

## CHAPTER 156.

## FUNERAL DIRECTORS AND EMBALMERS.

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## 156.01 Definitions. As used in this chapter:

- (1) "Board" without other designation shall mean the state board of health.
- (2) "Committee" shall mean the state health officer, assistant state health officer or some other person designated by the board and a committee of three examiners appointed by the state board of health pursuant to section 156.02.
- (3) A "funeral director" is a person engaged in or conducting, or holding himself out, in whole or in part, as being engaged in:
  - (a) Preparing, other than by embalming, for the burial or disposal, or directing and supervising the burial or disposal of dead human bodies;
  - (c) Who shall, in connection with his name or funeral establishment, use the words, "funeral director," "undertaker," "mortician" or any other title implying that he is engaged as a funeral director as defined in this subsection.
- (4) An "embalmer" is a person engaged in, or holding himself out as engaged in, the practice of disinfecting or preserving dead human bodies, entire or in part, by the use of chemical substances, fluids or gases in the body, or by the introduction of same into the body by vascular or hypodermic injection, or by direct application into the organs or cavities for the purpose of preservation or disinfection.
- (5) A "funeral establishment" is any building used or held out to the public as being used in the care and preparation for burial or transportation of dead human bodies and for the holding or conducting of funeral services. A funeral establishment must contain a preparation room equipped with tile, cement or composition floor, necessary drainage and ventilation and contain necessary instruments and supplies for the preparation and embalming of dead human bodies for burial, transportation or other disposition. The board and committee shall adopt such rules, regulations and classifications as may be reasonable and proper to define what shall be termed proper drainage and ventilation and what instruments are necessary and suitable in a funeral establishment.
- (6) An "apprentice funeral director" is any person engaged in the learning of the practice of funeral directing under the instruction and personal supervision of a duly licensed and registered funeral director under the provisions of sections 156.01 to 156.17, whose funeral establishment is located in this state; provided, that no person shall serve or attempt to serve as such apprentice funeral director under any such funeral director until he has filed registration thereof with the board.
- (7) An "apprentice embalmer" is any person engaged in the learning of the practice of embalming under the instruction and personal supervision of a duly licensed and registered embalmer under the provisions of sections 156.01 to 156.17, whose funeral establishment is located in this state; provided, that no person shall serve or attempt to serve as such apprentice embalmer under any such embalmer until he has filed a registration thereof with the board.
- (8) A "field educator" is a person appointed by the state board of health and the committee of examiners for the purpose of educating and supervising the funeral directors and embalmers of the state, inspecting funeral establishments and performing such other duties as may be assigned to him.
- (9) "Operators of funeral establishments" means any person, firm, corporation, partnership, association of individuals, or co-operative, who provide, own, lease, conduct, maintain or manage a building used or held out to the public as being used as a funeral establishment. [1933 c. 302 s. 2; 1937 c. 141; 1939 c. 93; 1943 c. 433]

**Note:** A duly licensed embalmer who devotes his full time to embalming must be employed in an establishment where embalming is performed, although it is not necessary for him to be employed full time in any one establishment. 28 Atty. Gen. 531. A funeral director licensed under this chapter may operate more than one funeral establishment. 30 Atty. Gen. 139.

**156.02 Committee of examiners.** (1) The state board of health shall appoint a committee of three examiners, who, together with the state health officer, the assistant state health officer or some other person designated by the state board of health shall constitute the committee of examiners, who shall enforce the provisions of this chapter. The appointive members of this committee shall be appointed by the board for terms of three years, but the members first appointed shall serve for one, two and three years, respectively. Each appointive member shall have had at least five years' experience, immediately preceding appointment, in the preparation and disposition of dead human bodies and in the practice of embalming. Members may be removed by the board for cause and any vacancy may be filled by appointment by the board for the remainder of the term. Each member shall receive a per diem of ten dollars and be reimbursed his necessary expenses for each day of actual service rendered.

