

A guide of:

# Who can sell, offer to sell and provide services

Individuals employed by a Funeral Establishment Operator							
Personal Licence Class →	Personal Licence Class Requirements						
	Funeral Director – Class 1	Funeral Director – Class 2	Funeral Preplanner	Transfer Service Sales Representative	Transfer Service Sales Representative (Restricted)	Cemetery Sales Representative	Crematorium Sales Representative
At-need - Sell or Offer to Sell Funeral Services and Supplies FBCSA 8.(2)(a)	✓ FE1 Only	✓ FE1 Only	X	X	X	X	X
At-need - Sell or Offer to Sell Direct Dispositions (Transfer Services) and supplies FBCSA, s. 12(2)	✓ FE1 Only	✓ FE1 Only	X	X	X	X	X
Enter into prepaid contracts on behalf of the operator	✓	✓	✓	X	X	X	X

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Sell crematorium services	✓ (when acting on behalf of a crematorium operator and using the operator’s contract and documentation and with written authorization of the crematorium)	✓ (when acting on behalf of a crematorium operator and using the operator’s contract and documentation and with written authorization of the crematorium)	X	X	X	X	✓ (when also employed by crematorium operator(s) and using the operator’s contract and documentation)
Embalming	✓ FE1 Only	X	X	X	X	X	X
Pacemaker Removal	✓	X	X	X	X	X	X
Supervise Visitation	✓	✓	✓	✓	✓	✓	✓
Transport the human remains	✓	✓	✓	✓	✓	✓	✓

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Conduct Funeral or memorial Service – where human remains are present	✓	✓	✓	✓	✓	✓	✓
Conduct memorial service without human remains present	✓	✓	✓	✓	✓	✓	✓
Sell Scattering of Cremated Remains O. Reg. 30/11 s. 2(1)	✓	✓	✓	✓	✓	✓	✓

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Individuals employed by a Transfer Service Operator							
Personal Licence Class →	Funeral Director – Class 1	Funeral Director – Class 2	Funeral Preplanner	Transfer Service Sales Representative	Transfer Service Sales Representative (Restricted)	Cemetery Sales Representative	Crematorium Sales Representative
At-need - Sell or Offer to Sell Funeral Services and Supplies FBCSA 8.(2)(a)	X	X	X	X	X	X	X
At-need – Sell or Offer to Sell Transfer Services FBCSA, s. 12(2)	✓	✓	X	✓ TSO1 or TSO2	✓ TSO2(R) Only	X	X
Enter into prepaid contracts on behalf of the operator. FBCSA, s. 12(2) See definition of Funeral Preplanner	✓	✓	X	✓	X	X	X
Direct funeral or memorial service with human remains present O. Reg. 30.11, s. 36 (6)	X	X	X	X	X	X	X

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Personal Licence Class →	Funeral Director – Class 1	Funeral Director – Class 2	Funeral Preplanner	Transfer Service Sales Representative	Transfer Service Sales Representative (Restricted)	Cemetery Sales Representative	Crematorium Sales Representative
Sell crematorium services. (when acting on behalf of a crematorium operator and using the operator’s contract and documentation)	✓	✓	X	X	X	X	✓
Embalming (Sub-contracting embalming to another operator not permitted)	X	X	X	X	X	X	X
Pacemaker Removal (Work must be done by FD1)	✓	X	X	X	X	X	X
Arrange, Supervise or participate in Visitation where remains present. TSO1 - O. Reg. 30/11, s. 36(6) TSO2 – O. Reg. 30/11, s. 37(3)	X	X	X	X	X	X	X
Transport the human remains (O. Reg. 30/11 s. 35(4) for 72 hour rules)	✓	✓	✓	✓	✓	✓	✓

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Individuals employed by a Transfer Service Operator							
Conduct Funeral or memorial Service – where human remains is present	X	X	X	X	X	X	X
Conduct memorial service without human remains present	✓	✓	✓	✓	✓	✓	✓
Sell Scattering of Cremated Remains O. Reg. 30/11 s. 2(1)	✓	✓	✓	✓	✓	✓	✓

