

State of Wisconsin



2019 Assembly Bill 576

Date of enactment: **March 3, 2020**
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2019 WISCONSIN ACT 137

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

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

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

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

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

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

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

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

par. (e), and must have satisfied the requirement under s. 445.095 (4).

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

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

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

(a) That the applicant is doing business at a recognized funeral establishment. The applicant must also furnish proof of completion of at least 15 hours of

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

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

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3r) When the an apprentice enters the employment of a licensed funeral director, the apprentice shall immediately notify the examining board, giving the name and place of business of the funeral director whose service the apprentice has entered. If, at any time thereafter, the

apprentice leaves the employment of the licensed funeral director whose service the apprentice has entered, the licensed funeral director shall give the apprentice an affidavit showing the length of time served as an apprentice with that employer, and the work done in detail, which affidavit shall be filed with the examining board and made a matter of record in that office. If the apprentice thereafter enters the employment of another licensed funeral director in this state, the applicant shall forthwith report such employment to the examining board. No person may serve or attempt to serve as an apprentice under a funeral director until the person has notified the examining board as required under this subsection.

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

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

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

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

SECTION 8. Nonstatutory provisions.

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

SECTION 9. Initial applicability.

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

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

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

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

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