

*See Stats. Sec. 31, Do Pass 4/11 (p. 1524)*

Senate File 2131  
State Government: Arnold, Chair: Walker and West

**FILED FEB 20 1978**

SENATE FILE **2131**  
By COMMITTEE ON STATE GOVERNMENT

Passed Senate, Date 2-23-78 (p. 385) Passed House, Date 5-2-78 (p. 2118)  
Vote: Ayes 45 Nays 3 Vote: Ayes 85 Nays 0  
Approved May 15 1978

### A BILL FOR

1 An Act to consolidate the licensing of funeral directors and  
2 embalmers.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section one hundred fifty-six point one (156.1),  
2 Code 1977, is amended by striking the section and inserting  
3 in lieu thereof the following new section:

4 NEW SECTION. As used in this chapter unless the context  
5 otherwise requires:

6 1. "Board" shall mean the board of mortuary science  
7 examiners.

8 2. "Funeral director" shall mean a person licensed by  
9 the board to practice mortuary science.

10 3. "Mortuary science" shall mean the engaging in any of  
11 the following:

12 a. Preparing, for the burial or disposal, or directing  
13 and supervising the burial or disposal of dead human bodies.

14 b. Furnishing any funeral services, or embalming, in  
15 connection with the disposition or sale of any casket, vault  
16 or other burial receptacle.

17 c. Using the words, "funeral director", "mortician" or  
18 any other title implying that he or she is engaged as a funeral  
19 director as defined in this section.

20 d. Embalming by disinfecting or preserving dead human  
21 bodies, entire or in part, by the use of chemical substances,  
22 fluids or gases in the body, or by the introduction of same  
23 into the body by vascular or hypodermic injections, or by  
24 direct application into the organs or cavities for the purpose  
25 of preservation or disinfection.

26 Nothing contained in this chapter shall be construed as  
27 prohibiting the operation of any funeral home or funeral  
28 establishment by any person, heir, fiduciary, firm, co-  
29 operative burial association or corporation; provided that  
30 each such person, firm, co-operative burial association or  
31 corporation shall employ a funeral director, and shall keep  
32 the state department of health advised of the name of the  
33 funeral director.

34 Sec. 2. Section one hundred fifty-six point two (156.2),  
35 subsection two (2), Code 1977, is amended to read as follows:

1        2. Those who distribute or sell caskets, vaults, or any  
 2 other burial receptacles and who do not furnish any funeral  
 3 service or embalming, ~~directly-or-indirectly,-by-himself-or~~  
 4 ~~in-conjunction-with-another,~~ except a registered student  
 5 apprentice under the personal direction of a ~~licensed~~ funeral  
 6 director ~~or-embalmer~~.

7        Sec. 3. Section one hundred fifty-six point three (156.3),  
 8 Code 1977, is amended by striking the section and inserting  
 9 in lieu thereof the following:

10        156.3 ELIGIBILITY REQUIREMENTS. To be eligible to take  
 11 the examination for a funeral director's license, a person  
 12 must have completed two academic years of instruction in a  
 13 recognized college, junior college or university in a course  
 14 of study approved by the board or have equivalent education  
 15 as defined by the board and have satisfactorily completed  
 16 a course of instruction in mortuary science in an accredited  
 17 school approved by the board.

18        Sec. 4. Section one hundred fifty-six point four (156.4),  
 19 subsections two (2), three (3), four (4) and five (5), Code  
 20 1977, are amended to read as follows:

21        2. No A person shall not engage in, ~~or-hold-himself-out~~  
 22 ~~as-engaged-in,~~ the practice of ~~a-funeral-director~~ mortuary  
 23 science unless licensed.

24        3. Applications for the examination for a funeral  
 25 director's license shall be in writing and verified on a ~~blank~~  
 26 ~~to-be-prescribed-and~~ form furnished by the board.