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Individual "Employed" Transfer Service Operator (Restricted)							
Personal Licence Class →	Funeral Director – Class 1	Funeral Director – Class 2	Funeral Preplanner	Transfer Service Sales Representative	Transfer Service Sales Representative (Restricted)	Cemetery Sales Representative	Crematorium Sales Representative
Sell or Offer to Sell Transfer Services	✓	✓	X	✓	✓	X	X
Enter into prepaid contracts on behalf of the operator	✓	✓	X	✓	✓	X	X
Sell crematorium services. ** Only when acting on behalf of a crematorium operator and using the operator's contract and documentation.	✓	✓	X	X	X	X	✓ (when also employed by crematorium operator(s) and using the operator's contract and documentation)
Embalming	X	X	X	X	X	X	X
Pacemaker Removal	✓	X	X	X	X	X	X
Supervise Visitation	X	X	X	X	X	X	X
Transport the human remains	✓	✓	✓	✓	✓	✓	✓

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Individual "Employed" Transfer Service Operator (Restricted)							
Conduct Funeral or memorial Service – where human remains are present	X	X	X	X	X	X	X
Conduct memorial service without human remains present	✓	✓	✓	✓	✓	✓	✓
Selling Scattering of Cremated Remains O. Reg. 30/11 s. 2(1)	✓	✓	✓	✓	✓	✓	✓
Individuals employed by a Cemetery Operator (Commercial)							
Personal Licence Class →	Funeral Director – Class 1	Funeral Director – Class 2	Funeral Preplanner	Transfer Service Sales Representative	Transfer Service Sales Representative (Restricted)	Cemetery Sales Representative	Crematorium Sales Representative
Selling interment rights	X	X	X	X	X	✓	X
Selling monuments or markers	X	X	X	X	X	✓	X



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Individuals employed by a Crematorium or AH Operator							
	Funeral Director – Class 1	Funeral Director – Class 2	Funeral Preplanner	Transfer Service Sales Representative	Transfer Service Sales Representative (Restricted)	Cemetery Sales Representative	Crematorium Sales Representative
Selling or offering to sell cremations/AH	✓	✓	X	X	X	X	✓
Selling witnessing of cremations/AH	✓	✓	X	X	X	X	✓
Training Requirements							
Personal Licence Class →	Funeral Director – Class 1 (Embalming)	Funeral Director – Class 2 (Non-embalming)	Funeral Preplanner	Transfer Service Sales Representative	Transfer Service Sales Representative (Restricted)	Cemetery Sales Representative	Crematorium Sales Representative
Credential	Ontario College Diploma	Ontario College Diploma	Certificate of Achievement	Ontario College Certificate	Abbreviated Online Programming	OACFP Cemetery Sales Representative Training	OACFP Cemetery Sales Representative Training
Program Length	5 Semesters (normally 2 years)	4 Semesters (normally 1.5 years)	Online	2 Semesters	Online	N/A	N/A
Program Delivery	In-person, hybrid and online	In-person, hybrid and online	Online	Online	Online	Online	Online
Internship Requirements	12 months	6 months	N/A	3 months	N/A	N/A	N/A

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Training Requirements							
Personal Licence Class →	Funeral Director – Class 1 (Embalming)	Funeral Director – Class 2 (Non-embalming)	Funeral Preplanner	Transfer Service Sales Representative	Transfer Service Sales Representative (Restricted)	Cemetery Sales Representative	Crematorium Sales Representative
Continuing Education Requirements	6 Hours	6 Hours	6 Hours	6 Hours	None	None	None

