

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1361/P2dn  
MDK:cjs:pg

May 2, 2003

Representative Foti:

This version is identical to the previous version, except for the following:

1. This version does not eliminate the exemption from permitting requirements for a church under s. 445.105 (1), stats. However, note that the exemption applies only if embalming or other preparation activities do not take place in the church.
2. Proposed s. 445.105 (2m) (d) refers to a "business" rather than an "occupant".
3. The fine under s. 445.15 (1), stats., is increased to not more than \$5,000 and is kept separate from the penalties under s. 445.15 (1m), stats.
4. Section 445.105 (3), stats., is amended to require identification numbers for each funeral establishment permit. This requirement may not be necessary if DRL or the board already assigns permit numbers. Also, if permit numbers are not currently assigned, the draft may have to be revised to require DRL or the board to issue numbers to current permit holders. Let me know what you think.
5. Permit numbers are required to be included in print advertisements under proposed s. 445.145, which is revised in this version. Also, the advertisement requirements are revised to apply to Internet web pages.

Also note the following:

1. Under this version (as under the previous version), embalming may be performed only in the preparation center of a funeral establishment that is issued a permit, except for any embalming that qualifies for the exemptions under s. 445.16 , stats. (religious practices, public institutions, medical colleges, etc.). This result is achieved because the business of a funeral director, which includes embalming, must be conducted in a permitted funeral establishment that, unless an exception applies, has a preparation center. See the amendment of s. 445.04 (1), stats. The exceptions specify that embalming cannot take place in a funeral establishment that does not have a preparation center. See proposed s. 445.105 (2) (a) and (b). Also, private residences, churches, lodge halls, and buildings erected under s. 157.11 (1), stats., which do not need a permit, may not embalm or otherwise care for dead bodies. See the proposed amendment of s. 445.105 (1), stats.

2. As drafted, if two different people operate the same funeral establishment (for example, by sharing embalming facilities), each person needs a permit for that establishment. See the proposed amendment of s. 445.105 (1), stats. Although the bill doesn't specify that more than one permit may be issued for a single funeral establishment, I think that result is achieved because no person may operate a funeral establishment unless the board has issued a permit to that person. If this result is not consistent with your intent, please let me know.

3. The bill does not make any substantive changes to the prohibition against funeral establishments in cemeteries under s. 157.067, stats. The bill's amendment of s. 157.065 (1), stats., does not change current law.

4. Like the previous version, the bill's requirements first apply to permits issued on the effective date of the bill and, therefore, do not apply to current permit holders.

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