27        4. Written and oral examinations for a funeral director's  
 28 license shall be held at least once a year at a time and place  
 29 to be designated by the board. The examination shall include  
 30 the subjects of funeral directing, burial or other disposition  
 31 of dead human bodies, sanitary science, embalming, restorative  
 32 art, anatomy, public health, transportation, business ethics,  
 33 and such other subjects as the board may designate ~~and-the~~  
 34 ~~laws-of-the-state-of-Iowa-and-rules-relating-to-communicable~~  
 35 ~~diseases,-quarantine-and-causes-of-death.~~

1 5. After the applicant shall have completed satisfactorily  
 2 the course of instruction in mortuary science in an accredited  
 3 school approved by the board, the applicant must pass the  
 4 examination prescribed ~~at one of the regular examinations~~  
 5 ~~held by the board during the first year after his graduation~~  
 6 as provided in section one hundred forty-seven point thirty-  
 7 four (147.34) of the Code. The applicant may then receive  
 8 a class "A" certificate of studentship apprenticeship and  
 9 shall then complete a minimum of one additional year of  
 10 studentship apprenticeship. The ~~applicant~~ apprentice shall  
 11 ~~during this studentship direct or~~ assist in the direction  
 12 of not less than twenty-five funerals under the direct  
 13 supervision of a ~~licensed~~ funeral director ~~in good standing~~  
 14 ~~in this state.~~ The apprentice shall arterially embalm not  
 15 less than twenty-five dead human bodies under the direct  
 16 supervision of a funeral director. The applicant shall  
 17 demonstrate proficiency as directed by the board of mortuary  
 18 science examiners by practical examination.

19 Sec. 5. Section one hundred fifty-six point eight (156.8),  
 20 Code 1977, is amended to read as follows:

21 156.8 STUDENTSHIP APPRENTICESHIP. The board ~~of funeral~~  
 22 ~~director and embalmer examiners~~ shall, by rule ~~approved by~~  
 23 ~~the state department of health,~~ provide for studentships  
 24 apprenticeships in funeral directing and ~~embalming,~~ and shall  
 25 regulate the registration, and training thereof, ~~and no~~  
 26 ~~applicant shall be eligible to take the funeral directors'~~  
 27 ~~or embalmers' examinations who has not first been legally~~  
 28 ~~registered as a student.~~ ~~For such registration a fee set~~  
 29 ~~by the board to cover registration costs shall be collected~~  
 30 ~~from the applicant for each license~~ and fee for  
 31 apprenticeships.

32 Sec. 6. Section one hundred fifty-six point nine (156.9),  
 33 Code 1977, is amended to read as follows:

34 156.9 REVOCATION OF LICENSE. ~~For the purpose of revoking~~  
 35 ~~a license under the provisions of section 147.55, "un-~~

1 ~~professional-conduct~~<sup>4-on-the-part</sup> The board may revoke or  
2 suspend the license of a funeral director or embalmer shall  
3 ~~in-addition-to-the-provisions-of-said-section-consist-of~~ for  
4 any one of the following acts:

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

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

13 3. ~~Recommending-to-the-board-of-funeral-director-and~~  
14 ~~embalmer-examiners-an-applicant-for-a-license-who-has-not,~~  
15 ~~to-his-personal-knowledge,-complied-with-the-requirements~~  
16 ~~of-the-law-and-the-rules-of-the-board-of-funeral-director~~  
17 ~~and-embalmer-examiners-~~

18 4. If the ~~licensee-shall-engage~~ funeral director engages  
19 generally in the business of selling or issuing burial  
20 contracts or burial certificates in anticipation of the death  
21 of a person, or ~~if-he-shall-enter~~ enters into any contract  
22 with another ~~whereby-he-agrees-or-undertakes~~ person to furnish  
23 funeral supplies or funeral service to persons who have been  
24 solicited by ~~such-ether~~ or who have agreed with ~~such-ether~~  
25 that person to purchase the same, ~~provided,-this~~ supplies  
26 or services. This subsection shall not apply to contracts  
27 with the United States or any department of the federal  
28 government, ~~-including-army-and-veterans--hospitals,~~ or to  
29 any contract made in conjunction with the sale of any life  
30 insurance policy issued by a life insurance company licensed  
31 to transact business in Iowa.

32 4. Any of the applicable grounds for revocation or  
33 suspension of a license provided in Acts of the Sixty-seventh  
34 General Assembly, 1977 Session, chapter ninety-five (95) and  
35 chapter one hundred forty-seven (147) of the Code.

