



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1361/2

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D-NOTE

2003 BILL

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1 AN ACT to renumber 445.16; to renumber and amend 445.01 (5) (a) and
2 445.105 (2); to amend 30.67 (6) (b), 69.18 (1) (a) 3., 157.067 (1), 252.15 (5) (a)
3 7., 445.01 (6), 445.04 (1), 445.105 (1) and 445.15 (1); and to create 445.01 (2m),
4 445.01 (4m), 445.01 (5) (a) 3., 445.01 (6g), 445.01 (6r), 445.01 (9), 445.105 (2) (a)
5 and (b), 445.105 (2m), 445.145 and 445.16 (2) of the statutes; relating to:
6 regulating funeral directors and establishments, regulating cremation and
7 funeral advertising, and providing a penalty.

and memorial
center

Analysis by the Legislative Reference Bureau

This bill makes various changes to the regulation of funeral establishments and directors and creates requirements for printed advertising for cremation and funeral services.

Funeral establishments and directors and memorial centers

Under current law, a person is prohibited from operating a funeral establishment unless the funeral directors examining board (board) has issued a permit for the funeral establishment. With certain exceptions, a "funeral establishment" is defined as any building or part of a building that is used for the care and preparation for burial or transportation of dead human bodies or for holding or conducting funeral services. Current law prohibits the board from issuing a permit unless a funeral director licensed by the board is in full-time charge of the funeral

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establishment. As a result, a funeral director may be in charge of only one funeral establishment. Also under current law, a funeral establishment must have a preparation room for preparing and embalming dead human bodies.

This bill defines "funeral establishment" to have a meaning similar to the meaning under current law, but creates new terminology. Under the bill, a "funeral establishment" is defined as a "preparation center," "memorial center," or both. "Preparation center" is defined as a building or part of a building that is used for embalming, caring for, or preparing for the burial or transportation of dead human bodies. "Memorial center" is defined as a building or part of a building that is used for holding or conducting funeral services, which are defined as ceremonies held in conjunction with the disposition of the dead, whether or not a dead human body is present during the ceremonies.

The bill changes the permitting requirements for funeral establishments. The bill allows a licensed funeral director to be in charge of up to three different funeral establishments. Such funeral establishments are eligible for permits even though the funeral director is not in full-time charge of a single funeral establishment. However, at least one of the funeral establishments must have preparation center and no embalming may take place at a funeral establishment that does not have a preparation center.

The bill also creates the following new requirements that a funeral establishment must satisfy in order to receive a permit: 1) the operator of the funeral establishment may not be a medical care institution, church, synagogue, mosque, or religious organization; 2) any memorial center must have a seating capacity of 50 or more persons; 3) the building or structure in which the funeral establishment is located must not contain more than one other business that does not provide goods or services related to funerals, burials, or the final disposition of human remains; and 4) such building or structure must be affixed to real property. Also under the bill, a funeral establishment is not required to have a preparation center. However, if a funeral establishment has a preparation center, it must satisfy the requirements under current law that apply to a preparation room.

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of memorial center

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The bill also makes changes regarding the regulation of funeral directors. Under current law, a person may not act as a funeral director unless he or she is licensed by the board, and "funeral director" is defined as a person who conducts, or holds himself or herself out as conducting, embalming or otherwise preparing for, or supervising, the burial or disposal of dead human bodies. In addition, current law requires the business of a funeral director to be conducted in a funeral establishment.

The bill changes the definition of "funeral director" so that it also includes a person who, for compensation, makes "funeral arrangements", which are defined as the provision of information or advice on the selection and cost of merchandise, facilities, equipment, or personal services provided for the final disposition of a dead human body. The bill specifies that a person is a funeral director even if he or she makes funeral arrangements incidentally in the conduct of a profession or occupation in which he or she is primarily employed. As a result, under the bill, a person may not make funeral arrangements unless he or she is licensed as a funeral director. However, the bill creates an exception to this prohibition for persons

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memorial centers, or funeral

licensed by the Office of the Commissioner of Insurance who sell or solicit the sale of certain burial agreements. The bill also allows a funeral director to make funeral arrangements or conduct funeral services (~~as defined in the bill~~) outside a funeral establishment. However, as under current law, any other business of a funeral director must be conducted in a funeral establishment.

In addition, the bill provides that a person who violates state law regulating funeral establishments, or directors may be subject to a fine of no more than \$5,000, imprisonment for between 30 days and 3 months, or both. Under current law, the potential fine is limited to between \$50 and \$200.

INSEAT 3A

Finally, the bill does not affect the exemptions under current law from funeral establishment and director regulation that apply to the following: 1) certain funeral buildings in cemeteries; 2) certain persons involved in the anatomical study of indigent dead human bodies; 3) public officers and institutions; or 4) the customs or rites of any religious sect in the burial of their dead.

Printed advertising

The bill prohibits a person from making an advertisement representing that the person conducts the business of a funeral director or provides any funeral or cremation service, unless the advertisement includes the address of one funeral establishment, or place of business at which the person conducts such business or provides such services. This prohibition applies to any advertisement by newspaper, periodical, Internet web page, telephone book listing, direct mail, or electronic mail solicitation.

memorial centers

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Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

- 1 **SECTION 1.** 30.67 (6) (b) of the statutes is amended to read:
- 2 30.67 (6) (b) In cases of death involving a boat in which the person died within
- 3 6 hours of the time of the accident, a blood specimen of at least 10 cc. shall be
- 4 withdrawn from the body of the decedent within 12 hours after his or her death, by
- 5 the coroner or medical examiner or by a physician so designated by the coroner or
- 6 medical examiner or by a qualified person at the direction of the physician. All

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1 ~~morticians~~ funeral directors, as defined in s. 445.01 (5), shall obtain a release from
2 the coroner or medical examiner prior to proceeding with embalming any body
3 coming under the scope of this section. The blood so drawn shall be forwarded to a
4 laboratory approved by the state health officer for analysis of the alcoholic content
5 of the blood specimen. The coroner or medical examiner causing the blood to be
6 withdrawn shall be notified of the results of each analysis made and shall forward
7 the results of each analysis to the state health officer. The state health officer shall
8 keep a record of all examinations to be used for statistical purposes only. The
9 cumulative results of the examinations, without identifying the individuals
10 involved, shall be disseminated and made public by the state health officer. The
11 department shall reimburse coroners and medical examiners for the costs incurred
12 in submitting reports and taking blood specimens and laboratories for the costs
13 incurred in analyzing blood specimens under this section.

