

House substituted for 2789 3/17

Rec. amendment
passage 2/12

January 21, 1953.
Passed on File.

Pub. Health 1/22

Senate File 54

By BOOTHBY, BATESON, ZASTROW,
OLTMAN, DYKHOUSE, NOLAN,
STUART of Lucas, BEKMAN and
ANDERSON.

Passed Senate, Date 2-26-53
Vote: Ayes 43 Nays 3
Passed House, Date 3-17-53
Vote: Ayes 92 Nays 0
Approved 3-19-53

House - Pub. Health 3/17
Senate Re-passed 3/17
39-4

A BILL FOR

An Act relating to the practice of funeral directing and embalming and to repeal chapter one hundred fifty-six (156), Code 1950, relating thereto, and to enact a substitute therefor.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter one hundred fifty-six (156), Code 1950, is hereby repealed and the following enacted in lieu thereof:

PRACTICE OF FUNERAL DIRECTING AND EMBALMING

- 1 Section 1. Definitions.
- 2 1. "Board" shall mean Board of Funeral Directors and
- 3 Embalmer Examiners.
- 4 2. A "Funeral Director" is a person engaged in or
- 5 conducting, or holding himself out, in whole or in part, as
- 6 being engaged in:
 - 7 (a) Preparing, other than embalming, for the burial or
 - 8 disposal, or directing and supervising the burial or disposal
 - 9 of dead human bodies.
 - 10 (b) Furnishing, in connection with the disposition or sale
 - 11 of any casket, vault or other burial receptacle, any funeral

12 services, or embalming, directly or indirectly, by himself, or
13 in conjunction with another.

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

18 3. An "Embalmer" is a person engaged in, or holding
19 himself out as engaged in, the practice of disinfecting or
20 preserving dead human bodies, entire or in part, by the use
21 of chemical substances, fluids or gases in the body, or by
22 the introduction of same into the body by vascular or hypo-
23 dermic injections, or by direct application into the organs
24 or cavities for the purpose of preservation or disinfection.

25 Nothing contained in this act shall be construed
26 as prohibiting the continued operation of any funeral home or
27 funeral establishment by any person, firm, cooperative burial
28 association or corporation which has legally operated said
29 funeral home or funeral establishment continuously for a
30 period of six months immediately preceding the effective
31 date of this act; provided that each such person, firm,
32 cooperative burial association or corporation shall at all
33 times employ an embalmer and funeral director licensed under
34 the provisions of this act, and shall keep the State Depart-
35 ment of Health advised of the name of the licensee or licensees
36 so employed.

1 Sec. 2. Section one (1) shall not be construed to

2 include the following classes of persons:

3 1. Manufacturers, wholesalers, and jobbers of caskets,
4 vaults, or other burial receptacles not engaged in the other
5 functions of furnishing of funeral services or embalming as
6 above defined.

7 2. Those who distribute or sell caskets, vaults, or
8 any other burial receptacles and who do not furnish any
9 funeral service or embalming, directly or indirectly, by
10 himself or in conjunction with another, except a registered
11 student under the personal direction of a licensed funeral
12 director or embalmer.

13 3. Those who use bodies for scientific purposes as defined
14 in sections one hundred forty-two point one (142.1), one hundred
15 forty-two point two (142.2), and one hundred forty-two point five
16 (142.5); or those who make scientific examinations of dead bodies,
17 or perform autopsies.

18 4. Physicians or institutions who preserve parts of human
19 bodies either for scientific purposes or for use as evidence in
20 prospective legal cases.

21 5. Persons burying their own dead under burial permit from
22 the registrar of vital statistics.

1 Sec. 3. Eligibility requirements.

2 1. To be eligible to take the examination for funeral direc-
3 tor's or embalmer's license, a person must:

4 (a) After the effective date of this section have completed
5 one (1) academic year of instruction in a recognized college,

6 junior college, or university in a course of study approved by the
7 board or have equivalent education as defined by the board and
8 have satisfactorily completed a course of instruction in mortuary
9 science in an accredited school approved by the board.