1     Sec. 7. Section one hundred fifty-six point twelve  
2 (156.12), Code 1977 Supplement, is amended to read as follows:  
3     156.12 FUNERAL DIRECTORS ~~AND EMBALMERS~~--SOLICITATION OF  
4 BUSINESS--PENALTY. Every funeral director ~~or embalmer~~, or  
5 any person acting ~~for him or her~~, in their behalf who pays  
6 or causes to be paid, ~~directly or indirectly~~, any money or  
7 other thing of value as a commission or gratuity for the  
8 securing of business for such funeral director ~~or embalmer~~,  
9 and every person who accepts or offers to accept any money  
10 or other thing of value as a commission or gratuity from a  
11 funeral director ~~or embalmer~~ in order to secure business for  
12 him or her shall be deemed guilty of a simple misdemeanor,  
13 ~~provided that nothing herein contained.~~ This section shall  
14 not be construed as prohibiting any person, firm, co-operative  
15 burial association or corporation, subject to the provisions  
16 of this chapter, from using legitimate and honest advertising.

17     Sec. 8. Section one hundred fifty-six point thirteen  
18 (156.13), Code 1977, is amended to read as follows:

19     156.13 CERTIFICATE OF NATIONAL BOARD IN LIEU OF  
20 EXAMINATION. The state department of health may, with the  
21 approval of the board ~~of funeral director and embalmer~~  
22 ~~examiners~~, accept in lieu of the examination prescribed in  
23 section 156.4 and section 156.5, a certificate of examination  
24 issued by the ~~national board~~ National Conference of funeral  
25 ~~director and embalmer examiners of the United States of America~~  
26 Funeral Service Examining Boards, ~~but~~ and every applicant  
27 for a license upon the basis of such certificate shall be  
28 required to pay the fee ~~prescribed for licenses under~~  
29 ~~reciprocal agreements.~~

30     Sec. 9. Section one hundred forty-four point twenty-seven  
31 (144.27), Code 1977, is amended to read as follows:

32     144.27 FUNERAL DIRECTOR'S DUTY. The funeral director  
33 who first assumes custody of a dead body shall file the death  
34 certificate--~~He shall~~, obtain the personal data from the  
35 next of kin or the best qualified person or source available

1 and shall obtain the medical certification of cause of death  
2 from the person responsible for issuing and signing the  
3 certification. When a person other than a funeral director  
4 assumes custody of a dead body, the person shall be responsible  
5 for carrying out the provisions of this section.

6 Sec. 10. Section one hundred forty-four point thirty-four  
7 (144.34), Code 1977, is amended to read as follows:

8 144.34 DISINTERMENT--PERMIT. Disinterment of a dead body  
9 or fetus shall be allowed for the purpose of autopsy or  
10 reburial only, and then only if accomplished by a ~~licensed~~  
11 funeral director ~~or-embalmer~~. A permit for such disinterment  
12 and, thereafter, reinterment shall be issued by the state  
13 registrar according to rules adopted pursuant to chapter 17A  
14 or when ordered by the district court of the county in which  
15 such body is buried. The state registrar, without a court  
16 order, shall not issue a permit without the consent of the  
17 surviving spouse or in case of such spouse's absence, death,  
18 or incapacity, the next of kin. Disinterment for the purpose  
19 of reburial may be allowed by court order only upon a showing  
20 of substantial benefit to the public. Disinterment for the  
21 purpose of autopsy or reburial by court order shall be allowed  
22 only when reasonable cause is shown that someone is criminally  
23 or civilly responsible for such death, after hearing, upon  
24 reasonable notice prescribed by the court to the surviving  
25 spouse or in his or her absence, death, or incapacity, the  
26 next of kin. Due consideration shall be given to the public  
27 health, the dead, and the feelings of relatives.

28 Sec. 11. Section one hundred forty-four point forty-nine  
29 (144.49), Code 1977, is amended to read as follows:

30 144.49 ADDITIONAL RECORD BY FUNERAL DIRECTOR. A funeral  
31 director, ~~embalmer~~, or other person who removes from the place  
32 of death or transports or finally disposes of a dead body  
33 or fetus, in addition to filing any certificate or other form  
34 required by this chapter, shall keep a record which shall  
35 identify the body, and information pertaining to his or her

1 receipt, removal, and delivery of the body as prescribed by  
2 the department.