14 **SECTION 2.** 69.18 (1) (a) 3. of the statutes is amended to read:

15 69.18 (1) (a) 3. A person acting under s. 157.02 or 445.16 (1).

16 **SECTION 3.** 157.067 (1) of the statutes is amended to read:

17 157.067 (1) In this section, “funeral establishment” has the meaning given in
18 s. 445.01 (6), except that “funeral establishment” does not include a building or part
19 of a building that is erected under s. 157.11 (1) for holding or conducting funeral
20 services if dead human bodies are not embalmed, cared for, or prepared for burial or
21 transportation, in the building.

22 **SECTION 4.** 252.15 (5) (a) 7. of the statutes is amended to read:

23 252.15 (5) (a) 7. To a funeral director, as defined under s. 445.01 (5) (a) 1. or 2.
24 or (c) or to other persons who prepare the body of a decedent for burial or other

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1 disposition or to a person who performs an autopsy or assists in performing an
2 autopsy.

3 **SECTION 5.** 445.01 (2m) of the statutes is created to read:

4 445.01 (2m) "Compensation" means direct or indirect payment, including the
5 expectation of payment whether or not actually received.

6 **SECTION 6.** 445.01 (4m) of the statutes is created to read:

7 445.01 (4m) "Funeral arrangements" means the provision of information or
8 advice on the selection and cost of merchandise, facilities, equipment, or personal
9 services provided for the final disposition of a dead human body.

10 **SECTION 7.** 445.01 (5) (a) of the statutes is renumbered 445.01 (5) (a) (intro.)

11 and amended to read:

12 445.01 (5) (a) (intro.) A person engaged in or conducting, or holding himself or
13 herself out, in whole or in part, as being engaged in ~~embalming~~ any of the following:

14 1. Embalming or otherwise preparing for the burial or disposal, ~~or directing of~~
15 dead human bodies.

16 2. Directing and supervising the burial or disposal, of dead human bodies.

17 **SECTION 8.** 445.01 (5) (a) 3. of the statutes is created to read:

18 445.01 (5) (a) 3. For compensation, making funeral arrangements, including
19 any funeral arrangements that are incidentally made in the conduct of the profession
20 or occupation in which the person is primarily employed.

21 **SECTION 9.** 445.01 (6) of the statutes is amended to read:

22 445.01 (6) "Funeral establishment" means any building or part of a building
23 used and held out to the public as being used ~~in the care and preparation for burial~~
24 ~~or transportation of dead human bodies or for holding or conducting of funeral~~
25 ~~services. "Funeral establishment" does not include a building or part of a building~~

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~~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 as a preparation center, memorial center, or both.~~

SECTION 10. 445.01 (6g) of the statutes is created to read:

445.01 (6g) "Funeral services" means ceremonies held in conjunction with the disposition of the dead, including visitation, religious rites, memorials, and graveside services, whether or not a dead human body is present during the ceremonies.

SECTION 11. 445.01 (6r) of the statutes is created to read:

445.01 (6r) "Memorial center" means any building or part of a building used and held out to the public as being used for holding or conducting funeral services.

SECTION 12. 445.01 (9) of the statutes is created to read:

445.01 (9) "Preparation center" means any building or part of a building used and held out to the public as being used for embalming, caring for, or preparing for burial or transportation dead human bodies.

SECTION 13. 445.04 (1) of the statutes is amended to read:

445.04 (1) The Except for making funeral arrangements or conducting funeral services, the business of a funeral director must be conducted in a funeral 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 that, except as provided in s. 445.105 (2), has a preparation center,

has been issued a permit by the examining board

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1 SECTION 14. 445.105 (1) of the statutes is amended to read:

2 445.105 (1) No person shall may conduct, maintain, manage, or operate a any

3 funeral establishment unless the examining board has issued the person a permit

4 for each such the funeral establishment has been issued by the examining board and

5 the permit is conspicuously displayed in such the funeral establishment. In case of,

6 except that a permit is not required for funeral services held in any building or part

7 of a building that is erected under s. 157.11 (1), private residence, church, or lodge

8 hall, no permit shall be required if dead human bodies are not embalmed, cared for,

9 or prepared for burial or transportation, in the building, residence, church, or lodge

10 hall.

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repealed.

11 SECTION 15. 445.105 (2) of the statutes is ~~renumbered 445.105 (2) (intro.) and~~

12 ~~amended to read:~~

13 445.105 (2) (intro.) ~~No~~ The examining board may not issue a permit to operate

14 a funeral establishment shall be issued by the examining board unless each such the

15 requirements under sub. (2m) are satisfied and, except as follows, the funeral

16 establishment has a preparation center and has in charge, full time therein, a

17 licensed funeral director.:

18 SECTION 16. 445.105 (2) (a) and (b) of the statutes are created to read:

19 445.105 (2) (a) A licensed funeral director may be in charge of no more than 3

20 funeral establishments. A licensed funeral director may not be in charge of one or

21 more funeral establishments unless at least one of the funeral establishments has

22 a preparation center and no embalming takes place in a funeral establishment

23 without a preparation center.

24 (b) The operator of multiple funeral establishments may operate any of the

25 funeral establishments without a preparation center if at least one of the funeral

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1 establishments has a preparation center and no embalming takes place in a funeral
2 establishment without a preparation center.

3 SECTION 17. 445.105 (2)^g of the statutes is created to read:

4 445.105 (2)^g The examining board may not issue a permit to operate a funeral
5 establishment^{or memorial center} unless all of the following are satisfied:

6 (a) The operator of the funeral establishment is not an operator of a medical
7 care institution, as defined in s. 610.70 (1) (e), or a church, synagogue, or mosque, or
8 any organization, whether or not organized under ch. 187, that operates under a
9 creed, as defined in s. 111.32 (3m).

10 ^a (b) If the funeral establishment ^{or} is a memorial center ^{or memorial center}, the memorial center has
11 a seating capacity of 50 or more persons.

