

*1. Title Form 12479
Do Page 4/5 (p. 334)*

Sen. State Book 2/21

FILED JAN 18 1979

SENATE FILE 88

By DRAKE and JUNKINS

Do Page 4/2

Passed Senate, Date 2-16-79 (p. 484) Passed House, Date 4-20-78 (p. 1693)

Vote: Ayes 48 Nays 0 Vote: Ayes 82 Nays 0

Approved June 1, 1979
Master to records of 1711

A BILL FOR

1 An Act making a technical amendment to section one hundred
2 fifty-six point nine (156.9), subsection three (3) of the
3 Code, for the purpose of continuing the law as it existed
4 prior to amendment in 1978.

5 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 nine
2 (156.9), subsection three (3), Code 1979, is amended to read
3 as follows:

4 3. If the funeral director generally engages in the
5 business of selling or issuing burial contracts or burial
6 certificates in anticipation of the death of a person, or
7 enters into any contract with another person to furnish funeral
8 supplies or funeral service to persons who have been solicited
9 by or who have agreed with that person to purchase the supplies
10 or services. This subsection shall not apply to contracts
11 with the United States or any department of the federal
12 government or to any contract made in conjunction with the
13 sale of any life insurance policy issued by a life insurance
14 company licensed to transact business in Iowa.

15 Sec. 2. This Act, being deemed of immediate importance,
16 shall take effect from and after its publication in the
17 Muscatine Journal, a newspaper published in Muscatine, Iowa,
18 and in The Daily Gate City, a newspaper published in Keokuk,
19 Iowa.

20 EXPLANATION

21 This bill amends a section of the Code which was amended
22 by chapter 1075 of the Acts of 1978, relating to the licensing
23 of funeral directors and embalmers.

24 Section 156.9 of the Code sets forth grounds upon which
25 a funeral director's license may be revoked or suspended.
26 Prior to enactment of chapter 1075, the subsection being
27 amended by this bill was subsection 4 of section 156.9, and
28 it provided in pertinent part that a license could be revoked
29 or suspended if the "licensee shall engage generally in the
30 business of selling or issuing burial contracts or burial
31 certificates" (emphasis added).

32 The 1978 Act struck the word "generally", which has been
33 interpreted by counsel for some funeral directors as an
34 intention by the general assembly to change the nature of
35 the conduct which is prohibited by the subsection. The

1 individual legislative sponsors of the 1978 Act, which was
2 a bill by the committee on state government, have indicated
3 that a substantive change was not intended.

4 This bill reinserts the word "generally" so that the effect
5 of the prohibition is the same as it was prior to enactment
6 of chapter 1075.

7 The bill takes effect upon publication.

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and in the Daily Gate City, a newspaper published in Keokuk,
Iowa.

TERRY E. BRANSTAD
President of the Senate

SENATE FILE 88

AN ACT

MAKING A TECHNICAL AMENDMENT TO SECTION ONE HUNDRED FIFTY-
SIX POINT NINE (156.9), SUBSECTION THREE (3) OF THE CODE,
FOR THE PURPOSE OF CONTINUING THE LAW AS IT EXISTED PRIOR
TO AMENDMENT IN 1978.

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

Section 1. Section one hundred fifty-six point nine
(156.9), subsection three (3), Code 1979, is amended to read
as follows:

3. If the funeral director generally engages in the
business of selling or issuing burial contracts or burial
certificates in anticipation of the death of a person, or
enters into any contract with another person to furnish funeral
supplies or funeral service to persons who have been solicited
by or who have agreed with that person to purchase the supplies
or services. This subsection shall not apply to contracts
with the United States or any department of the federal
government 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.

Sec. 2. This Act, being deemed of immediate importance,
shall take effect from and after its publication in the
Muscatine Journal, a newspaper published in Muscatine, Iowa.

FLOYD H. MILLEN
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 88, Sixty-eighth General Assembly.

FRANK J. STORK
Secretary of the Senate

Approved *June 1* 1979

ROBERT D. RAY
Governor