENT

After the death of the contract beneficiary, the legal representative of the beneficiary can instruct an owner to assign the prepaid contract to another owner. Such assignment shall be treated as a buyer requested transfer. The owner shall effect the transfer within 15 business days from receipt of instructions. The owner shall be entitled to an administration fee.

PART VII ASSURANCE FUND

7010 NOTICE TO THE COUNCIL OF UNCLAIMED BALANCE

If trust funds are unclaimed, an owner shall notify the council in writing stating that he or she believes the funds currently held in trust for the buyer or beneficiary are and will remain unclaimed together with the reasons upon which this belief is based. The owner shall then pay to the assurance fund the aforementioned funds less the administration fee as per regulation 10(b).

7040 FUTURE SUPPLY OF FUNERAL AND/OR CREMATION SERVICES FUNDED BY THE ASSIGNMENT OF INSURANCE BENEFITS

- (1) No later than September 30, 2009, any owner or licensee offering or entering into contracts or agreements with consumers to supply future funeral and/or cremation services as a result of or contingent upon receiving an assignment of benefits under an insurance policy must provide the council with a completed copy of form 10 as per the schedule of forms. The original of the completed form 10 shall be retained by the owner and attached to the related funeral and/or cremation services contract or agreement and a copy of the contract or agreement and form 10 must be given to the buyer at the time of purchase. A copy of form 10 must be forwarded to the council within 10 business days of the date of the signature of the buyer.
- (2) As an alternative to form 10 as described in bylaw 7040(1), an owner may elect to embed the alternative wording in form 10 in the contract or agreement described in subsection (1). The embedded wording shall be bolded and of the same font size as the contract text.

7050 CONTRACTS OR AGREEMENTS FOR FUNERAL AND/OR CREMATION SERVICES BEING CREATED OR USED BY LICENSEES

In all cases, any contracts or agreements involving the supply of funeral and/or cremation services created or used by licensees and offered to or entered into with consumers, regardless of the method of funding, shall be submitted to the council to review for compliance with the Act, regulations and bylaws.

PART VIII GENERAL PROVISIONS

8000 MAINTENANCE OF CREMATION EQUIPMENT

All cremation equipment shall be maintained to Saskatchewan cremation industry standards.

8010 HOLDING PRIOR TO CREMATION

Where a crematorium owner is unable to cremate the human remains the day of taking custody, the human remains shall be placed in a holding facility that is inaccessible to the public and enclosed within a secure building.

8020 CREMATION CONTAINER PROCEDURES

- (1) Human remains delivered to a crematorium shall not be removed from the cremation container or casket and the cremation container or casket shall be cremated with the human remains.
- (2) The cremation container or casket shall not be opened by the crematory technician.
- (3) For inspection purposes, prior to cremation, a crematorium owner may require a casket or cremation container to be opened by the authorized decision maker or designated representative who delivered the casket or container to the crematorium.

8030 BURIAL PERMIT

A crematorium owner must receive with the required cremation documents a copy of the burial permit prior to cremation taking place.

8050 IDENTIFICATION AND PROCESSING PROCEDURES

A crematorium owner shall establish a standard and documented system of continuous identification of human remains and cremated remains from receipt of the casket or cremation container through to return of the cremated remains. Such system shall include but not be limited to:

- (a) signed receipting process upon transfer of human remains and cremated remains;
- (b) a method of cremation container identification that cannot be removed; and
- (c) provision of a permanent identification device encoded to identify the crematorium and the specific cremated remains from receipt of human remains through the entire cremation process and to be placed with the cremated remains in an urn or temporary container prior to delivery or storage.

8060 PACKAGING OF THE CREMATED REMAINS

- (1) Upon completion of each cremation, in so far as possible,
 - (a) all recoverable cremated remains shall be removed from the cremation chamber' and
 - (b) anything other than bone fragment shall be separated from the cremated remains.
- (2) Unless otherwise specified by the authorized decision maker, the cremated remains shall be processed so as to reduce them to unidentifiable particles.
- (3) Anything other than the recoverable cremated remains may be disposed of by the crematorium owner.
- (4) The cremated remains from each cremation shall be placed in a container provided by the crematorium or an urn or container provided by the Authorized Decision Maker or designated representative.
 - (a) if all cremated remains from a cremation will not fit within the container or urn provided for the cremated remains, the remainder of the cremated remains shall be identified and returned in a separate container to the authorized decision maker or the designated representative.