## Appendix: Statutory and Regulatory References

<b>Funeral, Burial and Cremation Services Act, 2002</b>	<b>Ontario Regulation 30/11</b>
<p><b>Definitions:</b></p> <p>“cemetery services” means services provided by a cemetery operator in respect of the interment of human remains or the scattering of cremated human remains at a cemetery and includes such services as may be prescribed; (“services de cimetièrre”)</p> <p>“crematorium services” means services provided in respect of the cremation of dead human bodies and includes such services as may be prescribed; (“services de crématoire”)</p> <p>“embalm” means to preserve and disinfect all or part of a dead human body by any means other than by refrigeration, but does not include religious rites relating to the washing of a body; (“embaumer”)</p>	<p><b>Definitions</b></p> <p>“commercial cemetery” means a cemetery operated for the purpose of making a profit for the owner; (“cimetièrre commercial”)</p> <p>“funeral director” means an individual licensed to provide or direct the provision of funeral services or to hold oneself out as available to do so; (“directeur de funérailles”)</p> <p>“funeral preplanner” means an individual who, in respect of contracts made before the death of the intended recipient of supplies and services, is licensed to act under subsection 6 (1) on behalf of a person licensed as a <b>Funeral</b> Establishment Operator – Class 1 or <b>Funeral</b> Establishment Operator – Class 2 or who is licensed to hold oneself out as available to do so; (“conseiller en planification funéraire”)</p>

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“employ” means to employ, appoint, authorize or otherwise arrange to have another person act on one’s behalf, including as an independent contractor; (“employer”)

“funeral services” means the care and preparation of dead human bodies, the co-ordination and provision of rites and ceremonies with respect to dead human bodies and the provision of such other services as may be prescribed, but does not include cemetery or crematorium services; (“services funéraires”)

34 (5) The following is prescribed as a service included in the definition of “funeral services” in subsection 1 (1) of the Act: maintaining premises to be used for the purpose of temporarily placing human remains so that persons may attend and pay their respects. **O. Reg. 30/11, s. 34 (5).**

“human remains” means a dead human body or the remains of a cremated human body; (“restes humains”)

“inter” means the burial of human remains and includes the placing of human remains in a lot; (“inhumer”)

“licensed services” means cemetery services, crematorium services, funeral services and transfer services and includes interment rights and scattering rights and any other services that are sold or provided by a person licensed under this Act in the normal course of a business regulated under this Act; (“services autorisés”)

“licence” means a licence issued under section 14 of the Act or deemed to be held under the Act by virtue of section 13 of the Act; (“permis”)

operator licence” means a licence authorizing the licensee to operate a cemetery, crematorium, funeral establishment or transfer service; (“permis d’exploitant”)

personal licence” means a licence authorizing a licensee who is an individual to act as a sales representative of an operator or as a funeral director or a funeral preplanner; (“permis personnel”)

“sales representative” means an individual, other than a funeral preplanner, who is licensed to act under subsection 5 (1) on behalf of an operator other than a funeral establishment operator; (“représentant commercial”)

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“licensed supplies” means caskets and markers and any other supplies that are sold by a person licensed under this Act in the normal course of a business regulated under this Act; (“fournitures autorisées”)

“licensee” means a person who holds a licence issued under this Act; (“titulaire de permis”)

“operator” means a person who is licensed to operate a cemetery, crematorium, **funeral** establishment, casket retailing business, marker retailing business, transfer service or any other business for which a licence may be required by regulation and includes a cemetery owner who is deemed to be a cemetery operator under subsection 5 (2); (“exploitant”)

person”, with respect to a cemetery, includes,  
a board of trustees established for the purpose of operating the cemetery, and  
any organization or group of persons organized for the purpose of operating the cemetery; (“personne”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“regulations” means regulations made under this Act; (“règlements”)

“transfer service” means a service to the public with respect to the disposition of dead human bodies, including the transportation of dead human bodies and the filling out of the necessary documentation with respect to the disposition of dead human bodies; (“service de transfert”)