3 Sec. 12. Section one hundred forty-seven point one (147.1),  
4 subsections two (2) and three (3), Code 1977, are amended  
5 to read as follows:

6 2. "Licensed" or "certified" when applied to a physician  
7 and surgeon, podiatrist, osteopath, osteopathic physician  
8 and surgeon, psychologist or associate psychologist,  
9 chiropractor, nurse, dentist, dental hygienist, optometrist,  
10 speech pathologist, audiologist, pharmacist, physical  
11 therapist, practitioner of cosmetology, practitioner of  
12 barbering, or funeral director ~~or-embalmer~~ shall mean a person  
13 licensed under this title.

14 3. "Profession" shall mean medicine and surgery, podiatry,  
15 osteopathy, osteopathic medicine and surgery, psychology,  
16 chiropractic, nursing, dentistry, dental hygiene, optometry,  
17 speech pathology, audiology, pharmacy, physical therapy,  
18 cosmetology, barbering, ~~funeral-directing-or-embalming~~ or  
19 mortuary science.

20 Sec. 13. Section one hundred forty-seven point two (147.2),  
21 Code 1977, is amended to read as follows:

22 147.2 LICENSE REQUIRED. No person shall engage in the  
23 practice of medicine and surgery, podiatry, osteopathy,  
24 osteopathic medicine and surgery, psychology, chiropractic,  
25 physical therapy, nursing, dentistry, dental hygiene,  
26 optometry, speech pathology, audiology, pharmacy, cosmetology,  
27 barbering, ~~funeral-directing-or-embalming~~ or mortuary science  
28 as defined in the following chapters of this title, unless  
29 he or she shall have obtained from the state department of  
30 health a license for that purpose.

31 Sec. 14. Section one hundred forty-seven point three  
32 (147.3), Code 1977, is amended to read as follows:

33 147.3 QUALIFICATIONS. An applicant for a license to  
34 practice a profession under this title shall not be ineligible  
35 because of age, citizenship, sex, race, religion, marital

1 status or national origin, although the application form may  
2 require citizenship information. Any board may consider the  
3 past felony record of an applicant only if the felony  
4 conviction relates directly to the practice of medicine,  
5 podiatry, osteopathy, osteopathy and surgery, chiropractic,  
6 nursing, psychology, optometry, speech pathology, audiology,  
7 pharmacy, physical therapy, cosmetology, barbering or funeral  
8 ~~directing-or-embalming~~ mortuary science for which the applicant  
9 requests to be licensed. Character references may be required,  
10 but shall not be obtained from licensed members of the pro-  
11 fession.

12 Sec. 15. Section one hundred forty-seven point thirteen  
13 (147.13), Code 1977, is amended to read as follows:

14 147.13 DESIGNATION OF BOARDS. The examining boards  
15 provided in section 147.12 shall be designated as follows:  
16 For medicine and surgery, and osteopathy, and osteopathic  
17 medicine and surgery, medical examiners; for psychology,  
18 psychology examiners; for podiatry, podiatry examiners; for  
19 chiropractic, chiropractic examiners; for physical therapists,  
20 physical therapy examiners; for nursing, board of nursing;  
21 for dentistry and dental hygiene, dental examiners; for  
22 optometry, optometry examiners; for speech pathology and  
23 audiology, speech pathology and audiology examiners; for  
24 cosmetology, cosmetology examiners; for barbering, barber  
25 examiners; for pharmacy, pharmacy examiners; for funeral  
26 ~~directing-and-embalming,-funeral-director-and-embalmer~~ mortuary  
27 science, mortuary science examiners.

28 Sec. 16. Section one hundred forty-seven point fourteen  
29 (147.14), subsection one (1), Code 1977, is amended to read  
30 as follows:

31 1. For podiatry, physical therapy, cosmetology, barbering,  
32 and ~~funeral-directing-and-embalming~~ mortuary science, three  
33 members each, licensed to practice the profession for which  
34 the board conducts examinations, and two members who are not  
35 licensed to practice the profession for which the board

1 conducts examinations and who shall represent the general  
2 public. A quorum shall consist of a majority of the members  
3 of the board.