(2) The committee shall annually elect a chairman from its own membership, and the assistant state health officer shall act as secretary to the committee. Meetings of the committee shall be held upon a written request of at least three members of the committee or upon request of the state health officer. The secretary shall notify each member of the time and place of such meeting. The state board of health and the committee of examiners shall appoint and outline the duties of the field educator who shall be a licensed embalmer in good standing, and have had at least five years of practical experience in embalming dead human bodies. The salary of the field educator shall be fixed by the state board of health and the committee of examiners. The position of field educator shall be subject to the civil service law. The state board of health and the committee of examiners may, if deemed necessary, appoint more than one field educator. [1933 c. 302 s. 2; 1937 c. 141; 1939 c. 93]

**156.03 Powers of board and committee; schools of instruction.** The board and committee of examiners shall have power and it shall be its duty:

(1) To enforce the provisions of this chapter. In discharge of this duty the members of the board, the members of the committee of examiners, the field educator and other duly authorized employes shall have authority to enter at all reasonable hours for the purpose of inspecting the premises in which the business of a funeral director is conducted or where embalming is practiced.

(2) To make and enforce reasonable rules and regulations, not inconsistent with this chapter, covering sanitary and health regulations in the preparation, transportation and disposition of dead human bodies, establishing professional and business ethics for the profession of funeral directors and embalmers and for the general conduct of the business of funeral directing and embalming. These rules and regulations shall be in force after their publication in the official state newspaper for 2 publications and their publication in pamphlet form for general distribution. The board may, upon recommendation of the committee, issue licenses to funeral directors and embalmers, certificates of registration to apprentices, and permits to operators of funeral establishments. It may likewise suspend or revoke licenses, registration or permits upon the recommendation of the committee or on its own motion after due hearing and at which the alleged offender has had an opportunity to be heard.

(3) To make and enforce all necessary rules and regulations, not inconsistent with this chapter, for the examination and licensing of funeral directors and the general practice of funeral directing; the examination and licensing of embalmers and the general practice of embalming, and the registration of apprentices.

(4) To conduct annually, a school of instruction to apprise funeral directors and embalmers of the most recent scientific knowledge and developments affecting their profession. Qualified lecturers and demonstrators shall be employed for this purpose, who may be selected without regard to the civil service law. The board, committee or secretary of the committee shall give notice of the time and place at which such school will be held to all licensed funeral directors and embalmers at their last known address as provided by the records in the office of the state board of health. [1933 c. 302 s. 2; 1937 c. 141; 1939 c. 93; 1943 c. 433; 1945 c. 209]

**Note:** (2) does not justify making of rule prohibiting all price advertising. 29 Atty. Gen. 304.

**156.04 Funeral directors; licenses.** (1) The business of a funeral director must be conducted in a funeral establishment equipped for the care and preparation for burial or transportation of dead human bodies. What shall be deemed "necessary equipment"

shall be defined in the rules and regulations to be adopted by the committee with the approval of the board.

(2) No person shall engage in the business of a funeral director, or hold himself out as engaged in such business, in whole or in part, unless first licensed as a funeral director by the board; provided that any funeral director licensed under the provisions of chapter 156 of the 1937 statutes may continue to practice his profession under his present license throughout the year 1939 and shall be entitled to a renewal license upon complying with the requirements prescribed in section 156.06. Application for such license (other than a renewal) shall be in writing and verified on a form to be furnished by the board. The application must specify the address at which the applicant proposes to conduct the business of a funeral director and shall contain such other information as the board or committee may require to determine compliance with the requirements of sections 156.01 to 156.17. Accompanying the application shall be a fee of \$15, together with affidavits from at least 2 reputable freeholders of the county in which the applicant resides or proposes to conduct the business of a funeral director, to the effect that the applicant is of good moral character, of temperate habits, and a citizen of the United States.