12 ~~(c) If the funeral establishment has a preparation center, the preparation
13 center is equipped with a tile, cement, or composition floor, has necessary drainage
14 and ventilation, and contains necessary equipment, instruments, and supplies for
15 the preparation and embalming of dead human bodies for burial, transportation, or
16 other disposition. The examining board shall promulgate rules specifying the
17 equipment, instruments, and supplies that are necessary for purposes of this
18 paragraph.~~

19 ^b (d) The building or structure in which the funeral establishment ^{or memorial center} is located
20 contains no more than one other business that does not provide goods or services
21 related to funerals, burials, or the final disposition of human remains.

22 ^c (e) The building or structure in which the funeral establishment ^{or memorial center} is located is
23 affixed to real property.

24 SECTION 18. 445.145 of the statutes is created to read:

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Memorial centers

1 **445.145 Printed advertising.** A person may not, in any advertisement by
2 newspaper, periodical, Internet web page, telephone book listing, direct mail, or
3 electronic mail solicitation, represent that the person conducts the business of a
4 funeral director or provides any funeral or cremation service, unless the
5 advertisement includes the address of one funeral establishment or place of business
6 at which the person conducts such business or provides such services.

7 **SECTION 19.** 445.15 (1) of the statutes is amended to read:

8 445.15 (1) Except as provided in sub. (1m), any person violating any provision
9 of this chapter or any rule of the department of health and family services and the
10 examining board relating to its subject matter, shall be fined not less than \$50 nor
11 more than \$200, or \$5,000, imprisoned not less than 30 days nor more than 3 months,
12 or both.

13 **SECTION 20.** 445.16 of the statutes is renumbered 445.16 (1).

14 **SECTION 21.** 445.16 (2) of the statutes is created to read:

15 445.16 (2) This chapter does not require an insurance intermediary licensed
16 under ch. 628 to be licensed as a funeral director to sell or solicit the sale of a burial
17 agreement, as defined in s. 445.125 (3m) (a) 2., that is funded with the proceeds of
18 a life insurance policy.

19 **SECTION 22. Initial applicability.**

~~ADDITIONAL AMENDMENTS~~

20 ~~(1) FUNERAL ESTABLISHMENT PERMITS.~~ The treatment of sections 445.01 (6), (6g),
21 (6r), and (9), 445.04 (1), and 445.105 (1) and (2m) of the statutes, the renumbering
22 and amendment of section 445.105 (2) of the statutes, and the creation of section
23 445.105 (2) (a) and (b) of the statutes first apply to permits issued on the effective date
24 of this subsection.

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

LRB-1361/3dn

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Sen. Schultz:

This version requires separate permits for funeral establishments and memorial centers. (Under the previous version, a memorial center was defined as a type of funeral establishment.)

I wasn't sure whether operators of memorial centers should be subject to the same requirements under ss. 445.12 and 445.125 that apply to operators of funeral establishments. As drafted, memorial center operators are not subject to any of those requirements. Is that okay?

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E-mail: mark.kunkel@legis.state.wi.us

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INSERT 2A:

except that it is defined as building or part of a building that is used for both of the following: 1) caring and preparing for the burial or transportation of dead human bodies, and 2) conducting funeral services. The bill also requires a person to have a permit to operate a "memorial

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Under the bill, a funeral establishment or memorial center must satisfy the following requirements to receive a permit: 1) the funeral establishment or memorial center

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Also, the bill requires a licensed funeral director to be in charge of the funeral establishment or memorial center. Unlike under current law, the funeral director does not have to be in full-time charge. However, under the bill, the funeral director may be in charge of no more than two other funeral establishments, two other memorial centers, or one other funeral establishment and one other memorial center. In addition, a permit may not be issued for a memorial center unless the funeral director who is in charge of the memorial center is also in charge of at least one funeral establishment.

For a funeral establishment permit, the bill maintains the requirement under current law that the establishment must have a preparation room. However, the bill prohibits the board from issuing a funeral establishment permit to a medical care institution, church, synagogue, mosque, or religious organization.

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Finally, the bill makes certain requirements that apply to operators of funeral establishments also apply to operators of memorial centers, except for certain prohibited practices and requirements regarding the sale of burial agreement funded with the proceeds of life insurance policies.

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SECTION 1. 440.08 (2) (a) 37. of the statutes is amended to read:

7

440.08 (2) (a) 37. Funeral establishment or memorial center: June 1 of each

8

odd-numbered year; \$56.

History: 1991 a. 39 ss. 3305, 3313; 1991 a. 78, 160, 167, 269, 278, 315; 1993 a. 3, 16, 102, 105, 107, 443, 463, 465; 1993 a. 490 ss. 228 to 230, 274, 275; 1995 a. 27, 233, 321, 322, 461; 1997 a. 27, 75, 81, 96, 156, 191, 237, 261, 300; 1999 a. 9, 32; 2001 a. 16, 70, 74, 80, 89.

9

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

1 ~~preparation and embalming of dead human bodies for burial, transportation or other~~
2 ~~disposition.~~

History: 1975 c. 39 ss. 648m, 649, 649g, 732 (2); 1975 c. 199; 1977 c. 272 s. 98; 1979 c. 175 ss. 29, 30, 53; 1979 c. 221 ss. 660, 2202 (45); Stats. 1979 s. 445.01; 1981 c. 20; 1983 a. 189, 485; 1993 a. 100.

3 **INSERT 6-15:**

4 **SECTION 5.** 445.01 (7m) of the statutes is created to read:

5 445.01 (7m) "Operator of a memorial center" means any person who conducts,
6 maintains, manages, or operates a memorial center.

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7 **INSERT 6-19:**

8 **SECTION 6.** 445.03 (2) (b) of the statutes is amended to read:

9 445.03 (2) (b) Grant licenses to funeral directors, certificates of registration to
10 apprentices, and permits to operators of funeral establishments or memorial centers.

History: 1971 c. 301; 1975 c. 39 ss. 650, 651, 732 (2); 1979 c. 175 s. 29; 1979 c. 221 s. 660; Stats. 1979 s. 445.03; 1981 c. 20, 162; 1983 a. 485; 1985 a. 316 s. 25.