8080 CREMATION RECORD KEEPING

A crematorium owner shall establish and maintain a thorough and complete record keeping system, which each cremation technician shall adhere to, that must include the following:

- (a) the method of delivery to the crematorium;
- (b) the name of delivery entity (e.g. funeral home, business);
- (c) the name and signature of delivery person and the person's signature;
- (d) the day, date and time of delivery;
- (e) the description of the container or casket;
- (f) the full name of the deceased;
- (g) the place of death;
- (h) the date of death;
- (i) the date of birth, if known;
- (j) the name, address and phone number of the authorized decision maker and their relationship to the deceased;
- (k) the cremation chamber used for the cremation if the facility has more than one chamber;
- (l) the day and date of cremation;
- (m) the time cremation started and was completed;
- (n) the identification number of the cremated remains,
- (o) the description of the container/urn into which the remains were placed and description of additional container/urn, if required to hold remains;
- (p) the name of the person or entity to whom the cremated remains are being returned;
- (q) the method of return delivery;
- (r) the location of final disposition of cremated remains, if known; and
- (s) a copy of the burial permit; and
- (t) providing any comments that are relevant to a cremation, including the need for the opening of a container in which the deceased was delivered along with the reason for the opening and any extraordinary happenings or circumstances related to the cremation.

8090 CREMATION FORMS

- (1) A crematorium owner shall ensure the completion of the Authorization to Cremate and Order for Disposition form and the Certificate of Cremation form as set out in the Schedule of Forms. With the approval of the council, an owner may produce their own forms by adding to them but not deleting any information requirements as stated on the standard forms. The original or copies of the signed documents must accompany the deceased or cremated remains.
- (2) As required, an owner shall ensure the completion of the following forms as set out in the Schedule of Forms:
 - (a) Separation of Cremated Remains Authorization and Instruction form; and
 - (b) Commingling of Cremated Remains Authorization and Instruction form.

PART IX SCHEDULE OF FEES

9000 SCHEDULE OF FEES

The schedule of fees for the council shall be;

- (a) Student of Canadian College of Funeral Service
 - (i) embalmer and/or funeral director student \$160
 - (ii) jurisprudence examination for an embalmer and/or funeral director \$75
 - (iii) supplemental examination \$75
- (b) Intern
 - (i) embalmer intern conditional license \$160
 - (ii) funeral director intern conditional license \$160
 - (iii) extension of a conditional license \$160
 - (iv) jurisprudence examination for an embalmer and/or funeral director \$75
 - (v) supplemental examination \$75
- (c) Student Salesperson
 - (i) Administration and salesperson jurisprudence licensing examination \$75 + GST
 - (ii) course fee \$300
 - (iii) supplemental examination \$75

- (d) Student Crematorium Technician
 - (i) certification and jurisprudence examination \$160
 - (ii) supplemental examination \$75
- (e) Licensee from another jurisdiction
 - (i) administration and jurisprudence examination \$200 + GST
 - (ii) supplemental examination \$75
- (f) License Reinstatement
 - (i) administration fee \$200 + GST
- (g) Licensee annual fees
 - (i) embalmer \$160
 - (ii) funeral director \$160
 - (iii) salesperson \$160
- (h) Temporary licensing under exigent circumstances
 - (i) embalmer \$80
 - (ii) funeral director \$80
- (i) Owners
 - (i) initial compliance review per location \$200 + GST
- (j) Owners' annual fees
 - (i) funeral home \$200
 - (ii) crematorium \$200
 - (iii) transfer services \$200
- (k) Pro-rated licensing
 - (i) licenses acquired from January 1st to March 31st full fee
 - (ii) licenses acquired from April 1st to June 30th, 75% of the fee
 - (iii) licenses acquired from July 1st to September 30th 50% of the fee

- (iv) licenses acquired from October 1st to December 31st 25% of the fee
- (l) Refunds in the case of death
 - (i) up to January 31st full refund
 - (ii) up to February 28th 75% refund
 - (iii) up to March 31st 50% refund
 - (iv) April 1st and thereafter no refund
- (m) Regulatory fee
 - (i) each registration of death \$50 + GST
- (n) Late fee penalty
 - (i) payable within 30 days of late fee invoice for:
 - (1) annual prepaid report \$100 + GST
 - (2) renewal license application and fee \$100 + GST
 - (3) continuing education credits \$100 + GST
 - (4) regulatory fees \$100 + GST
 - (ii) where an owner or licensee believes there are extenuating circumstances for a late fee penalty to be reduced or waived, a written application for variance shall be forwarded to the council including the remittance and the late payment fees.