(3) To be eligible to take the examination for a funeral director's license, in addition to the requirements of subsection (2), a person must be at least 21 years of age and either a graduate of a high school or has equivalent education as defined by the board, if he has not made application under section 156.095 (1) by July 1, 1943, and has served at least 2 years' apprenticeship as prescribed in section 156.095, or is a graduate of a duly recognized school for funeral directing and has served one year's apprenticeship, with the other requirements as prescribed in said section 156.095. Provided, that any embalmer licensed under the provisions of chapter 156 of the 1937 statutes and whose license is in effect at the time of the effective date of this amendment, shall be eligible to take the examination for a funeral director's license.

(4) Written and oral examinations for funeral director's license shall be held at least once a year at a time and place to be designated by the board and the committee, and conducted by the committee of examiners. The examination shall include the subjects of funeral directing, burial or other disposition of dead human bodies, sanitary science, public health, transportation, business ethics, together with the laws of the state of Wisconsin and rules and regulations of the state board of health relating to communicable diseases, quarantine and causes of death. [1933 c. 302 s. 2; 1937 c. 141; 1939 c. 93; 1943 c. 433]

**Note:** One who permits his name to be used as part of corporate name of funeral establishment may be holding himself out as engaged in business of funeral director in violation of (2), unless he is licensed. 24 Atty. Gen. 28.

Sections 156.04, 156.05 and 156.12 relating to funeral directors and embalmers, do not preclude such persons from arranging with co-operative burial associations to furnish services to members of such associations, nor are such associations conducting under-

taking businesses without licenses. 26 Atty. Gen. 300.

Under (2) person may own funeral establishment although he is not licensed funeral director, provided he hires some one who is licensed to conduct business and does not hold himself out to public as being engaged in funeral directing business. 28 Atty. Gen. 683.

See note to 20.06, citing 29 Atty. Gen. 271.

**156.05 Embalmers; licenses.** (1) No person shall engage in, or hold himself out as engaged in, the practice of an embalmer unless licensed by the board; provided, that any embalmer licensed under the provisions of chapter 156, of the 1937 statutes may continue to practice his profession under his present license throughout the year 1939 and shall be entitled to a renewal license upon complying with the requirements prescribed in section 156.06.

(2) To be eligible to take the examination for an embalmer's license, a person must be of good moral character, of temperate habits, a citizen of the United States, at least 21 years of age, is either a graduate of a high school or has equivalent education as defined by the board and, if he has not made application under section 156.095 (1) by July, 1943, and has had at least 3 years' practical experience in embalming and disinfecting by serving an apprenticeship, as prescribed in section 156.095 under a licensed embalmer, or 18 months' apprenticeship as prescribed in section 156.095 and have a diploma of graduation from a school of embalming duly approved by the state board of health and the committee of examiners which requires as a prerequisite to graduation the completion of a course of study of not less than 24 weeks' duration, and which gives a course of thorough instruction on the subjects of anatomy, bacteriology, autopsy, chemistry, practical embalming, and public health, consisting of 660 hours of instruction, and complies with the rules and regulations promulgated by the board and the committee for the conducting of embalming schools, and provided further that after July 1, 1940, no embalming school shall be approved and recognized by the board and committee as an accredited school unless such school requires as a prerequisite to graduation a course of study of not less than 36 weeks' duration consisting of at least 990 hours of thorough instruction on the

subjects mentioned in this section, and on such additional subjects as the board and committee may require. Provided further, that such applicant for embalmer's license shall have served at least 12 of the required 18 months' apprenticeship service prior to his enrollment in such embalming school.

(3) Applications for the examination for an embalmer's license shall be in writing and verified on a blank to be prescribed and furnished by the board, and be accompanied by such proof of compliance with the requirements of sections 156.01 to 156.17 and with such other information as the board and committee may require and shall be accompanied by a fee of \$15.

(4) Written and oral examinations for embalmer's license shall be held at least once a year at a time and place to be designated by the board and the committee and conducted by the committee of examiners. The examinations shall include the subjects of anatomy, bacteriology, autopsy, chemistry, practical embalming, sanitation, public health, business ethics, and the laws of this state and rules and regulations of the state board of health relating to communicable diseases, quarantine and causes of death. [1933 c. 302 s. 2; 1937 c. 141; 1939 c. 93; 1943 c. 433]

**Note:** In view of chapter 141, Laws 1937, under this section after completing one year and under facts stated, applicant may not of practical experience in embalming. 26 take examination for embalmer's license under this section after completing one year - Atty. Gen. 502.

