

(3) The defendant in default under a land contract shall have the right at any time before judgment to tender to the plaintiff the delinquent installments thereunder, plus the costs of the action and shall thereupon be entitled to a dismissal of the action.

281.22 No judgment shall be entered in any action commenced before March 1, 1935, for ejection or unlawful detainer for failure to comply with any of the provisions of a lease for ten years or more, except leases mentioned in section 234.19 of fifty years or more, where the lessee pursuant to said lease has constructed improvements of more than one-half the value of the land on which said improvements are constructed, without containing a provision that the premises shall remain in possession of said lessee or his assigns for a redemption period which is herewith placed at from one to three years within the discretion of the court.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 20, 1933.

No. 327, A.]

[Published June 23, 1933.]

CHAPTER 302.

AN ACT to repeal chapter 156, and to create a new chapter 156 of the statutes, relating to funeral directors and embalmers and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 156 of the statutes is repealed.

SECTION 2. A new chapter is added to the statutes to be numbered and to read:

CHAPTER 156

FUNERAL DIRECTORS AND EMBALMERS

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 committee of 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 as engaged in or conducting the business of (a) preparing, other than by embalming, for the burial or disposal and directing and supervising the burial or disposal of dead human bodies, (b) providing for or maintaining a place for the

preparation, for the disposition or for the care of dead human bodies, or (c) who shall, in connection with his name or business, use the words, "funeral director", "undertaker", "mortician" or any other title implying that he is engaged in the business herein described.

(4) An "embalmer" is a person engaged in or holding himself out as engaged in the practice of disinfecting or preserving dead human bodies, or preparing for the transportation by a railroad, express company, or other common carrier of human bodies dead of contagious or infectious diseases.

(5) "Embalming" is the introduction into the vascular system or hollow organs of a dead human body, by arterial or hypodermic injection, of any chemical substances, fluids, or gases used for the purpose of preservation or disinfection.

(6) An "apprentice" is a person engaged in the practice of embalming under the instruction and personal supervision of a licensed embalmer.

156.02 COMMITTEE OF EXAMINERS. (1) The state board of health shall appoint a committee of three examiners who shall assist the board in enforcing the provisions of this chapter. The 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 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. Meetings of the committee shall be held upon call of the state health officer. The assistant state health officer shall act as secretary of the committee. 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 and a new competitive examination shall be given for said position after the effective date of this section.

156.03 POWERS OF BOARD; SCHOOLS OF INSTRUCTION. The board 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 employees 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 respecting the preparation and embalming of the dead, and necessary sanitary regulations governing the conduct of the business of funeral directors.

(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 shall give notice of the time and place at which such school will be held to all licensed funeral directors and embalmers, and it shall be the duty of every funeral director or embalmer to attend at least one such school in every three years.

156.04 FUNERAL DIRECTORS. (1) The business of a funeral director must be conducted in a fixed place or 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 board.

(2) No person shall engage in the business of a funeral director or hold himself out as engaged in such business unless first licensed as a funeral director by the board. Application for such a license 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 may contain such other information as the board may require

to determine compliance with the requirements of subsection (1) of this section. Accompanying the application, there shall be submitted affidavits from at least two reputable residents 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 and a citizen of the United States.

(3) Every person engaged in or conducting the business of a funeral director in this state at a fixed place or establishment six months prior to the effective date of this chapter, shall be entitled to a license as a funeral director upon application therefor made prior to July 1, 1934, and payment of a fee of four dollars. Every person licensed as an embalmer on the effective date of this section who has a fixed place of business, shall be entitled to a license as a funeral director for the balance of the year 1933 without payment of any additional fee.

(4) All persons not licensed under the provisions of subsection (3) shall be licensed only after the examination by the board and the payment of an initial fee of ten dollars.

156.05 EMBALMERS' LICENSES. (1) No person shall engage or hold himself out as engaged in practice as an embalmer unless licensed by the board; provided, that any embalmer licensed under the provision of chapter 156, Wisconsin Statutes 1931, may continue to practice his profession under his present license throughout the year 1933 and shall be entitled to a renewal upon payment of the renewal fee prescribed in section 156.06 of this chapter.