4 Sec. 17. Section one hundred forty-seven point eighty  
5 (147.80), subsection ten (10), Code 1977, is amended to read  
6 as follows:

7 10. License to practice ~~funeral-directing-and-embalming~~  
8 mortuary science issued upon the basis of an examination given  
9 by the board of ~~funeral-directing-and-embalming~~ mortuary  
10 science examiners, license to practice ~~funeral-directing-and~~  
11 ~~embalming~~ mortuary science issued under a reciprocal agreement,  
12 renewal of a license to practice ~~funeral-directing,-renewal~~  
13 ~~of-a-license-to-practice-embalming~~ mortuary science.

14 Sec. 18. Acts of the Sixty-seventh General Assembly, 1977  
15 Session, chapter ninety-five (95), section one (1), subsection  
16 one (1), paragraph 1, is amended to read as follows:

17 1. The board of ~~funeral-directors-and-embalmer~~ mortuary  
18 science examiners, created pursuant to chapter one hundred  
19 forty-seven (147) of the Code.

20 Sec. 19. Sections one hundred fifty-six point five (156.5),  
21 one hundred fifty-six point six (156.6), one hundred fifty-  
22 six point seven (156.7), and one hundred fifty-six point  
23 eleven (156.11), Code 1977, are repealed.

24 Sec. 20. All persons who hold both a funeral director's  
25 license and an embalmer's license under chapter one hundred  
26 fifty-six (156) of the Code on the effective date of this  
27 Act shall be issued a funeral director's license by the board  
28 of mortuary science. A person who holds either a funeral  
29 director's license or an embalmer's license on the effective  
30 date of this Act shall be issued a funeral director's license  
31 by the board of mortuary science, but the practice permitted  
32 by that license shall be limited to funeral directing or  
33 embalming respectively as defined in section one hundred  
34 fifty-six point one (156.1) of the Code prior to the effective  
35 date of this Act and permitted by the previous license held

1 by the funeral director or embalmer. The members of the board  
2 of funeral directors and embalmers shall serve as members  
3 of the board of mortuary science until the expirations of  
4 their terms. The rules of the board of funeral directors  
5 and embalmers shall remain in effect as rules of the board  
6 of mortuary science until changed by that board.

7 EXPLANATION

8 The bill consolidates the funeral director's license and  
9 the embalmer's license into a funeral director's license.  
10 The funeral directors and embalmers will be referred to as  
11 funeral directors and the board of funeral directors and  
12 embalmers becomes the board of mortuary science. Those persons  
13 holding a funeral director's license and an embalmer's license  
14 will be issued a funeral director's license. The members  
15 of the board of funeral directors and embalmers would become  
16 the members of the board of mortuary science.

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SENATE FILE 2131

AN ACT

TO CONSOLIDATE THE LICENSING OF FUNERAL DIRECTORS AND  
EMBALMERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section one hundred fifty-six point one (156.1), Code 1977, is amended by striking the section and inserting in lieu thereof the following new section:

NEW SECTION. As used in this chapter unless the context otherwise requires:

1. "Board" shall mean the board of mortuary science examiners.
2. "Funeral director" shall mean a person licensed by the board to practice mortuary science.
3. "Mortuary science" shall mean the engaging in any of the following:
  - a. Preparing, for the burial or disposal, or directing and supervising the burial or disposal of dead human bodies.
  - b. Furnishing any funeral services, or embalming, in connection with the disposition or sale of any casket, vault or other burial receptacle.
  - c. Using the words, "funeral director", "mortician" or any other title implying that he or she is engaged as a funeral director as defined in this section.
  - d. Embalming by disinfecting or preserving dead human bodies, entire or in part, by the use of chemical substances, fluids or gases in the body, or by the introduction of same into the body by vascular or hypodermic injections, or by direct application into the organs or cavities for the purpose of preservation or disinfection.

Nothing contained in this chapter shall be construed as prohibiting the operation of any funeral home or funeral

establishment by any person, heir, fiduciary, firm, co-operative burial association or corporation; provided that each such person, firm, co-operative burial association or corporation shall employ a funeral director, and shall keep the state department of health advised of the name of the funeral director.

Sec. 2. Section one hundred fifty-six point two (156.2), subsection two (2), Code 1977, is amended to read as follows:

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

Sec. 3. Section one hundred fifty-six point three (156.3), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

156.3 ELIGIBILITY REQUIREMENTS. To be eligible to take the examination for a funeral director's license, a person must have completed two academic years of instruction in a recognized college, junior college or university in a course of study approved by the board or have equivalent education as defined by the board and have satisfactorily completed a course of instruction in mortuary science in an accredited school approved by the board.

