

## CHAPTER 445

## FUNERAL DIRECTORS AND EMBALMERS

445 01	Definitions.	445 10	Term of apprenticeship.
445 03	Powers of examining board.	445 105	Funeral establishment permits.
445 04	Funeral directors; licenses.	445 11	Register; change of address.
445 045	License requirements.	445 12	Prohibited practices.
445 05	Embalmers; examination for license.	445 125	Burial agreements.
445 06	Renewal of licenses.	445 13	Investigations; hearing; revocation of licenses.
445 07	Restoration of licenses.	445 14	Funeral directors; embalmers; who to employ.
445 08	Reciprocity in issuance of licenses.	445 15	Penalties.
445 09	Display of licenses.	445 16	Exceptions.
445 095	Apprenticeship, funeral directors and embalmers.		

**445.01 Definitions.** As used in this chapter:

(2) "Examining board" means the funeral directors and embalmers examining board.

(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", "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 or part of a building used and held out to the public as being used in the care and preparation for burial or transportation of dead human bodies or for 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.

(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 this chapter, 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 the person has filed registration thereof with the examining 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 this chapter, 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 the person has filed a registration thereof with the examining board.

(9) "Operator of funeral establishment" means any person who conducts, maintains, manages or operates a funeral establishment.

(10) "Person" includes firm, corporation, partnership, co-operative and association of individuals.

**History:** 1975 c. 39 ss. 648m, 649, 649g, 732 (2); 1975 c. 199; 1977 c. 272 s. 98; 1979 c. 175 ss. 29, 30, 53; 1979 c. 221 ss. 660, 2202 (45); 1981 c. 20.

**445.03 Powers of examining board. (1)**

The examining board shall:

(a) Enforce this chapter.

(2) The examining board may:

(a) Make and enforce rules not inconsistent with this chapter 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, and for the examination and licensing of funeral directors and embalmers and the registration of apprentices.

(b) Grant licenses to funeral directors and embalmers, certificates of registration to apprentices, and permits to operators of funeral establishments.

(c) Conduct 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.

(d) Make and determine reciprocal agreements with other states.

**History:** 1971 c. 301; 1975 c. 39 ss. 650, 651, 732 (2); 1979 c. 175 s. 29; 1979 c. 221 s. 660; 1981 c. 20, 162.

Rules authorized under (2) (a) should be enacted under ch. 227. 63 Atty. Gen. 154.

#### 445.04 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.

(2) No person may engage in the business of a funeral director, or make a representation as engaged in such business, in whole or in part, unless first licensed as a funeral director by the examining board. Application for a license, other than a renewal, shall be in writing and verified on a form to be furnished by the examining 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 examining board requires to determine compliance with the requirements of this chapter. Accompanying the application shall be the examination fee specified under s. 440.05 (1), together with affidavits of recommendation from at least 2 persons of the county in which the applicant resides or proposes to conduct the business of a funeral director.

(3) Written or oral examinations for a funeral director's license shall be held at least once a year, to be conducted by the examining board at a time and place to be designated by the examining board under the supervision of the examining board. The examination shall include the subjects of funeral directing, burial or other disposition of dead human bodies, sanitary science, public health, transportation, business ethics and the laws of this state and rules of the department of health and social services relating to communicable diseases, quarantine and causes of death.

**History:** 1971 c. 301; 1975 c. 39 ss. 653, 732 (2); 1975 c. 199; 1977 c. 29, 418; 1979 c. 175 s. 29; 1979 c. 221 s. 661; 1981 c. 162, 380.

**445.045 License requirements. (1)** To be eligible for an original funeral director's or embalmer's license, after October 1, 1959, a person must meet all of the following requirements:

(a) Be at least 18 years of age;

(b) Subject to ss. 111.321, 111.322 and 111.335, not have an arrest or conviction record;

(d) Have completed 2 academic years of instruction in a recognized college or university, in a course of study approved by the examining board, or have equivalent education;

(e) Have satisfactorily completed 9 months or more instruction in a prescribed course in mortuary science approved by the examining board at any time after having completed one year of college work or equivalent education;

(f) Have completed one year of apprenticeship as prescribed in s. 445.095 at any time after having completed one year of college work or equivalent education and either before or after taking the course in mortuary science required by par. (e).