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	<p>1(3) The other prescribed services mentioned in the definition of “funeral services” in subsection 1 (1) of the Act include the co-ordination and provision of rites and ceremonies with respect to cremated human remains if the services are provided in close proximity to the time of death of the person whose remains they are and the remains are to be present, other than rites or ceremonies taking place at the time of interment or scattering. O. Reg. 30/11, s. 1 (3).</p>
	<p><b>2.</b> (1) No person, other than an operator, a person described in clause 6 (1) (c) or a funeral director, sales representative or funeral preplanner acting on behalf of an operator, shall offer to sell or sell the service of scattering of cremated human remains for consideration, whether the consideration is received directly or indirectly. O. Reg. 30/11, s. 2 (1).</p> <p>(2) No person, other than an operator, shall provide the service of scattering of cremated human remains for consideration, whether the consideration is received directly or indirectly. O. Reg. 30/11, s. 2 (2).</p>
	<p><b>Sales representative</b></p> <p><b>5.</b> (1) No person shall act as a sales representative on behalf of an operator, or hold oneself out as a sales representative of an operator, unless the person is licensed as a sales representative. O. Reg. 30/11, s. 5 (1).</p> <p>(2) The licence of a sales representative is a prescribed licence for the purposes of clauses 4 (2) (a), 6 (2) (a) and 12 (2) (b) of the Act. O. Reg. 30/11, s. 5 (2).</p>

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	<p>(3) A sales representative of a person licensed as a Transfer Service Operator – Class 1 is prescribed for the purposes of clause 8 (2) (c) of the Act as a person who is authorized to sell or offer to sell to the public, or hold oneself out as available to sell to the public, funeral services that the operator on whose behalf the representative acts, is authorized to sell or offer to sell. O. Reg. 30/11, s. 5 (3).</p>
<p><b>Prohibitions respecting cemeteries</b> <b>Operating cemeteries</b> 4 (1) No person shall operate a cemetery or hold themselves out as the operator of a cemetery, unless the person is licensed to do so. 2002, c. 33, s. 4 (1). <b>Selling rights and services</b> (2) No person shall sell or offer to sell interment rights, scattering rights or cemetery services to the public, or hold themselves out as available to sell such rights or services to the public, unless, the person holds a prescribed licence and is acting on behalf of a cemetery operator; or the person is licensed as a cemetery operator. 2002, c. 33, s. 4 (2); 2006, c. 34, Sched. D, s. 3 (1, 2).</p>	<p><b>Exemptions from licences</b> 7. (1) A person is exempt from clause 4 (2) (a) of the Act if, the person is acting on behalf of the operator of a cemetery other than a commercial cemetery; selling licensed supplies or services is not the person’s primary occupation; and the person is not selling, or holding oneself out as available to sell, licensed supplies or services in circumstances in which, money is required to be held in trust under section 52 of the Act, or payment is to be made by way of proceeds of an annuity or insurance contract, including group insurance. O. Reg. 30/11, s. 7 (1). (2) A family member of a deceased individual is exempt from subsection 8 (2) of the Act when the family member is, for no consideration, providing funeral services in respect of the deceased individual, other than arterial embalming. O. Reg. 30/11, s. 7 (2).</p>
<p><b>Prohibitions respecting crematoriums</b> <b>Operating crematoriums</b> 6 (1) No person shall operate a crematorium or hold themselves out as the operator of a crematorium, unless the person is licensed to do so. 2002, c. 33, s. 6 (1).</p>	<p>6 (4) The licence of a funeral director is a prescribed licence for the purposes of clause 6 (2) (a) of the Act if the funeral director has received written authorization to act as a sales representative on behalf of a crematorium operator. O. Reg. 30/11, s. 6 (4).</p>