11 **INSERT 7-1:**

12 **SECTION 7.** 445.06 of the statutes is amended to read:

13 **445.06 Renewal of licenses.** The renewal date and renewal fee for a funeral
14 directors' license are specified under s. 440.08 (2) (a). Before any renewal license is
15 delivered to any licensed funeral director, proof must be furnished by the applicant,
16 to the satisfaction of the examining board, that the applicant is doing business at a
17 recognized funeral establishment or memorial center, except that if such applicant
18 is not doing business at a recognized funeral establishment or memorial center at the
19 time of application for a license, the applicant shall be given a certificate, without
20 additional cost, to the effect that the applicant is in good standing as a funeral
21 director, and shall be entitled to a renewal license at any time during that license
22 period, when located at a recognized funeral establishment or memorial center,
23 without payment of any additional renewal fee. The applicant must also furnish
24 proof of completion of at least 15 hours of continuing education during the previous

1 2-year licensure period, except that new licensees are exempt from this requirement
2 during the time between initial licensure and commencement of a full 2-year
3 licensure period.

4 **History:** 1975 c. 39 s. 732 (2); 1975 c. 199; 1977 c. 29; 1979 c. 175 s. 29; 1979 c. 221 s. 662; Stats. 1979 s. 445.06; 1983 a. 485; 1985 a. 29; 1991 a. 39.

SECTION 8. 445.095 (2) (b) of the statutes is amended to read:

5 445.095 (2) (b) The term of a registered apprentice shall be recognized only
6 when given employment in a funeral establishment or memorial center under the
7 personal supervision of a licensed funeral director.

8 **History:** 1971 c. 164, 228; 1975 c. 39 s. 732 (2); 1975 c. 199; 1977 c. 29; 1979 c. 175 ss. 29, 53; 1979 c. 221 ss. 662, 2202 (45); Stats. 1979 s. 445.095; 1981 c. 20, 162, 380; 1981 c. 391 s. 211; 1983 a. 485; 1991 a. 39; 1995 a. 27 s. 9130 (4); 1997 a. 3.

SECTION 9. 445.095 (2) (c) of the statutes is amended to read:

9 445.095 (2) (c) Only one funeral director apprenticeship shall be recognized by
10 the examining board at any one funeral establishment or memorial center in a
11 current year that has had less than 150 funeral services or prepared less than 150
12 bodies for burial or shipment during the preceding year.

13 **History:** 1971 c. 164, 228; 1975 c. 39 s. 732 (2); 1975 c. 199; 1977 c. 29; 1979 c. 175 ss. 29, 53; 1979 c. 221 ss. 662, 2202 (45); Stats. 1979 s. 445.095; 1981 c. 20, 162, 380; 1981 c. 391 s. 211; 1983 a. 485; 1991 a. 39; 1995 a. 27 s. 9130 (4); 1997 a. 3.

SECTION 10. 445.095 (2) (d) of the statutes is amended to read:

14 445.095 (2) (d) The examining board may recognize a 2nd funeral director
15 apprenticeship at a funeral establishment or memorial center during the current
16 year that has had 150 funerals or more and has prepared 150 bodies or more for
17 burial or shipment during the preceding year, provided that full-time employment
18 is given to at least 2 licensed funeral directors at such funeral establishment or
19 memorial center.

20 **History:** 1971 c. 164, 228; 1975 c. 39 s. 732 (2); 1975 c. 199; 1977 c. 29; 1979 c. 175 ss. 29, 53; 1979 c. 221 ss. 662, 2202 (45); Stats. 1979 s. 445.095; 1981 c. 20, 162, 380; 1981 c. 391 s. 211; 1983 a. 485; 1991 a. 39; 1995 a. 27 s. 9130 (4); 1997 a. 3.

SECTION 11. 445.105 (title) of the statutes is amended to read:

21 **445.105 (title) Funeral establishment and memorial center permits.**

22 **History:** 1975 c. 39 s. 732 (2); 1977 c. 29, 418; 1979 c. 175 s. 29; 1979 c. 221 s. 662; Stats. 1979 s. 445.105; 1987 a. 27; 1991 a. 39.

1 (d) A licensed funeral director is in charge of the funeral establishment or
2 memorial center and the funeral director is also in charge of no more than two other
3 funeral establishments, two other memorial centers, or one other funeral
4 establishment and one other memorial center^e and the funeral director is also in
5 charge of at least one funeral establishment.

6 **SECTION 12.** 445.105^X (2r) of the statutes is created to read:

7 445.105 (2r) The examining board may not issue a permit to operate a funeral
8 establishment unless all of the following are satisfied:

9 (a) The funeral establishment has a preparation room; the preparation room
10 is equipped with a tile, cement, or composition floor; and the preparation room has
11 necessary drainage and ventilation and contains necessary equipment, instruments,
12 and supplies for the preparation and embalming of dead human bodies for burial,
13 transportation, or other disposition. The examining board shall promulgate rules
14 specifying the equipment, instruments, and supplies that are necessary for purposes
15 of this paragraph.

16 (b) The operator of the funeral establishment is not an operator of a medical
17 care institution, as defined in s. 610.70 (1) (e), or a church, synagogue, or mosque, or
18 any organization, whether or not organized under ch. 187, that operates under a
19 creed, as defined in s. 111.32 (3m).

20 **SECTION 13.** 445.105 (3) of the statutes is amended to read:

21 445.105 (3) Applications for funeral establishment and memorial center
22 permits shall be made on forms provided by the department and filed with the
23 department and shall be accompanied by the fee specified under s. 440.05 (1). The

1 renewal date and renewal fee for a funeral establishment or memorial center permit
2 are specified under s. 440.08 (2) (a).

3 History: 1975 c. 39 s. 732 (2); 1977 c. 29, 418; 1979 c. 175 s. 29; 1979 c. 221 s. 662; Stats. 1979 s. 445.105; 1987 a. 27; 1991 a. 39.

SECTION 14. 445.105 (4) of the statutes is amended to read:

4 445.105 (4) Violations of this chapter or any rules or regulations of the
5 examining board committed by any person, or an officer, agent or employee with the
6 knowledge or consent of any person operating such funeral establishments or
7 memorial centers shall be considered sufficient cause for reprimand or for limitation,
8 suspension or revocation of such funeral establishment or memorial center permit.

9 History: 1975 c. 39 s. 732 (2); 1977 c. 29, 418; 1979 c. 175 s. 29; 1979 c. 221 s. 662; Stats. 1979 s. 445.105; 1987 a. 27; 1991 a. 39.