10 (b) After September 1, 1955, have completed two (2) academic
11 years of instruction in a recognized college, junior college or
12 university in a course of study approved by the board or have
13 equivalent education as defined by the board and have satisfactorily
14 completed a course of instruction in mortuary science in an
15 accredited school approved by the board.

16 2. The eligibility requirements set forth in subsection
17 one (1) shall not apply to any student to whom a certificate of
18 studentship was issued before the effective date of this section
19 and who satisfies the legal requirements in effect at the time of
20 his legal registration.

1 Sec. 4. Funeral directors.

2 1. The practice of a funeral director must be conducted
3 in a funeral establishment equipped for the care and preparation
4 for burial or transportation of dead human bodies.

5 2. No person shall engage in, or hold himself out as engaged
6 in, the practice of a funeral director unless licensed.

7 3. Applications for the examination for a funeral director's
8 license shall be in writing and verified on a blank to be prescribed
9 and furnished by the board. The application must specify the
10 address at which the applicant proposes to conduct the practice of
11 a funeral director and shall contain such other information as the

12 board may require to determine compliance with the requirements of
13 this chapter. Accompanying the application shall be affidavits
14 from at least two reputable freeholders of the county in which the
15 applicant resides or proposes to conduct the practice of a funeral
16 director to the effect that the applicant is of good moral character,
17 of temperate habits, and a citizen of the United States.

18 4. Written and oral examinations for funeral director's
19 license shall be held at least once a year at a time and place to
20 be designated by the board. The examination shall include the
21 subjects of funeral directing, burial or other disposition of dead
22 human bodies, sanitary science, public health, transportation,
23 business ethics, and such other subjects as the board may designate
24 and the laws of the state of Iowa and rules and regulations
25 relating to communicable diseases, quarantine and causes of death.

26 5. After the applicant shall have completed satisfactorily
27 the course of instruction in mortuary science in an accredited
28 school approved by the board, the applicant must pass the
29 examination prescribed at one of the regular examinations held by
30 the board during the first year after his graduation. The
31 applicant may then receive a class "A" certificate of studentship
32 and shall than complete one additional year of continuous student-
33 ship. The applicant shall during this studentship direct or assist
34 in the direction of not less than twenty-five funerals under the
35 direct supervision of a licensed funeral director in good standing
36 in this state.

1 Sec. 5. Embalmers.

2 1. No person shall engage in, or hold himself out as
3 engaged in, the practice of an embalmer unless licensed.

4 2. Applications for the examination for an embalmer's
5 license shall be in writing and verified on a blank to be
6 prescribed and furnished by the board. The application must
7 specify the address at which the applicant proposes to conduct
8 the practice of an embalmer and shall contain such other infor-
9 mation as the board may require to determine compliance with the
10 requirements of this chapter. Accompanying the application shall
11 be affidavits from at least two reputable freeholders of the
12 county in which the applicant resides or proposes to conduct the
13 practice of an embalmer to the effect that the applicant is of
14 good moral character, of temperate habits, and a citizen of the
15 United States.

16 3. Written and oral examinations for an embalmer's license
17 shall be held at least once a year at a time and place to be
18 designated by the board. The examination shall include the
19 subjects of anatomy, practical embalming, restorative art,
20 sanitation, public health, business ethics, and such other subjects
21 at the board may designate and the laws of the state of Iowa and
22 rules and regulations relating to communicable disease, quar-
23 antine and causes of death.

24 4. After the applicant shall have completed satisfactorily
25 the course of instruction in mortuary science in an accredited
26 school approved by the board, the applicant must pass the
27 examination prescribed at one of the regular examinations held

28 by the board during the first year after his graduation. The
29 applicant may then receive a class "A" certificate of studentship
30 and shall then complete one additional year of continuous student-
31 ship. The applicant shall during this studentship arterially
32 embalm not less than twenty-five human bodies under the direct
33 supervision of a licensed embalmer in good standing in this state.
34 The applicant shall demonstrate his proficiency as an embalmer,
35 as directed by the board of funeral director and embalmer
36 examiners by operation on a dead human body, which body shall be
37 furnished by the state department of health, under the provisions
38 of section one hundred forty-two point two (142.2). This
39 particular requirement shall apply to all applicants for a
40 license as an embalmer by reciprocity, as well as by examination.

