

No. 6, S.]

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CHAPTER 398.

AN ACT to repeal 156.095 (3) and 156.10 (3) and (4); to amend 156.01 (2), (3) (c), (5), (8) and (9), 156.02 (1) and (2), 156.04, 156.05 (1) and (2), 156.095 (1) (b), (d), (e) and (2), 156.105 (1) and (4), 156.13, 156.14 and 156.15; to repeal and recreate 156.03; and to create 156.01 (10) of the statutes, relating to funeral directors and embalmers.

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

SECTION 1. 156.01 (2), (3) (c), (5), (8) and (9) of the statutes are amended to read: 156.01 (2) "Committee" shall mean * * * *an employe of the board designated by the board as their representative and 3 examiners appointed by the * * * board of health pursuant to section 156.02.*

(3) (c) Who shall, in connection with his name or funeral establishment, use the words, "funeral director", * * * "mortician" or any other title implying that he is engaged as a funeral director as defined in this subsection.

(5) A "funeral establishment" is any building *or part of a building* used and held out to the public as being used in the care and preparation for burial or transportation of dead human bodies or for holding or conducting of funeral services. 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.
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(8) A "field educator" is a person * * * *employed by the * * * board * * ** for the purpose of * * * supervising the *apprentice* funeral directors and embalmers of the state, inspecting funeral establishments and performing such other duties as may be assigned * * *. *The field educator shall be a licensed embalmer in good standing, and have had at least 5 years of practical experience in embalming dead human bodies. The position of field educator shall be subject to chapter 16. The state board of health upon recommendation of the committee of examiners may, if deemed necessary, appoint more than one field educator.*

(9) "** * * Operator of funeral * * * establishment*" means any person * * * who * * * *conducts, maintains, manages or operates * * ** a funeral establishment.

SECTION 2. 156.01 (10) of the statutes is created to read:

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156.01 (10) "Person" includes firm, corporation, partnership, co-operative and association of individuals.

SECTION 3. 156.02 (1) and (2) of the statutes are amended to read:

156.02 (1) The state board of health shall appoint * * * 3 examiners, who, together with * * * *an employe of the board designated by the board as their representative*, shall constitute the committee of examiners * * *. The appointive members of this committee shall be appointed by the board for terms of 3 years * * *. Each appointive member shall have had at least 5 years' experience, immediately preceding appointment, in the preparation and disposition of dead human bodies and in the practice of embalming. Members may be removed by the board for cause and any vacancy may be filled by appointment by the board for the remainder of the term. Each member shall receive a per diem of \$10 and be reimbursed his necessary expenses for each day of actual service rendered.

(2) The committee shall annually elect a chairman from its own membership, and the * * * *employe designated by the board as their representative* shall act as secretary to the committee. Meetings of the committee shall be held upon a written request of at least 3 members of the committee or upon request of the state health officer. The secretary shall notify each member of the time and place of such meeting. * * *

SECTION 4. 156.03 of the statutes is repealed and recreated to read:

156.03 POWERS OF BOARD AND COMMITTEE. (1) The committee may recommend and the board shall have the power and it shall be its duty:

(a) To enforce the provisions of this chapter. In discharge of this duty the members of the board, the field educator, and other duly authorized employees shall have authority to enter at all reasonable hours for the purpose of inspecting the premises in which the business of a funeral director is conducted or where embalming is practiced.

(b) To make and enforce reasonable rules and regulations not inconsistent with this chapter covering the control of communicable diseases and covering sanitary and health regulations in the preparation, transportation and disposition of dead human bodies.

(2) The board in cooperation with the committee may:

(a) Make and enforce rules and regulations not inconsistent with this chapter establishing professional and business ethics for the profession of funeral directors and embalmers and for the general conduct of the business of funeral directing and embalming, and for the examination and licensing of funeral directors and embalmers and the registration of apprentices.

(b) Issue licenses to funeral directors and embalmers, certificates of registration to apprentices, and permits to operators of funeral establishments.

(c) Conduct a school of instruction to apprise funeral directors and embalmers of the most recent scientific knowledge and developments affecting their profession. Qualified lecturers and demonstrators shall be employed for this purpose, who may be selected without regard to the civil service law.