Sec. 4. Section one hundred fifty-six point four (156.4), subsections two (2), three (3), four (4) and five (5), Code 1977, are amended to read as follows:

2. No ~~A~~ person shall not engage in ~~or hold himself out as engaged in~~ the practice of ~~a funeral director~~ mortuary science unless licensed.

3. Applications for the examination for a funeral director's license shall be in writing and verified on a ~~blank~~ te-ne-prescribed-and form furnished by the board.

4. Written and oral examinations for a funeral director's

license shall be held at least once a year at a time and place to be designated by the board. The examination shall include the subjects of funeral directing, burial or other disposition of dead human bodies, sanitary science, embalming, restorative art, anatomy, public health, transportation, business ethics, and such other subjects as the board may designate ~~and the laws of the state of Iowa and rules relating to communicable diseases, quarantine and causes of death.~~

5. After the applicant shall have completed satisfactorily the course of instruction in mortuary science in an accredited school approved by the board, the applicant must pass the examination prescribed ~~at one of the regular examinations held by the board during the first year after his graduation as provided in section one hundred forty-seven point thirty-four (147.34) of the Code.~~ The applicant may then receive a class "A" certificate of studentship apprenticeship and shall then complete a minimum of one additional year of studentship apprenticeship. The applicant apprentice shall ~~during this studentship direct or~~ assist in the direction of not less than twenty-five funerals under the direct supervision of a licensed funeral director in good standing in this state. The apprentice shall arterially embalm not less than twenty-five dead human bodies under the direct supervision of a funeral director. The applicant shall demonstrate proficiency as directed by the board of mortuary science examiners by practical examination.

Sec. 5. Section one hundred fifty-six point eight (156.8), Code 1977, is amended to read as follows:

156.8 STUDENTSHIP APPRENTICESHIP. The board of ~~funeral director and embalmer examiners~~ shall, by rule approved by the state department of health, provide for studentships apprenticeships in funeral directing and embalming, and shall regulate the registration, and training thereof, ~~and no applicant shall be eligible to take the funeral directors and embalmers examinations who has not first been legally~~

~~registered as a student. For such registration a fee set by the board to cover registration costs shall be collected from the applicant for each license and fee for apprenticeships.~~

Sec. 6. Section one hundred fifty-six point nine (156.9), Code 1977, is amended to read as follows:

156.9 REVOCATION OF LICENSE. ~~For the purpose of revoking a license under the provisions of section 147.55, unprofessional conduct on the part~~ The board may revoke or suspend the license of a funeral director ~~or embalmer shall in addition to the provisions of said section consist of~~ for any one of the following acts:

1. Knowingly misrepresenting any material matter to a prospective purchaser of funeral merchandise, furnishings, or services.
2. Executing a death certificate or shipping paper for use of anyone except a licensed funeral director or licensed embalmer or a registered student apprentice who is working under the immediate personal supervision of a licensed funeral director or licensed embalmer.
3. Recommending to the board of funeral director and embalmer examiners an applicant for a license who has not, to his personal knowledge, complied with the requirements of the law and the rules of the board of funeral director and embalmer examiners.

4. If the licensee shall engage funeral director engages generally in the business of selling or issuing burial contracts or burial certificates in anticipation of the death of a person, or if he shall enter enters into any contract with another whereby he agrees or undertakes person to furnish funeral supplies or funeral service to persons who have been solicited by each other or who have agreed with such other that person to purchase the same, provided, this supplies or services. This subsection shall not apply to contracts with the United States or any department of the federal

government~~7-including-army-and-veterans-hospitals~~, or to any contract made in conjunction with the sale of any life insurance policy issued by a life insurance company licensed to transact business in Iowa.

4. Any of the applicable grounds for revocation or suspension of a license provided in Acts of the Sixty-seventh General Assembly, 1977 Session, chapter ninety-five (95) and chapter one hundred forty-seven (147) of the Code.