1 Sec. 6. Concurrent study and studentship. The course of
2 instruction and studentships required under the provisions of
3 section four (4) for funeral directors and under section five (5)
4 for embalmers may be taken concurrently.

1 Sec. 7. Renewal of licenses.

2 1. The department of health shall issue separate renewal
3 licenses to funeral directors and to embalmers.

4 2. Any embalmer who is licensed under the provisions of
5 chapter one hundred fifty-six (156), Code of Iowa 1950, and who
6 has a license expiring June 30, 1953, shall be eligible to a
7 renewal license as an embalmer and a renewal license as a funeral
8 director by complying with the provisions of sections one hundred
9 forty-seven point eighty (147.80) and one hundred forty-seven

10 point one hundred one (147.101) as amended.

1 Sec. 8. Studentship. The board of funeral director and
2 embalmer examiners shall, by rule approved by the state department
3 of health, provide for studentships in funeral directing and
4 embalming, and shall regulate the registration and training
5 thereof; and no applicant shall be eligible to take the funeral
6 directors' or embalmers' examinations who has not first been
7 legally registered as a student. For such registration a fee
8 of five dollars shall be collected from applicant for each
9 license.

1 Sec. 9. Revocation of license. For the purpose of revoking
2 a license under the provisions of section one hundred forty-seven
3 point fifty-five (147.55), "unprofessional conduct" on the part
4 of a funeral director or embalmer shall in addition to the
5 provisions of said section consist of any one of the following
6 acts:

7 1. Knowingly misrepresenting any material matter to a
8 prospective purchaser of funeral merchandise, furnishings, or
9 services.

10 2. Executing a death certificate or shipping paper for
11 use of anyone except a licensed funeral director or licensed
12 embalmer or a registered student who is working under the
13 immediate personal supervision of a licensed funeral director
14 or licensed embalmer.

15 3. Recommending to the board of funeral director and
16 embalmer examiners an applicant for a license who has not, to

17 his personal knowledge, complied with the requirements of the
18 law and the rules of the board of funeral director and embalmer
19 examiners.

20 4. If the licensee shall engage generally in the business
21 of selling or issuing burial contracts or burial certificates
22 in anticipation of the death of a person, or if he shall enter
23 into any contract with another whereby he agrees or undertakes
24 to furnish funeral supplies or funeral service to persons who
25 have been solicited by such other or who have agreed with such
26 other to purchase the same; provided, this subsection shall not
27 apply to contracts with the United States or any department of
28 the federal government, including army and veterans' hospitals.

1 Sec. 10. Inspection. The commissioner of public health
2 shall have power to inspect all places where dead human bodies
3 are prepared or held for burial, or entombment; and to prescribe
4 and enforce such rules and regulations in connection therewith
5 as may be necessary for the preservation of the public health.

1 Sec. 11. After death of licensee. Any heir or legal
2 representative of a licensed funeral director or licensed embalmer
3 may maintain a funeral home for a period of two years after the
4 death of such licensed funeral director or licensed embalmer.
5 A licensed funeral director or licensed embalmer shall be employed
6 to operate such funeral home during said period and the state
7 department of health shall be notified of such employment by
8 the licensee or licensees.

1 Sec. 12. Funeral directors and embalmers; solicitation

2 of business, penalty. Every funeral director or embalmer, or
 3 any person acting for him, who pays or causes to be paid,
 4 directly or indirectly, any money or other thing of value as a
 5 commission or gratuity for the securing of business for such
 6 funeral director or embalmer, and every person who accepts or
 7 offers to accept any money or other thing of value as a commission
 8 or gratuity from a funeral director or embalmer in order to
 9 secure business for him shall be deemed guilty of a misdemeanor,
 10 and upon conviction thereof shall be fined not more than five
 11 hundred dollars or shall be imprisoned in the county jail for
 12 not less than thirty days, or both; provided that nothing herein
 13 contained shall be construed as prohibiting any person, firm,
 14 cooperative burial association or corporation, subject to the
 15 provisions of this act, from using legitimate and honest
 16 advertising.