(g) Have successfully passed a comprehensive examination conducted by the examining board as required by ss. 445.04 and 445.05, but such examination may be taken at any time after completion of the college and mortuary school instruction and regardless of the age of the applicant.

(2) The eligibility requirements in sub. (1) shall not apply to:

(a) Any person to whom a certificate of apprenticeship was issued before October 1, 1959, and who satisfies the legal requirements in effect at the time of his registration; or

(b) Any person who served actively in the armed forces of the United States between August 3, 1951, and October 1, 1959, and who was discharged under conditions other than dishonorable, registers with the examining board within 6 months of the date of discharge, and who satisfies the legal requirements in effect at the time the person entered the armed forces.

**History:** 1971 c. 213 s. 5; 1971 c. 228 s. 44; 1971 c. 301, 307; 1975 c. 39 ss. 654, 654n, 732 (2); 1975 c. 199; 1979 c. 175 ss. 29, 53; 1979 c. 221 ss. 662, 2202 (45); 1981 c. 380; 1981 c. 391 s. 211.

#### 445.05 Embalmers; examination for license. (1)

No person shall engage in, or make a representation as engaged in, the practice of an embalmer unless licensed by the examining board.

(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 examining board, and be accompanied by such proof of compliance with the requirements of this chapter and with such other information as the examining board requires and shall be accompanied by the examination fee specified under s. 440.05 (1).

(4) Written or oral examinations for an embalmer's license shall be held at least once a year, to be conducted by the examining board at

**445.05 FUNERAL DIRECTORS AND EMBALMERS**

4178

a time and place to be designated by the examining board under the supervision of the examining board. 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 of the department of health and social services relating to communicable diseases, quarantine and causes of death.

**History:** 1971 c. 301; 1975 c. 39 ss. 655, 732 (2); 1975 c. 199; 1977 c. 29, 418; 1979 c. 175 s. 29; 1979 c. 221 s. 662.

**445.06 Renewal of licenses.** The examining board shall issue separate renewal licenses to funeral directors and to embalmers. The renewal fee shall be that specified in s. 440.05 (3). Before any renewal license is delivered to any licensed funeral director, proof must be furnished by the applicant, to the satisfaction of the examining board, that the applicant is doing business at a recognized funeral establishment, except that if such applicant is not doing business at a recognized funeral establishment at the time of application for a license, the applicant shall be given a certificate, without additional cost, to the effect that the applicant is in good standing as a funeral director, and shall be entitled to a renewal license at any time during that license period, when located at a recognized funeral establishment, without payment of any additional renewal fee. The license shall expire on December 31 of odd-numbered years.

**History:** 1975 c. 39 s. 732 (2); 1975 c. 199; 1977 c. 29; 1979 c. 175 s. 29; 1979 c. 221 s. 662.

**445.07 Restoration of licenses.** A licensed funeral director or embalmer who fails to renew a license may on application filed within 4 years after the expiration of the person's last license secure a renewal license without examination by payment of a renewal fee for each biennium not licensed or by examination and payment of the fee under s. 440.05 (1). Any licensed funeral director or embalmer whose license has lapsed 4 years or more may obtain a new license by examination and payment of the fee under s. 440.05 (1). The time limitations prescribed in this section shall not include the service period of a funeral director or embalmer as an active member of the U.S. armed forces.

**History:** 1977 c. 29; 1979 c. 175 s. 29; 1979 c. 221 s. 662.

**445.08 Reciprocity in issuance of licenses.** (1) Any person holding a valid license as a funeral director or embalmer in another state having requirements substantially equal to those in this state may, if such state recognizes licenses issued by the examining board, apply for a license to practice in this state by filing with the examining board a certified statement from the secretary of the examining board of the

state in which the applicant holds a license, showing the qualifications upon which said license was granted, together with his or her recommendation. Thereupon the examining board may upon the payment of the required fee issue such license.