**156.06 Renewal of licenses.** The board shall issue separate renewal licenses to funeral directors and to embalmers. All licenses shall expire at the close of the calendar year. A renewal license for the ensuing year shall be issued to any licensed funeral director or licensed embalmer on payment of a renewal fee of four dollars, providing the application is made prior to the close of the license year, and in case the application is made within thirty days after the close of the license year, the renewal fee shall be five dollars. Any person who holds a funeral director's license and an embalmer's license shall receive a renewal license for the ensuing year as a funeral director and a renewal license for the ensuing year as an embalmer, upon the payment of a fee of six dollars, provided said person files his application for renewal of a funeral director's license and a renewal of an embalmer's license prior to the close of the license year, and in case the application is made within thirty days after the close of the license year, the renewal fee for a funeral director's license and for an embalmer's license, shall be seven dollars; provided that before any renewal license shall be delivered to any licensed funeral director, proof must be furnished by the applicant, to the satisfaction of the board and committee, that he is doing business at a recognized funeral establishment and provided further that if such applicant is not doing business at a recognized funeral establishment, at the time for renewal of his license, he shall be given a certificate, upon the payment of a fee of one dollar therefor, to the effect that he is in good standing as such funeral director, and shall be entitled to such renewal license, at any time thereafter, when he is located at a recognized funeral establishment, and upon payment of the renewal fee provided by law. [1933 c. 302 s. 2; 1939 c. 93]

**Note:** This section does not require that applicant for renewal of funeral director's license own or maintain recognized funeral establishment, but requires only that he be "doing business" at such establishment. This requirement is sufficiently met by showing that applicant has contract with owner of such establishment permitting him to conduct funerals there. Board and committee of examiners is justified in requiring that copy of such contract be submitted to it. Contract need not be for full license year but must be in effect at time of granting renewal license. 30 Atty. Gen. 139.

**156.07 Restoration of licenses.** A licensed funeral director or embalmer who fails to renew his license may on application filed within 3 years after the expiration of his last license, secure a renewal license without examination by payment of a fee of \$7 for each year he was not licensed; provided, that any licensed funeral director or embalmer whose license has lapsed 3 years or more shall make application for a new license in compliance with section 156.04 or 156.05. The time limitations prescribed herein shall not include the service period of a funeral director or embalmer as an active member of the military or naval forces of the United States. [1933 c. 302 s. 2; 1939 c. 93; 1941 c. 51]

**156.08 Reciprocity in issuance of licenses.** (1) The board may upon recommendation of the committee issue an embalmer's license to any person of good moral character who holds an unexpired license as an embalmer issued by the proper authorities of another state whose requirements for a license are substantially equivalent to those of this state, providing that the embalmer applying for the Wisconsin license has been employed as a licensed embalmer for a period of not less than 5 years in the state in which such license was issued; and providing further that such applicant for a reciprocal license shall submit to and pass a written examination of the committee of examiners for embalmers of this state.

(2) The board may upon recommendation of the committee issue a funeral director's license to any person of good moral character who holds an unexpired license as a funeral

director, issued by the proper authorities of another state whose requirements for a funeral director's license are substantially equivalent to those of this state, providing that the funeral director applying for the Wisconsin license has been employed as a licensed funeral director for a period of not less than 5 years in the state in which such license was issued; and providing further that such applicant for a reciprocal license shall submit to and pass a written examination of the committee of examiners for funeral directors of this state.

