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New Mexico Regulations & Licensing Department  
Boards and Commissions Division  
P.O. Box 25101  
Santa Fe, NM 87504

Re: Formal Opposition to Proposed Rule Changes to the New Mexico Funeral Code:

I am writing to express my strong opposition to the New Mexico Regulations and Licensing Division's proposed rule changes to the New Mexico Funeral Code. These revisions, particularly those affecting funeral director residency requirements, oversight responsibilities, facility standards, and embalming-room specifications pose legitimate and significant public-health, consumer-protection, and ethical-practice concerns for families across our state.

**1. Public Health Risks of Removing Direct, On-Site Oversight by Licensed Funeral Directors (16.64.4.10 LICENSEE IN CHARGE AND SEPARATE ESTABLISHMENTS)**

The proposed rule would allow a licensed funeral director to reside anywhere in the state of New Mexico, regardless of the distance from the establishment they supervise. This would drastically diminish the direct oversight that is fundamental to safe and ethical funeral service.

Licensed funeral directors are not merely administrators; they are highly trained professionals who hold mortuary science degrees and are specifically educated in:

- Infectious disease prevention and control
- Safe handling, transportation, and preparation of human remains
- Sanitation, embalming science, and workplace safety regulations
- Oversight of interns and apprentices working under their license

If a funeral director is not physically present or reasonably available to supervise daily operations, ensure compliance, and provide guidance to interns, the potential for serious errors, unsanitary conditions, and public-health hazards significantly increases. Interns, who are operating under a director's license and legal responsibility, must have direct, accessible

supervision to ensure appropriate care of decedents and protection of the community. This will affect and contradict 16.064.0008 FUNERAL SERVICE INTERN PRACTICES requirements. Under this proposal one funeral director can be the funeral director in charge of 10 funeral home in the 5<sup>th</sup> largest state in the U.S. and oversee fifty interns required to work under their license.

Removing physical presence requirements does not modernize the profession; it weakens safety standards and creates unnecessary risk for New Mexico families.

## **2. Reducing Facility Requirements Creates Unsafe Working Conditions & Disrespects the Deceased (16.64.4.9 MINIMUM REQUIREMENTS OF ESTABLISHMENTS)**

I also oppose the proposed amendments that would:

- Remove minimum chapel size requirements, and
- Alter embalming-room size and eliminate specific, required embalming equipment.

During the COVID-19 pandemic, chapel-size standards proved crucial. Larger, properly designed spaces allowed families to safely gather, grieve, and practice social distancing without compromising public well-being. These standards were practical, compassionate, and protective.

Similarly, embalming rooms must maintain ample space to allow employees to safely and respectfully handle human remains. Crowded, undersized preparation rooms increase:

- Risk of injury to staff
- Risk of contamination or cross-exposure
- Difficulty in meeting OSHA and public-health guidance
- Degradation in the standard of care owed to families

Furthermore, the removal of equipment requirements opens the door to establishing substandard facilities operating without the instruments necessary to properly embalm or sanitize remains. This is not modernization; it is deregulation that places both workers and families at risk.

### **The Colorado Example: Deregulation Leads Directly to Abuse, Scandal, and Public Harm**

Recent tragedies in Colorado demonstrate exactly what happens when oversight is weakened and facility standards are allowed to erode.

In the past several years, Colorado has faced multiple horrifying cases involving funeral homes:

- Businesses were discovered improperly storing bodies, some for years.
- Families received fake cremains or cremains belonging to other individuals.
- Decomposing remains were found in unsanitary, unlicensed, or makeshift spaces.
- Some establishments operated with little to no regulatory oversight.

These events did not happen in a vacuum; they occurred under one of the least regulated funeral codes in the nation, a system that allowed funeral homes to operate with minimal supervision and without adequate equipment or facility-size criteria.

In response, Colorado lawmakers have enacted stricter regulations, including enhanced licensing requirements, inspections, and oversight mechanisms. Their legislature recognized that the lax regulatory environment directly enabled the misconduct that devastated grieving families.

New Mexico must learn from Colorado's mistakes. We should be enhancing consumer protections; not reducing them. The role of the Regulations & Licensing Division is to prevent such tragedies from happening here, not to create conditions that make them more likely.

#### **4. Weakening Funeral Regulations Harms New Mexico Families**

Families trust funeral homes with their loved ones at the most vulnerable moments of their lives. It is the duty of the State of New Mexico to ensure those families are protected by:

- On-site or proximity, trained, licensed professionals
- Safe, sanitary, and properly equipped facilities
- Standards that protect public health, not convenience
- Oversight that prevents abuse, neglect, or unethical conduct

Lowering standards invites the very abuse we have already seen in neighboring states. Strengthening them preserves the dignity, safety, and trust that every New Mexican deserves.

For these reasons, I respectfully request that the New Mexico Regulations & Licensing Division withdraw the proposed rule changes related to:

- Funeral director location and residency requirements
- Facility size requirements for chapels and embalming rooms
- Removal of specific equipment standards for embalming and preparation rooms

New Mexico should not move backward at the expense of public health, worker safety, or the dignity of the deceased. As Colorado has demonstrated, weak regulations come at a steep cost; one borne by grieving families and unsuspecting communities. We must not allow such failures to take root in our state. I also humbly request that the New Mexico Regulation and Licensing Department consult with the New Mexico Funeral Services Board prior to amending, adding, or removing a rule(s) so they can be educated on the practical and real impact of those changes.

Thank you for your consideration of this important matter.

Respectfully submitted,  
R. Shane Ferrari  
Co-owner/ Farmington Funeral Home

- In 2025, state inspectors at Davis Mortuary — run by the county coroner — found **about 20 decomposing bodies** hidden behind a door covered by a cardboard display. Some victims had reportedly been stored for as long as fifteen years; investigators believe the mortuary may have issued “fake ashes” to families requesting cremations. [AP News+2CBS News+2](#)
- In another, even more egregious case, owners of Return to Nature Funeral Home were found to have stashed **nearly 190 decaying bodies** in a bug-infested building, while providing families with fake ashes instead of proper cremation. [TIME+3AP News+3PBS+3](#)
- In 2025, a former funeral-home director in suburban Denver, Miles Harford, was sentenced to the maximum 18 months in prison after pleading guilty to felony abuse of a corpse and misdemeanor theft. He had stored the body of a 63-year-old woman in a hearse on his property for about 18 months — and investigators also discovered cremated remains of at least 30 other individuals at his home. [People.com+2Colorado Public Radio+2](#)
- These scandals were part of what prompted Colorado lawmakers to pass new legislation (effective 2026) requiring funeral-home operators to hold mortuary-science degrees, pass a national board exam, serve an apprenticeship, and pass background checks — plus new rules for regular inspections and oversight. [TIME+2The Guardian+2](#)