(2) Any person holding both a funeral director's and an embalmer's license in another state for 5 years or more, which state does not have reciprocity with this state as to licensing of such practitioners, is eligible for licensing as a funeral director and embalmer in this state provided that he:

(a) Is 18 years of age or older and, subject to ss. 111.321, 111.322 and 111.335, does not have an arrest or conviction record;

(b) Has satisfactorily completed the college requirements in effect at the time of making application for such licenses under this chapter;

(c) Presents a certificate showing that he has satisfactorily completed 9 or more months in a school of mortuary science;

(d) Has been a resident of Wisconsin for 5 or more years prior to such application; and

(e) Satisfactorily passed an examination by the examining board on the content of this chapter, the rules of the department of health and social services and examining board governing the preparation, embalming and transportation of deceased remains, and the vital statistics provisions pertaining thereto.

(f) The purpose of this subsection is to exempt such applicants from the apprenticeship requirements of this chapter.

(4) (a) Applications for the examination at a time and place to be arranged and conducted by the examining board for a reciprocal funeral director's or embalmer's license shall be in writing and verified on a blank to be prescribed and furnished by the examining board, and be accompanied by such proof of compliance with the requirements for a reciprocal funeral director's or embalmer's license and with such other information as the examining board requires and shall be accompanied by the examination fee for each application.

**History:** 1971 c. 213 s. 5; 1971 c. 301; 1975 c. 39 ss. 656, 657, 732 (2); 1975 c. 199; 1977 c. 29; 1979 c. 175 s. 29; 1979 c. 221 s. 662; 1981 c. 380; 1981 c. 391 s. 211.

**445.09 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.

**History:** 1979 c. 175 s. 29; 1979 c. 221 s. 662.

**445.095 Apprenticeship, funeral directors and embalmers.** (1) (a) A person desir-

ing to become an apprentice as a funeral director or embalmer shall apply on a form provided for the purpose and appear before the examining board, or any duly appointed representative of the examining board. The application shall state that the applicant is 18 years of age or older, holds a high school diploma or possesses equivalent education as defined by the examining board, does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, and has completed one academic year of instruction in a recognized college or university in a course of study approved by the examining board or has equivalent education. The application must be substantiated by the oath of the applicant and be accompanied by the fee specified in s. 440.05 (6). When the examining board is satisfied as to the qualification of an applicant for apprenticeship, it shall issue a certificate of apprenticeship. When the apprentice enters the employment of a licensed embalmer or funeral director, the apprentice shall immediately notify the examining board, giving the name and place of business of the embalmer or funeral director whose service the apprentice has entered. If, at any time thereafter, the apprentice leaves the employ of the licensed embalmer or funeral director whose service the apprentice has entered, the licensed embalmer or funeral director shall give the apprentice an affidavit showing the length of time served as an apprentice with that employer, and the work done in detail, which affidavit shall be filed with the examining board and made a matter of record in that office. If the apprentice thereafter enters the employ of another licensed embalmer or funeral director in this state, the applicant shall forthwith report such employment to the examining board.

(b) All apprentices under this chapter shall be paid at least the minimum wage in effect in this state.

(c) A certificate of apprenticeship issued under this section shall be signed by the apprentice and shall be renewable annually upon the payment on January 1 of each year of the renewal fee specified in s. 440.05 (6). The examining board shall mail during the month of December of each year, to each registered apprentice at the last-known address, a notice that the renewal fee is due.

(d) All apprentices registered under this section shall report at least semiannually to the examining board upon forms provided by the examining board. The reports shall contain the information required by the examining board. Failure to submit the required reports shall constitute justification for termination of the apprenticeship.

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

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

(c) Only one funeral director or embalmer apprenticeship shall be recognized by the examining board at any one establishment in a current year that has had, in case of a funeral director apprenticeship, less than 150 funeral services or prepared less than 150 bodies for burial or shipment during the preceding year, other than by embalming, or, in case of an embalmer apprenticeship, less than 150 embalming operations during the preceding year.

(d) The examining board may recognize a second funeral director or embalmer apprenticeship at a funeral establishment during the current year that has had, in case of a funeral director apprenticeship, 150 funerals or more and has prepared 150 bodies or more for burial or shipment during the preceding year (other than embalming), provided that full-time employment is given to at least 2 licensed funeral directors at such funeral establishment, or that has had, in case of an embalmer apprenticeship, in excess of 150 embalming operations during the preceding year, provided that full-time employment is given to at least 2 licensed embalmers at such funeral establishment.

