

No. 172, S.]

[Published July 3, 1943.

CHAPTER 433.

AN ACT to repeal 156.01 (3) (b); to amend 156.01 (5), 156.03 (2), 156.04 (2) and (3), 156.05 (2) and (3), 156.08 (1) and (2), 156.095 (1) (a) and (c), 156.12 (3), (4) and (6); and to create 156.01 (9), 156.08 (3), and 156.105 of the statutes, relating to regulation of funeral directors and embalmers.

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

SECTION 1. 156.01 (3) (b) of the statutes is repealed.

SECTION 1a. 156.01 (5) of the statutes is amended to read:

156.01 (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. * * *

SECTION 2. 156.01 (9) of the statutes is created to read:

156.01 (9) "Operators of funeral establishments" means any person, firm, corporation, partnership, association of individuals, or cooperative, who provide, own, lease, conduct, maintain or manage a building used or held out to the public as being used as a funeral establishment.

SECTION 3. 156.03 (2) of the statutes is amended to read:

156.03 (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 publi-

cations 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.

SECTION 4. 156.04 (2) and (3) of the statutes are amended to read:

156.04 (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.

SECTION 5. 156.05 (2) and (3) of the statutes are amended to read:

156.05 (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 thirty-six weeks' duration consisting of at least nine hundred and ninety 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
* * *

SECTION 6. 156.08 (1) and (2) of the statutes are amended to read:

156.08 (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.*

SECTION 7. 156.08 (3) of the statutes is created to read:

156.08 (3) The board and committee shall have power to make and determine reciprocal agreements with other states.

SECTION 8. 156.095 (1) (a) and (c) of the statutes is amended to read:

156.095 (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.

(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.

SECTION 9. 156.105 of the statutes is created to read:

156.105 FUNERAL ESTABLISHMENT PERMITS. (1) No person, firm, corporation, partnership, association of individuals or cooperative 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 a duly licensed funeral

director and a duly licensed embalmer or a person who holds both of such licenses is employed either part or full time at each such funeral establishment.

No permit to operate more than 3 funeral establishments shall be issued to any person, firm, corporation, association of individuals or cooperative unless a duly licensed funeral director or a duly licensed embalmer is employed full time in each such branch establishment.

(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 cooperatives 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.

SECTION 10. 156.12 (3), (4) and (6) of the statutes are amended to read:

156.12 (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.

(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.

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CHAPTER 434.

AN ACT to amend 29.09 (7) and 29.10 of the statutes, relating to resident hunting licenses.

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

SECTION 1. 29.09 (7) of the statutes is amended to read:

29.09 (7) Of the fees paid for such licenses the county clerk may retain ten per cent as compensation for his services to the state, *except that the clerk shall receive 6 2/3 percent of the fees paid for hunting licenses*; the remainder he shall return to the state conservation commission on the first day of each month, with a report of the number of licenses issued by him during the preceding month and the amount of money thus remitted. All stubs of licenses issued and all unused license blanks shall be returned by the county clerk to the commission at the close of the year for which they are supplied.

SECTION 2. 29.10 of the statutes is amended to read:

29.10 Resident hunting licenses and deer tags shall be issued subject to the provisions of section 29.09, by the county clerks of the several counties upon blanks supplied to them by the state