



2019 ASSEMBLY BILL 576

1 **AN ACT** *to repeal* 445.095 (5); *to renumber* 445.095 (1) (b); *to renumber and*
2 *amend* 445.06 and 445.095 (1) (a); *to consolidate, renumber and amend*
3 445.095 (1) (d) and (e); *to amend* 445.045 (1) (d), 445.045 (1) (e) and 445.045
4 (1) (f); and *to create* 445.07 of the statutes; **relating to:** requirements for
5 funeral director apprenticeships and licenses, continuing education
6 requirements for funeral directors, extending the time limit for emergency rule
7 procedures, providing an exemption from emergency rule procedures, and
8 granting rule-making authority.

Analysis by the Legislative Reference Bureau

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

9 **SECTION 1.** 445.045 (1) (d) of the statutes is amended to read:

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1 445.045 (1) (d) The person must have completed ~~2 academic years~~ 24 semester
2 credits of instruction in a recognized college or university, in a course of study
3 approved by the examining board, or have equivalent education.

4 **SECTION 2.** 445.045 (1) (e) of the statutes is amended to read:

5 445.045 (1) (e) The person must have satisfactorily completed 9 months or more
6 of instruction in a prescribed course in mortuary science approved by the examining
7 board ~~at any time after having completed an approved certification class described~~
8 ~~in s. 445.095 (1) (a).~~

9 **SECTION 3.** 445.045 (1) (f) of the statutes is amended to read:

10 445.045 (1) (f) The person must have completed one year of apprenticeship as
11 prescribed in s. 445.095 ~~at any time after having completed an approved certification~~
12 ~~class described in s. 445.095 (1) (a) and,~~ either before or after taking the course in
13 mortuary science required by par. (e), and must have satisfied the requirement under
14 s. 445.095 (4).

15 **SECTION 3g.** 445.06 of the statutes is renumbered 445.06 (1) and amended to
16 read:

17 445.06 (1) The renewal date for a funeral director's license is specified under
18 s. 440.08 (2) (a), and the renewal fee for such license is determined by the department
19 under s. 440.03 (9) (a). ~~Before any renewal license is delivered to any licensed funeral~~
20 ~~director, proof must be furnished by~~

21 (2) In order to renew a license under this chapter, the applicant shall furnish
22 proof, to the satisfaction of the examining board, that of all of the following:

23 (a) That the applicant is doing business at a recognized funeral establishment.

24 ~~The applicant must also furnish proof of completion of at least 15 hours of~~

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1 **(b) That the applicant has satisfied the applicable continuing education during**
2 **the previous 2-year licensure period, except that new licensees are exempt from this**
3 **requirement during the time between initial licensure and commencement of a full**
4 **2-year licensure period requirements under s. 445.07.**

5 **SECTION 3r.** 445.07 of the statutes is created to read:

6 **445.07 Continuing education. (1)** In order to renew a license under this
7 chapter, an applicant shall, except as provided in sub. (2), furnish proof of having
8 satisfied the following:

9 (a) For the renewal of a license that expires on the first renewal date after the
10 date on which the examining board initially granted the license, completion of 4
11 hours of continuing education subsequent to the date the applicant was granted the
12 initial license. The examining board shall, in the rules promulgated under sub. (3),
13 specify permitted or required subjects for the continuing education under this
14 paragraph, which shall be subjects that the examining board determines prepare a
15 new licensee for practice as a funeral director.

16 (b) For each renewal subsequent to the renewal described in par. (a),
17 completion of 15 hours of continuing education in the previous 2-year licensure
18 period.

19 **(2)** (a) The examining board may waive the requirement under sub. (1) (a) in
20 cases where the examining board is satisfied that an applicant would be unable to
21 satisfy the requirement prior to the renewal date.

22 (b) Subsection (1) (a) does not apply to an applicant who was granted a
23 reciprocal license under s. 445.08.

24 **(3)** The examining board shall promulgate rules to implement this section.