(3) All apprentices shall be governed by ch. 106 and apprenticeship rules of the department of industry, labor and human relations.

(4) Before such apprentice shall be eligible to receive a license to practice embalming or funeral directing, the apprentice shall present, in connection with the other evidence required by this chapter, affidavits from the several licensed embalmers or licensed funeral directors under whom the apprentice has worked, showing that the apprentice has assisted in embalming for burial or shipment, at least 25 bodies, if an embalmer's apprentice; or that the apprentice has assisted a licensed funeral director in preparing 25 dead human bodies for burial or transportation (other than by embalming) and

assisted in at least 25 funeral services, during the 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 examining board 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.

**History:** 1971 c. 164, 228; 1975 c. 39 s. 732 (2); 1975 c. 199; 1977 c. 29; 1979 c. 175 ss. 29, 53; 1979 c. 221 ss. 662, 2202 (45); 1981 c. 20, 162, 380; 1981 c. 391 s. 211.

**445.10 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 4 years from the time of first registration unless the time is extended under this chapter. A registered apprentice must make application for license and must appear before the examining board for examination within 4 years from the date of registration unless the time is extended under this chapter. Noncompliance with this subsection terminates the right to serve as an apprentice.

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

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

**(6)** The examining board may limit, suspend or revoke a certificate of apprenticeship, or reprimand an apprentice, for violation of any provision of this chapter.

**(7)** An apprentice who has allowed a certificate of apprenticeship to lapse or who has had an apprenticeship suspended or revoked, may within one year after such lapse or suspension or revocation make application for reregistration, but not more than 2 such reregistrations shall be allowed by the examining board. The examining 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 75% of the time previously served shall be credited on the reregistration.

**History:** 1975 c. 39 s. 732 (2); 1975 c. 199; 1977 c. 418; 1979 c. 175 ss. 29, 53; 1979 c. 221 ss. 662, 2202 (45).

**445.105 Funeral establishment permits.**

**(1)** No person shall conduct, maintain, manage or operate a funeral establishment unless a permit for each such establishment has been

issued by the examining board and is conspicuously displayed in such funeral establishment. In case of funeral services held in any private residence, church, or lodge hall, no permit shall be required.

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

**(3)** Applications for funeral establishment permits shall be made on blanks furnished by the examining board and filed with the examining board on or before July 1 and shall be accompanied by the fee specified under s. 440.05 (8). All permits shall expire on June 30 of odd-numbered years.

**(4)** Violations of this chapter or any rules or regulations of the examining board committed by any person, or an officer, agent or employe with the knowledge or consent of any person operating such funeral establishments shall be considered sufficient cause for reprimand or for limitation, 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 examining board.

**History:** 1975 c. 39 s. 732 (2); 1977 c. 29, 418; 1979 c. 175 s. 29; 1979 c. 221 s. 662.

Licensing requirements prohibit operators of funeral establishments from allowing free-lance funeral direction. The statute does not prohibit operation of 2 establishments from one location nor regular use of a church for funeral services. 60 Atty. Gen. 147.

**445.11 Register; change of address. (1)**

The examining board shall keep a 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. The register shall be available for purchase at cost.

**(2)** Any licensed funeral director, licensed embalmer or registered apprentice shall within 20 days notify the examining board of a change of address. A notice is not required of any such person while an active member of the military or naval forces of the United States.

**History:** 1975 c. 39 s. 732 (2); 1975 c. 199; 1977 c. 418; 1979 c. 175 s. 29; 1979 c. 221 s. 662.

**445.12 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 or medical examiner 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 ch. 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 patrons or commit any fraudulent act in the conduct of business, or do any other act not in accord with the rules established by the department of health and social services and the examining 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.

**History:** 1973 c. 272; 1975 c. 39, 199; 1979 c. 175 s. 29; 1979 c. 221 s. 662.

#### 445.125 Burial agreements. (1) (a)

Whenever any person, referred to in this section as the depositor, makes an agreement with a funeral director, cemetery organization or any other person referred to in this section as the beneficiary, for the final disposition of the body of a person referred to in this section as the potential decedent, wherein the use of personal property under a prearranged funeral plan or the furnishing of services of a funeral director or embalmer in connection therewith is not immediately required, all payments made under the agreement shall be and remain trust funds, including interest and dividends if any, until occurrence of the death of the potential decedent, unless the funds are sooner released upon demand to the depositor, after written notice to the beneficiary.

