

1993 Assembly Bill 595

Date of enactment: **December 13, 1993**  
Date of publication\*: **December 27, 1993**

## 1993 WISCONSIN ACT 100

AN ACT to amend 445.01 (6) and 445.12 (6); and to create 157.067 of the statutes, relating to: prohibiting joint ownership, operation or financial interests of funeral establishments and cemeteries.

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

**SECTION 1.** 157.067 of the statutes is created to read:

**157.067 Connection with funeral establishment prohibited.** (1) In this section, "funeral establishment" has the meaning given in s. 445.01 (6).

(2) No cemetery authority may permit a funeral establishment to be located in the cemetery. No cemetery authority may have or permit an employe or agent of the cemetery to have any ownership, operation or other financial interest in a funeral establishment. Except as provided in sub. (2m), no cemetery authority or employe or agent of a cemetery may, directly or indirectly, receive or accept any commission, fee, remuneration or benefit of any kind from a funeral establishment or from an owner, employe or agent of a funeral establishment.

(2m) A cemetery authority that is a religious association may accept a fee or remuneration from a funeral establishment or from an owner, employe or agent of a funeral establishment if all of the following requirements are satisfied:

(a) The fee or remuneration is a payment to the cemetery authority for a burial in the cemetery authority's cemetery.

(b) The fee or remuneration payment is made on behalf of the person who is responsible for paying for the funeral establishment's services.

(c) The funeral establishment will be reimbursed for the fee or remuneration by charging the person who is responsible for paying the funeral expenses an amount that is identical to the amount of the fee or remuneration

paid by the funeral establishment to the cemetery authority.

**SECTION 2.** 445.01 (6) of the statutes is amended to read:

445.01 (6) A "funeral establishment" is means 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. "Funeral establishment" does not include a building or part of a building that is erected under s. 157.11 (1) for holding or conducting funeral services if dead human bodies are not cared for or prepared for burial or transportation in the building. 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.

**SECTION 3.** 445.12 (6) of the statutes is amended to read:

445.12 (6) No licensed funeral director or operator of a funeral establishment may operate a mortuary or funeral establishment ~~located within the confines of, or connected with, any~~ that is located in a cemetery or that is financially, through an ownership or operation interest or otherwise, connected with a cemetery. No licensed funeral director or his or her employe may, 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~~ owner, employe or agent thereof in connection with the sale or

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transfer of any cemetery lot, outer burial container, 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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