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1 **SECTION 4.** 445.095 (1) (a) of the statutes is renumbered 445.095 (1) (a) 1.
2 (intro.) and amended to read:

3 445.095 (1) (a) 1. (intro.) A person desiring to become an apprentice as a funeral
4 director and who satisfies all of the following shall apply on a form provided for the
5 purpose and appear before the examining board, or any duly appointed
6 representative of the examining board. ~~The application shall state that the:~~

7 a. The applicant is 18 years of age or older,

8 b. The applicant holds a high school diploma or possesses equivalent education
9 as defined by the examining board,

10 c. The applicant does not have an arrest or conviction record, subject to ss.
11 111.321, 111.322, and 111.335, and

12 d. The applicant has completed a 16-hour certification class approved by the
13 examining board or has satisfied the requirement under s. 445.045 (1) (e).

14 2. The application under subd. 1. must be substantiated by the oath of the
15 applicant and be accompanied by.

16 1. e. The applicant pays the fee specified in s. 440.05 (6).

17 3. When the examining board is satisfied as to the qualification of that an
18 applicant for apprenticeship satisfies the requirements for granting a certificate of
19 apprenticeship, it shall issue grant the applicant a certificate of apprenticeship.

20 **(3r)** When the an apprentice enters the employment of a licensed funeral
21 director, the apprentice shall immediately notify the examining board, giving the
22 name and place of business of the funeral director whose service the apprentice has
23 entered. If, at any time thereafter, the apprentice leaves the employment of the
24 licensed funeral director whose service the apprentice has entered, the licensed
25 funeral director shall give the apprentice an affidavit showing the length of time

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1 served as an apprentice with that employer, and the work done in detail, which
2 affidavit shall be filed with the examining board and made a matter of record in that
3 office. If the apprentice thereafter enters the employment of another licensed
4 funeral director in this state, the applicant shall forthwith report such employment
5 to the examining board. No person may serve or attempt to serve as an apprentice
6 under a funeral director until the person has notified the examining board as
7 required under this subsection.

8 **SECTION 5.** 445.095 (1) (b) of the statutes is renumbered 445.095 (2m).

9 **SECTION 6.** 445.095 (1) (d) and (e) of the statutes are consolidated, renumbered
10 445.095 (3g) and amended to read:

11 445.095 (3g) All apprentices registered under this section shall report at least
12 semiannually to the examining board upon forms provided by the examining board.
13 ~~The reports shall contain the information required by the examining board~~
14 ~~department.~~ Failure to submit the required reports shall constitute justification
15 grounds for termination of the apprenticeship. (e) The semiannual report ~~must~~ shall
16 show the number of hours served by the apprentice ~~and,~~ the number of bodies the
17 apprentice has assisted in embalming, or otherwise prepared for burial or disposition
18 during such period, and the number of funeral services at which the apprentice has
19 assisted, and give ~~such~~ any other information as ~~may be~~ required by the examining
20 board. The data contained in the report shall be certified to as correct by the licensed
21 funeral director under whom the apprentice has served during ~~such~~ that period.

22 **SECTION 7.** 445.095 (5) of the statutes is repealed.

23 **SECTION 8. Nonstatutory provisions.**

24 (1) The funeral directors examining board may promulgate emergency rules
25 under s. 227.24 necessary to implement this act. Notwithstanding s. 227.24 (1) (c)

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1 and (2), emergency rules promulgated under this subsection remain in effect until
2 May 1, 2022, or the date on which permanent rules take effect, whichever is sooner.
3 Notwithstanding s. 227.24 (1) (a) and (3), the examining board is not required to
4 provide evidence that promulgating a rule under this subsection as an emergency
5 rule is necessary for the preservation of the public peace, health, safety, or welfare
6 and is not required to provide a finding of emergency for a rule promulgated under
7 this subsection.

SECTION 9. Initial applicability.

8
9 (1) The treatment of s. 445.045 (1) (d), (e), and (f) first applies to an application
10 for a funeral director license submitted by an applicant who submitted an application
11 for a certificate of apprenticeship on the effective date of this subsection.

12 (2) The treatment of s. 445.095 (1) (a) first applies to an application for a
13 certificate of apprenticeship submitted by an applicant on the effective date of this
14 subsection.

15 (3) The treatment of ss. 445.06 and 445.07 first applies to renewal applications
16 submitted by an applicant who submitted an application for a license on the effective
17 date of this subsection.

18 **SECTION 10. Effective dates.** This act takes effect on the first day of the 7th
19 month beginning after publication, except as follows:

20 (1) SECTION 8 (1) of this act takes effect on the day after publication.

21 (END)