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<p><b>Selling services</b></p> <p>(2) No person shall sell or offer to sell crematorium services to the public, or hold themselves out as available to sell crematorium services to the public, unless,</p> <p>(a) the person holds a prescribed licence and is acting on behalf of a crematorium operator; or</p> <p>(b) the person is licensed as a crematorium operator. 2002, c. 33, s. 6 (2); 2006, c. 34, Sched. D, s. 5.</p>	
<p><b>Prohibitions respecting funeral establishments</b></p> <p><b>Operating funeral establishments</b></p> <p><b>8 (1)</b> No person shall operate a funeral establishment or hold themselves out as the operator of a funeral establishment, unless the person is licensed to do so. 2002, c. 33, s. 8 (1).</p> <p><b>Selling funeral services</b></p> <p>(2) No person shall sell or offer to sell funeral services to the public, or hold themselves out as available to sell funeral services to the public, unless,</p> <p>(a) the person holds a prescribed licence and is acting on behalf of a funeral establishment operator;</p> <p>(b) the person is a licensed funeral establishment operator; or</p> <p>(c) the person is part of a prescribed class of persons and the services are prescribed. 2006, c. 34, Sched. D, s. 7.</p>	<p><b>Embalming services</b></p> <p><b>4. (1)</b> Except as permitted by subsection <b>36 (4)</b>, no person shall embalm dead human bodies or hold oneself out as available to embalm dead human bodies, unless,</p> <p>(a) the person is licensed as a funeral director and is acting on behalf of a funeral establishment operator;</p> <p>(b) the person is enrolled in an approved education program and is working,</p> <p>(i) under the supervision and in the presence of the course instructor, or</p> <p>(ii) under the supervision of a person licensed as a Funeral Director – Class 1; or</p> <p>(c) the person is employed in a faculty of medicine or a school of anatomy designated under the <i>Anatomy Act</i>. O. Reg. 30/11, s. 4 (1).</p> <p>(2) A person licensed as a Transfer Service Operator – Class 1 is prescribed for the purposes of subsection 8 (2) of the Act as a person who is authorized to sell or offer to sell to the public or hold oneself out as available to sell to the public services described in subsection 36 (4). O. Reg. 30/11, s. 4 (2).</p>

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**5. (3)** A sales representative of a person licensed as a Transfer Service Operator – Class 1 is prescribed for the purposes of clause 8 (2) (c) of the Act as a person who is authorized to sell or offer to sell to the public, or hold oneself out as available to sell to the public, funeral services that the operator on whose behalf the representative acts, is authorized to sell or offer to sell. O. Reg. 30/11, s. 5 (3).

**36.(4)** The transfer service operator shall not offer to sell, sell or provide the services of arterially embalming or restoring dead human bodies except to offer to sell, sell and provide the services of placing dead human bodies in caskets or caring for or preparing them, including by,  
(a) washing them, including by applying a disinfectant externally to them; and  
(b) setting the features. O. Reg. 30/11, s. 36 (4).

33. (4) If the funeral establishment provides the services of arterially embalming or restoring dead human bodies, the funeral establishment operator, shall ensure that the day-to-day operations of the funeral establishment are managed by a person licensed as a Funeral Director – Class 1; and

**Funeral director or preplanner**

**6. (1)** No person shall sell or offer to sell to the public funeral supplies and services on behalf of a funeral establishment operator, or hold oneself out as available to do so, unless,



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the person holds a licence as a Funeral Director – Class 1 or Funeral Director – Class 2 licence; the person is licensed as a funeral preplanner; or the person is enrolled in a funeral director or funeral preplanner education program approved by the registrar and is, employed by and acting on the behalf of a person licensed as a Funeral Establishment Operator – Class 1 or a Funeral Establishment Operator – Class 2, and working under the supervision of a person licensed as a Funeral Director – Class 1 or a Funeral Director – Class 2. O. Reg. 30/11, s. 6 (1).

(2) The licence of a funeral director or a funeral preplanner is a prescribed licence for the purposes of clauses 8 (2) (a) and 12 (2) (b) of the Act. O. Reg. 30/11, s. 6 (2).

“**funeral preplanner**” means an individual who, in respect of contracts made before the death of the intended recipient of supplies and services, is licensed to act under subsection 6 (1) on behalf of a person licensed as a **Funeral** Establishment Operator – Class 1 or **Funeral** Establishment Operator – Class 2 or who is licensed to hold oneself out as available to do so; (“conseiller en planification funéraire”)

**Interns**

6 (3) The class of persons described in clause (1) (c) is a prescribed class for purposes of clause 8 (2) (c) of the Act. O. Reg. 30/11, s. 6 (3).