(3) The board and committee shall have power to make and determine reciprocal agreements with other states. [1933 c. 302 s. 2; 1937 c. 141; 1939 c. 93; 1943 c. 433]

**Note:** Person holding embalmer's license granted in Iowa is not eligible for reciprocal licenses as embalmer and funeral director in Wisconsin until he has practiced for 5 years after granting of Iowa license. Period of "studentship" in Iowa is equivalent to "apprenticeship" in Wisconsin and cannot be counted in the 5 years of practice required for reciprocity. Person who has practiced for 5 years as "embalmer" under Iowa license is eligible for reciprocal licenses as "embalmer" and "funeral director," both professions being included in the single Iowa license. 33 Atty. Gen. 179.

**156.09 Display of licenses.** Funeral director's and embalmer's licenses and certificates of apprenticeship shall be displayed conspicuously in the place of business conducted by the licensee or where the licensee or apprentice is employed. [1933 c. 302 s. 2; 1937 c. 141]

**156.095 Apprenticeship, funeral directors and embalmers.** (1) (a) A person desiring to become an apprentice as a funeral director or embalmer shall make application on a form provided for the purpose and must appear before a member of the board, or a member of the committee, or any duly appointed representative of said board and committee; if however, any doubt exists as to the qualifications of the applicant, said application shall be submitted to the entire board and committee, or a subcommittee thereof duly appointed by the board and may be accepted or rejected by a majority vote of the board and committee or said subcommittee. The application shall state that the applicant is over 18 years of age, of temperate habits, of good moral character, a citizen of the United States, and holds a high school diploma or possesses equivalent education as defined by the board. Such application must be substantiated by the oath of the applicant and be accompanied by a fee of \$5. When the board is satisfied as to the qualification of an applicant for apprenticeship, they shall instruct the secretary to issue a certificate of apprenticeship. When the apprentice enters the employment of a licensed embalmer or funeral director, he shall immediately notify the secretary of the board, giving the name and place of business of the embalmer or funeral director whose service he has entered. If, at any time thereafter, such apprentice leaves the employ of the licensed embalmer or funeral director whose service he has entered, it shall be the duty of such licensed embalmer or funeral director to give such an apprentice an affidavit showing the length of time he has served as an apprentice with him, and the work he has done in detail, which affidavit shall be filed with the secretary of the board and made a matter of record in that office. If such apprentice shall thereafter enter the employ of another licensed embalmer or funeral director in this state, he shall forthwith report such employment to the secretary.

(b) All apprentices under sections 156.01 to 156.17 shall be paid a minimum wage of at least twelve dollars per week for the first year of apprenticeship and at least fifteen dollars per week for all remaining time spent in apprenticeship.

(c) A certificate of apprenticeship issued as provided in this section shall be signed by the apprentice and shall be renewable annually upon the payment on January 1 of each year of a renewal fee of \$5. The board shall mail during the month of December of each year, to each registered apprentice at his last known address, a notice that his renewal fee is due, and that, if not paid by February 1 following, the penalty for the lapse in renewal will be \$1 in addition to such renewal fee.

(d) All apprentices registered as provided in this section shall be required to make report to said board semiannually, on May fifteenth, and November fifteenth, upon forms provided by the board, showing the work which they have done during the six months preceding the first of the month in which said report is made.

(e) The report must show the number of hours served by the apprentice and the number of bodies he has assisted in embalming, or otherwise prepared for burial or disposition during such period, the number of funeral services at which he has assisted, and give such other information as may be required by the board and committee. The data contained in said report shall be certified to as correct by the licensed embalmer or licensed funeral director under whom he has served during such period.

(2) (a) Every registered apprentice, before being eligible to take the examination for a funeral director's license shall make report to the state board and committee, on blanks furnished for that purpose, showing that he has assisted a licensed funeral director in conducting at least seventy-five funerals and has assisted a licensed funeral director, under whom he is serving in preparing, for burial or disposition other than by embalming,

at least seventy-five dead human bodies; and shall furnish such other information as the board or committee may require. Such reports must give the name of the deceased in each instance and the date and place where the funeral was held or other service performed and shall be certified as otherwise provided in sections 156.01 to 156.17.

(b) The term of a registered apprentice for funeral director shall be recognized only when given employment in a funeral establishment under the personal supervision of a licensed funeral director.