SECTION 15. 445.105 (5) of the statutes is amended to read:

10 445.105 (5) No operator of a funeral establishment or memorial center shall
11 allow any licensed funeral director to operate out of such funeral establishment or
12 memorial center unless such licensed funeral director is the operator of or an
13 employee of the operator of a funeral establishment or memorial center which has
14 been granted a permit by the examining board.

15 History: 1975 c. 39 s. 732 (2); 1977 c. 29, 418; 1979 c. 175 s. 29; 1979 c. 221 s. 662; Stats. 1979 s. 445.105; 1987 a. 27; 1991 a. 39.

SECTION 16. 445.13 (1) of the statutes is amended to read:

16 445.13 (1) Subject to the rules promulgated under s. 440.03 (1), the examining
17 board may make investigations, subpoena witnesses, conduct hearings, limit,
18 suspend or revoke a license of a funeral director, a certificate of registration of an
19 apprentice or a permit of an operator of a funeral establishment or memorial center
20 and reprimand a funeral director, apprentice or operator of a funeral establishment
21 or memorial center for any violation of 15 USC 45 and 57, of this chapter or of any
22 rule of the department of health and family services or the examining board, for
23 unprofessional conduct, including misrepresentation or fraud in obtaining the
24 license, permit or certificate of registration, or for any violation of this chapter or any

- 1 rule of the examining board by an agent authorized by the funeral director or
- 2 operator of the funeral establishment under s. 445.125 (3m) (b) 2. a.

History: 1975 c. 39 ss. 657j, 657o, 732 (2); 1977 c. 418; 1979 c. 175 s. 29; 1979 c. 221 s. 662; Stats. 1979 s. 445.13; 1983 a. 485; 1985 a. 315; 1995 a. 27 s. 9126 (19); 1995 a. 295; 1997 a. 191, 237.

**DRAFTER'S NOTE
FROM THE
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LRB-1361/3dn
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October 15, 2003

Sen. Schultz:

This version requires separate permits for funeral establishments and memorial centers. (Under the previous version, a memorial center was defined as a type of funeral establishment.)

I wasn't sure whether operators of memorial centers should be subject to the same requirements under ss. 445.12 and 445.125 that apply to operators of funeral establishments. As drafted, memorial center operators are not subject to any of those requirements. Is that okay?

Mark D. Kunkel
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1 AN ACT *to repeal* 445.105 (2); *to renumber* 445.16; *to renumber and amend*
 2 445.01 (5) (a); *to amend* 30.67 (6) (b), 69.18 (1) (a) 3., 157.067 (1), 252.15 (5) (a)
 3 7., 440.08 (2) (a) 37., 445.01 (2), 445.01 (5) (c), 445.01 (6), 445.03 (2) (b), 445.04
 4 (1), 445.105 (1), 445.06, 445.095 (2) (b), 445.095 (2) (c), 445.095 (2) (d), 445.105
 5 (title), 445.105 (3), 445.105 (4), 445.105 (5), 445.13 (1) and 445.15 (1); and *to*
 6 *create* 445.01 (2m), 445.01 (4m), 445.01 (5) (a) 3., 445.01 (6g), 445.01 (6r),
 7 445.01 (7m), 445.01 (9), 445.105 (2g), 445.105 (2r), 445.145 and 445.16 (2) of the
 8 statutes; **relating to:** regulating funeral directors ^{of} ^{and} funeral establishments,
 9 ~~and memorial centers~~, regulating cremation and funeral ~~and memorial centers~~
 10 advertising, and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill makes various changes to the regulation of funeral establishments and directors and creates requirements for ~~memorial centers~~ and for printed advertising for cremation and funeral services.

Funeral establishments and directors ~~and memorial centers~~

Under current law, a person is prohibited from operating a funeral establishment unless the funeral directors examining board (board) has issued a

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permit for the funeral establishment. With certain exceptions, a "funeral establishment" is defined as any building or part of a building that is used for any of the following: 1) the care and preparation for burial or transportation of dead human bodies; or 2) holding or conducting funeral services. Current law prohibits the board from issuing a permit unless a funeral director licensed by the board is in full-time charge of the funeral establishment. As a result, a funeral director may be in charge of only one funeral establishment. Also under current law, a funeral establishment must have a preparation room for preparing and embalming dead human bodies.

~~This bill defines "funeral establishment" to have a meaning similar to the meaning under current law, except that it is defined as a building or part of a building that is used for both of the following: 1) caring and preparing for the burial or transportation of dead human bodies, and 2) conducting funeral services. The bill also requires a person to have a permit to operate a "memorial center", which is defined as a building or part of a building that is used for holding or conducting funeral services.~~

Under the bill, a funeral establishment ~~or memorial center~~ must satisfy the following requirements to receive a permit: 1) the funeral establishment ~~or memorial center~~ must have a seating capacity of 50 or more persons; 2) the building or structure in which the funeral establishment ~~or memorial center~~ is located must not contain more than one other business that does not provide goods or services related to funerals, burials, or the final disposition of human remains; and 3) such building or structure must be affixed to real property. Also, the bill requires a licensed funeral director to be in charge of the funeral establishment ~~or memorial center~~. Unlike under current law, the funeral director does not have to be in full-time charge. However, under the bill, the funeral director may be in charge of no more than two other funeral establishments ~~two other memorial centers, or one other funeral establishment and one other memorial center.~~ In addition, a permit may not be issued for a memorial center unless the funeral director who is in charge of the memorial center is also in charge of at least one funeral establishment.

~~For a funeral establishment permit, the bill maintains the requirement under current law that the establishment must have a preparation room. However, the bill prohibits the board from issuing a funeral establishment permit to a medical care institution, church, synagogue, mosque, or religious organization.~~

The bill also makes changes regarding the regulation of funeral directors. Under current law, a person may not act as a funeral director unless he or she is licensed by the board, and "funeral director" is defined as a person who conducts, or holds himself or herself out as conducting, embalming or otherwise preparing for, or supervising, the burial or disposal of dead human bodies. In addition, current law requires the business of a funeral director to be conducted in a funeral establishment.