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	<p>32 (3) The funeral establishment operator shall ensure that, if a contract is negotiated by someone who is enrolled in a funeral director or funeral preplanner education program and who is not a licensed funeral director or licensed funeral preplanner, the contract is reviewed and signed by a licensed funeral director. O. Reg. 30/11, s. 32 (3).</p>
<p><b>Operation of transfer services</b> 12 (1) No person shall operate, or hold themselves out as the operator of a transfer service, unless the person is licensed to operate a transfer service. 2006, c. 34, Sched. D, s. 11 (1).</p> <p><b>Selling services</b> (2) No person shall sell or offer to sell transfer services to the public, or hold themselves out as available to sell transfer services to the public, unless, (a) the person is licensed as a transfer service operator or a funeral establishment operator; or (b) the person holds a prescribed licence and is acting on behalf of a transfer service operator or a funeral establishment operator. 2006, c. 34, Sched. D, s. 11 (1).</p>	<p>6. (2) The licence of a funeral director or a funeral preplanner is a prescribed licence for the purposes of clauses 8 (2) (a) and 12 (2) (b) of the Act. O. Reg. 30/11, s. 6 (2).</p> <p>“funeral preplanner” means an individual who, in respect of contracts made before the death of the intended recipient of supplies and services, is licensed to act under subsection 6 (1) on behalf of a person licensed as a <b>Funeral Establishment Operator – Class 1 or Funeral Establishment Operator – Class 2</b> or who is licensed to hold oneself out as available to do so; (“conseiller en planification funéraire”)</p> <p>35 (4) The transfer service operator shall not transport a dead human body that has not been arterially embalmed, later than 72 hours after the death or the removal of the body from refrigeration. O. Reg. 30/11, s. 35 (4).</p> <p>36. (4) The transfer service operator – class 1 shall not offer to sell, sell or provide the services of arterially embalming or restoring dead human bodies except to offer to sell, sell and provide the services of placing dead human bodies in caskets or caring for or preparing them, including by,</p>

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	<p>washing them, including by applying a disinfectant externally to them; and setting the features. O. Reg. 30/11, s. 36 (4).</p> <p>(5) If the transfer service operator provides services permitted under subsection (4), the transfer service operator shall ensure that a funeral director provides the services. O. Reg. 30/11, s. 36 (5).</p> <p>(6) The transfer service operator – class 1 shall not arrange, co-ordinate, conduct or participate in a visitation, <b>funeral</b> or other rite or ceremony at which human remains are present, except to transport the remains to or from a holding room or the location of a visitation, cremation, <b>funeral</b> or other rite or ceremony or except for the purpose of scattering human remains as authorized under section 2. O. Reg. 30/11, s. 36 (6).</p> <p><b>37 (2)</b> The transfer service operator – class 2 shall ensure that no employee has contact with the dead human body except to remove personal effects, place the body in a casket and transport the body. O. Reg. 30/11, s. 37 (2).</p> <p>(3) The transfer service operator – class 2 shall not arrange, co-ordinate, conduct, participate in or be present at a visitation, <b>funeral</b>, or other rite or ceremony at which human remains are present except for the purpose of scattering human remains as authorized under section 2. O. Reg. 30/11, s. 37 (3).</p> <p>(4) The transfer service operator – class 2 shall not transport the dead human body except from the place from which removal was first requested directly to a cemetery or crematorium or to a holding</p>
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	room that meets the requirements of section 47 and then to a cemetery or crematorium. O. Reg. 30/11, s. 37 (4).
	<b>Interns:</b> 6 (2) The licence of a <b>funeral</b> director or a <b>funeral</b> preplanner is a prescribed licence for the purposes of clauses 8 (2) (a) and 12 (2) (b) of the Act. O. Reg. 30/11, s. 6 (2).