(c) Only one funeral director apprenticeship shall be recognized by the board and committee of examiners at any one establishment in a current year that has had less than one hundred and fifty funeral services or prepared less than one hundred fifty bodies for burial or shipment during the preceding year, other than by embalming.

(d) The board and the committee may recognize a second apprenticeship for funeral director at a funeral establishment during the current year that has had one hundred and fifty funerals or more and has prepared one hundred fifty bodies or more for burial or shipment during the preceding year (other than embalming); provided that full time employment is given to at least two licensed funeral directors at such funeral establishment.

(3) (a) Every registered apprentice for an embalmer, before being eligible to take the examination for license, shall make report to the state board and committee, on blanks furnished for that purpose, showing that he has assisted a licensed embalmer, under whom he is serving, in the embalming of at least seventy-five bodies, and shall furnish such other information as the board or committee may require. Such reports must give the name of the deceased in each instance and the place and time when the work was performed, and shall be certified as otherwise provided in sections 156.01 to 156.17.

(b) The term of a registered apprentice for an embalmer shall be recognized only when given employment in a funeral establishment under the personal supervision of a licensed embalmer.

(c) Only one embalmer apprenticeship shall be recognized by the board and committee of examiners at any one establishment in a current year that has had less than one hundred and fifty embalming operations during the preceding year.

(d) The board and the committee may recognize a second apprenticeship for embalmer at a funeral establishment during the current year that has had in excess of one hundred and fifty embalming operations during the preceding year; provided that full time employment is given to at least two licensed embalmers at such funeral establishment.

(4) Before such apprentice shall be eligible to receive a license to practice embalming or funeral directing, he shall present, in connection with the other evidence required by sections 156.01 to 156.17, affidavits from the several licensed embalmers or licensed funeral directors under whom he shall have worked, showing that he has assisted in embalming for burial or shipment, at least 75 bodies, if an embalmer's apprentice; or that he has assisted a licensed funeral director in preparing 75 dead human bodies for burial or transportation (other than by embalming) and assisted in at least 75 funeral services, during his apprenticeship, if a funeral director's apprentice. This work must all have been done within 4 years from the date of registering as an apprentice. Provided, however, that such time may be extended by the board and committee for good cause shown, not to exceed one additional year. The provisions of this section shall be suspended for such period as a registered apprentice may be an active member of the military or naval forces of the United States. [1937 c. 141; 1939 c. 93; 1941 c. 51; 1943 c. 433]

**Note:** One licensed embalmer or one licensed funeral director may supervise only one apprentice embalmer or apprentice funeral director. 28 Atty. Gen. 581.

State board of health, not industrial commission, is proper agency to co-operate with

veterans administration with reference to apprentice training of veterans in the field of funeral directing and embalming. 35 Atty. Gen. 13.

**156.10 Term of apprenticeship.** (1) The term of an apprenticeship for either funeral director or embalmer shall begin on the date of registration and terminate after a period of not more than four years from the time of first registration, (unless the time is extended as provided in sections 156.01 to 156.17). A registered apprentice must make application for license and must appear before the committee of examiners for examination within four years from date of registration, (unless the time is extended as provided in sections 156.01 to 156.17). Noncompliance with the provisions of this subsection terminates the right to serve as an apprentice.

(2) In all applications of apprentices for licenses as funeral directors or embalmers under sections 156.01 to 156.17, the eligibility of the applicant to take the examination shall be determined by the records filed with the board.

(3) Apprentice registrations that were filed prior to the effective date of this section shall be governed by the law in force when the registration took place.

(4) Any person now holding a certificate of registration as an apprentice shall be given full credit for the work he has done to the date of the taking effect of this section.

(5) The term for apprenticeship in embalming and the term for apprenticeship in funeral directing may be served concurrently.

(6) The board shall have power to suspend or revoke a certificate of apprenticeship for violation of any provision of sections 156.01 to 156.17.