The bill changes the definition of "funeral director" so that it also includes a person who, for compensation, makes "funeral arrangements", which are defined as the provision of information or advice on the selection and cost of merchandise, facilities, equipment, or personal services provided for the final disposition of a dead human body. The bill specifies that a person is a funeral director even if he or she

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makes funeral arrangements incidentally in the conduct of a profession or occupation in which he or she is primarily employed. As a result, under the bill, a person may not make funeral arrangements unless he or she is licensed as a funeral director. However, the bill creates an exception to this prohibition for persons licensed by the Office of the Commissioner of Insurance who sell or solicit the sale of certain burial agreements. The bill also allows a funeral director to make funeral arrangements or conduct funeral services outside a funeral establishment. However, as under current law, any other business of a funeral director must be conducted in a funeral establishment.

In addition, the bill provides that a person who violates state law regulating funeral establishments, ~~memorial centers~~, or funeral directors may be subject to a fine of no more than \$5,000, imprisonment for between 30 days and ^{three} 3 months, or both. Under current law, the potential fine is limited to between \$50 and \$200.

The bill does not affect the exemptions under current law from funeral establishment and director regulation that apply to the following: 1) certain funeral buildings in cemeteries; 2) certain persons involved in the anatomical study of indigent dead human bodies; 3) public officers and institutions; or 4) the customs or rites of any religious sect in the burial of their dead. Finally, the bill makes certain requirements that apply to operators of funeral establishments also apply to operators of memorial centers, except for certain prohibited practices and requirements regarding the sale of burial agreements funded with the proceeds of life insurance policies.

Printed advertising

The bill prohibits a person from making an advertisement representing that the person conducts the business of a funeral director or provides any funeral or cremation service, unless the advertisement includes the address of one funeral establishment, ~~memorial center~~ or place of business at which the person conducts such business or provides such services. This prohibition applies to any advertisement by newspaper, periodical, Internet web page, telephone book listing, direct mail, or electronic mail solicitation.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1

SECTION 1. 30.67 (6) (b) of the statutes is amended to read:

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1 30.67 (6) (b) In cases of death involving a boat in which the person died within
2 6 hours of the time of the accident, a blood specimen of at least 10 cc. shall be
3 withdrawn from the body of the decedent within 12 hours after his or her death, by
4 the coroner or medical examiner or by a physician so designated by the coroner or
5 medical examiner or by a qualified person at the direction of the physician. All
6 ~~morticians~~ funeral directors, as defined in s. 445.01 (5), shall obtain a release from
7 the coroner or medical examiner prior to proceeding with embalming any body
8 coming under the scope of this section. The blood so drawn shall be forwarded to a
9 laboratory approved by the state health officer for analysis of the alcoholic content
10 of the blood specimen. The coroner or medical examiner causing the blood to be
11 withdrawn shall be notified of the results of each analysis made and shall forward
12 the results of each analysis to the state health officer. The state health officer shall
13 keep a record of all examinations to be used for statistical purposes only. The
14 cumulative results of the examinations, without identifying the individuals
15 involved, shall be disseminated and made public by the state health officer. The
16 department shall reimburse coroners and medical examiners for the costs incurred
17 in submitting reports and taking blood specimens and laboratories for the costs
18 incurred in analyzing blood specimens under this section.

19 **SECTION 2.** 69.18 (1) (a) 3. of the statutes is amended to read:

20 69.18 (1) (a) 3. A person acting under s. 157.02 or 445.16 (1).

21 **SECTION 3.** 157.067 (1) of the statutes is amended to read:

22 157.067 (1) In this section, “funeral establishment” has the meaning given in
23 s. 445.01 (6), except that “funeral establishment” does not include a building or part
24 of a building that is erected under s. 157.11 (1) for holding or conducting funeral

BILL

1 services if dead human bodies are not embalmed, cared for, or prepared for burial or
 2 transportation, in the building.

3 **SECTION 4.** 252.15 (5) (a) 7. of the statutes is amended to read:

4 252.15 (5) (a) 7. To a funeral director, as defined under s. 445.01 (5) (a) 1. or 2.
 5 or (c) or to other persons who prepare the body of a decedent for burial or other
 6 disposition or to a person who performs an autopsy or assists in performing an
 7 autopsy.

8 **SECTION 5.** 440.08 (2) (a) 37. of the statutes is amended to read:

9 440.08 (2) (a) 37. Funeral establishment or memorial center: June 1 of each
 10 odd-numbered year; \$56.

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

12 445.01 (2) An "apprentice funeral director" is any person engaged in the
 13 learning of the practice of funeral directing under the instruction and personal
 14 supervision of a duly licensed and registered funeral director under this chapter,
 15 whose funeral establishment or memorial center is located in this state; provided,
 16 that no person shall serve or attempt to serve as such apprentice funeral director
 17 under any such funeral director until the person has filed registration thereof with
 18 the examining board.

19 **SECTION 7.** 445.01 (2m) of the statutes is created to read:

20 445.01 (2m) "Compensation" means direct or indirect payment, including the
 21 expectation of payment whether or not actually received.

22 **SECTION 8.** 445.01 (~~4m~~) ^{4r} of the statutes is created to read:

23 445.01 (~~4m~~) ^{4r} "Funeral arrangements" means the provision of information or
 24 advice on the selection and cost of merchandise, facilities, equipment, or personal
 25 services provided for the final disposition of a dead human body.

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1 **SECTION 9.** 445.01 (5) (a) of the statutes is renumbered 445.01 (5) (a) (intro.)
2 and amended to read:

3 445.01 (5) (a) (intro.) A person engaged in or conducting, or holding himself or
4 herself out, in whole or in part, as being engaged in ~~embalming~~ any of the following:

5 1. Embalming or otherwise preparing for the burial or disposal, ~~or directing of~~
6 dead human bodies.

7 2. Directing and supervising the burial or disposal, of dead human bodies.

8 **SECTION 10.** 445.01 (5) (a) 3. of the statutes is created to read:

9 445.01 (5) (a) 3. For compensation, making funeral arrangements, including
10 any funeral arrangements that are incidentally made in the conduct of the profession
11 or occupation in which the person is primarily employed INSEAT 6-11

12 **SECTION 11.** 445.01 (5) (c) of the statutes is amended to read:

13 445.01 (5) (c) A person who, in connection with his or her name ~~or~~ funeral
14 establishment, or memorial center, uses the words "funeral director", "mortician" or
15 any other title implying that he or she is engaged as a funeral director as defined in
16 this subsection.