(2) To be eligible to take the examination for an embalmer's license a person must be of good moral character, a citizen of the United States, twenty-one years of age or over, is either a graduate of a public high school or has equivalent education, and has had either at least two years practical experience in embalming and disinfecting under a licensed embalmer, or at least one year of practical experience in embalming and disinfecting under a licensed embalmer, and has a diploma of graduation from a school of embalming which requires as a prerequisite to graduation the completion of a course of study of not less than twenty-four weeks duration, approved by the state board of health; provided, that any school of embalming situated within the state of Wisconsin, and having been in existence and operation in said state for at least five years immediately preceding the passage of this act, and giving a course of thorough instruction on the subjects of anatomy, bacteriology, autopsy, chemistry, practical embalming, funeral

directing and public health for a period of at least twenty-four weeks, consisting of six hundred sixty hours of instruction, and complying with the rules and regulations promulgated by the board for the conducting of embalming schools, shall be approved by the board as an accredited 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 subsection (2) as the board may require. With such application, the applicant shall pay the board an examination fee of ten dollars.

(4) 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 conducted by the committee of examiners. The examination shall include the subjects of anatomy, bacteriology, autopsy, chemistry, practical embalming and public health.

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 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. A renewal license for the ensuing year shall be issued to any 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 directors' license and an embalmers' 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 four dollars, provided said person files his application for renewal of a funeral directors' license and a renewal of an embalmers' 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 directors' license and for an embalmers' license, shall be five dollars.

156.07 RESTORATION OF LICENSES. A licensed funeral director or embalmer who fails to renew his license may on application

filed within three years after the expiration of his last license, secure a renewal license without examination by payment of a fee of five dollars for each year he was not licensed; provided, that any licensed funeral director or embalmer whose license has lapsed three years or more, shall make application for a new license in compliance with sections 156.04 or 156.05.

156.08 RECIPROCITY IN ISSUANCE OF LICENSES. The board may issue an embalmer's license to any person of good 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 and which grants full and equal reciprocal rights and privileges to a licensee of this state. The board may on same conditions recognize periods of apprenticeship spent under the supervision of licensed embalmers of other states.

156.09 DISPLAY OF LICENSES. Funeral director's and embalmer's licenses shall be displayed conspicuously in the place of business conducted by the licensee or where he is employed.

156.10 REGISTRATION OF APPRENTICES. Before beginning an apprenticeship under the instruction and supervision of a licensed embalmer, the person desiring to become an apprentice must register with the board. To be registered as an apprentice a person must be of good moral character and a citizen of the United States and either be a graduate of public high school or have an equivalent education. Proof of compliance with these qualifications shall be presented to the board in such form as it may require and application for registration made on a blank to be furnished by the board. The fee for a certificate of registration as an apprentice shall be one dollar.

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 twenty days notify the board of such change.

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 embalmed or prepared a dead human body, when in fact, some other person embalmed or prepared said dead human body.

(3) No licensed funeral director or licensed embalmer, shall directly or indirectly, pay or cause to be paid any sum of money or other valuable consideration for the securing of business or of obtaining authority to dispose of dead human bodies.

(4) No licensed funeral director or licensed embalmer shall take undue advantage of his patrons or commit any fraudulent act in the conduct of his business, or any other act, which in the judgment of the board, is not in accord with proper business practice as applied to the business or profession of funeral directing and embalming.

156.13 INVESTIGATIONS; HEARING; REVOCATION OF LICENSES.

(1) The board 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, any member thereof, or one or more members of the committee of examiners.

(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 and preserved as records of the board. The board shall as soon thereafter as possible make its finds in determination thereof, and send a copy to each interested party.

(5) The board shall have power 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, or unprofessional conduct, including misrepresentation or fraud in obtaining the license.

156.14 FUNERAL DIRECTORS; EMBALMERS; WHO TO EMPLOY. No public officer, employee 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.

156.15 PENALTIES. (1) Any person violating any provision of this chapter or any rule or regulation of the board 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.

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 college of embalming, or any other recognized person carrying out the provision 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.

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.

SECTION 3. This act shall take effect July 1, 1933.

Approved June 20, 1933.