(7) An apprentice who has allowed his certificate of apprenticeship to lapse or who has had his apprenticeship suspended or revoked, may within one year after such lapse or suspension or revocation make application for reregistration, but not more than two such reregistrations shall be allowed by the board. The board may, at its discretion, allow an apprentice credit under a registration for the time actually served under a previous registration; provided, that if the previous registration has been suspended or revoked for cause, not more than seventy-five per cent of the time previously served shall be credited on the reregistration. [1933 c. 302 s. 2; 1939 c. 93]

**156.105 Funeral establishment permits.** (1) No person, firm, corporation, partnership, association of individuals or co-operative shall conduct, maintain, manage or operate a funeral establishment unless a permit for each such establishment has been issued by the state board of health and is conspicuously displayed in such funeral establishment.

(2) No permit to operate a funeral establishment shall be issued by the state board of health unless each such funeral establishment has in charge, full time therein, a licensed funeral director.

(3) Applications for such funeral establishment permits shall be made on blanks furnished by the board and filed with the board on or before July 1 of each year and shall be accompanied by a fee of \$5. All such permits shall expire on June 30 of each year.

(4) Violations of any provisions of sections 156.01 to 156.17 or any rules or regulations of the board and committee committed by any employe or member of firm, corporation, partnership, association of individuals or co-operatives operating such funeral establishments shall be considered sufficient cause for suspension or revocation of such funeral establishment permit.

(5) No operator of a funeral establishment shall allow any licensed funeral director to operate out of such funeral establishment unless such licensed funeral director is the operator of or an employe of the operator of a funeral establishment which has been granted a permit by the state board of health. [1943 c. 433; 1945 c. 209]

**156.11 Register; change of address.** (1) The board shall keep register of the names and business address of all persons to whom licenses or certificate of registration are issued under this chapter, the number and date of each license or certificate, and date of renewal. Biennially the board shall supply all licensed funeral directors and embalmers and all transportation companies in the state with a list of all licensed funeral directors and embalmers, with business address and license numbers.

(2) Any licensed funeral director, licensed embalmer or registered apprentice who changed his address, shall within 20 days notify the board of such change except the same shall not be required of any such person while he is an active member of the military or naval forces of the United States. [1933 c. 302 s. 2; 1941 c. 51]

**156.12 Prohibited practices.** (1) No embalmer shall embalm a dead human body when he has information reasonably indicating crime in connection with the cause of death, until permission of the coroner has first been obtained.

(2) No licensed embalmer shall sign a certificate stating that he has embalmed or prepared a dead human body, when in fact, some other person embalmed or prepared said dead human body; provided, that this subsection shall not be construed as preventing a registered apprentice embalmer assisting the licensed embalmer from so certifying.

(3) No licensed funeral director, licensed embalmer or operator of a funeral establishment shall, directly or indirectly, solicit a funeral service or the right to prepare a dead human body for burial or transportation either before or after death has occurred, or pay or cause to be paid any sum of money or other valuable consideration for the securing of the right to do such work; but nothing herein shall interfere with the right of any person not a licensed funeral director or licensed embalmer to solicit memberships or sell stock or memberships in any association organized under chapter 185.

(4) No licensed funeral director, licensed embalmer or operator of a funeral establishment shall publish, or cause to be published, any false, misleading or fraudulent advertisement, or take undue advantage of his patrons or commit any fraudulent act in the conduct of his business, or do any other act not in accord with the rules and regulations established by the board and not in accord with proper business practice as applied to the business or profession of funeral directing and embalming.

(5) Any licensed embalmer or licensed funeral director who knowingly permits any person not licensed as an embalmer to embalm or prepare for burial any body under his

jurisdiction, or who permits any person not licensed as a funeral director to hold or conduct any funeral service for which he is responsible, or who permits any person not licensed as an embalmer or funeral director to remove any dead human body from any home, hospital or institution for preparation, or who permits any person under his supervision or associated with him to violate the provisions of this chapter, shall be guilty of violating the provisions of this chapter and subject to the penalties provided therein. The foregoing provisions shall not be construed as to restrict the activities of a duly registered apprentice operating under the supervision of a licensed embalmer or licensed funeral director.