17 **SECTION 12.** 445.01 (6) of the statutes is amended to read:

18 445.01 (6) "Funeral establishment" means any building or part of a building
19 used and held out to the public as being used in the care and preparation for caring
20 or preparing for the burial or transportation of dead human bodies ~~or~~ plain for holding
21 or conducting of funeral services. "Funeral establishment" does not include a
22 ~~building or part of a building that is erected under s. 157.11 (1) for holding or~~
23 ~~conducting funeral services if dead human bodies are not cared for or prepared for~~
24 ~~burial or transportation in the building. A funeral establishment must contain a~~
25 ~~preparation room equipped with tile, cement or composition floor, necessary~~

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1 ~~drainage and ventilation and contain necessary instruments and supplies for the~~
2 ~~preparation and embalming of dead human bodies for burial, transportation or other~~
3 ~~disposition.~~

4 **SECTION 13.** 445.01 (6g) of the statutes is created to read:

5 445.01 (6g) "Funeral services" means ceremonies held in conjunction with the
6 disposition of the dead, including visitation, religious rites, memorials, and
7 graveside services, whether or not a dead human body is present during the
8 ceremonies.

9 **SECTION 14.** 445.01 (6r) of the statutes is created to read:

10 445.01 (6r) "Memorial center" means any building or part of a building used
11 and held out to the public as being used for holding or conducting funeral services.

12 **SECTION 15.** 445.01 (7m) of the statutes is created to read:

13 445.01 (7m) "Operator of a memorial center" means any person who conducts,
14 maintains, manages, or operates a memorial center.

15 **SECTION 16.** 445.01 (9) of the statutes is created to read:

16 445.01 (9) "Preparation room" means any building or part of a building used
17 for embalming, caring for, or preparing for burial or transportation dead human
18 bodies.

19 **SECTION 17.** 445.03 (2) (b) of the statutes is amended to read:

20 445.03 (2) (b) Grant licenses to funeral directors, certificates of registration to
21 apprentices, and permits to operators of funeral establishments or memorial centers.

22 **SECTION 18.** 445.04 (1) of the statutes is amended to read:

23 445.04 (1) The Except for making funeral arrangements or conducting funeral
24 services, the business of a funeral director must be conducted in a funeral
25 establishment equipped for the care and preparation for burial or transportation of

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1 dead human bodies. What shall be deemed "necessary equipment" shall be defined
2 in the rules that has been issued a permit by the examining board.

3 ~~SECTION 19. 445.06 of the statutes is amended to read:~~

4 ~~**445.06 Renewal of licenses.** The renewal date and renewal fee for a funeral
5 directors' license are specified under s. 440.08 (2) (a). Before any renewal license is
6 delivered to any licensed funeral director, proof must be furnished by the applicant,
7 to the satisfaction of the examining board, that the applicant is doing business at a
8 recognized funeral establishment or memorial center, except that if such applicant
9 is not doing business at a recognized funeral establishment or memorial center at the
10 time of application for a license, the applicant shall be given a certificate, without
11 additional cost, to the effect that the applicant is in good standing as a funeral
12 director, and shall be entitled to a renewal license at any time during that license
13 period, when located at a recognized funeral establishment or memorial center,
14 without payment of any additional renewal fee. The applicant must also furnish
15 proof of completion of at least 15 hours of continuing education during the previous
16 2-year licensure period, except that new licensees are exempt from this requirement
17 during the time between initial licensure and commencement of a full 2-year
18 licensure period.~~

19 ~~SECTION 20. 445.095 (2) (b) of the statutes is amended to read:~~

20 ~~445.095 (2) (b) The term of a registered apprentice shall be recognized only
21 when given employment in a funeral establishment or memorial center under the
22 personal supervision of a licensed funeral director.~~

23 SECTION 21. 445.095 (2) (c) of the statutes is amended to read:

24 445.095 (2) (c) Only one funeral director apprenticeship shall be recognized by
25 the examining board at any one funeral establishment ~~or memorial center~~ in a

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1 current year that has had less than 150 funeral services or prepared less than 150
2 bodies for burial or shipment during the preceding year.

3 **SECTION 22.** 445.095 (2) (d) of the statutes is amended to read:

4 445.095 (2) (d) The examining board may recognize a 2nd funeral director
5 apprenticeship at a funeral establishment or memorial center during the current
6 year that has had 150 funerals or more and has prepared 150 bodies or more for
7 burial or shipment during the preceding year, provided that full-time employment
8 is given to at least 2 licensed funeral directors at such funeral establishment or
9 memorial center.

10 **SECTION 23.** 445.105 (title) of the statutes is amended to read:

11 **445.105 (title) Funeral establishment and memorial center permits.**

12 **SECTION 24.** 445.105 (1) of the statutes is amended to read:

13 445.105 (1) No person shall may conduct, maintain, manage, or operate a any
14 funeral establishment ~~or memorial center~~ unless the examining board has issued the
15 person a permit for each such the funeral establishment has been issued by the
16 examining board ~~or memorial center~~ and the permit is conspicuously displayed in
17 such the funeral establishment. ~~In case of memorial center,~~ except that a permit
18 is not required for funeral services held in any building or part of a building that is
19 erected under s. 157.11 (1), private residence, church, or lodge hall, no permit shall
20 be required if dead human bodies are not embalmed, cared for, or prepared for burial
21 or transportation, in the building, residence, church, or lodge hall.

22 **SECTION 25.** 445.105 (2) of the statutes is repealed.

23 **SECTION 26.** 445.105 (2^{am}) of the statutes is created to read:

24 445.105 (2^{am})^(b) The examining board may not issue a permit to operate a funeral
25 establishment ~~or memorial center~~ unless all of the following are satisfied:

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Funeral services are held at

the funeral establishment

1 (a) If ~~the funeral establishment or memorial center~~ *the funeral establishment* has a seating capacity of
2 50 or more persons.

3 (b) The building or structure in which the funeral establishment ~~or memorial~~
4 ~~center~~ is located contains no more than one other business that does not provide
5 goods or services related to funerals, burials, or the final disposition of human
6 remains.

7 (c) The building or structure in which the funeral establishment ~~or memorial~~
8 ~~center~~ is located is affixed to real property.