(b) Notwithstanding s. 701.12 (1), such agreements may be made irrevocable as to the first \$1,500 of the funds paid under the agreement by each depositor.

(c) Any interest or dividends accruing to a trust fund under par. (b) may be made irrevocable.

(d) Any depositor who made an irrevocable agreement under par. (b) may designate a different beneficiary at any time prior to death, after written notice to the current beneficiary.

**NOTE:** Chapter 64, laws of 1981, which created par. (d), provides in section 3 that par. (d) first applies to agreements under par. (b) entered into on and after November 26, 1981.

(e) Nothing in this section shall prevent the sale and delivery of cemetery lots, graves, crypts, niches, columbaria or grave or lot markers or monuments before their use is required.

(2) All such trust funds shall be deposited with a bank or trust company within the state whose deposits are insured by the federal deposit insurance corporation, invested in a savings and loan association within the state whose shares

are insured by the federal savings and loan insurance corporation or invested in a credit union within the state whose savings are insured by the Wisconsin credit union share insurance corporation and shall be held in a separate account in the name of the depositor, in trust for the beneficiary until the trust fund is released under either of the conditions provided in sub. (1). In the event of the death of the depositor before the death of the potential decedent, title to such funds shall vest in the potential decedent, and the funds shall be used for the personal property and services to be furnished under the contract for the funeral of the potential decedent. The depositor shall be furnished with a copy of the receipts, certificates or other appropriate documentary evidence showing that the funds have been deposited or invested in accordance with this section. The depositor or the beneficiary shall furnish the bank, trust company, savings and loan association or credit union with a copy of the contract. Upon receipt of a certified copy of the certificate of death of the potential decedent, together with the written statement of the beneficiary that the agreement was complied with, the bank, trust company, savings and loan association or credit union shall release such trust funds to the beneficiary.

(3) The payment pursuant to this section of such fund and any interest or dividends which may have accumulated shall relieve the bank, trust company, savings and loan association or credit union of any further liability for such funds, interest or dividends. A bank need not comply with ch. 223 to accept and disburse deposits under this section.

(4) This section shall not apply to any contract to provide funeral and burial service for any person if such contract is incidental to maintaining such person in a home, hospital or institution.

**History:** 1973 c. 227; 1977 c. 40; 1979 c. 175 s. 29; 1979 c. 221 s. 662; 1981 c. 64.

**445.13 Investigations; hearing; revocation of licenses.** (1) Subject to the rules promulgated under s. 440.03 (1), the examining board may make investigations, subpoena witnesses, conduct hearings, limit, suspend or revoke licenses of funeral directors and embalmers, certificates of registration of apprentices and permits of operators of funeral establishments and reprimand funeral directors and embalmers, apprentices and funeral establishments for commission of any crime involving moral turpitude, any violation of this chapter or of any rule of the department of health and social

services or the examining board or unprofessional conduct, including misrepresentation or fraud in obtaining the license, permit or certificate of registration.

(2) No reprimand or order limiting, suspending or revoking a license, certificate of registration or permit shall be made until after a public hearing conducted by the examining board.

**History:** 1975 c. 39 ss. 657j, 657o, 732 (2); 1977 c. 418; 1979 c. 175 s. 29; 1979 c. 221 s. 662.

**445.14 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, 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.

**History:** 1979 c. 175 s. 29; 1979 c. 221 s. 662.

**445.15 Penalties.** (1) Any person violating any provision of this chapter or any rule of the department of health and social services and the examining board relating to its subject matter, shall be fined not less than \$50 nor more than \$200, or imprisoned not less than 30 days nor more than 3 months.

(2) A funeral director 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.

**History:** 1975 c. 39; 1979 c. 175 s. 29; 1979 c. 221 s. 662.

**445.16 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 college of embalming or any other recognized person carrying out 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.

**History:** 1979 c. 175 s. 29; 1979 c. 221 s. 662; 1981 c. 390.