SECTION 5. 156.04 and 156.05 (1) and (2) of the statutes are amended to read:

156.04 (1) 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 and regulations * * *.

(2) No person shall engage in the business of a funeral director, or hold himself out as engaged in such business, in whole or in part, unless first licensed as a funeral director by the board * * *. Application for such license (other than a renewal) shall be in writing and verified on a form to be furnished by the board. The application must specify the address at which the applicant proposes to conduct the business of a funeral director and shall contain such other information as the board or committee may require to determine compliance with the requirements of sections 156.01 to 156.17. Accompanying the application shall be a fee of \$15, together with affidavits from at least 2 reputable freeholders of the county in which the applicant resides or proposes to conduct the business of a funeral director, to the effect that the applicant is of good moral character, of temperate habits, and a citizen of the United States.

(3) To be eligible to take the examination for a funeral director's license, in addition to the requirements of subsection (2), a person must be at least 21 years of age and either a graduate of a high school or * * * *have equivalent education as defined by the board* * * * and * * * *must have served at least 2 years' apprenticeship as prescribed in section 156.095, or* * * * *be a graduate of a duly recognized school for funeral directing and* * * * *have served one year's apprenticeship, with the other requirements as prescribed in said section 156.095. Provided, that any embalmer licensed under the provisions of chapter 156 of the 1937 statutes* * * *, whose license is in

effect at the time of * * * *making application*, shall be eligible to take the examination for a funeral director's license.

(4) Written and oral examinations for funeral director's license shall be held at least once a year at a time and place to be designated by the board and the committee, and conducted by the committee of examiners. The examination shall include the subjects of funeral directing, burial or other disposition of dead human bodies, sanitary science, public health, transportation, business ethics, together with the laws of the state of Wisconsin and rules and regulations of the * * * board * * * relating to communicable diseases, quarantine and causes of death.

156.05 (1) No person shall engage in, or hold himself out as engaged in, the practice of an embalmer unless licensed by the board * * *.

(2) To be eligible to take the examination for an embalmer's license, a person must be of good moral character, of temperate habits, a citizen of the United States, at least 21 years of age, * * * and either a graduate of a high school or * * * have equivalent education as defined by the board * * * and * * * have had at least 3 years' practical experience in embalming and disinfecting by serving an apprenticeship, as prescribed in section 156.095 under a licensed embalmer, or 18 months' apprenticeship as prescribed in section 156.095 and have a diploma of graduation from a school of embalming duly approved by the state board of health and the committee of examiners which requires as a prerequisite to graduation the completion of a course of study of not less than * * * 36 weeks' duration, and which gives a course of thorough instruction on * * * such subjects as the board may require and complies with the rules and regulations promulgated by the board in accordance with the provisions of section 156.03. Provided further, that such applicant for embalmer's license shall have served at least 12 of the required 18 months' apprenticeship service prior to his enrollment in such embalming school.

SECTION 6. 156.095 (1) (b), (d), (e) and (2) of the statutes are amended to read:

156.095 (1) (b) All apprentices under sections 156.01 to 156.17 shall be paid a minimum wage of at least * * * \$25 per week * * *.

(d) All apprentices registered as provided in this section shall be required to make report to said board monthly, and semiannually * * * on May 15 * * * and November 15, upon forms provided by the board * * *. The monthly report shall contain such information as the board and committee may require. Failure to submit the required reports shall constitute justification for termination of the apprenticeship.

(e) The semiannual report must show the number of hours served by the apprentice and the number of bodies he has assisted in embalming, or otherwise prepared for burial or disposition during such period, the number of funeral services at which he has assisted, and give such other information as may be required by the board and committee. The data contained in said report shall be certified to as correct by the licensed embalmer or licensed funeral director under whom he has served during such period.

(2) (a) Every registered apprentice, before being eligible to take the examination for a funeral director's or embalmer's license shall make report to the state board and committee, on blanks furnished for that purpose, showing, if an apprentice funeral director, that he has assisted a licensed funeral director in conducting at least 75 funerals and has assisted a licensed funeral director, under whom he is serving, in preparing, for burial or disposition other than by embalming, at least 75 dead human bodies, or, if an apprentice embalmer, that he has assisted a licensed embalmer, under whom he is serving, in the embalming of at least 75 bodies; and shall furnish such other information as the board or committee may require. Such reports must give the name of the deceased in each instance and the date and place where the funeral was held or other service performed and shall be certified as otherwise provided in sections 156.01 to 156.17.