9 (d) A licensed funeral director is in charge of the funeral establishment ~~or~~
10 ~~memorial center~~ and the funeral director is also in charge of no more than two other
11 funeral establishments ~~two other memorial centers, or one other funeral~~
12 ~~establishment and one other memorial center, and the funeral director is in charge~~
13 ~~of at least one funeral establishment.~~

14 ~~SECTION 27. 445.105 (2r) of the statutes is created to read.~~

15 ~~445.105 (2r) The examining board may not issue a permit to operate a funeral~~
16 ~~establishment unless all of the following are satisfied:~~

17 (e) (a) The funeral establishment has a preparation room; the preparation room
18 is equipped with a tile, cement, or composition floor; and the preparation room has
19 necessary drainage and ventilation and contains necessary equipment, instruments,
20 and supplies for the preparation and embalming of dead human bodies for burial,
21 transportation, or other disposition. The examining board shall promulgate rules
22 specifying the equipment, instruments, and supplies that are necessary for purposes
23 of this paragraph.

24 (f) (b) The operator of the funeral establishment is not an operator of a medical
25 care institution, as defined in s. 610.70 (1) (e), or a church, synagogue, or mosque, or

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1 any organization, whether or not organized under ch. 187, that operates under a
2 creed, as defined in s. 111.32 (3m).

3 ~~SECTION 28. 445.105 (3) of the statutes is amended to read:~~

4 ~~445.105 (3) Applications for funeral establishment and memorial center~~
5 ~~permits shall be made on forms provided by the department and filed with the~~
6 ~~department and shall be accompanied by the fee specified under s. 440.05 (1). The~~
7 ~~renewal date and renewal fee for a funeral establishment or memorial center permit~~
8 ~~are specified under s. 440.08 (2) (a).~~

9 ~~SECTION 29. 445.105 (4) of the statutes is amended to read:~~

10 ~~445.105 (4) Violations of this chapter or any rules or regulations of the~~
11 ~~examining board committed by any person, or an officer, agent or employee with the~~
12 ~~knowledge or consent of any person operating such funeral establishments or~~
13 ~~memorial centers shall be considered sufficient cause for reprimand or for limitation,~~
14 ~~suspension or revocation of such funeral establishment or memorial center permit.~~

15 ~~SECTION 30. 445.105 (5) of the statutes is amended to read:~~

16 ~~445.105 (5) No operator of a funeral establishment or memorial center shall~~
17 ~~allow any licensed funeral director to operate out of such funeral establishment or~~
18 ~~memorial center unless such licensed funeral director is the operator of or an~~
19 ~~employee of the operator of a funeral establishment or memorial center which has~~
20 ~~been granted a permit by the examining board.~~

21 ~~SECTION 31. 445.13 (1) of the statutes is amended to read:~~

22 ~~445.13 (1) Subject to the rules promulgated under s. 440.03 (1), the examining~~
23 ~~board may make investigations, subpoena witnesses, conduct hearings, limit,~~
24 ~~suspend or revoke a license of a funeral director, a certificate of registration of an~~
25 ~~apprentice or a permit of an operator of a funeral establishment or memorial center~~

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1 and reprimand a funeral director, apprentice or operator of a funeral establishment
2 or memorial center for any violation of 15 USC 45 and 57 of this chapter or of any
3 rule of the department of health and family services or the examining board, for
4 unprofessional conduct, including misrepresentation or fraud in obtaining the
5 license, permit or certificate of registration, or for any violation of this chapter or any
6 rule of the examining board by an agent authorized by the funeral director or
7 operator of the funeral establishment under s. 445.125 (3m) (b) 2. a.

8 **SECTION 32.** 445.145 of the statutes is created to read:

9 **445.145 Printed advertising.** A person may not, in any advertisement by
10 newspaper, periodical, Internet web page, telephone book listing, direct mail, or
11 electronic mail solicitation, represent that the person conducts the business of a
12 funeral director or provides any funeral or cremation service, unless the
13 advertisement includes the address of one funeral establishment, ~~memorial center,~~
14 or place of business at which the person conducts such business or provides such
15 services.

16 **SECTION 33.** 445.15 (1) of the statutes is amended to read:

17 445.15 (1) Except as provided in sub. (1m), any person violating any provision
18 of this chapter or any rule of the department of health and family services and the
19 examining board relating to its subject matter, shall be fined not less than \$50 nor
20 more than \$200, ~~or \$5,000,~~ imprisoned not less than 30 days nor more than 3 months,
21 or both.

22 **SECTION 34.** 445.16 of the statutes is renumbered 445.16 (1).

23 **SECTION 35.** 445.16 (2) of the statutes is created to read:

24 445.16 (2) This chapter does not require an insurance intermediary licensed
25 under ch. 628 to be licensed as a funeral director to sell or solicit the sale of a burial

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1 agreement, as defined in s. 445.125 (3m) (a) 2., that is funded with the proceeds of
2 a life insurance policy.

SECTION 36. Initial applicability.

3
4 (1) ADVERTISEMENTS. The treatment of section 445.145 of the statutes first
5 applies to advertisements that are subject to contracts entered into, modified, or
6 extended on the effective date of this subsection.

7 (2) VIOLATIONS. The treatment of section 445.15 (1) of the statutes first applies
8 to violations occurring on the effective date of this subsection.

SECTION 37. Effective date.

9
10 (1) This act takes effect on the first day of the 7th month beginning after
11 publication.

12 (END)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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for funeral arrangements made for a deceased “family member”², which the bill defines as a spouse, parent, or child, or a person related by blood or adoption. Also, the bill creates an exception

INSERT 5-21:

^
SECTION 1. 445.01 (4g) of the statutes is created to read:

445.01 (4g) “Family member” means a spouse, parent, or child, or a person related by blood or adoption to another person. ✓

INSERT 6-11:

, but not including any funeral arrangements that a person makes for a deceased family member

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

LRB-1361/4dn

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Sen. Schultz:

This version contains the following changes:

1. The term "memorial center" is eliminated. Instead, "funeral establishment" is defined as a place where either preparation, services, or both, take place.
2. The definition of "funeral arrangements" is revised to create an exception for arrangements made for deceased family members. Note that this exception applies even if the person is compensated for making arrangements for a deceased family member.

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

LRB-1361/4dn
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December 8, 2003

Sen. Schultz:

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