Sec. 7. Section one hundred fifty-six point twelve (156.12), Code 1977 Supplement, is amended to read as follows:

156.12 FUNERAL DIRECTORS AND EMBALMERS--SOLICITATION OF BUSINESS--PENALTY. Every funeral director ~~or embalmer~~ or any person acting ~~for him or her~~ in their behalf who pays or causes to be paid~~7-directly-or-indirectly~~; any money or other thing of value as a commission or gratuity for the securing of business for such funeral director ~~or embalmer~~, and every person who accepts or offers to accept any money or other thing of value as a commission or gratuity from a funeral director ~~or embalmer~~ in order to secure business for him or her shall be deemed guilty of a simple misdemeanor; ~~provided-that-nothing-herein-contained.~~ This section shall not be construed as prohibiting any person, firm, co-operative burial association or corporation, subject to the provisions of this chapter, from using legitimate and honest advertising.

Sec. 8. Section one hundred fifty-six point thirteen (156.13), Code 1977, is amended to read as follows:

156.13 CERTIFICATE OF NATIONAL BOARD IN LIEU OF EXAMINATION. The state department of health may, with the approval of the board ~~of funeral-director-and-embalmer examiners~~, accept in lieu of the examination prescribed in section 156.4 and section 156.5, a certificate of examination issued by the ~~national-board~~ National Conference of Funeral Director and Embalmer Examiners of the United States of America Funeral Service Examining Boards, but and every applicant for a license upon the basis of such certificate shall be

required to pay the fee ~~prescribed-for-licenses-under reciprocal-agreements.~~

Sec. 9. Section one hundred forty-four point twenty-seven (144.27), Code 1977, is amended to read as follows:

144.27 FUNERAL DIRECTOR'S DUTY. The funeral director who first assumes custody of a dead body shall file the death certificate~~--He shall~~, obtain the personal data from the next of kin or the best qualified person or source available and ~~shall~~ obtain the medical certification of cause of death from the person responsible for issuing and signing the certification. When a person other than a funeral director assumes custody of a dead body, the person shall be responsible for carrying out the provisions of this section.

Sec. 10. Section one hundred forty-four point thirty-four (144.34), Code 1977, is amended to read as follows:

144.34 DISINTERMENT--PERMIT. Disinterment of a dead body or fetus shall be allowed for the purpose of autopsy or reburial only, and then only if accomplished by a licensed funeral director ~~or embalmer~~. A permit for such disinterment and, thereafter, reinterment shall be issued by the state registrar according to rules adopted pursuant to chapter 17A or when ordered by the district court of the county in which such body is buried. The state registrar, without a court order, shall not issue a permit without the consent of the surviving spouse or in case of such spouse's absence, death, or incapacity, the next of kin. Disinterment for the purpose of reburial may be allowed by court order only upon a showing of substantial benefit to the public. Disinterment for the purpose of autopsy or reburial by court order shall be allowed only when reasonable cause is shown that someone is criminally or civilly responsible for such death, after hearing, upon reasonable notice prescribed by the court to the surviving spouse or in his or her absence, death, or incapacity, the next of kin. Due consideration shall be given to the public health, the dead, and the feelings of relatives.

Sec. 11. Section one hundred forty-four point forty-nine (144.49), Code 1977, is amended to read as follows:

144.49 ADDITIONAL RECORD BY FUNERAL DIRECTOR. A funeral director~~-emolmer~~, or other person who removes from the place of death or transports or finally disposes of a dead body or fetus, in addition to filing any certificate or other form required by this chapter, shall keep a record which shall identify the body, and information pertaining to his or her receipt, removal, and delivery of the body as prescribed by the department.

Sec. 12. Section one hundred forty-seven point one (147.1), subsections two (2) and three (3), Code 1977, are amended to read as follows:

2. "Licensed" or "certified" when applied to a physician and surgeon, podiatrist, osteopath, osteopathic physician and surgeon, psychologist or associate psychologist, chiropractor, nurse, dentist, dental hygienist, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, practitioner of cosmetology, practitioner of barbering, or funeral director ~~or-embalmer~~ shall mean a person licensed under this title.

3. "Profession" shall mean medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, pharmacy, physical therapy, cosmetology, barbering, ~~funeral-directing-or-embalming~~ or mortuary science.