17 This act being deemed of immediate importance shall be
 18 in full force and effect from and after its passage and
 19 publication in the, a
 20 newspaper published at, Iowa and the
 21, a newspaper published at
 22, Iowa.

- 1 Amend Senate File 54, subsection 4, Section 9, by
- 2 substituting a comma for the period in line 28, and by
- 3 adding the following: "or to any contract made in
- 4 conjunction with the sale of any life insurance policy
- 5 issued by a life insurance company licensed to transact
- 6 business in Iowa."

adopted
2/26

Filed

February 12, 1953.

By WHITEHEAD.

- 1 Amend Senate File 54 as follows:
- 2 1. Amend section one (1) by striking the word "continued"
- 3 in line twenty-six (26).
- 4 2. Further amend section one (1) by striking from lines
- 5 twenty-eight (28), twenty-nine (29), thirty (30) and thirty-one
- 6 (31), the following: "which has legally operated said funeral
- 7 home or funeral establishment continuously for a period of six
- 8 months immediately preceding the effective date of this act".
- 9 3. Amend section four (4) by striking the word "in" in
- 10 line three (3) and inserting in lieu thereof the word "from".
- 11 4. Further amend section four (4) by striking from lines
- 12 nine (9), ten (10), eleven (11), twelve (12) and thirteen (13)
- 13 the following: "The application must specify the address at
- 14 which the applicant proposes to conduct the practice of a funeral
- 15 director and shall contain such other information as the board
- 16 may require to determine compliance with the requirements of this
- 17 chapter."
- 18 5. Further amend section four (4) by inserting after the
- 19 word "complete" in line thirty-two (32) the following: "a minimum
- 20 of".
- 21 6. Further amend section four (4) by striking the word
- 22 "continuous" in line thirty-two (32).
- 23 7. Amend section 5 by striking from lines 6, 7, 8, 9 and 10 the fol-
- 24 lowing: "The application must specify the address at which the applicant
- 25 proposes to conduct the practice of an embalmer and shall contain such
- 26 other information as the board may require to determine compliance with
- 27 the requirements of this chapter."
- 28 8. Further amend section 5 by inserting after the word "complete" in
- 29 line 10 the following: "a minimum of".
- 30 9. Further amend section 5 by striking the word "continuous" in line
- 31
- 32
- 33
- 34 10. Amend section eleven (11) by striking from line three
- 35 (3) the following: "for a period of two years".
- 36 11. Further amend section eleven (11) by striking the
- 37 period at the end of line four (4) and inserting in lieu thereof
- 38 the following: ", provided that".
- 39 12. Further amend section eleven (11) by striking from
- 40 line six (6) the following: "during said period".

adopted
2/26

adopted
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adopted
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adopted
2/26

Filed

February 12, 1953.

By COMMITTEE ON PUBLIC HEALTH.

- 1 Amend Senate File 54 by striking lines 19, 20, 21 and 22
- 2 of section 12 and inserting in lieu thereof the following: "publication
- 3 in the Cherokee Daily Times, a newspaper published at Cherokee,
- 4 Iowa, and The Aurelia Sentinel, a newspaper published at
- 5 Aurelia, Iowa."

Filed and adopted

February 26, 1953.

By BOOTHBY.

adopted
2/26

- 1 Amend Senate File 54, section 12, line 19, by inserting
- 2 following the word "publication" the words "without
- 3 expense to the state".

Filed

February 25, 1953.

By BOOTHBY.

adopted
2/26

Hendrix
3/17
adopted
3/17

- 1 Amend Senate File 54 as follows:
- 2 1. Amend section one (1) by inserting after the
- 3 comma following the word "firm" in line twenty-seven (27)
- 4 thereof the word "fiduciary".
- 5 2. Amend section eleven (11) by striking the word
- 6 "or" in line five (5) and substituting in lieu thereof
- 7 the word "and".

Amendment adopted

March 17, 1953.

HENDRIX of Muscatine.

Senate concurred
3/17

adopted
3/17
Senate concurred
3/17

