

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1361/P1dn
MDK:cjs:rs

March 12, 2003

Representative Foti:

This draft is identical to the companion draft requested by Senator Schultz, except for the following: 1) the advertising requirements apply to crematories, as well as funeral establishments, and are moved to proposed s. 445.145; and 2) proposed 445.105 (2m) (e) is included in this draft because, after preparing Senator Schultz's draft, I realized that you want to prohibit mobile funeral establishments.

Please review the ****NOTES included in the text of this draft. In addition, please note the following:

1. The instructions provide that embalming must be done in a funeral establishment that has a permit. I think this is already required under current law. A "funeral director" is defined under current law as a person who engages in embalming, and the business of a funeral director must be conducted in a funeral establishment that has a permit. Therefore, I'm not sure about your intent on this issue. The draft does refer to embalming to ensure that persons who are exempt under various provisions of the draft are not allowed to embalm.
2. The instructions refer to ownership, in addition to operation, of funeral establishments. However, current law generally applies to the operation of a funeral establishment, and generally does not refer to ownership. Therefore, I did not refer to ownership in the draft.
3. The instructions provide for creating new penalties and strengthening existing penalties, but do not provide any details. This draft increases the criminal fine for any violation of chapter 445 to not more than \$5,000. (Under current law, that amount applies only to violations of s. 445.12 (3r), stats.) Are there additional changes to the penalties that you want to make?

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