Sec. 13. Section one hundred forty-seven point two (147.2), Code 1977, is amended to read as follows:

147.2 LICENSE REQUIRED. No person shall engage in the practice of medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, pharmacy, cosmetology, barbering, ~~funeral-directing-or-embalming~~ or mortuary science

as defined in the following chapters of this title, unless he or she shall have obtained from the state department of health a license for that purpose.

Sec. 14. Section one hundred forty-seven point three (147.3), Code 1977, is amended to read as follows:

147.3 QUALIFICATIONS. An applicant for a license to practice a profession under this title shall not be ineligible because of age, citizenship, sex, race, religion, marital status or national origin, although the application form may require citizenship information. Any board may consider the past felony record of an applicant only if the felony conviction relates directly to the practice of medicine, podiatry, osteopathy, osteopathy and surgery, chiropractic, nursing, psychology, optometry, speech pathology, audiology, pharmacy, physical therapy, cosmetology, barbering or ~~funeral directing-or-embalming~~ mortuary science for which the applicant requests to be licensed. Character references may be required, but shall not be obtained from licensed members of the profession.

Sec. 15. Section one hundred forty-seven point thirteen (147.13), Code 1977, is amended to read as follows:

147.13 DESIGNATION OF BOARDS. The examining boards provided in section 147.12 shall be designated as follows: For medicine and surgery, and osteopathy, and osteopathic medicine and surgery, medical examiners; for psychology, psychology examiners; for podiatry, podiatry examiners; for chiropractic, chiropractic examiners; for physical therapists, physical therapy examiners; for nursing, board of nursing; for dentistry and dental hygiene, dental examiners; for optometry, optometry examiners; for speech pathology and audiology, speech pathology and audiology examiners; for cosmetology, cosmetology examiners; for barbering, barber examiners; for pharmacy, pharmacy examiners; for ~~funeral directing-and-embalming-funeral-director-and-embalmer~~ mortuary science, mortuary science examiners.

Sec. 16. Section one hundred forty-seven point fourteen (147.14), subsection one (1), Code 1977, is amended to read as follows:

1. For podiatry, physical therapy, cosmetology, barbering, and ~~funeral-directing-and-embalming mortuary science~~, three members each, licensed to practice the profession for which the board conducts examinations, and two members who are not licensed to practice the profession for which the board conducts examinations and who shall represent the general public. A quorum shall consist of a majority of the members of the board.

Sec. 17. Section one hundred forty-seven point eighty (147.80), subsection ten (10), Code 1977, is amended to read as follows:

10. License to practice ~~funeral-directing-and-embalming mortuary science~~ issued upon the basis of an examination given by the board of ~~funeral-directing-and-embalming mortuary science~~ examiners, license to practice ~~funeral-directing-and-embalming mortuary science~~ issued under a reciprocal agreement, renewal of a license to practice ~~funeral-directing-and-embalming mortuary science~~.

Sec. 18. Acts of the Sixty-seventh General Assembly, 1977 Session, chapter ninety-five (95), section one (1), subsection one (1), paragraph 1, is amended to read as follows:

1. The board of ~~funeral-directors-and-embalmer mortuary science~~ examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.

Sec. 19. Sections one hundred fifty-six point five (156.5), one hundred fifty-six point six (156.6), one hundred fifty-six point seven (156.7), and one hundred fifty-six point eleven (156.11), Code 1977, are repealed.

Sec. 20. All persons who hold both a funeral director's license and an embalmer's license under chapter one hundred fifty-six (156) of the Code on the effective date of this Act shall be issued a funeral director's license by the board

of mortuary science. A person who holds either a funeral director's license or an embalmer's license on the effective date of this Act shall be issued a funeral director's license by the board of mortuary science, but the practice permitted by that license shall be limited to funeral directing or embalming respectively as defined in section one hundred fifty-six point one (156.1) of the Code prior to the effective date of this Act and permitted by the previous license held by the funeral director or embalmer. The members of the board of funeral directors and embalmers shall serve as members of the board of mortuary science until the expirations of their terms. The rules of the board of funeral directors and embalmers shall remain in effect as rules of the board of mortuary science until changed by that board.

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ARTHUR A. NEU  
President of the Senate

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DALE M. COCHRAN  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2131, Sixty-seventh General Assembly.

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KEVIN P. LIGHT  
Acting Secretary of the Senate

Approved \_\_\_\_\_, 1978

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ROBERT D. RAY  
Governor