(b) The term of a registered apprentice * * * shall be recognized only when given employment in a funeral establishment under the personal supervision of a licensed funeral director, if an apprentice funeral director, or of a licensed embalmer, if an apprentice embalmer.

(c) Only one funeral director or embalmer apprenticeship shall be recognized by the board and committee of examiners at any one establishment in a current year that has had, in case of a funeral director apprenticeship, less than 150 funeral services or prepared less than 150 bodies for burial or shipment during the preceding year, other than by embalming, or, in case of an embalmer apprenticeship, less than 150 embalming operations during the preceding year.

(d) The board and the committee may recognize a second funeral director or embalmer apprenticeship * * * at a funeral establishment during the current year that has had, in case of a funeral director apprenticeship, 150 funerals or more and has prepared 150 bodies or more for burial or shipment during the preceding year (other than embalming) * * *, provided that full-time employment is given to at least 2 licensed

funeral directors at such funeral establishment, or that has had, in case of an embalmer apprenticeship, in excess of 150 embalming operations during the preceding year, provided that full-time employment is given to at least 2 licensed embalmers at such funeral establishment.

SECTION 7. 156.095 (3) of the statutes is repealed.

SECTION 8. 156.10 (3) and (4) of the statutes are repealed.

SECTION 9. 156.105 (1) and (4) of the statutes are amended to read:

156.105 (1) No person * * * shall conduct, maintain, manage or operate a funeral establishment unless a permit for each such establishment has been issued by the state board of health and is conspicuously displayed in such funeral establishment. *In case of funeral services held in any private residence, church, or lodge hall, no permit shall be required.*

(4) Violations of any provisions of sections 156.01 to 156.17 or any rules or regulations of the board * * * committed by * * * any person, or an officer, agent or employe with the knowledge or consent of any person operating such funeral establishments shall be considered sufficient cause for suspension or revocation of such funeral establishment permit.

SECTION 10. 156.13, 156.14 and 156.15 of the statutes are amended to read:

156.13 (1) The board * * * may make investigations, subpoena witnesses * * *, conduct hearings, suspend or revoke licenses of funeral directors and embalmers, certificates of registration of apprentices, and permits of operators of funeral establishments for commission of any crime involving moral turpitude, any violation of this chapter or of any rule or regulation of the board, or unprofessional conduct, including misrepresentation or fraud in obtaining the license, permit, or certificate of registration.

(2) No order revoking a license, certificate of registration, or permit shall be made until after a public hearing conducted by the board * * *.

(3) At least 10 days prior to the date of hearing, the board shall send written notice of the time and place of such hearing * * * to the complainant, and to the party complained against and to their respective attorneys or agents of record, by mailing the same to the last known address of such persons.

(4) The testimony presented and proceedings had at such hearings shall be taken in shorthand, transcribed and preserved as records of the board. The board * * * shall as soon thereafter as possible make its findings in determination thereof, and send a copy to each interested party.

(5) The committee shall make recommendations to the board whether to revoke or suspend any license, permit or certificate of registration, after * * * the public hearing * * *.

156.14 No public officer, employe or officer of any public institution, physician or surgeon shall send, or cause to be sent, to any funeral director * * *, mortician or embalmer, the corpse of any deceased person, without having first made due inquiry as to the desires of the next of kin, or any persons who may be chargeable with the funeral expenses of such deceased person, and if any such kin or person be found, his authority or direction shall be received as to the disposal of such corpse.

156.15 (1) Any person violating any provision of this chapter or any rule or regulation of the board * * * relating to its subject matter, shall be fined not less than \$50 nor more than \$200, or imprisoned not less than 30 days nor more than 3 months.

(2) A funeral director * * * who fails to file a death certificate and obtain burial permit before interring, depositing in vault or tomb, cremating or otherwise disposing of a dead human body, upon being convicted and fined for a second offense, shall have his license at once revoked, and he shall not be relicensed for at least one year and only after a regular examination.

Approved June 26, 1951.