(6) No licensed funeral director, licensed embalmer, or operator of a funeral establishment shall operate a mortuary or funeral establishment located within the confines of, or connected with, any cemetery. No licensed funeral director or licensed embalmer or his or her employe shall, directly or indirectly, receive or accept any commission, fee, remuneration or benefit of any kind from any cemetery, mausoleum or crematory or from any proprietor or agent thereof in connection with the sale or transfer of any cemetery lot, entombment vault, burial privilege or cremation, nor act, directly or indirectly, as a broker or jobber of any cemetery property or interest therein.

(7) No licensed funeral director, licensed embalmer or operator of a funeral establishment shall sell or cause to be sold any shares of stocks, certificates of membership or any other form of certificate which provides for any burial benefit or any rebate at the time of death to the holders thereof. [1933 c. 302 s. 2; 1937 c. 141; 1939 c. 93; 1943 c. 187, 433]

**Note:** A licensed funeral director and embalmer who acts as secretary of a cemetery association for a fixed salary not dependent upon the sale of lots and who takes no part in the sale of lots except the ministerial duty of receiving and depositing money paid therefor and making out, signing and mailing deeds, does not thereby violate (6). 35 Atty. Gen. 186.

**156.13 Investigations; hearing; revocation of licenses.** (1) The board and committee may make investigations, subpoena witnesses and conduct hearings.

(2) No order revoking a license shall be made until after a public hearing conducted by the board, committee or any member thereof.

(3) At least ten days prior to the date of hearing, the board shall send written notice of the time and place of such hearing to the applicant for a license, or to the complainant, and to the party complained against and to their respective attorneys or agents of record, by mailing the same to the last known address of such persons.

(4) The testimony presented and proceedings had at such hearings shall be taken in shorthand, transcribed and preserved as records of the board. The board and committee shall as soon thereafter as possible make its findings in determination thereof, and send a copy to each interested party.

(5) The committee shall make recommendations to the board to revoke or suspend any license or certificate of registration, after a public hearing and notice to the licensee or registered apprentice, for commission of any crime involving moral turpitude, any violation of this chapter or of any rule or regulation of the board and of the committee, or unprofessional conduct, including misrepresentation or fraud in obtaining the license. [1933 c. 302 s. 2; 1937 c. 141]

**156.14 Funeral directors; embalmers; who to employ.** No public officer, employe or officer of any public institution, physician or surgeon shall send, or cause to be sent, to any funeral director, undertaker, mortician or embalmer, the corpse of any deceased person, without having first made due inquiry as to the desires of the next of kin, or any persons who may be chargeable with the funeral expenses of such deceased person, and if any such kin or person be found, his authority or direction shall be received as to the disposal of such corpse. [1933 c. 302 s. 2]

**156.15 Penalties.** (1) Any person violating any provision of this chapter or any rule or regulation of the board and of the committee relating to its subject matter, shall be fined not less than fifty nor more than two hundred dollars, or imprisoned not less than thirty days nor more than three months.

(2) A funeral director or embalmer who fails to file a death certificate and obtain burial permit before interring, depositing in vault or tomb, cremating or otherwise disposing of a dead human body, upon being convicted and fined for a second offense, shall have his license at once revoked, and he shall not be relicensed for at least one year and only after a regular examination. [1933 c. 302 s. 2; 1937 c. 141]

**156.16 Exceptions.** No provision of this chapter shall apply to, or in any way interfere with the duties of any officer of any public institution, nor with the duties of any officer of a medical college, county medical society, anatomical association, accredited col-



lege of embalming or any other recognized person carrying out the provisions of the sections of the statutes prescribing the conditions under which indigent dead human bodies are held subject for anatomical study; nor with the customs or rites of any religious sect in the burial of their dead. [1933 c. 302 s. 2]

156.17 Severability of provisions. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby. [1933 c. 302 s. 2]